

IN THE ATHENS COUNTY, OHIO, COURT OF COMMON PLEAS
GENERAL DIVISION (CIVIL, CRIMINAL & DOMESTIC RELATIONS)
DEC 16 2020
Candy S. Russell, CLERK
OF COMMON PLEAS COURT


In re Adoption of Local Rules of Practice and Procedure and Appendix

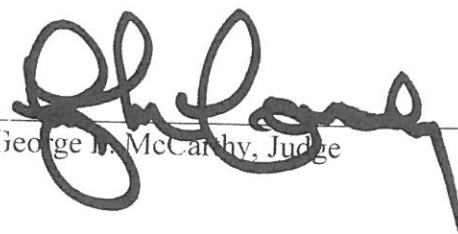
In re Administrative Order; Electronic Filing of Court Documents (Civil & Criminal)

In re Administrative Order; Electronic Filing of Court Documents (Domestic Relations)

It is ordered that the following Local Rules of Practice and Procedure and Appendix for the Athens County Court of Common Pleas, General Division (Civil - Criminal - Domestic Relations), be, and hereby are, adopted for the governance of the practice and procedure in said Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. All preceding Local Rules for said Division of the Court are hereby revoked and are hereby replaced with the following Local Rules, which shall become effective January 1, 2021.

Furthermore, the Court hereby enters two Administrative Orders, attached, pertaining to electronic filing of Court documents in the Civil and Criminal, and Domestic Relations, Divisions of the Court. These Orders shall become effective January 1, 2021.


Patrick J. Lang, Admin. Judge


George M. McCarthy, Judge

12/16/20

ATHENS COMMON PLEAS COURT
LOCAL RULES
&
APPENDIX

Effective January 1, 2021

Athens Common Pleas Court Local Rules

Preface

Greetings,

I thought that some explanation was in order concerning these amended rules. My work on the rules started out about three years ago as an effort to consolidate and recodify over twenty years of amendments to the rules that dealt with changes in the law or changes in local practice in the Athens Common Pleas Court and Domestic Relations Court.

The Court is obligated to send a copy of its rules each year to the Ohio Supreme Court so that practitioners from across the state have access. So many amendments had been passed over the years that it made sense to organize and combine them into a single document again. The task was challenging to say the least.

With organizing all the amendments it became apparent that changes were needed to keep up with changes in the law and some terminology being used was obsolete. So the next effort was to address those in additional amendments where needed. Other changes reflect changes in handling of cases. We've added new domestic relations forms to replace forms parties and attorneys have relied upon for close to 30 years that were now out of date.

Also with the progression of technology, with the new computers and updates it is now possible to allow off site viewing of cases by the public with a computer and the internet.

Additionally, it has become possible to allow filing of documents electronically over the internet. The timing of this update could not have been better since in early 2020 COVID-19 required less public contact and therefore allowed attorneys and parties to file from remote locations.

Both of the updates were made possible with technology grants obtained from the Ohio Supreme Court I was able to obtain with the help of former Clerk Ann Trout and Kathy Wickmann which meant that Athens County spent little or no money for the addition of these services.

As a result, the mandatory e-filing date for civil documents for Athens Common Pleas Court General Division and Domestic Relations Division begins January 1, 2021. Criminal filings may be made conventionally by paper or e-filed at this time. Fax filings will not be accepted by the Athens County Clerk of Courts after December 31, 2020. Criminal and civil subpoenas will continue to be processed as before.

After January 1, 2021 documents filed with the Athens County Clerk of Courts will need to be done electronically except for pro-se parties who may continue to file paper documents at the clerk's window. Payment is due upon filing and documents whether

electronically or by hand unless exempted by rule in both criminal and civil cases unless exempt. Protection orders will continue to be processed by hand at the window.

Thank you to those taking the time to review the rules and for their input including the Athens County Bar Association, South Eastern Ohio Legal Services, Clerk of Court Candy Russell, Domestic Relations Court Magistrate Mendy Bradford and Juvenile Court Magistrate Jon Perrin and David Mott from Athens County Bar Association who chaired the local rules sub committee. Thanks to attorneys Sierra Meek, K. Robert Toy, Prosecutor Keller Blackburn, Dir. Keith Weins (ACCSEA), and their offices for helping us test the e-filing system.

Thank you all for your patience as the implementation of the e-filing system as well as updating the local rules has been close to a three year process starting with obtaining the grants needed to complete the upgrade as well as building the system all while keeping operations going on a day to day basis.

Thanks to Domestic Relations Assignment Commissioner Kathy Wickmann for helping me obtain and implement the grants (over \$133,000) and working with the clerk's office to implement the changes. Thanks to Magistrate Mendy Bradford for helping to create the domestic relation administrative rules and updating the local rules relating to domestic relations court. Thanks to Clerk of Courts Candy Russell for her help to implement the changes and with the rules.

These upgrades are already helping the Athens Common Pleas Court and Athens Common Pleas Clerk's office operate more efficiently than ever before. We should be experiencing such benefits for the foreseeable future while also cutting down on the enormous amount of paper traditionally used and handled as well as faster turn around time by the clerk's office handling paperwork and phone calls.

Thanks to everyone who helped along the way!

Sincerely,

A handwritten signature in black ink, appearing to read "George McCarthy", written over the printed name.

Judge George McCarthy

LOCAL RULES OF PRACTICE
ATHENS COMMON PLEAS COURT
GENERAL DIVISION - CRIMINAL, CIVIL, & DOMESTIC RELATIONS
ATHENS COUNTY, OHIO

RULE 1. TERMS OF COURT

The Court shall be in continuous session for the transaction of judicial business. The term of court is one calendar year which may by written order be divided into parts.

RULE 2. HOURS OF COURT SESSIONS

Sessions of this court shall generally begin at 8:00 A.M. and close at 12:00 P.M. and shall resume at 1:00 P.M. and close at 4:00 P.M. on Monday through Friday of each week. The court reserves the right to modify these hours in an effort to expedite the administration of justice. All legal holidays as established by the United States Government or the State of Ohio will be observed.

RULE 3. SECURITY FOR COSTS

3.01 A deposit of \$200.00 is required as security for costs to initiate a civil action, counterclaim and crossclaim (up to 5 Defendants and \$225.00 for six Defendants or more) except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) A deposit of \$600.00 is required to initiate a foreclosure action (up to 5 Defendants and \$625.00 for six Defendants or more). This deposit shall be paid at the time of filing, unless the Court determines that the party qualifies as an indigent litigant as set forth in R.C. 2323.311.

3.02 A filing fee of \$100.00 shall be required in garnishment proceedings, and a \$150.00 deposit is required to re-open a civil action.

3.03 When submitting a request for service by publication or for publication of public sale notice, the proposed text is to be submitted to a newspaper of general circulation in Athens County for set up and determination of printer's fee/publication costs. These costs must be paid in advance to the printer and a copy of the receipt for said payment is to be submitted to the Clerk with the precipe for service and/or publication unless the party is declared indigent by Court order and therefore shall be exempted from this requirement.

3.04 The appropriate deposit shall be made at the time of filing the complaint or other pleading with the Clerk of the Common Pleas Court, unless determined to be indigent. The word complaint as used in this rule refers to every original complaint, counter-claim, cross-claim, or third-party complaint filed. If it is brought to the attention of the Court

that any deposit is insufficient, the court may require said deposit to be increased from time to time.

3.05 Once a case is complete and closed out by the Clerk, no additional complaint/pleading will be accepted for filing by the Clerk where the party seeking the filing of said action has failed to pay costs previously incurred in that case unless costs are waived due to the indigency of the party or the party is current with their payment plan on said case. A new action in an unrelated case cannot be refused for filing for due to a party failing to pay on a previous unrelated case.

3.06 All persons requesting a public defender or appointed counsel shall be assessed an up-front application fee of \$25.00 per case, in accordance with R.C. 120.36. The fee shall be paid to the Clerk within seven (7) days of submitting an affidavit of indigency/financial disclosure form. Failure to pay the fee within this period shall result in assessment of the fee at sentencing or at the closing of the case. The Court reserves the discretion to waive the fee upon motion demonstrating that the applicant lacks the financial resources to pay it or if payment would result in an undue hardship.

RULE 4. RULES GOVERNING THE COURT

The Ohio Rules of Civil and Criminal Procedure and Rules of Superintendence as promulgated by the Supreme Court of Ohio shall apply in all civil and criminal proceedings in the Athens County Court of Common Pleas unless expressly excepted thereby. The Court is also required to take notice of the provisions of the Code of Judicial Conduct and Ohio Rules of Professional Conduct.

RULE 5. PLEADINGS AND MOTIONS - GENERAL FORM

5.01 (A) Pleadings, motions, and applications shall be legibly typewritten or printed double spaced, single sided pages (No Double Sided Page Filings Permitted) on paper approximately 8 1/2" X 11", with a two inch blank margin header on the first page (for Clerk's time stamp) and be securely bound at the top, and shall state the name of the court, county, and state, and shall state the name and address, if known, of each party. In the case of complaints with a space for the number, a blank space of at least three inches at the top of the first page shall be left for endorsement thereon by the clerk. After a case has been assigned to an individual judge, thereafter the Judge's name shall be typed in the caption.

(B) The following information is deemed "personal and private" and may not be included in a public record:

1. Social Security number;
2. Full financial account number (it may be listed as e.g. "____ 1234) and;

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3. Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Court's office. The responsibility of the filing party and counsel to remove personal and private information extend to and includes exhibits or addenda attached to filing, such as preliminary and final judicial reports which itemized state tax liens that use Social Security numbers as case numbers, or medical records. The Clerk of Courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Athens County Clerk of Court's office.

Personal and private information must be submitted in a separate filing which will be deemed by the Court as a non-public record. The information will be kept in a separate envelope within the case file marked as follows:

The enclosed personal and private information has been deemed by the court as non-public. It is for the use of the court, attorneys of record listed in the case, and the clerk of court's office only. Any other person must have a court order to view the contents of this envelope. Violation of this court shall be contempt of court.

Journal entries that necessarily include personal and private information must be submitted to the Clerk of Court's office as follows: a copy that includes the personal and private information for placement in the non-public envelope and a copy with personal and private information redacted for placement in the public file. The copy not containing personal and private information (for the public file) will have the notion "redacted" at all places in the document where such information was removed. The Court will sign both journal entries.

The Clerk of Courts will not remove any personal and private information from a file stamped document, including records or transcripts transmitted to this court from another court, without a court order to do so. 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 order.

Any personal and private information in documents filed prior to the implementation of this rule is considered public. Any personal and private information in records or transcripts transmitted to this court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this court may petition the court for removal of personal and private information, and if the request is granted, the personal and private information will be removed from a stamped-filed document and placed in a separate envelope and deemed a non-public record. The petition shall contain the caption of the particular case.

5.02 Pleadings filed subsequent to the complaint, including motions and applications, shall state the number of the cause, the name of the first party plaintiff and the first party defendant on each side. Each initial pleading, motion or application filed by the party shall bear the name, office address, telephone number, and email address of the attorney or law firm representing that party, if any, or similar information of the party filing the same if unrepresented, and the Supreme Court registration number of the attorney representing the party. Upon the face of the complaint there shall appear a general statement as to the type or kind of action.

5.03 When a new party plaintiff or defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name of such new party, together with his, her, or its address followed by the specific designation of new party plaintiff or new party defendant as is applicable.

5.04 As a result of the Ohio Supreme Court's statistical reporting requirements, a completed Designation Form shall accompany the initial filing of all actions. (See form attached entitled Designation Form to Be Used by Counsel to Indicate the Category of the Cause.) Copies of this form are available from the office of the Clerk of Courts.

5.05 Pleadings and other papers shall be filed with the Clerk of Courts by e-filing by following the directions on the Athens Common Pleas Clerk of Courts website and complying with the requirements of e-filing set forth by separate administrative orders unless exempted or required to be filed by hand.

RULE 6. PAPERS ON FILE WITH THE CLERK

The Clerk of Courts is responsible for all pleadings and papers in cases on file. Files shall not be taken from that office without permission and without receipting for the same. No such pleading or paper shall be removed from the Athens County Courthouse. Copies may be made of all pleadings.

RULE 7. SERVICE OF COPIES AND NOTICE

7.01 Upon the filing of a pleading or motion to be served by the Clerk of Courts, the person filing the same shall submit to the clerk, along with the original, a true copy thereof for each party-defendant for service according to law. A file-stamped copy shall be provided the court for its personal use, except in domestic relations cases.

7.02 A true copy of each subsequent pleading, motion, or other paper filed in any cause shall be served as provided by law. File-stamped copies of all motions,

memorandums, and briefs shall also be presented to the assigned Judge for their personal file.

RULE 8. RULE DAYS NOT FIXED BY LAW

8.01 In all cases where the time for the filing of pleadings or amended pleadings is not fixed by law or another rule, the pleading or amended pleading shall be filed on or before the fourteenth day after the date of the entry requiring or granting leave for the filing of such pleading or amended pleading, unless otherwise specified in the entry and approved by the judge. Any opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after such pleading or amended pleading is filed.

a) In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, a legal holiday, or closed by court or government action, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. When a public office in which an act, required by law, rule, or order of court, is to be performed is closed to the public for the entire day which constitutes the last day for doing such an act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday.

8.02 No pleading or motion shall be amended by interlineation or obliteration except upon express leave of the judge first obtained. Upon the filing of an amended pleading or motion, the original, or any prior amendment thereof, shall not be withdrawn from the files.

RULE 9. COUNSEL OF RECORD AND DUTY UPON WITHDRAWAL

9.01 At the first opportunity, each counsel for a defendant shall see that he/she is properly listed as attorney of record for such defendant, to be entitled to receive notice of proceedings as herein provided. This may be done by having the clerk note the attorney's name upon the appearance docket or by some showing on the first pleading that he/she is attorney of record. At the time the clerk is informed to list an appearance in the appearance docket, or is informed of such appearance by such attorney appending his/her name to a pleading, the clerk shall list such appearance in the appearance docket, the trial docket, and on the file of the original papers. An attorney may withdraw from a case

only with leave of court upon motion, served upon all parties of record, and for good cause shown.

9.02 Any attorney who requests a case be set for hearing, but then fails to appear for it, shall be subject to payment of costs incurred, including unnecessary jury and witness fees.

RULE 10. HEARING AND SUBMISSION OF MOTIONS

10.01 All motions shall be accompanied by a brief or memorandum stating the grounds thereof and citing the authorities relied upon. Except in cases of summary judgement, the opposing party may file an answer brief by the fourteenth day after the day on which the motion was filed. The moving party may file a reply brief by the twenty-first calendar day after the motion was filed. Thereafter, the motion shall be deemed submitted for non-oral hearing. An oral hearing is permitted only upon written request and leave of court at a time to be set by the court. This rule shall apply to all motions except in domestic relations matters and in the cases of summary judgment. Summary judgement motions shall be controlled by Civ.RR 6(C) and 56.

10.02 Motions for continuance shall be granted by order/journal entry only. No case shall be moved on the docket without an order/entry of continuance continuing the case to a date and time certain.

RULE 11. ENTRIES

Unless the court otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within seven days thereafter prepare the proper journal entry and include instructions to the Clerk for service. Said counsel shall submit the entry to counsel for the adverse party, who shall approve or reject the same within five days after the receipt thereof and return to the submitting attorney or the assignment commissioner for the judge's signature. Upon failure of the adverse party to act upon the entry in the specified time, its preparer shall submit it to the court for approval with a notation as to when it was presented to the adverse party.

If counsel are unable to agree upon the entry, their respective entries shall be submitted to the judge or magistrate who will direct what entry shall be made. If an agreement has been reached by the parties and is placed on the record, entries shall be prepared and circulated and submitted to the Court within fourteen (14) days of placing the agreement on the record unless the Court directs otherwise.

RULE 12. TRIAL PRACTICE - ORAL ARGUMENTS

In civil and criminal cases, the court after consultation with counsel shall determine the time allotted for oral arguments. This rule is applicable to cases tried to a jury or tried to the court.

RULE 13. TRIAL PRACTICE - EXAMINATION OF WITNESSES

Only one counsel on each side will be permitted to examine a witness in the trial of a case.

RULE 14. ATTORNEY CASE LOAD

Any attorney whose case load interferes with the effective functioning of the jury trial docket shall obtain co-counsel and proceed to jury trial on the date scheduled.

RULE 15. DISMISSAL FOR LACK OF PROSECUTION

Should a plaintiff fail to prosecute or fail to comply with the local rules of this court, the Ohio Rules of Civil and Criminal Procedure, the Rules of Superintendence as promulgated by the Supreme Court of Ohio, or any court order, the court upon motion of a defendant or on its own action may, after notice to plaintiff's counsel, dismiss an action or claim. Cost of the action will be taxed to plaintiff.

RULE 16. DEPOSIT FOR TRANSCRIPT COSTS

In any cause in which a transcript of the proceedings is requested by a party, such party shall deposit with the court reporter, or other person designated by the judge, security for the costs of said transcript. The deposit amount shall be determined by the court reporter or such person after consideration of the nature and amount of work required.

The Court fixes the compensation of court reporters for making written transcripts at \$5.00 per page for an original transcript. For additional transcripts of the same testimony or proceedings, a court reporter shall either (1) make copies of the original transcript at regular cost or (2) provide an electronic copy free of charge.

Instead of supplying a written transcript, an indigent party who is unable to pay the transcript preparation costs may make application to the court by affidavit and ask that an audio recording of the proceedings be accepted in place of a written transcript. The requesting party can also obtain an audio copy of the hearing upon making a written

request to the court and by providing a USB thumb drive to the assignment commissioner of the hearing court for the copy.

RULE 17. SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

In any action or proceeding in which an individual who is a defendant has been served with summons, but has failed to answer, the plaintiff shall on or before the trial day or other date of default hearing or final disposition in such action or proceeding file with the court an affidavit in compliance with Servicemembers Civil Relief Act of 2003 and its amendments.

RULE 18. MAGISTRATE

The court may, in an effort to expedite the administration of its civil and criminal cases, appoint magistrates pursuant to Rule 53 of Ohio Rules of Civil Procedure and Rule 19 of the Ohio Rules of Criminal Procedure. The court will hear such matters as are upon a magistrate's docket for decision and/or orders only upon a party's application and showing of good cause.

RULE 19. NOTARIES PUBLIC

All applications for new and renewal Notary Commissions are now administered by the Ohio Secretary of State's Office and information and application may be found at their website. The Athens Common Pleas Court no longer administers the test, no longer maintains testing information nor renews Notary Commissions as of September 20, 2019.

RULE 20. CASE MANAGEMENT PLANS

20.01 CIVIL CASE MANAGEMENT PLAN

(A) Approximately forty-five (45) days after filing, the assignment commissioner shall verify service upon all parties and, irrespective of any notice that may have been provided by the Clerk of Courts office, shall send notice of deficiency of service where appropriate. If service on the parties is complete, or partially complete, the assignment commissioner shall schedule the first status conference.

(B) Approximately ninety (90) days after filing, the assigned judge shall hold the first status conference. Counsel for all parties shall be present at this conference. Upon agreement of counsel, this conference may be by telephone. Topics to be discussed may include, but are not limited to:

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1. Problems of service of process.
2. Time schedule for discovery and any discovery-related problems.
3. Time schedule of pre-trial motions.
4. Civil Rule 12(B).
5. Determination of possible magistrate.
6. Date for pre-trial conference which shall be scheduled approximately ten (10) days prior to the trial.
7. Date for trial.

(C) At the final pre-trial conference, the Court may require the parties to be present. If not required to be present, all parties shall be available by telephone. Topics to be discussed may include, but are not limited to:

1. Determination of possible stipulations and date for submission.
2. Number of witnesses and expert witnesses expected.
3. Identification of difficult or unusual issues.
4. Settlement options.
5. Viability of existing trial date.

(D) Nothing in sections A through C above shall prevent the Court from scheduling additional status or pre-trial conferences, should circumstances exist that require additional attention. Should an additional conference be necessary, the attorneys should expect that the parties will be required to be present.

(E) For civil stalking and sexually orientated offense protection orders, petitions are heard for ex-parte hearing on an emergency basis the same day of filing or within twenty four hours of the court being in session for the judge who has been assigned the case. Thereafter:

1. The case is scheduled for full hearing within 10 business days of any ex-parte protection order being granted;
2. On the day of the final hearing if service has not been accomplished upon the respondent, and upon good cause being shown, the judge or magistrate may continue the case to a new date for service to be accomplished.

20.02 CRIMINAL CASE MANAGEMENT PLAN

(A) ARRAIGNMENT

1. Arraignment scheduled per local rule 27.01.

2. At arraignment, judge announces final pre-trial conference and trial dates.

(B) STATUS CONFERENCE

Status conference may be held at any time at the request of counsel.

(C) FINAL PRE-TRIAL CONFERENCE

Approximately ten days before trial, judge conducts final pre-trial conference with defendant present and discusses any issues that are necessary to be resolved to permit trial to proceed on time. The State shall be prepared to contact any persons needed to resolve the case.

(D) PRE-TRIAL MOTIONS

1. The assignment commissioner shall schedule all pre-trial motions, to be filed in accordance with Criminal Rule 12(C), and shall complete appropriate Journal Entry, to be prepared and distributed by movant's counsel.
2. If all pre-trial motions have not been ruled upon at least three business days before the scheduled pre-trial conference, judge may set new final pre-trial and trial dates to allow sufficient time for Court to complete its consideration.

(E) CONTINUANCES

Continuance may be requested in writing or in presence of opposing counsel.

20.03 DOMESTIC RELATIONS CASE MANAGEMENT PLAN

(A) Dissolution

1. Clerical Step 1. Assignment Commissioner schedules hearing no sooner than thirty (30) but no later than ninety (90) days after the date of filing of petition.
2. Judicial Step 1. Within five (5) business days of hearing, a magistrate's proposed decision is prepared and filed unless waived or tried to bench. If waived or tried to bench, a decree of dissolution is prepared within five (5) business days.
3. Judicial Step 2. If a magistrate's proposed decision is issued, the judge rules upon objections after fourteen (14) days have elapsed and prepares decree of dissolution.
4. Judicial Step 3. Judge signs decree.
5. Clerical Step 2. Assignment commissioner files decree with attachments and 3121.03 orders, if appropriate.

6. Clerical Step 3. The child support enforcement agency prepares appropriate R.C. 3121.03 orders within fifteen (15) business days of decree's filing.

(B) Divorce

1. Clerical Step 1. Twenty-one (21) days after filing of complaint, the assignment commissioner checks to see that service is complete upon all parties.
 - a. If service is incomplete and no other notice of failure of service has been mailed, the assignment commissioner shall send plaintiff's attorney notice that, until service is complete, no hearing can be scheduled.
 - b. If service is being accomplished by publication, then:
 - (i) After the last publication, the publisher or agent shall file with the Court an affidavit showing publication was made, and a copy of the notice of publication. Both the affidavit and copy of the notice shall constitute proof of service.
 - (ii) Twenty-eight (28) days after the last publication, the case shall go to Clerical Step 2.
2. Clerical Step 2. As soon as service upon all defendants is complete:
 - a. If a temporary order is requested, the assignment commissioner shall schedule a hearing within twenty eight (28) days of the request being filed.
 - b. If no temporary order is requested, proceed to Clerical Step 3.
3. Clerical Step 3.
 - a. If no responsive pleading is filed within the time permitted under Civ. R.12(A)(1), the assignment commissioner shall schedule a final hearing no sooner than forty-two (42) days after service is completed upon all defendants.
 - b. If a responsive pleading is filed within rule, the assignment commissioner shall schedule a pre-trial conference no later than sixty (60) days after a responsive pleading is filed.
4. Judicial Step 1. At the pre-trial conference the judge/magistrate will, among other inquiries,
 - (A) Determine the status of the case with reference to settlement; and
 - b. Schedule the trial date and all other intervening events.

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5. Judicial Step 2. Following final hearing:
 - a. Unless waived or tried to judge, a magistrate's proposed decision shall issue within twenty-eight (28) days after date of hearing.
 - b. If proposed decision waived or hearing by judge, a decree of divorce shall be prepared within five (5) business days of hearing.
6. Judicial Step 3. If a magistrate's proposed decision is issued, the judge rules upon objections after fourteen (14) days have elapsed and prepares decree of divorce.
7. Clerical Step 4. The assignment commissioner prepares appropriate R.C. 3121.03 orders within five (5) business days of decree's preparation.
8. Clerical Step 5. Assignment commissioner files decree with attachments and 3121.03 orders, if appropriate.

(C) Domestic Violence

1. Clerical Step 1. If petitioner requests that respondent vacate home, the assignment commissioner shall schedule a hearing within seven (7) court days of the filing of the petition. If no request for vacation, then the assignment commissioner shall schedule a hearing within ten (10) court days.
2. Clerical Step 2. Prior to hearing, the assignment commissioner is to verify service upon respondent.
3. Judicial Step 1. Within five (5) business days of hearing, a magistrate's proposed decision is prepared and filed unless waived or tried to bench. If waived or tried to bench, a judgment entry is prepared within five (5) business days.
4. Judicial Step 2. If a magistrate's proposed decision is issued, the judge rules upon objections after fourteen (14) days have elapsed and prepares a judgment entry.
5. Judicial Step 3. Judge signs judgment entry.
6. Clerical Step 4. Assignment commissioner files judgment entry and 3121.03 orders, if appropriate.
7. Clerical Step 5. The child support enforcement agency prepares appropriate R.C. 3121.03 orders within fifteen (15) business days of judgment entry's filing.

(D) Post-Decree Motions

1. Clerical Step 1. Upon request of movant's counsel, the assignment commissioner schedules a hearing no sooner than seven days after the filing of the motion. Counsel attaches the Notice of Hearing to the papers served upon respondent.
2. Clerical Step 2. Prior to hearing, the assignment commissioner is to verify service upon respondent.
3. Judicial Step 1- Following hearing:
 - a) Unless waived or tried to judge, a magistrate's proposed decision shall issue within twenty-eight (28) days after day of hearing or
 - b) If proposed decision waived or heard by judge, judgment entry shall be prepared within five (5) business days of hearing.
4. Judicial Step 2. If a magistrate's proposed decision is issued, the judge rules upon objections after fourteen (14) days have elapsed and prepares a judgment entry.
5. Judicial Step 3. Judge signs judgment entry.
6. Clerical Step 4. Assignment commissioner files judgment entry with attachments and 3121.03 orders, if appropriate.
7. Clerical Step 5. The child support enforcement agency prepares appropriate R.C.3121.03 orders within fifteen (15) business days of judgment entry's filing.

(E) Special Circumstances - Shared parenting. If one or both parties have requested shared parenting, the judge/referee shall rule upon the request within twenty-eight (28) days of a plan (or plans) being filed and issue findings of fact and conclusions of law, if required. If the plans(s) is (are) rejected, the Court may proceed as if no request for shared parenting has been made or it may request changes in the plan(s). If an entry requesting changes is filed by the Court, the party/parties shall file such changes within fourteen (14) days of the Court's entry.

RULE 21. MEDICAL MALPRACTICE ARBITRATION

21.01 CASES FOR ARBITRATION

Upon the filing of a medical, dental, optometric, or chiropractic claim as defined in R.C. 2305.113, the claim shall be submitted to an arbitration board, only if all the parties agree to submit the controversy to arbitration, as provided in R.C. 2711.21

21.02 SELECTION OF ARBITRATORS AND MANNER OF APPOINTMENT

- A) The three members of the arbitration panel shall be selected in accordance with R.C. 2711.21(A). The name of plaintiff's(s') arbitrator and defendant's(s') arbitrator shall be submitted to the Court within sixty (60) days after a medical malpractice complaint is filed.
- B) No one appointed as an arbitrator shall have any interest in the case being heard.
- C) No disclosure shall be made to the arbitrators of any offers of settlement made by any party prior to the filing of the report and award. Prior to the delivery of the court file to the chairperson of the arbitration panel, the judge shall remove from the file and retain all papers or notations referring to demands or offers for settlement. Such file shall be forwarded to the chairperson at the time of the assignment of the case.

21.03 DISCOVERY

The assignment of an arbitration panel shall not limit the right of the parties to continue discovery pursuant to the Rules of Civil Procedure.

21.04 HEARINGS; WHEN AND WHERE HELD; NOTICE

- A. Hearings shall be held at a place scheduled by the court assignment commissioner. This provision shall not, however, limit the right of the arbitration panel to held hearings in an appropriate place of their own choosing. A hearing shall be scheduled not more than forty-five (45) days after the appointment of the arbitration panel. At least fifteen (15) days before the hearing, the assignment commissioner shall give written notification to the arbitrators, and the parties or their counsel, of the time and place of the hearing. No hearing shall be fixed for Sunday or legal holidays, except upon agreement of all parties and the arbitrators.
- B. Because sufficient time is available to the parties prior to the hearing date to settle or compromise a dispute, once a hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of the controversy prior to the commencement of the hearing.

21.05 INABILITY OF PARTY TO PROCEED

In the event that a party is unable to proceed when the case has been scheduled, and such date is agreed to by all parties, the assignment commissioner may mark the case continued and may assess a \$25.00 continuance fee against such party.

21.06 OATH OF ARBITRATOR

When the entire arbitration panel is assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue submitted to them. Said oath or affirmation may be administered to them by any person having authority to administer oaths.

21.07 DEFAULT OF A PARTY

The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the absence of a party; the panel shall require the other party to submit evidence as they may require for making an award.

21.08 CONDUCT OF HEARING: GENERAL POWERS

A. The three arbitration panel members shall be the judges of the relevance and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and the parties, except where any of the parties is absent, in default, or has waived the right to be present. In addition to oral testimony, the panel may receive the evidence or witnesses by deposition, video-tape deposition, interrogatories, or written medical reports. It shall give such weight as the panel deems is justified after consideration of any objections which may be submitted fourteen (14) days prior to the arbitration hearing, but shall not be admitted into evidence at trial if the decision of the arbitration panel is not accepted by the parties

B. Counsel shall upon request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

21.09 SPECIFIC POWERS

The panel shall have the general powers of a court including, but not limited to the following:

A. Subpoenas: to cause the issuance of subpoenas to witnesses to appear before the panel and to request the issuance of an attachment according to the practice of the courts

for failure to comply therewith. Issuance of subpoenas will be done in the same manner as is used in other types of cases.

B. Production of Documents: to compel the production of all books, papers, and documents which are deemed material to the case.

C. Administering Oaths; Admissibility of Evidence: to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions, and to decide the facts and the law of the case submitted to the panel.

21.10 SUPERVISORY POWERS OF THE COURT

The judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in application to these rules.

21.11 WITNESS FEES

Witness fees shall be in the same amount as now or hereafter provided for witnesses in trials in the Common Pleas Court of Athens County, Ohio. The party requesting the subpoena shall pay the witnesses and mileage fees for the witness and submit to the clerk a money order or check in that amount to issue with the subpoena made payable to the witness. Fees shall be taxed as costs in criminal cases. In civil cases such fees shall be paid in advance.

21.12 TRANSCRIPT OF TESTIMONY

The Court shall provide, at the request of any party, an official court reporter for each medical malpractice arbitration hearing. The cost shall be assessed pursuant to R.C. 2301.21.

21.13 REPORT AND AWARD

Within thirty (30) days after the hearing, the panel chairperson shall file a written report and award with the Clerk of the Court of Common Pleas and provide a duplicate copy to the judge. On the same day, the chairperson shall also mail or otherwise forward copies thereof to all parties or their counsel. In the event that all three members do not agree on the finding and award, the dissenting member shall submit a written dissenting opinion to be filed with the majority report.

21.14 LEGAL EFFECT OF REPORT AND AWARD: ENTRY OF JUDGMENT

The report and award, unless rejected pursuant to law, shall be final. If no rejection is made within the manner specified by statute, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments.

21.15 COMPENSATION OF ARBITRATORS

Each member of a panel who has signed an award or files a dissenting opinion, unless he has waived in writing his right to compensation prior to the hearing, shall receive as compensation for his services in each case a fee of Three Hundred Dollars (\$300.00) for the first day plus One Hundred Fifty Dollars (\$150.00) for each fractional half day thereafter.

When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the arbitrators is concerned. The members of a panel shall not be entitled to receive their fees until after filing the report and award with the Clerk of Court. Fees paid to arbitrators shall be assessed pursuant to R.C. 2711.21 and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s).

In addition to the deposit required by rule of this court, plaintiff(s) shall deposit Five Hundred Dollars (\$500.00) to guarantee the fees of the arbitrators at the time of filing the complaint. Within forty (40) days of the filing of the complaint, defendant(s) shall deposit Five Hundred Dollars (\$500.00) as a like guarantee.

If there are multiple defendants and they cannot agree as to their proportionate share of the deposit, upon proper notice the judge shall order the apportionment. When it appears proper, the court may order additional deposits.

21.16 TIME LIMIT TO AMEND PLEADINGS

If the decision of the arbitrators is rejected pursuant to R.C. 2711.21, pleadings shall be amended and filed with the Clerk of Courts within thirty (30) days. Any party making such amendments shall serve all other parties pursuant to the Ohio Rules of Civil Procedure.

RULE 22. ATTORNEY FEES IN PARTITION

22.01 The attorney fees in partition in this court are fixed as follows:

Minimum Fees \$250.00

ATHENS COMMON PLEAS COURT LOCAL RULES

On the first \$5,000.00 8%

On the second \$5,000.00 6%

All above \$10,000.00 4%

22.02 Court appointed real estate appraisers are required to have one of the following qualifications: A) licensed real estate broker, B) a banker or insurance agent with experience in real estate evaluation and/or C) any other individual with 5 years experience in real estate evaluation with approval of the Court.

RULE 23. ADMINISTRATIVE APPEALS

23.01 In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant at the time of filing the notice of appeal, unless otherwise provided by law or Rule of Supreme Court. The appellant shall order the preparation of the transcript and file the same as soon as possible.

23.02 When the time for filing is not fixed by statute or Rule of the Supreme Court, appellant shall file a brief within thirty (30) days after filing the transcript of the record; the appellee shall file a brief within thirty (30) days after the filing of appellant's brief. Any reply brief shall be filed within ten (10) days after appellee's brief is filed. After notice to all parties, the judge may, for good cause shown, grant extensions of time by entry.

Upon expiration of time for filing the last brief, the case will be considered as submitted upon the briefs.

23.03 The applicable procedures stated in 23.01 and 23.02 shall apply to all appeals including those under Chapters 2506 and 119 of the Ohio Revised Code.

23.04 Failure of an appellant to file a brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition at the discretion of the judge to whom the case is assigned.

23.05 All briefs and memorandum, pro and contra, and all motions, briefs, and memoranda thereto, pro and contra, shall be filed in duplicate, with one copy furnished to the judge.

RULE 24. PRACTICE IN DOMESTIC RELATIONS CASES

24.01 SECURITY FOR COSTS

ATHENS COMMON PLEAS COURT LOCAL RULES

- A) A filing fee of \$350 is required in all domestic relations cases with children and \$300 in all domestic relations cases without children.
- B) The filing fee shall be made at the time of filing the complaint or petition with the Clerk of the Common Pleas Court.
- C) If service by publication is required by any party the party requesting publication shall pay the publisher directly for publication costs.
- D) All applications or motions to re-open a domestic relations case, or to seek modification of any court order therein, shall be accompanied by a filing fee of \$150.00, except that a filing fee of \$250.00 shall be required for motions to modify parental rights.
- E) A party may request the court to DELAY the prepayment of the filing fee by the following procedure: (1) Present a Financial Disclosure/ Affidavit of Indigency and Order (Local Form DR-1) and Application to Delay Payment of Required Filing Fee (Local Form DR-2) to the Domestic Relations Magistrate for review and 2) Cause applicant's attorney to present an affidavit that said attorney has not received any funds from the applicant as attorney fees or is a SOUTH EASTERN OHIO LEGAL SERVICES (S.E.O.L.S.) "Reduced Fee Panel Attorney;"
- (F) Filers must also comply with Athens County Court of Common Pleas Domestic Relations Division Administrative Order Re: Electronic Filing of Court Documents, filed 2020, and any amendments thereto which are incorporated herein as if fully rewritten.

24.02 INITIAL PLEADING REQUIREMENTS

- (A) An Ohio Supreme Court Affidavit of Income and Expenses (found on their website at <https://www.supremecourt.ohio.gov/>), shall accompany the filing of a dissolution petition, action for divorce, legal separation, or the filing of an answer or counterclaim to the aforementioned, unless no support issue is involved and the plaintiff or petitioner files a Waiver of the Financial Disclosure Affidavit. A movant shall also file an Ohio Supreme Court Affidavit of Income and Expenses (found on their website at <https://www.supremecourt.ohio.gov/>), form with any post-decree motion involving support. In any initial action or post-decree motion involving child support, an Ohio Supreme Court Affidavit of Health Insurance (found on their website at the Ohio Supreme Court website <https://www.supremecourt.ohio.gov/>) and a child support worksheet shall be filed.
- (B) When there are minor or dependent children involved, every dissolution petition, complaint for divorce or legal separation, or post-decree motion or pleading shall state each party's date of birth in the case caption.
- (C) In all domestic actions involving allocation of parental rights and responsibilities, shared parenting or visitation, both parties shall file an affidavit complying with R.C.

Section 3109.27, copies of which shall be served on the opposing party as required by the Rules of Civil Procedure.

(D) Parent Education Class --All parents in divorce, legal separation, or dissolution actions in which there are any minor children or in post-decree actions involving visitation or reallocation of parental rights and responsibilities shall attend an educational seminar sponsored by the Domestic Relations Division of the Athens County Court of Common Pleas and Athens County Children Services or other internet online courses otherwise permitted by the Court.

Completion of any course shall take place within sixty (60) days after the filing of the action or motion. No action or motion shall proceed to final hearing until there has been compliance with this rule, provided, however, that noncompliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. This requirement may be waived by the Court for good cause shown.

Each parent shall be responsible for registering for the class by calling the office of the Director of Preventive Services, Athens County Children Services, 592-3061, Ext. 305. All parents who have not filed an indigency affidavit with the Court may be required to pay a fee not to exceed \$10.00 per person to cover the cost of providing this class. If charged, this fee will be payable at Athens County Children Services at the time of class attendance.

Alternatively, the parties shall complete Court approved online course at their own expenses and provide proof of completion to the Court by way of certificate or other Court approved means.

An instructional letter shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are minor children and in each post-decree motion involving visitation or reallocation of parental rights and responsibilities. At the time of filing, the Clerk of Courts shall provide a copy of the instructional letter to counsel for delivery to the plaintiff or movant and to pro se litigants. Counsel filing dissolution of marriage actions shall provide a copy of the instructional letter to both parents to the action. (Effective October 5, 1992)

(E) Pleadings and other papers, shall be filed with the Clerk of Courts by e-filing by following the directions on the Athens Common Pleas Clerk of Courts website and complying with the requirements of e-filing set forth by the Athens County Common Pleas Court, Domestic Relations Division Administrative Order Re: Electronic Filing of Court Documents unless exempted or required to be filed by hand.

24.021 MANDATORY DISCOVERY

- (A) In a divorce proceeding each party has the affirmative duty, within twenty-eight (28) days of the filing of an answer or counterclaim, to disclose to the other party the following information and documents:
1. All pension and profit-sharing plans, including the most recent plan summary;
 2. All COBRA benefits to which the other party may be entitled;
 3. Copies of all real estate deeds, vehicle titles and registrations in that party's possession;
 4. Unless the parties, in writing, agree otherwise, all appraisals of real estate or personal property or any business property in which the party holds an interest, unless the complexity of the particular appraisal makes compliance impossible, in which event notice shall be provided to the other party within twenty-eight (28) days stating:
 - a. Inability to comply and reason;
 - b. Name and address of selected appraiser; and
 - c. Date by which appraisal may be reasonably expected;
 5. Copies of the last three (3) years individual tax returns; unless already in the possession of the other party;
 6. Documentary proof of current income from all sources;
 7. Copies of the most recent statements on all bank accounts, IRA's, stock accounts, mortgages, credit card accounts, and other debts;
- (B) No objection as to the admissibility of any document will be entertained at any court hearing:
1. Documents shall be provided to opposing counsel at least 14 days before hearing. If that document was provided to opposing counsel at least fourteen (14) days before the hearing then no objection for admissibility will be entertained by the court; and
 2. Unless the party opposing introduction of the document into evidence files a written objection to the introduction of that document at least seven (7) days before the hearing, setting forth the particular legal objection raised; or
 3. Unless the basis for the objection was unforeseeable prior to the hearing.

- (C) Failure to comply with this Rule may result in sanctions pursuant to Civ. R. 37 including, but not limited to, contempt citation, possible dismissal of claims, restrictions on the submission of evidence, and payment of attorney's fees.

24.03 TEMPORARY ORDERS

- (A) Upon motion, sworn affidavit, and appropriate basis pursuant to Ohio Civil Rule 75, temporary restraining orders as to person and/or disposition of property, temporary allocation of parental rights and responsibilities, child or spousal support, exclusive use of the residence or a vehicle, or other temporary relief may be granted ex parte.

Supporting affidavits must contain sufficient evidence to allow the Court to make a determination regarding the orders requested. If requesting exclusive use of the marital residence, the affidavit must contain the names and family relationship of all present occupants of the home. If an award of parental rights will result in removal of a child from the marital residence, give the address and school district, if applicable, to which the child is being taken and, if applicable, the name and address of a new child care provider. All requests that a party be named temporary residential parent and legal custodian must either provide for visitation or request that such be denied based upon facts set forth in the affidavit.

The party presenting an ex parte restraining order for the court's approval shall include language restraining the moving party from the same actions from which the moving party seeks relief; that is, restraining orders shall be mutual in effect.

Temporary allocation of parental rights and responsibilities, exclusive use of the marital residence, exclusive use of a vehicle, and restraining orders may take immediate effect upon filing. Other temporary orders shall not be effective until fourteen (14) days after service upon defendant. All temporary orders shall specify which provisions take immediate effect and which take effect fourteen (14) days after service.

- (B) All temporary orders shall contain the following language:

"This order is granted upon application of (plaintiff/defendant) supported by affidavit. Objection to the order may be made by a proper motion and counter-affidavit filed with the Court within fourteen (14) days, pursuant to Ohio Civil Rule 75(N)(2)."

Requests to set aside Magistrate's Temporary Orders must follow the procedure set forth in Civ. R. 53(C)(3)(6).

- (C) No ex-parte temporary orders will be granted when both parties are currently represented by counsel in any criminal or civil matter. Plaintiff's attorney shall

allege in the complaint whether or not Defendant is represented by counsel and shall name Defendant's counsel, if known.

24.04 PRETRIAL PROCEDURE

- (A) A pretrial conference shall be scheduled in all contested divorce and legal separation actions and shall be held at least three weeks prior to trial.
- (B) At the conference, pretrial statements shall be submitted, with any social security numbers and other identifying personal and account information redacted in accordance with Local Rule 5.01(B). Any paper copies produced to opposing counsel or pro se party with such redacted information shall be provided to the Court without redaction which shall be kept in a separate non-public file:
 - (1) Status of discovery and settlement negotiations;
 - (2) Statement of issues involved;
 - (3) Matters stipulated;
 - (4) Exhibits to be used at trial (attach copies);
 - (5) Financial documentation - at a minimum, include Federal Income Tax return for prior year plus attachments, paycheck stubs from previous six months, and bank statements for previous six months;
 - (6) Names and addresses of witnesses to be called at trial (separate expert from lay witnesses and specify expert's field of expertise);
 - (7) If allocation of parental rights and responsibilities is contested, statement justifying award;
 - (8) If relevant, suggested child support level and visitation schedule -attach copy of child support computation worksheet per child support guidelines and suggested visitation schedule;
 - (9) If spousal support is requested, needs of payee and ability of payor to meet requests;
 - (10) Suggested property division;
 - (11) List of personal and real property, including fair market value, appraised value, deeds, legal description, etc.

A copy of a suggested pretrial statement (Form DR-3) is appended to the rules.

- (C) If allocation of parental rights and responsibilities is contested, the Court may appoint a guardian ad litem and/or an evaluating psychologist. The parties shall share the guardian ad litem's and court-appointed psychologist's fees. Prior to the issuance of the psychologist's report, ex parte communication with the court-ordered psychologist is permitted only with Court approval. However, a party may still communicate freely with any psychologist retained by that party.

Written reports filed by the guardian ad litem and/or evaluating psychologist will be kept in Confidential Family Files in the office of the Domestic Relations Court. Upon submission of either of these reports to the Court, the Domestic Relations Assignment Commissioner will file a Notice of Availability with the Clerk of Court's Office and provide copies of this Notice to parties and/or their respective counsel.

Copies of the reports may then be picked up by the parties and/or counsel in the office of the Domestic Relations Court. To preserve confidentiality, these reports will not be filed in the Clerk of Court's Office nor will copies be put in attorney's mail boxes.

- (D) Any agreements reached at pretrial shall be immediately reduced to writing, signed by both parties and counsel, filed with the Court, and shall be binding on all parties in any subsequent hearing on the case.

24.05 GUIDELINES FOR ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

- (A) The residential parent shall take the necessary action with school authorities of the schools in which the child or children are enrolled to:
 - 1. List the parent who is not a residential parent as a parent of the child, their address, phone number and email address.
 - 2. Insure that the parent who is not a residential parent receives copies of any notices regarding the child.
- (B) The residential parent shall promptly transmit to the parent who is not a residential parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules and any other school activities in which the child may be engaged or interested.
- (C) The residential parent shall promptly, after receiving the same, furnish to the parent who is not a residential parent a photocopy of the child's grades or reports, or copies of any report concerning the child's status or progress.
- (D) The residential parent shall, when possible, arrange appointments for parent-teacher conferences at a time when the parent who is not a residential parent can be present. Whenever possible, such conferences shall be attended by both parents.
- (E) The residential parent shall promptly inform the parent who is not a residential parent of any illness of the child which requires medical attention. Elective surgery shall only be performed after consultation with the parent who is not a residential parent. Emergency surgery necessary for the preservation of life or to

prevent further serious injury or condition shall be performed without consultation, provided, however, if time permits, the parent who is not a residential parent shall be consulted, and in any event, the parent who is not a residential parent shall be informed as soon as possible.

- (F) The residential parent shall encourage frequent communication between the child and the parent who is not a residential parent. The residential parent shall not do anything to impede or restrict communication in any form in any way between the child and the parent who is not a residential parent whether initiated by the child or the parent who is not a residential parent. The communication between the child and parent shall be strictly confidential between them and such mail/email/text/messaging shall not be opened or read by the other parent. This rule applies equally to the parent who is not a residential parent when the child is on an extended visitation/parenting time with the parent who is not a residential parent.
- (G) Both parents shall refrain from criticizing the other parent in the presence of the children.
- (H) Neither of the parents shall attempt to modify the religious practice of the child without first having consulted each other.

24.06 VISITATION/PARENTING TIME GUIDELINES

- (A) Every decree involving children shall be accompanied by a specific visitation/parenting time schedule. The following are suggested schedules.

Plan A - (For parents who live in close proximity to each other and where work schedules permit.)

1. Alternate weekends from 6:00 p.m. Friday until the child is returned to the other parent's residence; the day care provider; or school on Monday morning. (The beginning and ending times, other than drop-off at school, may be varied to accommodate the parents' work schedules.)
2. A mid-week overnight, on Wednesdays in the week when there is parenting time on the upcoming weekend and on Thursdays in the week when there is no parenting time on the upcoming weekend, from 6:00 p.m. until the child is returned to the other parent's residence; the day care provider; or school on the following morning. (The beginning and ending times, other than drop-off at school, may be varied to accommodate the parents' work schedules.)
3. Mother's Day and Father's Day shall be spent with the appropriate parent. Should this provision require the child to be with the residential parent

during the other parent's visitation/parenting time, the parent who is not a residential parent shall return the child by 9:00 a.m. on Mother's Day or Father's Day. Should the reverse occur, the parent who is not a residential parent shall receive the child at 9:00 a.m. on that day and return the child at 6:00 p.m.

4. Alternate holidays as follows:
 - a) in even-numbered years, the residential parent shall have the child:
 - (1) President's Day, Friday night to Monday night.
 - (2) Spring Vacation, 6:30 p.m. on the day school ends to 6:30 p.m. the Sunday prior to school reconvening.
 - (3) Memorial Day, Friday night to Monday night.
 - (4) Labor Day, Friday night to Monday night.
 - (5) Christmas, Christmas Eve and Christmas Day.
 - b) in even-numbered years, the parent who is not a residential parent shall have the child:
 - (1) Easter, Thursday night to Sunday night.
 - (2) Fourth of July, night before to morning after except when the 4th falls on Friday, Saturday, Sunday or Monday - then visitation/parenting time shall continue the night before and continue to end of weekend or end of holiday, whichever is later.
 - (3) Thanksgiving Day, Wednesday night to Sunday night.
 - (4) Christmas Vacation and New Year's Day, December 26th at 9:00 a.m. until the night of the end of the New Year's Holiday.
 - c) In odd-numbered years the schedule stated in 3(a) and 3(b) shall be reversed between the parents.
 - d) Other days of special meaning, such as religious holidays or Martin Luther King Day should be decided by the parties together, written down, and alternated.
 - e) Unless otherwise indicated in an entry or these rules, holiday visitation/parenting time shall begin and end at the same times as weekend visitation/parenting time. Holiday visitations/parenting

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times have precedence over the regular visitation/parenting time schedule, but shall not otherwise modify it.

5. The parent who is not a residential parent shall have extended summer visitation/parenting time up to four (4) weeks duration. These extended times supersede the alternating weekend visitations/parenting times, i.e. a nonresidential parent may not begin an extended time on a Monday following an alternating weekend, or end an extended time on a Friday before an alternating weekend, as a means of lengthening the extended visitation/parenting time.

Alternating weekends shall begin again two weeks after the end of the extended visitation/parenting time.

The parent who is not a residential parent shall attempt to coincide his or her vacation time with summer visitation/parenting time. The parent who is not a residential parent shall notify the residential parent no later than May 15th each year of the weeks summer visitation/parenting time will be exercised. Summer school necessary for the child to pass into the next grade must be attended.

6. The child's birthday shall be celebrated in the residential parent's home, unless it falls on a visitation/parenting time day. The parent who is not a residential parent may celebrate the birthday at another time if desired.
7. Such other times and places as the parties may agree.

Plan B - (For parents who do not live in close proximity to each other or whose work schedules do not permit the use of Plan A.)

1. Alternate weekends from 6:30 p.m. Friday until 6:30 p.m. Sunday. (The beginning and ending times may be varied to accommodate the parents' work schedules.)
2. Same as Plan A, 3-7.

Plan C - (For parents residing in different locations that make the above schedules impractical/)

1. Christmas vacation {including Christmas Day} in alternate years;
2. Spring vacation every year;
3. Up to six (6) weeks summer/parenting time very year.
4. Such other times and places as the parties may agree.

- (B) Both parents shall be diligent in having the children ready and available at the appointed times. The child and/or residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes. A parent who is late, unless he or she suffers an unavoidable vehicle breakdown or delay enroute and promptly notifies the residential parent of the delay, shall forfeit visitation/parenting time for that time period.
- (C) The parent who is not a residential parent should give twenty-(24) hour notice to cancel visitation/parenting time. If a child is ill, the residential parent should also give twenty-four (24) hours notice if possible.
- (D) The residential parent shall send with the child sufficient clothing and other wear appropriate to the season to last the visitation/parenting time period.
- (E) Visitation/parenting time does not include leaving the child with a non-family member while the nonresidential parent pursues his or her own pleasures or activities.

24.07 OBJECTIONS TO MAGISTRATE'S PROPOSED DECISION

All objections to a magistrate's proposed decision must be in writing and filed with the Clerk of Court's Office within fourteen (14) days of the filing of the Proposed Decision. If any party timely files objections, any other party may also file objections not later than ten (10) days after the first objections are filed. Extensions of time within which to file will be granted upon request and for good cause shown. Copies of objections must be provided to the opposing party and the Court. If the objection relates to a proceeding involving the Child Support Enforcement Agency, a copy must also be provided to the Agency.

If the Magistrate's Proposed Decision was in the abbreviated form permitted by Civ. R. 53(E), parties wanting findings of fact and conclusions of law must request such within seven (7) days of the filing of the Proposed Decision. If a party wishes to contest a finding of fact, a transcript of all the evidence submitted to the Magistrate relevant to that fact must be requested as set forth in Rule 24.09 or an affidavit relevant to that evidence must be provided if a transcript is not available.

24.08 PROCEDURE FOR REQUESTING TRANSCRIPT

Any party wishing to have a transcript of proceedings before the Magistrate must file a written request for an extension of time within which to file objections and a request for a transcript within the fourteen (14) day time period permitted for the filing of objections. Upon the filing of such a request, the Assignment Commissioner/Court Reporter for the Domestic Relations Division will estimate the cost of the transcript and file a Notice of

Request for Transcript granting an extension of time in which to file objections until the fourteenth day following the filing of a completed transcript.

Unless the party has been previously determined to qualify as an indigent litigant as set forth in these local rules, in order to preserve this extended time, a transcript deposit in the amount of one-half of the estimated amount must be filed with the Assignment Commissioner/Court Reporter within ten (10) days of the filing of the Notice of Request for Transcript.

Upon completion of the transcript, the Assignment Commissioner/Court Reporter will notify the party requesting the transcript of the exact amount still due and owing. The requesting party then has ten (10) days in which to pay this remaining amount. Upon receipt of the final amount, the Assignment Commissioner/Court Reporter will file the transcript in the Clerk of Court's Office and file a Notice of Filing of Transcript.

The fourteen-day period of time in which to file objections begins on the date on which this Notice is filed.

24.09 FINAL ENTRY/DECREE REQUIREMENTS

(A) All final entries or decrees shall contain the following provisions:

1. Non-use of each other's credit.
2. Whether or not spousal support will be paid.

(B) In addition to 24.10(A) 1 and 2 above, all cases involving minor or dependent children shall contain the following provisions in final entries or decrees:

1. Each party's mailing address, social security number, and date of birth in the case caption;
2. A judgment for arrearages due on temporary support orders;
3. All child support orders shall provide:
 - a. a specific amount per month;
 - b. that payments shall be made through the Ohio Child Support Payment Central (CSPC), P.O. Box 182394, Columbus, Ohio 43218;
 - c. that the payor shall pay a processing charge; and
 - d. for continued support for disabled children over eighteen (18) years of age,
 - e. the date upon which the child support provision is effective.
4. Specific provision for health insurance and/or payment of medical expenses for minor or dependent children;

5. A specific visitation/parenting time schedule, unless the parties intend for the standard schedule, outlined in Local Rule 24.06, to control.

24.10 FILING

The Clerk of the Common Pleas Court shall file all final entries or decrees upon presentation.

24.11 POST DECREE RELIEF

- (A) Post decree motions shall contain the exact language of the original order sought to be changed, the change requested and a complete and accurate statement of movant's reasons and/or bases for change. Failure to supply this information will result in the motion being dismissed. A copy of the original order may be attached to the motion in lieu of reciting the exact language of the original order sought to be changed.
- (B) Motions for modification of parental rights and responsibilities shall contain a professional statement by movant's attorney that he or she believes a bona fide basis for said motion exists.

RULE 25. ATHENS COUNTY CHILD SUPPORT ENFORCEMENT AGENCY

25.01 The Athens County Child Support Enforcement Agency (Agency), under the direction and control of the Athens County Department of Job and Family Services, shall administer all orders of child support and spousal support issued by the Athens County Common Pleas Court, Domestic Relations Division or Juvenile Division, if required by statute.

25.02 The Agency shall assist in collecting and disbursing payments made pursuant to support orders, keep appropriate records and compile statistics. The Agency shall maintain records listing the date a support order was entered, the amount of any payments made under it, when payments are required to be made, names, addresses, dates of birth and social security numbers of the parties affected by the order, and any employment, worker's compensation or financial account information obtained by the court pursuant to Revised Code Chapter 3121.

25.03 The Agency may assist in receiving and disbursing child support and spousal support payments made in accordance with the orders of any other court, but it shall not do so unless and until it is furnished with a certified copy of the court order and the names and addresses of the payor and payee. The agency shall also handle matters under The Uniform Interstate Family Support Act and keep accurate records of payments made under said Act.

25.04 The Agency shall not assist in receiving or disbursing any payment or spousal support and/or child support in the absence of a court order. No orders regarding mortgage, medical or insurance payments or attorney fees shall be handled by the Agency.

25.05 The Agency will cooperate fully with any agency of the State or Federal Government organized or established for the purpose of providing support or protection to minor children.

25.06 Child Support Payments:

- (A) All support payments shall be made exclusively through the Ohio Child Support Payment Central (CSPC), P.O. Box 182394, Columbus, Ohio 43218;
- (B) All orders shall be specific as to the gross amount to be paid per month;
- (C) All orders shall include a provision ordering the obligor to pay two percent (2%) processing charge or \$1.00 per month, whichever is greater.

25.07 Any person entitled to receive support payments either personally or on behalf of any other person, by reason of any support order which does not direct that payments be made to the CSPC, may apply to the Agency for the administration of the order. Upon receipt of the application, the Agency has the same powers to administer the order as it would have had if the order had required payment be made through the CSPC. The Agency shall notify the obligor, by any method of service authorized under Civil Rules to make all support payments due after service to the CSPC. An obligor so notified by the Agency, shall make all subsequent payments through the Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2372. The Court may make such orders concerning such payments sua sponte.

RULE 26. PROCEDURES REGARDING CHILD SUPPORT

This rule applies to all domestic relations proceedings, both pre and post-decree, whenever there are minor or dependent children of the parties.

26.01 Pursuant to R.C. 3121.03, all support orders shall be accompanied by orders securing payment, as set forth below:

- (A) Notice to Income Provider to Withhold Obligor Income/Assets; and Addendum Withholding Notice to Parties to a Support Order; and/or
- (B) Order to Seek Employment; and Order to Oblige.

26.02 AMOUNT OF CHILD SUPPORT

The amount of child support ordered shall be determined by application of the Child Support Guidelines in conjunction with appropriate statutory criteria. A copy of the appropriate child support calculation worksheet must be attached. If the order deviates from the Guidelines, the Court shall include a finding of fact to explain the deviation.

26.03 OTHER PROCEDURES

(A) The original and at least four (4) copies of any decree or other order containing child support payment provisions shall be presented to the domestic relations assignment commissioner prior to filing. The commissioner shall cause appropriate Revised Code Section 3121.03 orders to be prepared, cause said decrees and ancillary orders to be presented to the judge for signature, and shall cause said orders to be filed with the Clerk.

(B) A party independently represented by counsel or proceeding pro se who files either a motion that has the possibility of modifying an existing child support order or charges in contempt relative to a child support order shall provide the Athens County Child Support Enforcement Agency a copy of either the motion or the charges in contempt, all notices regarding hearings or continuances, and copies of any objections filed.

(C) When submitting an agreed entry that either creates or modifies a child/spousal support order, the following information must be included:

1. Correct mailing addresses for both obligee and obligor;
2. If a withholding order will be issued, name and address of employer and frequency of pay;
3. If a bank account withdrawal order will be issued, name of bank, account number, and frequency of withdrawal. Attached form: (See Garnishment/Withholding Information Sheet)

RULE 27. GRAND JURY PROCEDURE

27.01 The Grand Jury shall be convened on the second and fourth Mondays of each month. Arraignments on indictments issued by the Grand Jury shall be held nine days (on Wednesdays) following the regular session of the Grand Jury or at such other times as the Court orders.

27.02 The Athens County Court Reporter shall record all Grand Jury testimony before the session of the Athens County Grand Jury. The reporter shall be sworn to secrecy pursuant to statute.

RULE 28. NEWS MEDIA BROADCASTING, TELEVISIONING, RECORDING AND PHOTOGRAPHING IN COURTROOM

ATHENS COMMON PLEAS COURT LOCAL RULES

Pursuant to the Rules of Superintendence for the Courts of Ohio Rule 12, and in order to facilitate news media coverage of sessions, including recesses, in the Court of Common Pleas Courtroom, General Division, broadcasting, televising, recording, and photographing by news media shall be permitted as follows:

ADMINISTRATION

28.01 Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing to the judge as far in advance as reasonably practical, but in no event later than twenty-four (24) hours prior to the courtroom session involved, unless otherwise permitted by the judge. Request forms may be obtained from the court office.

28.02 Written permission of the judge, as required by Sup. R. 12(A), shall be made a part of the record of the proceedings.

POOLING

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

EQUIPMENT AND PERSONNEL

28.04 Not more than one portable camera (television, video-type or movie), operated by not more than one in-court camera person, shall be permitted without authorization of the judge.

28.05 Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the judge.

28.06 Not more than one audio system for radio broadcast purposes shall be permitted without authorization by the judge.

28.07 If audio arrangements cannot be reasonably made in advance, the judge may permit one audio portable tape recorder at the bench which shall be activated prior to commencement of the courtroom session.

28.08 Visible audio portable tape recorders may not be used without prior admission of the judge.

LIGHT AND SOUND CRITERIA

28.09 Only professional quality telephonic, photographic, and audio equipment that does not produce distracting sound or light shall be used to cover courtroom sessions. No motor driven still camera shall be permitted.

28.10 No artificial lighting device other than normally used in the courtroom shall be employed, provided, that if the normal lighting in the courtroom can be improved without being obtrusive, the judge may permit modification.

28.11 Microphones and related wiring necessary for all media purposes shall be unobtrusive and located in places designated by this rule, or the judge, in advance of any session.

LOCATION OF EQUIPMENT AND PERSONNEL

28.12 One television camera shall be positioned on a tripod at a location designated by the judge, and shall remain fixed in that location. This designated location shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located outside the courtroom.

28.13 Television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts, or zooms by television or still camera operators is prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

28.14 Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session (the judge has not given the proceeding to order or adjournment), or during a recess.

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

MISCELLANEOUS

28.16 Proper courtroom decorum shall be maintained by all media personnel.

28.17 All media personnel shall be properly attired, in a manner that reflects positively on the journalism profession.

LIMITATIONS

28.18 There shall be no audio pickup or broadcast of conferences conducted in the courtroom between counsel and client, or judge and counsel.

28.19 The judge shall prohibit photographing or televising by any means victims of sexual assaults and undercover police officers. The judge shall retain discretion to limit or prohibit photographing or televising of any victim, witness, or counsel or his work product, upon objection.

28.20 The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

28.21 The filming, videotaping, recording, or taking of photographs of victims or witnesses who object thereto SHALL NOT BE PERMITTED.

28.22 The filming, videotaping, recording, or taking of photographs of jurors SHALL NOT BE PERMITTED AND IS PROHIBITED.

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

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

REVOCATION OF PERMISSION

28.25 Upon the failure of media representative to comply with the conditions prescribed by the judge, the Rules of Superintendence of the Supreme Court, or this Rule, the judge may revoke the permission to broadcast, photograph, or record the trial, hearing, or other proceeding.

RULE 29. JURY MANAGEMENT PLAN (Adopted Pursuant to Supreme Court Rule)

29.01 OPPORTUNITY OF SERVICE

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

B. Jury service is an obligation of all qualified citizens of Athens County, Ohio.

29.02 JURY SOURCE LIST

A. The jury source list shall be obtained from the Board of Elections' list of registered voters and the Bureau of Motor Vehicles' list of licensed drivers. The Court shall designate a key number based on the total number from both sources (for example, every 14th name). The jury commissioners shall then receive a computer print-out. The Court finds that these two sources are as inclusive and representative of the adult population in Athens County as possible.

B. In December of each year the jury commissioners shall convene and select jury panel to cover potential jury dates throughout the following calendar year.

C. In the event the jury panel drawn is insufficient to meet the needs of the court in the calendar year, the jury commission shall convene as necessary to select additional jury panels.

D. The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

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

29.03 RANDOM SELECTION PROCESS

A. The following random selection procedures shall be used in:

1. Selecting persons to be summoned for jury service;
2. Assigning prospective jurors to panels; and
3. Calling prospective jurors for voir dire.

B. The jury list shall be generated from the computerized jury management program. Names are selected at random by the computer with the jury commissioners present.

C. All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons. Further, all prospective jurors shall be required to complete a jury questionnaire.

D. Departures from the principle of random selection are appropriate:

1. To exclude persons ineligible for service in accordance with Rule 29.04;
2. To excuse or defer prospective jurors in accordance with Rule 29.06;
3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Rule 29.08 and 29.09; and
4. To provide all perspective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Rule 29.13

29.04 ELIGIBILITY FOR JURY SERVICE

A. All persons shall be eligible for jury service except those who:

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

5. Have been convicted of a felony and have not had their civil rights restored.

29.05 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.
- B. Prospective petit jurors shall be on call for one calendar month period. Persons who serve on a jury shall be excused from further jury service for the month unless the court determines that the juror is needed for a future jury panel.
- C. Since grand jurors customarily meet two days per month, prospective grand jurors shall be on call for a period of four months.

29.06 EXEMPTION, EXCUSE, AND DEFERRAL

- A. All excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated except for those approved by the Court.
- 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 for them or members of the public and they are excused by a judge or a specifically authorized court official.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official.
- D. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded. Specific uniform guidelines for determining such requests should be adopted by the Court.

29.07 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. To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the beginning of jury selection.

C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

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

E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

29.08 REMOVAL FROM THE JURY PANEL FOR CAUSE

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.

29.09 PEREMPTORY CHALLENGES

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

29.10 ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for the administration of the jury system shall be vested exclusively in the judicial branch of government.

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

29.11 NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:

1. Mailed separately.
2. Phrased so to be readily understood by and individual unfamiliar with the legal and jury systems; and
3. Delivered by ordinary mail.

B. First a questionnaire shall be mailed to prospective juror. The 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 basic background information ordinarily sought during voir examination; and
3. Efficiently managing the jury system.

C. When the questionnaires are returned, a summons clearly explaining how and when the recipient must respond and the consequences of a failure to respond shall be mailed to the eligible prospective jurors.

D. Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

E. Jurors who fail to report for service may be scheduled for a contempt hearing to inform the court why they did not appear. The court may impose sanctions as appropriate.

29.12 MONITORING THE JURY SYSTEM

A. Courts shall collect and analyze information regarding the performance of the jury system on a regular basis 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 summons;
4. The efficient use of jurors; and
5. The cost-effectiveness of the jury management system.

29.13 JUROR USE

A. Courts shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. Courts shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

C. Courts shall coordinate jury management and calendar management to make effective use of jurors.

29.14 JURY FACILITIES

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

29.15 JUROR COMPENSATION

- A. Persons called for jury service shall receive the fee established by the County Commissioners for their service and parking expenses.
- B. Such fees shall be paid promptly.

29.16 JURY ORIENTATION AND INSTRUCTION

- A. Orientation programs shall be designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors.
- B. Courts shall provide some form of orientation or instructions to persons called for jury service upon reporting to a courtroom for voir dire.
- C. The trial judge shall:
 - 1. Give preliminary instructions to all prospective jurors.
 - 2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - 3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations;
 - 4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
 - 5. Recognize utilization of written instructions is preferable;

ATHENS COMMON PLEAS COURT LOCAL RULES

6. During instructions prior to jury deliberations the Court shall:
 - (a) Advise the jurors they are released from their duty of confidentiality following deliberations;
 - (b) Explain their rights regarding inquiries from counselor the press.
7. Before dismissing a jury at the conclusion of a case:
 - (a) Either advise them that they are discharged from service or specify when they must report again;
 - (b) Express appreciation to the jurors for their services, but not express approval or disapproval of the result of the deliberation.

29.17 JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

29.18 JURY DELIBERATIONS

- A. Jury deliberations shall take place under conditions pursuant to procedure that are designed to ensure impartiality and to enhance rational decision-making.
- B. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Rule 29.16(C).
- C. The deliberation room shall conform to the recommendations set forth in Rule 29.14.
- D. The jury shall not be sequestered except under the circumstances and procedures set forth in Rule 29.19.
- E. A jury shall not be required to deliberate after a reasonable hour unless the trial judge determine that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- F. Training shall be provided to personnel who escort and assist jurors during deliberations.

29.19 SEQUESTRATION OF JURORS

- A. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

- B. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.
- C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Standard procedures should be promulgated to:
 - a. Achieve the purpose of sequestration; and
 - b. Minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.

RULE 30. MEDIATION

The Athens County Court of Common Pleas adopts Local Rule 30 effective April 23, 2007. Through Local Rule 30 the Athens County Court of Common Pleas incorporates by reference the R.C. 2710 Uniform Mediation Act (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

(A) Definitions

All definitions found in the Uniform Mediation Act (UMA) R.C. 2710.01 are adopted by this court through this local rule including, but not limited to the following:

- 1. Mediation means any process in which a Mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- 2. Mediator means an individual who conducts a mediation.
- 3. Mediation Communication means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a Mediator.
- 4. Proceeding means either of the following:
 - (a) Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
 - (b) A legislative hearing or similar process.

(B) Purpose

Through mediation the court will provide an alternative method for the resolution of disputes that come before the Athens Court of Common Pleas.

(C) Scope

At any time any action under the jurisdiction of this court may be ordered to mediation, providing there is no applicable statutory exclusion.

(D) Case Selection

(1) Referral Process

The court, on its own motion, or the motion of any of the parties may order disputed issues to mediation in whole or in part by Notice of Scheduled Mediation which shall, at a minimum indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

(2) Eligibility of Cases

The Mediator will screen mediation candidates for the capacity to mediate prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

(E) Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Mediator, mediation will be scheduled. The Mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to further screening. A Mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

(1) The court shall utilize procedures for all cases that will:

- a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- b. Screen for domestic violence both before and during mediation.

- c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- d. Prohibit the use of mediation in any of the following:
 - 1. As an alternative to the prosecution or adjudication of domestic violence;
 - 2. In determining whether to grant, modify or terminate a protection order;
 - 3. In determining the terms and conditions of a protection order; and
 - 4. In determining the penalty for violation of a protection order.

(2) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with minor children shall abide by all provisions set forth in (E)(1) of this rule, mediation may then proceed, when violence or fear of violence is alleged, suspected, or present, only if the Mediator has specialized training set forth in Qualifications section (F) of this rule and all of the following conditions are satisfied:

- a. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
- b. The parties have the capacity to mediate without fear of coercion or control.
- c. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- d. Procedures are in place for the Mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
- e. Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

(3) Party/Non-Party Participation

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

A judge, magistrate and/or Mediator may require the attendance of the parties' attorneys at the mediation sessions if the Mediator deems it necessary and appropriate.

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

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

By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

(4) Stay of Proceedings

All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

(5) Continuances

It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the Judge, Magistrate, or Mediator, where applicable, for good cause. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their disposition, will be recorded in the file of the case.

(6) Mediation Case Summary

Attorneys may, at their option, or must if required on a specific case by the judge and/or magistrate, submit a Mediation Case Summary to the Mediator which shall contain the following:

Insert applicable provisions, such as:

- a. Summary or material facts.
- b. Summary of legal issues.
- c. Status of discovery.
- d. List special damages and summarize injuries or damages.
- e. Settlement attempts to date, including demands and offers.

(7) Mediation Memorandum of Understanding

The assigned Mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The Mediation Memorandum may be signed by the parties and counsel (if the Mediation Memorandum is signed it will not be privileged pursuant to R.C. 2710.05 (A) (1)). The written Mediation Memorandum of Understanding may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

(8) Mediator Report

At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following:

- a. Whether the mediation occurred or was terminated;
- b. Whether a settlement was reached on some, all or none of the issues; and
- c. Attendance of the parties.
- d. Future mediation session(s), including date and time.

(F) Confidentiality/Privilege

All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act (UMA) R.C. 2710.01 to 2710.10, R.C., the Rules of Evidence and any other pertinent judicial rule(s).

(G) Mediator's Duty

(1) Inform the Court

The Mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the Mediator to the Court, unless all who hold a mediation privilege, including the Mediator, have consented to such disclosure. The Mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the Mediator, have consented to such disclosure.

(2) Give no Advice

The efforts of the Mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The Mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

(3) Mediator Conflicts of Interest

In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator's impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and report the conflict to a Judge or Magistrate. The parties shall be free to retain the Mediator by an informed, written waiver of the conflict of interest(s).

(H) Qualifications

Qualifications for Civil Mediators:

A Mediator employed by the division or to whom the division makes referrals for mediation of civil cases shall satisfy the following:

After completing the above training, complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.

Specific Qualifications and Training:

Domestic Abuse - A Mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program

approved by the Ohio Supreme Court Dispute Resolution Section. A Mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a Mediator who has completed the specialized training.

(I) Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

(J) Model Standards

Mediators providing services for the court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

(K) Fees and Costs

All costs shall be determined by the court, if applicable. The parties may agree between themselves to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the court shall determine the apportionment of the mediation costs to the parties. The court may waive costs for the parties who are unable to pay. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

RULE 31. PETITIONS FOR CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT

31.1 This local rule shall establish the court practices and procedures regarding Petitions for a Certificate of Qualification for Employment (hereinafter CQE) in conjunction with Revised Code Section 2953.25 and Administrative Rule 5120-15-1 adopted by the Department of Rehabilitation and Corrections (hereinafter DRC). Where the Revised Code, the Administrative Regulations, and this rule are silent on procedure, the Civil Rules shall apply unless clearly inapplicable.

31.2 In order to request a CQE, the Petitioner shall file the approved Cover Sheet and the fully completed Electronic DRC Petition with the Clerk of Courts for the Common Pleas Court. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall include electronic access to the DRC CQE Summary (CQE Summary).

31.3 Before the Petition is accepted for filing, the Petitioner shall deposit as security for costs the amount of \$50.00. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting the waiver of filing fees. A judge or magistrate may waive the deposit otherwise required by this Rule. If a judge or magistrate determines that the Petitioner is indigent, the Petitioner is still responsible for an administrative fee of \$25.00.

31.4 All social security numbers and other information that must be excluded from public records in accordance with the rules of this court and the Rules of Superintendence. Upon filing of a Petition, the Clerk shall file the original number under seal for use by the Court, and prepare a redacted copy for inclusion in the portion of the case file accessible to the public. Records or information received by the Court or the Clerk to assist the Court with making its decision under Revised Code Section 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

31.5 Upon receipt of a Petition and the required deposit, the Clerk shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a judge. The Administrative Judge may transfer a pending Petition to another judge of this Court who was previously assigned to a criminal case involving the Petitioner, or who is the successor judge to a former judge who was previously assigned to a criminal case involving the Petitioner.

31.6 The Court shall obtain the criminal history of the Petitioner, either through the investigation ordered in support of the Petition or otherwise. The Court shall attempt to determine all other courts in the state in which the Petition has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Court shall send appropriate notice and respond forms to each court so identified by U.S. mail, with a certificate of mailing, and include a stamped return envelope. The Court shall also send appropriate notice and response forms to the Prosecuting Attorney of this county.

31.7 The judge or magistrate shall review the Petition, criminal history, all filings submitted by other courts, the prosecutor or victim in accordance with the rules adopted by the DRC, and all other relevant evidence. The judge or magistrate may order any report, investigation or disclosure by the Petitioner that he or she believes is necessary to reach a decision. The judge or magistrate may conduct such hearings as are appropriate to the determination of the case.

31.8 Once all necessary information has been received, the judge or magistrate shall decide whether to grant or deny the Petition within 60 days of the completion of the record, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition made by a magistrate shall be sent to the judge for a final Judgement Entry and Order, pursuant to Civil Rule 53. All notice and objection periods regarding the magistrate's decision shall apply as set forth in Civil Rule 53.

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

31.10 The Court in its discretion may from time to time amend its forms and cost schedule without amending this Local Rule.

RULE 32. CHILD RESTRAINT RULE

This Rule shall govern the use of physical restraints on children appearing in court proceedings before the Athens County, Ohio, Court of Common Pleas, General Division.

(A) There shall be a presumption that physical restraint not be utilized unless the judge or magistrate before whom the child appealing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

(B) The child represents a current and significant threat to the safety of the child's self or other person in the courtroom;

(C) There is a significant risk the child will flee the courtroom.

(D) The judge or magistrate shall permit any party to the proceeding to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

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

RULE 33. TABLE OF FEES/COSTS & MISCELLANEOUS

(A) The Court hereby adopts the Athens County Clerk of Court's Table of Fees appended to these Rules in the Appendix for collection of costs and fees as indicated in addition to those listed herein.

(B) All previous domestic relations forms DR1, DR2, DR3, DR4, Child Support Worksheet A, Child Support Worksheet B, Pre-trial Form 1, and Pre-Trial Form 2 are hereby stricken from the Local Rules.

ATHENS COMMON PLEAS COURT LOCAL RULES

- (C) The following domestic relations forms DR-1 and DR-2 shall be used and DR-3 may be used forthwith in compliance with these rules provided in the Appendix and are adopted by the Court (attached):
- 1) DR-1 Financial Disclosure/Fee-Waiver Affidavit and Order;
 - 2) DR-2 Application to Delay Payment of Required Deposit; &
 - 3) DR-3 Pre-Trial Statement Sample
- D) The Court hereby adopts the Eviction Notice Form for use provided in the Appendix.

Rev. 1/1/2021

APPENDIX

ATHENS COUNTY, OHIO

COMMON PLEAS COURT

LOCAL RULE 24

DOMESTIC RELATIONS' FORMS

EVICTON FORM AND

ATHENS COMMON PLEAS

CLERK OF COURTS

TABLE OF FEES

ATHENS, OHIO

Effective January 1, 2021

**IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY,
OHIO DOMESTIC RELATIONS DIVISION**

)	CASE NO.
)	
Plaintiff,)	MAGISTRATE BRADFORD
)	
vs.)	
)	
)	<u>FINANCIAL DISCLOSURE / FEE-</u>
)	<u>WAIVER AFFIDAVIT</u>
Defendant.)	<u>AND ORDER</u>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information			
Applicant's First Name		Applicant's Last Name	
Applicant's Date of Birth		Last 4 Digits of Applicant's SSN	
Applicant's Address			
Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Public Benefits			
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed 187.5% of the federal poverty guidelines.			
Place an "X" next to any benefits you receive.			
Ohio Works First ¹ : ____ SSI ² : ____ Medicaid ³ : ____ Veterans Pension Benefit ⁴ : ____ SNAP / Food Stamps ⁵ : ____			
Monthly Income			
I am NOT able to access my spouse's income <input type="checkbox"/>			
	Applicant	Spouse (If Living in Household)	Total Monthly Income

Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$
TOTAL MONTHLY INCOME			\$
Liquid Assets			
Type of Asset	Estimated Value		
Cash on Hand	\$		
Available Cash in Checking, Savings, Money Market Accounts	\$		
Stocks, Bonds, CDs	\$		
Other Liquid Assets	\$		
Total Liquid Assets	\$		
Monthly Expenses			
Column A		Column B	
Type of Expense	Amount	Type of Expense	Amount
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)	\$
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay	\$
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member	\$
Transportation / Gas	\$	Credit Card, Other Loans	\$
Phone	\$	Taxes Withheld or Owed	\$
Child Care	\$	Other (e.g. garnishments)	\$
Total Column A Expenses	\$	Total Column B Expenses	\$
TOTAL MONTHLY EXPENSES (Column A + Column B)			

I, _____, hereby certify that the information I have provided on
 (Print Name)
 this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs or fees in this case.

 Signature

NOTARY PUBLIC:

Sworn to before me and signed in my presence this _____ day of _____, 20____,
 in _____ County, Ohio.

 Notary Public (Signature)

 Notary Public (Printed)
 My Commission expires:_____

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so at no cost to the Applicant.

ORDER

- ☐ Upon the request of the Applicant and the Court's review, the Court finds that the Applicant IS an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. Pursuant to R.C. 2323.311(B)(3), upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.
- ☐ Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is NOT an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of the applicant's filing.

IT IS SO ORDERED

Judge / Magistrate

Date

[Effective: April 15, 2020.]

APPENDIX

2020 FEDERAL POVERTY LIMIT (FPL)

Persons in family/household	100% Poverty	100% Poverty Monthly Gross Income	187.5% Poverty	187.5% Poverty Monthly Gross Income
1	\$12,760	\$1,063.33	\$23,925	\$1,993.74
2	\$17,240	\$1,436.67	\$32,325	\$2,693.75
3	\$21,720	\$1,810	\$40,725	\$3,393.75
4	\$26,200	\$2,183.33	\$49,125	\$4,093.75
5	\$30,680	\$2,556.67	\$57,525	\$4,793.75
6	\$35,160	\$2,930	\$65,925	\$5,493.75
7	\$39,640	\$3,303.33	\$74,325	\$6,193.75
8	\$44,120	\$3,676.67	\$82,725	\$6,893.75

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

¹Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

²SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100)

³Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI):138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))

Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

⁴Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

⁵Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

Name

Address

City, State and Zip Code

Phone Number

Date of Birth

Case No. _____

Judge: _____

Magistrate Melinda K. Bradford

APPLICATION TO DELAY
PAYMENT OF THE REQUIRED
FILING FEE

1. I am financially unable to *prepay* the filing fee on court costs for this action.
2. I understand that postponing the payment of the filing fee ***DOES NOT*** exempt me or excuse me from paying the required filing fee or any other costs incurred in this action.
3. I understand that I may be ordered to make monthly payments in the amount of \$25.00 until the required filing fee is paid in full, unless excused by the Court.
4. I understand that there may be further costs assessed to me at the conclusion of this action, above the required filing fee.
5. I understand that I am required to inform the Court if my financial situation should change before the conclusion of my case.
6. I have read the answers to the questions asked in this form and do hereby state that the answers are true and correct.

Applicant's signature

Date of signing

Magistrate/Judge

APPROVED _____
DENIED _____

SOURCE OF INCOME TO HOUSEHOLD:

WEEKLY – BI-WEEKLY – MONTHLY – YEARLY (circle one)

<u>Source</u>	<u>Self</u>	<u>Spouse/Other</u>
Employment	\$ _____	\$ _____
Unemployment	\$ _____	\$ _____
Worker's Comp.	\$ _____	\$ _____
Pension	\$ _____	\$ _____
Social Security	\$ _____	\$ _____
Public Assistance	\$ _____	\$ _____
Spousal Support	\$ _____	\$ _____
Other Income	\$ _____	\$ _____

1. If employed, give name and address of employer:

2. Give name and address of previous employer:

3. If unemployed, for how long? _____

4. If your spouse or live in companion is employed, give name and address of employer:

FINANCIAL ASSETS, PROPERTY AN DEBTS:

1. Do you own or are you purchasing your personal residence, including mobile home?

No _____

Yes _____ Value \$ _____

2. Do you own other real estate?

No _____

Yes _____ Value \$ _____

3. Amount of monthly mortgage payment \$ _____

4. Amount of monthly rent payment \$ _____

5. How long have you lived at your present address? _____

6. Do you have access to any of the following: checking account, bonds, cash, savings?

No _____

Yes _____

Account type

Amount

7. Do you own or are you in the process of purchasing any of the following:

	<u>Yes</u>	<u>No</u>	<u>Description/Value/Payment</u>
Car/Truck	_____	_____	_____
Motorcycle	_____	_____	_____
Camper/RV	_____	_____	_____
Television	_____	_____	_____
DVD Player	_____	_____	_____
Computer	_____	_____	_____
Video Game Console	_____	_____	_____
Stereo	_____	_____	_____
Boat	_____	_____	_____
Tools	_____	_____	_____
Equipment	_____	_____	_____

List all debts you presently owe:

<u>To Whom</u>	<u>Amount</u>	<u>Payment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

Case No. _____

Plaintiff,

VS.

MAGISTRATE BRADFORD

PRETRIAL STATEMENT

Defendant.

1. Status of discovery and settlement negotiations:
2. Statement of issues involved:
3. Matters stipulated:
4. Exhibits to be used at trial (Copies may be attached):

5. Financial Documentation – at a minimum, include federal income tax returns from prior years, plus attachments, paycheck stubs from previous six months, bank statements from previous six months:

6. Names and addresses of witnesses to be called at trial:

Expert	Field of Expertise
Lay Witnesses	

7. If allocation of parental rights and responsibilities is contested, statement justifying award:

8. If relevant, suggested child support level and visitation schedule – attach copy of child support computation worksheet per child support guidelines and suggested visitation schedule:
9. If spousal support requested, needs of payee and ability of payor to meet request:

10. Suggested property division:

11. List of personal and real property, including fair market value, appraised value, deeds, legal description, etc.:

12. Estimated length of trial:

Respectfully submitted,

Attorney for _____

Firm

Address

Phone

Fax

Email

PROOF OF SERVICE

I hereby certify that on the ____ day of _____, 20____, a
copy of the foregoing Pretrial Statement was delivered by regular U.S. Mail/Other Method
(Specify: _____) to:

(Name and Address of opposing counsel or Party if representing themselves)

Attorney or
Party If Representing Themselves

ATHENS COUNTY COMMON PLEAS COURT

Athens County Courthouse 1 S. Court Street, Athens, Ohio 45701

(740)592-3242

Case no. _____

Plaintiff,

Judge _____

vs.

**SUMMONS IN ACTION IN FORCIBLE
ENTRY AND DETAINER**

Defendants.

To the following named defendant:

A complaint to evict you has been filed with this court. No person shall be evicted unless his right to possession has ended and no person shall be evicted in retaliation for the exercise of his lawful rights. If you are depositing rent with the clerk of this court you shall continue to deposit such rent until the time of the court hearing. The failure to continue to deposit such rent may result in your eviction. You may request a trial by jury. You may contact your local legal aid or legal service office. If none is available, you may contact your local bar association.

Unless you appear in our Court, 8 E. Washington Street, on _____ to answer plaintiff's charge for eviction from the following described premises, to wit: _____

SUMMONS IN ACTION IN FORCIBLE

ENTRY AND DETAINER

Situated in the County of Athens and State of Ohio and known as _____

Together with the plot of land on which said premises are situated, the complaint of the said plaintiff against you, filed in the Clerk's office of said Court will be taken as true, and judgment rendered accordingly.

- ☒ The Plaintiff also claims that they are owed \$UNDETERMINED. You are required to serve upon the plaintiff's attorney, or upon the plaintiff, if they have no attorney of record, a copy of an answer to the claim for money within twenty-eight days after service of this summons on you, exclusive of the day

of service. Your answer must be filed with the court within three days after the service of a copy of the answer on the plaintiffs attorney.

If you fail to appear and defend, judgment by default may be rendered against you for this claim for money.

A copy of the plaintiffs complaint is attached.

The name and address of the plaintiffs attorney is: _____

Athens County Common Pleas Court

Date

Civil Deputy Clerk

NOTICE: Free Legal Assistance

If you cannot afford a private attorney, you may qualify for free legal services to assist you in this eviction. To see if you qualify, call for an appointment.

Southeastern Ohio Legal Services
964 E. State Street
Athens, OH 45701
(740) 594-3558
(800) 686-3669

**Athens County
Clerk of Courts
Table of Fees**

**Cost as of
01/01/2021**

Civil

Certificate of Qualification for Employment	\$	50.00
		\$200.00 up to 5 Def.
Complaint		\$225.00 6 Def's & up.
		\$200.00 up to 5 Def.
Counterclaim/Crossclaim		\$225.00 6 Def's & up.
		\$600.00 up to 5 Def.
Foreclosure Complaint		\$625.00 6 Def's & up.
		\$600.00 up to 5 Def.
Foreclosure Counterclaim/Crossclaim		\$625.00 6 Def's & up.
Jury Demand	\$	900.00
Replevin	\$	175.00
Filing a Foreign Judgment	\$	175.00
Prepare Certificate of Judgment	\$	5.00
Record Certificate of Judgement	\$	30.00
Release of Judgment Lien	\$	10.00
Writ of Possession	\$	100.00
Execution	\$	100.00
Garnishment - Bank	\$	100.00
Garnishment - Payroll	\$	100.00

Domestic

Divorce with children	\$	350.00
Divorce without children	\$	300.00
Dissolution with children	\$	350.00
Dissolution without children	\$	300.00
Counterclaim/Crossclaim WITHOUT CHILDREN	\$	300.00
Counterclaim/Crossclaim WITH CHILDREN	\$	350.00
Re-Open case (Contempt)	\$	150.00
Re-Open case (Parental Rights/Custody)	\$	250.00
Complaint for Parentage (New Case Type for DR of Married Couples)	\$	350.00
Complaint Support (New Case Type for DR of Married Couples)	\$	350.00
QDRO/DOPO	\$	80.00

Criminal

Expungement	\$	50.00
Sealed	\$	25.00
Veterans Court Fee	\$	250.00

General

4th District Court of Appeals - Notice of Appeal	\$	85.00
Copying charges	per pg	\$ 0.25
Certification	per doc	\$ 2.00
Exemplification	per doc	\$ 3.00
Certificate of Official Character		\$ 1.00
Copy of the Local Court Rules		\$ 10.00
Witness Fees	half day	\$ 6.00
	full day	\$ 12.00
Mileage (current IRS Rate)	per mile	\$ 0.56

Notary Fees

New Notary	9/20/19 New/Renewed
Renew Notary	through

Misc Filing Fees

Per page court cost fee for most filings (i.e. Complaints, affidavits, notice of hearings, notice of appearance, motions, Magistrate's Decision)	\$	1.00
Per page for anything that requires a Judge's signature (This also includes all Magistrate's Orders)	\$	4.00
Per page for subpoenas	\$	3.00

E-Filing Fees

E-filing service fee is a \$2.00 minimum or 4% (whichever is greater) per filing (not per document – Multiple documents can be submitted at one time by clicking on “Add Document” from the e-filing page. All filings MUST be for the same case number) Greater of \$2.00 or 4%

* These table of fees are current as of 1/1/2021. Additional or updated fees may not appear here. Parties are directed to the Athens Ohio Common Pleas Clerk of Courts Office for updated information at (740) 592-3242 or at their website.

**IN THE COMMON PLEAS COURT OF ATHENS COUNTY, OHIO
GENERAL CIVIL AND CRIMINAL DIVISIONS**

**IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS**

ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

In 2018, the Athens Common Pleas Court obtained a grant from the Ohio Supreme Court to implement e-Filing. On June 19, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court began a phased implementation of a new electronic filing system ("the e-Filing System"). The phased implementation began with a pilot program that included selected participants and case types.

On September 1, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began "go-live" e-Filing for all domestic relations case types. On June 1, 2020, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began mandatory e-Filing for all divorce case types (with and without children).

On January 1, 2020, the Athens County Clerk of Courts and the Athens County Common Pleas Court then moved into the next phase of implementation by implementing e-Filing for the remaining civil case types except for civil stalking or sexually-oriented offense protection orders petitions for court-ordered motor vehicle and watercraft titles, and garnishment proceedings.

The Athens County Common Pleas Court will then implement mandatory e-Filing for the following case types as outlined below:

Civil Case Type	Mandatory e-File "Go-Live" Date
Foreclosure	January 1, 2021
Professional Tort	January 1, 2021
Products Liability	January 1, 2021
Personal Injury	January 1, 2021
Other Civil including any commercial docket and cognovit, but excluding civil stalking, domestic violence, or sexually-oriented offense protection orders	January 1, 2021
Workers Compensation	January 1, 2021
Administrative Appeals	January 1, 2021
Complex Litigation	January 1, 2021
All other case types except for petitions for court ordered motor vehicle and watercraft titles, and garnishment proceedings	January 1, 2021

In criminal proceedings, the parties may file electronically as of August 1, 2020 in accordance with the provisions set forth herein and subject to further modification.

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, Ohio Crim. R. 12(B), the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Athens County Clerk of Courts ("the Clerk") and the Athens County Common Pleas Court ("the Court") hereby adopt the following Administrative Order governing electronic filing ("e-Filing").

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order and designate various other case types as mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental order or local rule.

This Administrative Order applies to all filers (party filers and non-party filers). Any and all persons or entities who need to file anything in a mandatory e-File case type, unless specifically excluded herein, shall file their documents electronically, as outlined herein.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. Case Type.** A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.
- B. Clerk.** The Clerk of Courts for the Athens County Common Pleas Court, as defined by the Ohio Revised Code.
- C. Clerk Review.** A preliminary review of electronically submitted documents by the Clerk in accordance with Court rules, policies, procedures and practices. Court clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court rules, policies and procedures, they will be accepted by the Clerk for e-Filing. If the submitted documents do not comply with the applicable Court rules, policies and procedures, they will not be accepted for e-Filing and the Clerk shall notify the filer of the deficiency or problem with the submission.
- D. Case Management System ("CMS").** A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs

actions on the data.

- E. Confidentiality or Confidential.** All documents submitted for e-Filing shall be confidential until accepted by the Clerk.
- F. Court Electronic Record.** Any document received in electronic form, recorded in the Court's Case Management System and stored in the Document Management System. "Court Electronic Record" will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. "Court Electronic Record" will not include physical evidence or exhibits that are not able to be captured in electronic format.
- G. Document.** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record, not to include electronic media.
- H. Document Management System ("DMS").** A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.
- I. Electronic.** Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities. "Electronic" is not meant to encompass activities involving facsimile transmission.
- J. Electronic Filing (e-Filing).** The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.
- K. Electronic Service (e-Service).** The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.
- L. Electronic Signature.** An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- M. Electronic Record.** A record created, generated, sent, communicated, received or stored by electronic means.
- N. Filer/Filing Party.** Any person, agency or entity that is filing a document in a case pending in the Athens County Common Pleas Court. The use of the words "filer" and "filing party" shall include party and non-party filers.

O. Case Types – Mandatory and Non-Mandatory.

Civil: All civil cases designated as follows shall be mandatory e-File cases: Professional tort, product liability, other torts, workers' compensation, foreclosure, administrative appeal, complex litigation and other civil cases; excluding civil stalking, domestic violence or sexually-oriented offense protection orders.

All other cases including those docketed as BR, TL, TF, CQE, CJ shall also be mandatory e-File cases (except for petitions for court-ordered motor vehicle and watercraft titles, and garnishment proceedings).

Criminal: E-filings may be made in criminal cases but are non-mandatory at this time.

P. Original Document. A document that becomes part of the Court record.

Q. Pro se Party. A person in the case representing themselves in court without the assistance of an attorney.

R. Registered User. A person who has read and agreed to the terms of the e-Filing System' s User Agreement, has provided his/her credentials through the e-Filing System proving his/her identity, and has been provided with a user name and password through the e-Filing System.

III. ELECTRONIC FILING IN MANDATORY E-FILE CIVIL CASE TYPES

Pursuant to the schedule listed in Section I and as of the "go-live" dates listed therein, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System. Subject to the exceptions listed in Section XI, the Clerk shall not accept for filing or file any documents in paper format in mandatory e-File case types.

Persons represented by an attorney are mandatory filers and shall electronically file their documents by registering to use the Court's e-Filing System. If a mandatory filer does not have internet access, the filer can use the Clerk's public access computer stations to register to use the e-Filing System and to then file his/her/its documents electronically.

As of the dates listed below, the Clerk stopped accepting any documents for filing via facsimile in these case types:

Civil Case Type	Last Day for Facsimile Filing
Foreclosure	January 1, 2021
Professional Tort	January 1, 2021
Products Liability	January 1, 2021
Personal Injury	January 1, 2021
Other Civil including any commercial docket and cognovit, but excluding civil stalking, domestic violence, or sexually-oriented offense protection orders	January 1, 2021
Workers Compensation	January 1, 2021
Administrative Appeals	January 1, 2021
Complex Litigation	January 1, 2021
All other case types except for petitions for court ordered motor vehicle and watercraft titles, and garnishment proceedings	January 1, 2021

Criminal Case Type	Last Day for Facsimile Filing
All cases	December 31, 2020

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types shall be registered as users in the e-Filing System unless exempted by local rule.

A. DOCUMENTS SUBMITTED IN PERSON.

If an attorney representing a party, or an attorney's employee, or any other person/filer on behalf of an attorney presents a document in person to the Clerk's office for filing in hard- copy/paper format, and that person/filer is not a registered user of the e-Filing System, the filer shall be directed to a computer station in the Law Library for registration purposes provided they have an email address that they can readily access and view documents. Once the filer is a registered user of the e-Filing System, the document(s) can be submitted through the e-Filing System.

B. DOCUMENTS RECEIVED BY MAIL OR FACSIMILE FROM ATTORNEYS.

1. If the Court or Clerk receives, via mail, documents to be filed from an attorney, the documents will be returned to the filer with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically.

2. If the Court or Clerk receives, via facsimile, documents to be filed from an attorney, a fax will be sent back to the attorney informing him/her that facsimile filing in the applicable mandatory e-File case type(s) will no longer be accepted once the last day for facsimile filing date has passed. Instructions on how to register as a user of the e-Filing System and how to submit the documents electronically will also be provided in that fax.
3. However, the Clerk may process, subject to Clerk review, pro se documents including Notices of Appeals to initiate an appeal, provided that the required deposit and/or filing fees have been paid. All subsequent filings in any case so initiated, may be similarly filed.

C. DOCUMENTS RECEIVED FROM PRO SE LITIGANTS.

Please refer to Section G.

D. DOCUMENTS RECEIVED FROM INDIGENT LITIGANTS.

Please refer to Section T.

E. AUTHORIZATION.

Parties to an assigned e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. By definition, parties filing electronically or receiving electronic service of any documents filed shall become participants in the e-Filing System.

F. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

G. *PRO SE* LITIGANTS

Pro-se litigants (persons representing themselves without an attorney) are exempted from mandatory e-Filing and may file in the traditional method of providing their paper documents to the Clerk for filing.

Pro se litigants who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

1. *Pro se* litigants are exempted from mandatory e-Filing. If the Court or Clerk receives, via mail, paper documents to be filed from a *pro se* party, the clerk will file the documents provided they are in compliance with all other rules, including payment of deposit and/or filing fees.
2. For those *pro se* litigants who have provided an email address AND have submitted proper payment of deposit and/or filing fees, the Clerk will process the documents and note their e-mail address in the case management system.
3. All subsequent filings in any case so initiated, subject to the Clerk's review, may be similarly process by the Clerk.
4. *Pro se* litigants may use the E-Filing system by registering as an e-Filer with the Clerk of Courts and following the local rules set forth for mandatory filers.
5. If the *pro se* litigant has not provided an e-mail address for themselves, the Clerk will note in the e-Filing System that the *pro se* party will not receive electronic notification. If the *pro se* litigant has provided such an e-mail address, the *pro se* litigant will receive electronic service and notification.

H. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders. Proposed orders shall be submitted in a Microsoft Word compatible format and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the proposed orders to the assigned Judge or Magistrate.

1. **Size of Filing.** Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.

2. **Font Style and Size.** Documents created for e-Filing shall be double-spaced, in either Times New Roman or Ariel font style and at least 12 point type.

3. **Signatures.**

a. **Attorney's/Filer's Signature.** Any document filed electronically with the Clerk that requires an attorney's or a filer's signature shall be signed with a conformed signature of "/s/ (name) or electronic signature " which will be accepted as if signed by hand for purposes of e-filing. All information listed below shall be included. The attorney's signature may be displayed as follows and the information following the signature is preferred in the following format:

/s/Attorney

Attorney Name

Supreme Court ID Number 1234567

Attorney for (Plaintiff or Defendant) XYZ Corporation

ABC Law Firm

Address

Telephone

Fax

E-mail

The conformed signature on an electronically filed document, submitted through the use of the attorney's/filer's unique username and password, is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

The attorney/filer who signs the electronically filed document shall be the attorney/filer whose unique username and password are used to file the document, with the exception of a *pro se* inmate filing in a civil action, who may have someone else electronically file the document on their behalf, after the document has been signed by hand by the inmate litigant.

b. **Multiple Signatures.** When a stipulation or other document requires two or more signatures:

i. The filing party or attorney shall sign the stipulation or document him/herself as follows: "/s/ John Smith."

ii. The filing party or attorney shall then confirm in writing that the contents

of the document are acceptable to all persons required to sign the document. The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

iii. The filing party or attorney shall then file the document electronically, identifying all of the other signatories as follows: /s/ Jane Doe, per written authorization, by John Smith," etc.

- c. **Third-Party Signatures.** A document containing the signature of a third party who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.) shall be electronically filed only as a hand-signed scanned-in PDF document.
- d. **Pro-Se Signatures.** If e-Filed, a document that needs to be signed by an unrepresented/pro se party but that also needs to be signed by the Judge shall be filed in word format, with the "/s/ name" signature for the *pro se* party, as so signed by the filing party. (Ex: "/s/ Jane Doe *Pro Se* Litigant, per authorization, by John Smith, attorney"). However, a copy of the same proposed order or document, hand-signed by the *pro se* party, shall also be filed, simultaneously and in PDF format, as an exhibit associated with the proposed order that is submitted in word format. This exhibit shall be clearly marked as an exhibit accompanying the proposed order, even though filed as a separate document, and shall contain the complete name and caption of the case in which it is filed.

Otherwise, the pro se document may be submitted signed by the pro se party in conventional paper format and given to the assigned Judge's office for the Judge's review.

- e. **Judge/Magistrate's Signature.** Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature and may be superimposed over the Court seal. All decisions, orders, decrees, judgments and other documents signed in this manner, through the use of the Judge's or judicial officer's unique username and password, shall have the same force and effect as if the Judge or judicial officer had affixed his or her signature to a paper copy of the document. Because proposed orders and entries submitted via the Court's e-Filing System may be signed electronically, the proposed orders and entries shall not contain a blank signature line for the Judge's/Magistrate's signature. All proposed orders must be uploaded in Microsoft Word Doc format for the system to utilize the above method. Any order sent in PDF Format may be rejected and sent back for correction.

Word docs shall contain the exact following phrase for any proposed e-Filed order for the Judge or Magistrate's signature as follows:

<{Judge Signature}> or <{Magistrate Signature}>

where the Judge's/Magistrate's signature line would normally be located. If this is not on your proposed order it will be rejected.

Examples:

SO ORDERED.

SO ORDERED.

<{Judge Signature}>

<{Magistrate Signature}>

-Or-

SO ORDERED.

SO ORDERED.

<{Judge Signature}>

<{Magistrate Signature}>

4. Document Types

- a. All motions shall be filed in a PDF format, and they may either be signed by hand and scanned-in or they may be signed electronically with the "/s/ name" electronic signature.
- b. Proposed orders and entries shall be filed in word document format, with no mail merge fields embedded in the documents. Proposed orders/entries also cannot contain picture boxes, which are actually in PDF format, but have been copied and pasted into the word document (with the exception of legal descriptions, which are typically "attached" as exhibits to judgment entries in foreclosure cases, but are actually submitted as a part of the proposed judgment entries).

All proposed orders/entries shall be signed by the attorney/filer submitting the same, indicating the attorney/filer has approved the order/entry.

Proposed orders/entries will be transmitted by the e-Filing System to the assigned Judge or Magistrate, with the exception of entries withdrawing properties from a Sheriff's Sale, which shall be forwarded to the Assigned Judge. Proposed orders/entries may be modified or replaced by the Court prior to acceptance. Counsel are advised to read and review the signed orders for any revisions or additions thereto.

- c. All exhibits shall be filed in PDF format and shall, to the extent possible, be filed along with the motion or brief to which they apply. Exhibits that must be filed separately (ex: Commitment for Title Insurance - Preliminary/Final Judicial Report, miscellaneous exhibits accompanying a motion that exceed the filing size limitations, etc.) shall be accompanied with a cover page that contains the full case caption and case number of the case in which they are filed. If filed in multiple parts, exhibits shall be clearly marked to identify which part of the submission they contain (Ex: "Exhibits A through J - Part 1 of 3"). To avoid confusion, and unless necessary to the argument being made, exhibits previously filed in other cases shall not bear any case numbers associated with the previous cases.
- d. All dismissal entries shall include a "cc:" section after the judges/magistrate's signature that includes attorney name, party represented, address and/or email address and any pro se parties name, party designation, address and/or email address for purposes of service.

I. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

Documents may be submitted to the Clerk for e-Filing 24 hours a day, seven days a week. Documents may be deemed filed, however, 24 hours a day, five days a week - Monday through Friday. Documents electronically submitted for e-Filing shall be deemed filed on the date and time as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

The Clerk's Office typically receives e-filings in a virtual queue in the chronological order they are filed. Monday through Friday from 8:00 a.m. to 4:00 p.m. e-filings are then reviewed and "file stamped" and accepted into the system typically within 24 hours of submission but some submissions may take up to 48 hours to process based upon volume and staffing. Electronic notices are usually sent out to parties electronically registered the same day or the day after filing is accepted by the clerk. Paper copies to unregistered filers in the e-filing system are mailed a copy of orders within three days of clerk's approval and posting of the filing.

Instructions for registering with the e-filing system and how to e-file may be found at the Courtview homepage for the Athens Ohio Common Pleas Clerk of Courts at <https://coc.athensoh.org/eservices/home.page.2>

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

1. Upon receipt of an electronic document submitted for filing, the e-Filing System

shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following business day.

2. An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.
3. If a document submitted for e-Filing has been accepted by the Clerk after Clerk Review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined in Section A above). Subject to the exceptions noted in Section F below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.
4. In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official Court record and the e-Filer will be required to re-file the document to meet necessary filing requirements. Once a submitted document is rejected, the date and time associated with its initial submission to the Clerk of Courts, which would have been the date and time on the time-stamp in the event the document was accepted for filing, becomes void.
5. If a document is submitted for e-Filing prior to 11:59 p.m. on a Friday or prior to 11:59 p.m. on a business day that is not a Court holiday, and that document is then accepted for filing after Clerk Review, the date and time reflected on the electronic stamp on the document (i.e., the date and time of receipt of submission, as outlined in Section A above), shall be the date and time the document is deemed to have been filed.
6. If a document is submitted for e-Filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following business day, even though the electronic stamp on the document will bear the date and time of submission of said document. This does not in any way alter the provision in Civ.R. 6 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the

end of the following day that is not a Saturday, a Sunday, or a legal holiday.

7. Unlike non-Court filers, Judges and Magistrates do not receive confirmation notices that their decisions and orders have been received by the Clerk. Nonetheless, the e-Filing System tracks the date and time of receipt of all electronic submissions, as described in Paragraph A above. Any documents submitted for e-Filing by the Court, after having been signed electronically, shall be deemed to have been filed as of the date and time of receipt of the same by the Clerk through the e-Filing System. Although such filings must still be reviewed and accepted by the Clerk, which may delay the posting of the signed, time-stamped image of the documents onto the Court's CMS and DMS, the electronic transmission of a document with an electronic signature by a Judge or Magistrate, executed and submitted in compliance with procedures outlined herein, shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.
8. **Motions Withdrawing Properties From Sheriff's Sale.** It is not uncommon for parties and/or attorneys to file motions requesting that properties be withdrawn from Sheriff's Sales as late as the morning of the sale. Sheriff's Sales are usually held Wednesday mornings at 10:00 a.m.. Whereas such motions and proposed orders/entries were usually walked through by the filers to the assigned Judge, and then filed and walked over to the location of the Sheriff's Sale, that process will no longer be feasible with e-Filing. Just like all other e-Filed motions, motions requesting that properties be withdrawn from Sheriff's Sales will follow the same process and will need to be routed through the Clerk Review, and then through the individual chamber's assigned gatekeeper's queue, then reviewed and forwarded to the Judge's queue for signature, and they will then be recorded in the Court's Case Management System and stored in the Document Management System. Therefore, and notwithstanding the provisions above with respect to the 24/7 nature of e-Filing, motions requesting that properties be withdrawn from Sheriff's Sales shall be filed no later than 4:00p.m. on the day prior to the Sheriff's Sale to allow for sufficient time for the motions and proposed orders/entries to follow the process outlined above.

J. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT OF COURT-CREATED DOCUMENTS

In all e-File case types, the Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court electronically, through the

Court's e-Filing System, subject to the applicable provisions in the Court's local rules. The Court shall serve *pro se* litigants and parties who are not registered users of the Court's e-Filing System with paper copies of all notices, decisions, orders and other documents that are created by the Court.

The electronic transmission of a document that has been electronically signed by a Judge or Magistrate in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

K. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Section A below, it shall be the responsibility of the filing party to serve all filings subsequent to the pleadings on all other parties in an e-File case. The filing party shall make service upon all other registered users of the e-Filing System electronically via the Court's authorized e-Filing System. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

1. Service of Original Complaint or Third-Party Complaint.

When submitting any Complaint or Third-Party Complaint for electronic filing, the filing party shall also request service through the e-Filing System in accordance with the Ohio Rules of Civil Procedure. The Clerk shall issue a summons and process the method of service requested in accordance with the applicable Rules of Procedure. E-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure. When submitting a re-filed Complaint for electronic filing, the filing party shall also submit a case designation/information sheet, identifying the judge assigned to the original action.

Service Copies.

When serving a pleading as outlined in Section (a) above, or if directed by Court Order, Rule or service instructions to serve paper copies of any other court documents, the Clerk shall cause service copies to be produced in lieu of service copies being furnished by the parties. In those situations, the Clerk shall charge a fee of ~~\$1.00~~ \$0.25 per service copy page produced and shall assess those fees as costs against the funds on deposit.

2. Service of Filings Subsequent to the Complaint.

- a. When a document (other than and subsequent to a Complaint or Third-Party Complaint) is filed electronically in accordance with these procedures, the e-

Filing System will generate a "Notice of Electronic Filing" to the filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service. If the recipient is a registered user, a courtesy "Notice of Electronic Filing" e-mail will be delivered to the user's e-Filing-designated e-mail account and a similar notification will appear on the user's notifications page in the e-Filing System. This electronic notice through the e-Filing System shall constitute service of that document upon that party in accordance with the applicable rules of the Court. It is the responsibility of the registered user to check his/her notifications page in the e-Filing System for notices pertaining to recent filings, and to not rely solely on the courtesy e-mails delivered to the user's designated e-Filing e-mail account. It is also the responsibility of the registered user to ensure the courtesy e-mails with notices of electronic filings are not blocked by the spam filter of his/her designated e-Filing e-mail account.

- b. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-Filing, and shall designate that date as the date of service of said document.
- c. A party who is not a registered user of the e-Filing System is entitled to a paper copy of an electronically filed document. The filing party shall serve the non-registered party with the document in accordance with the applicable rules of the Court. Upon notification that its document has been accepted for e-Filing, the filing party shall print out a copy of the e-Filed document and mail it to the non-registered user at said user's last known address.
- d. The filing party is also responsible for the service of any proposed orders and entries submitted to the Court through the e-Filing System. Upon notification that its proposed order or entry has been approved by the Court and e-Filed, the clerk shall cause a copy to be mailed to all non-registered parties on that case, at those parties' last known addresses. The electronic notification appearing on a registered user's notifications page through the e-Filing System, along with the courtesy "Notice of Electronic Filing" e-mail delivered to the registered user's e-Filing-designated e-mail account, shall constitute service of that order or entry upon that party in accordance with the applicable rules of the Court.
- e. Pursuant to the Ohio Supreme Court's recently-adopted amendments to the Ohio Rules of Civil Procedure, specifically Civ.R. 5(B) and Civ.R. 6(D), as of August 1, 2020, parties served electronically shall no longer be entitled to the three-day extension of time to respond that they would otherwise be

entitled to if they were served by mail or by a commercial carrier service. This limitation to the application of "the three-day rule" applies only to documents served subsequent to the Complaint or Third-Party Complaint; it does not apply to responses to service of summons under Civ.R. 4 through Civ.R. 4.6.

- f. A filer who brings a document to the Clerk's office for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. Such a filer will have to print out (via the Clerk's print services and at a rate set by the Clerk, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties. However, such a filer shall serve all registered users on that case electronically via the e-Filing System (e-Service).
- g. Documents shall be filed under seal only with prior Court order.
- h. Notwithstanding the provisions in paragraph 4 above, which pertain to the service of a *copy* of a proposed order or entry once it has been signed by the judge and e-filed, including the service of a *copy* of a final judgment entry, which is the responsibility of the party who submitted the proposed order/entry, the Clerk of Courts has been and shall continue to be responsible for the service of a *notice* of a judgment pursuant to Civ.R. 58(B) and the appropriate notation of that service on the docket. With respect to parties who are registered users of the e-Filing System, the Clerk of Courts has been and shall continue to serve them with notice of a judgment pursuant to Civ.R. 58(B) electronically, through the e-Filing System. In such instances, the electronic notice will appear on the registered user's notifications page through the e-Filing System. With respect to parties who are not registered users of the e-Filing System, the Clerk of Courts has been and shall continue to serve them with notice of a judgment pursuant to Civ.R. 58(B) via regular mail with hard copy notices.

3. Service on Parties: Time to Respond or Act.

- a. E-Service of an electronically filed document shall be deemed complete when the registered user receives the notice appearing on his/her notifications page through the e-Filing System, notifying said user that the specific document has been e-Filed.
- b. Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the e-Filing System for e-Filing.
- c. The time to respond to documents received via e-Service or otherwise shall

be computed in accordance with the applicable rules of the Court. See Subsection K(2)(e) above for recent changes.

4. Failure of Electronic Service.

If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

L. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court.

- 1. Documents Filed Under Seal.** A party shall file documents to be sealed only after an order sealing the documents has been signed and journalized.

Unless otherwise ordered, all documents that are covered by a protective or other order requiring that they be filed under seal shall be submitted to the Clerk for filing in a securely sealed envelope.

The face of the envelope containing such documents shall contain a conspicuous notation that it contains "DOCUMENTS UNDER SEAL" or the equivalent. It shall also contain the case caption, a descriptive title of the document (unless such information has been included among the information ordered sealed), and the date of any order or reference to any statute permitting the item to be sealed.

The Clerk's file stamp and appropriate related information or markings shall be made on the face of the envelope. The Clerk shall file the document in accordance with any judicial order for sealing, or statute permitting filing under seal, and the Clerk's internal procedures for filing of sealed documents. If not prohibited by the order for sealing, the document shall be scanned, uploaded to the system, and reviewed for quality assurance. Once quality assurance is completed, the documents may be destroyed, unless otherwise ordered by the court or unless a request is made for the return of the document by the filing party. If the request is granted, the filing party shall provide the Court with the proper mailing materials for return of the document.

Should the documents be ordered unsealed and maintained in the case record, the Clerk shall change the electronic restriction of the document, which preserves the actual date of the filing of the document.

- 2. Documents to be presented to the Court for *in camera* review.** Any documents

submitted for *in camera* inspection shall be submitted to the assigned Judge outside the e-Filing System.

3. **Exhibits.** Every reasonable effort shall be made to submit all exhibits electronically whenever practicable. However, exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally. Such exhibits shall be accompanied by a cover page that contains the complete caption of the case, the case number and the assigned judge, and shall provide other information identifying the name and party designation of the filer. (Ex: "Exhibits in Support of Plaintiff John Doe's Motion for Summary Judgment").
4. **Notices of Appeal.** Notices of appeal may be either e-Filed or filed in conventional paper format. Counsel and pro se filers shall consult the Local Rules of the Fourth District Court of Appeals to determine the proper means of filing a specific notice of appeal.
5. **Record of Proceeding in Administrative Appeal Case Types.** Currently, the records of proceedings filed in administrative appeal case types shall be filed in conventional paper format.
6. **Vexatious Litigators.** Individuals who have been declared vexatious litigators pursuant to RC. §2323.52 will not be permitted to file documents electronically. The e-Filing System will not provide an individual who has been declared a vexatious litigator with a username and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the assigned Judge to file in that case. The Clerk's office will accept the filings from the vexatious litigators in paper format, as needed.
7. **Vision-Impaired Filers.** Due to limitations associated with the electronic readers used by some vision-impaired filers, vision-impaired attorney filers may petition the Court for leave to file in paper format. A motion seeking exemption from the mandatory e-Filing requirements may be filed in paper format.
8. **Court Ordered Restrictions.** In the event a filer has court ordered restrictions preventing him/her from being able to use or access a computer and/or the internet (ex: person found guilty of a sexually oriented offense with court-imposed computer restrictions), that filer will not be able to e-file but may file conventionally, in paper format. The Clerk's office will accept the filings from such a filer in paper format as well as any subsequent filings.
9. **Civil Protection Orders.** Any civil protection orders for the general division or domestic relations division shall be filed by conventional paper format.

10. Pro se Litigants – Pro se litigants shall be permitted to file in conventional paper format and are exempted from mandatory e-Filing.

M. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts shall be filed electronically. If ordered by the Court, deposition transcripts shall also be filed in paper using condensed or "minuscrit"® format, or other court approved method, and single-sided copying. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ.R. 30(E).

N. NON-PARTY FILERS

If a non-party entity receives an electronic document from the Court or the Clerk, and is asked to perform an act with respect to the same (serve it, obtain a signature, fill it out and submit it back to the Court/Clerk, etc.), it is that entity's responsibility to carry out the requested act, make the appropriate notations on the document/form, and then scan-in and upload the same for electronic filing back to the Court/Clerk if represented by an attorney or if proceeding pro se (not represented by an attorney) to present the document to the clerk for filing. Once the paper document has been scanned in and submitted electronically through the e-Filing System pursuant to the procedures identified herein, the electronic document becomes a part of the Court's official electronic record. Notwithstanding any entity-specific rules or statutes pertaining to records retention that may state otherwise, the non-party filer need not keep a paper copy of the electronically submitted document once the non-party filer received confirmation from the Clerk that the document has been reviewed and accepted for e-Filing.

O. FORCIBLE ENTRY AND DETAINER CASES

When filing a complaint in a forcible entry and detainer action that requests restitution of property, it shall be the plaintiff's responsibility to also fill out and submit for e-Filing the summons required to be served pursuant to Ohio Revised Code Chapter 1923.

The earliest date contained in the summons for the restitution hearing shall be either the first available Thursday 14 days after the filing of the complaint, or any Thursday thereafter that is not a legal holiday.

The summons shall indicate that the restitution hearing will start at 1:30 p.m., and that the hearing will be located in the assigned Judge's courtroom located on the 3rd floor, Athens County Courthouse, 1 S. Court Street, Athens, Ohio 45701.

The filer shall prepare and submit the summons after the complaint has been filed, and the clerk will not issue the service of process until the filer has issued the summons.

Parties should use the Court's form for summons located in the appendix.

P. COGNOVIT ACTIONS

Cognovit actions, which are subject to the mandatory e-Filing requirements of this Order, present a situation where the original cognovit notes need to be reviewed prior to the signing of the proposed cognovits judgment entries. Counsel in a cognovit action shall e-File the proposed cognovits judgment entry and shall e-File a copy of the original cognovit note. However, counsel must also present to the assigned Judge's chambers the original cognovit note, which shall be reviewed in paper format prior to the signing of the proposed cognovit judgment entry.

Q. MOTIONS TO CONSOLIDATE AND MOTIONS TO INTERVENE

1. Motions to Consolidate and Proposed Consolidation Orders

Pursuant to our Local Rules, motions to consolidate must be filed in all cases that are to be consolidated. In the event a filer is a party to one case that is to be consolidated but is not a party to the other case(s) to be consolidated, the motion to consolidate shall be filed electronically in the first case (or in all cases to which the filer is a party) and a note to the Clerk shall accompany that motion, requesting that the motion also be filed in the remaining case(s) to be consolidated.

All proposed consolidation orders shall be submitted electronically and shall bear the case captions for **all** cases to be consolidated. Because consolidation orders need to be signed by all Judges whose cases are affected by the consolidation, the electronically-submitted proposed consolidation orders will be printed by Court staff, will be hand-signed by all affected Judges, and will be filed by the Court in all affected cases.

The attorney/filer who submits a proposed consolidation order will receive a "judicial decline" notice associated with the order. The attorney/filer shall then check the noted reason for the decline and comply with the provided instructions, if necessary. It may be that the order is declined once all affected Judges have signed the same and the electronic version of the order is no longer needed. However, the noted reason for the decline could require further action from counsel with respect to the request to consolidate, i.e., file the motion in all cases to be consolidated.

All motions/filings subsequent to a consolidation must be filed in **all** cases that have been consolidated. If an attorney/filer fails to comply and does not file a motion subsequent to a consolidation in all consolidated cases, only the registered users who are associated with the case in which that motion is filed will receive electronic notice/e-Service of the newly-filed motion.

2. Motions to Intervene

An attorney/filer who needs to file a motion to intervene in a case in which he/she is not a party, shall first contact the Clerk of Courts and request that he/she be added in the e-Filing System as a non-party filer to that case. Otherwise, the attorney/filer will not be able to file the motion to intervene in that case.

R. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has then been scanned-in and uploaded to the e-Filing System, the electronic version of that document constitutes the official Court record.

S. USER FILING ERRORS AND TECHNICAL PROBLEMS

1. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's office. A filer cannot make changes to any document once it has been submitted and accepted for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable) will be rejected and the filer will be notified of the error(s) and the need to re-submit.

If the filer discovers an error in his/her submission that may be corrected

(e.g., having selected the incorrect document type), the filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. If the Clerk discovers the error after the document has been accepted, the Clerk shall immediately notify the filer of the error and the need to re-submit, if appropriate. The Clerk will not delete the relevant docket text, but will annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted for e-Filing by the Clerk, only a Judge can strike the document in the event it has been filed in error.

In the unlikely event that user error on the part of the Clerk prevents a document from being timely filed, the filer may, upon satisfactory proof, petition the Court for an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

2. Technical Failures

The Clerk shall deem the e-Filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the web site, if possible.

a. Technical Issues on the Filer's End

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document, in PDF format, through the public access computer stations in the Clerk's office.

A filer who cannot submit a document electronically because of a problem on the filer's end may, with submission of satisfactory

proof, petition the Court for an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. However, counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

For an e-filer experiencing technical issues, the filing may be made by fax, provided that the filer promptly e-files the documents upon resolution of the technical issues.

b. Technical Issues With the E-Filing System

In the rare event that there is a technical failure that originates with the e-Filing System, whether the failure is anticipated or unexpected, the following provisions shall apply whenever the e-Filing System is down for longer than one hour after 10:00 a.m. on a given day:

- i. If the system outage is known and/or anticipated ahead of time, the Clerk's Office shall post a message on the Clerk's website and the e-Filing website, alerting filers of a possible system outage. Said message shall constitute an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe.
- ii. If the system outage is unexpected, the Clerk's Office shall post a message on the Clerk's website once the outage has been resolved. Said message shall constitute an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message. All reasonable efforts shall be made to post such a message within 24 hours of a resolved system outage or no later than 12:00 p.m. on the next business day after an unexpected system outage.
- iii. Filers who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an officially acknowledged system outage, shall be deemed to have timely submitted their filings.

The provisions outlined above do not apply in instances where the technical problems are on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems. A filer who cannot submit a document electronically because of a problem on the filer's end must file the document through the public access computer stations in the Clerk's office.

T. METHOD OF PAYMENT

In all e-Filing case types, deposits as security for costs, filing fees and all other costs shall be paid by credit card at the time a document is submitted for e-Filing.

When paying *pro se* parties file paper documents, deposits as security for costs, filing fees and all other costs shall be paid by credit card, debit card or by any other method approved by the Clerk at the time a document is submitted for filing.

Prisoners and some *pro se* filers who qualify for indigent status, along with some government agencies, and Southeastern Ohio Legal Services (SEOLS), will need to have their costs deferred, and the Clerk and/or the Court will need to validate that those parties are in fact indigent or that they represent a qualifying government agency. Agencies and others may make application and be exempted if authorized by the Court.

E-filing fees and court costs can be found on the Athens Ohio Clerk of Courts website (www.co.athensoh.org/departments/clerk_of_courts/index.php).

1. Approval of Affidavit of Indigence/Indigency:

a. In-Person Presentation of Affidavit of Indigence/Indigency

- i) When an indigent party presents to the Clerk, in person, documents to be filed, and those documents are accompanied by an affidavit of indigency, the Clerk will file said documents.
- ii) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.
- iii) The affidavit of indigency will then be reviewed by the judge/magistrate assigned to that case.
- iv) In the event the affidavit of indigency is rejected by the assigned judge or magistrate and, after proper notice, the indigent party

fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

b. When Affidavit of Indigency is Mailed to the Clerk

- i) When an indigent party mails to the Clerk documents to be filed, and the documents are accompanied by an affidavit of indigence, the Clerk shall file the documents;
- ii) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.
- iii) The affidavit of indigency will then be reviewed by the judge or magistrate assigned to that case.
- iv) In the event the affidavit of indigency is rejected by the assigned judge or magistrate and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

2. **Fee Deferral for Certain Government Agencies.** If a filer is a government agency or other entity from which pre-payments are not required by statute, rule or practice, the documents submitted for e-Filing by that filer must include a clear indication that they are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing.

U. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically, including the process for filing an affidavit of indigency.

V. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public can view and print e-Filed documents on public access computer stations located in the Law Library. Users shall be charged for printed copies of documents at rates established by the Law Library. Alternatively, copies and certified copies of documents may be obtained from the clerk upon paying any copy and related fees set forth by the Clerk.

W. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective 1st day of January, 2021.

SO ORDERED:

George McCarthy, Presiding Judge
Athens County Common Pleas Court, General Division

Patrick Lang, Administrative Judge
Athens County Common Pleas Court, General Division

Rev. 1/1/2021

IN THE COMMON PLEAS COURT OF ATHENS COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

**IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS**

ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

On June 19, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began a phased implementation of a new electronic filing system ("the e-Filing System"). The phased implementation began with a pilot project that included select participants and case types.

On September 1, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began "go-live" e-Filing for all domestic relations case types. On January 1, 2020, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began encouraging e-Filing for all domestic relations cases except Athens County Child Support Enforcement Agency ("CSEA") cases. Paper filings were still being accepted during this transition period to mandatory e-Filing for attorneys.

Pro-se litigants (persons representing themselves without an attorney) are exempted from mandatory e-Filing and may file in the traditional method of providing their paper documents to the Clerk for filing.

The Athens County Common Pleas Court Division of Domestic Relations shall implement mandatory e-filing for attorneys for the following case types as outlined below:

<u>Case Type</u>	<u>Mandatory e-File "Go-Live" Date</u>
Divorce Cases-with and without children	January 1, 2021
Dissolutions-with and without children	January 1, 2021
Legal Separations	January 1, 2021
Annulments	January 1, 2021
Complaint for Child Support	January 1, 2021
Complaint for Custody/Parentage	January 1, 2021
Athens County CSEA filings	January 1, 2021
All Other Filings	January 1, 2021

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Athens County Clerk of Courts ("the Clerk") and the Athens County Common

Pleas Court Division of Domestic Relations (“the Court”) hereby adopt the following Administrative Order governing electronic filing (“e-Filing”).

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order or change the mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental order or local rule.

This Administrative Order applies to all filers (party filers and non-party filers). Any and all persons or entities who need to file anything in a mandatory e-File case type, unless specifically excluded from that requirement elsewhere in this Order, shall file their documents electronically, as outlined herein. Pro-se litigants (persons representing themselves without an attorney) are exempted from mandatory e-Filing and may file in the traditional method of providing their paper documents to the Clerk for filing.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

A. Case Type. A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.

B. Clerk. The Clerk of Courts for the Athens County Common Pleas Court, as defined by the Ohio Revised Code.

C. Clerk Review. A preliminary review of electronically submitted documents by the Clerk in accordance with Court rules, policies, procedures, and practices. Court clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court rules, policies and procedures, they will be accepted by the Clerk for e-Filing. If the submitted documents do not comply with the applicable Court rules, policies and procedures, they will not be accepted for e-Filing and the Clerk shall notify the filer of the deficiency or problem with the submission.

D. Case Management System (“CMS”). A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

E. Confidentiality or Confidential. All documents submitted for e-Filing shall be confidential until accepted by the Clerk.

F. Court Electronic Record. Any document received in electronic form, recorded in the Court’s Case Management System and stored in the Document Management System.

“Court Electronic Record” will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. “Court Electronic Record” will not include physical evidence or exhibits that are not able to be captured in electronic format.

G. Document. A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to the electronic record, not to include electronic media.

H. Document Management System (“DMS”). A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.

I. Electronic. Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities. “Electronic” is not meant to encompass activities involving facsimile transmission.

J. Electronic Filing (e-Filing). The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.

K. Electronic Service (e-Service). The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.

L. Electronic Signature. An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.

M. Electronic Record. A record created, generated, sent, communicated, received or stored by electronic means.

N. Filer/Filing Party. Any person, agency or entity that is filing a document in a case pending in the Athens County Common Pleas Court. The use of the words “filer” and “filing party” shall include party and non-party filers.

O. Mandatory Case Types. All domestic relations case types pursuant to the schedule contained in this Order with the exceptions noted herein.

P. Original Document. A document that becomes part of the Court record.

Q. Registered User. A person who has read and agreed to the terms of the e-Filing System’s User Agreement, has provided his/her credentials through the e-Filing System providing his/her identity, and has been provided with a username and password through the e-Filing System.

III. ELECTRONIC FILING IN MANDATORY E-FILE TYPES

Pursuant to the schedule listed in Section I and as of the “go-live” date listed therein, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System. Subject to the exceptions listed in Section XI, the Clerk shall not accept for filing or file any documents in paper format in mandatory e-File case types, except as provided otherwise in the rules.

Parties (and non-party filers) shall electronically file their documents by registering to use the Court’s e-File System. If a filer does not have internet access, the filer can use the Clerk’s public access computer station, located in the Law Library, to register to use the e-Filing System and to then file his/her/its documents electronically.

As of the dates listed below, the Clerk shall no longer accept for filing or file any documents via facsimile in these case types:

<u>Case Type</u>	<u>Mandatory e-File “Go-Live” Date</u>
Divorce Cases-with and without children	January 1, 2021
Dissolutions-with and without children	January 1, 2021
Legal Separations	January 1, 2021
Annulments	January 1, 2021
Complaint for Child Support	January 1, 2021
Complaint for Custody/Parentage	January 1, 2021
Athens County CSEA filings	January 1, 2021
All Other Filings	January 1, 2021

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types shall be registered as users in the e-Filing System except as provided below..

A. Documents Submitted in Person. Other than pro se persons, if an attorney representing a party, or any other person/filer presents a document in person to the Clerk’s office for filing in hard-copy/paper format, and that person/filer is not a registered user of the e-Filing System, the filer shall be directed to a computer station in the Law Library for registration purposes provided they have an email address that they can readily access and view documents. The Clerk or other designated person shall provide assistance to the filer during the registration process, if needed, but the Clerk shall not be designated as a filer of any of these documents. Once the filer is a registered user of the e-Filing System, their document(s) will be submitted through the e-Filing System.

B. Documents Received by Mail from Attorneys

1. If the Court or Clerk receives, via mail, documents to be filed from a licensed attorney, the documents will be returned to the filer with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically.

2. However, the Clerk may process, subject to Clerk Review, pro se filings, and Notices of Appeals to initiate an appeal, provided that the required deposit and/or filing fees have been paid. All subsequent filings in any case so initiated, where the case is a mandatory e-File case type, must be e-Filed unless exempted by the rules.

C. Documents Received from Paying Pro Se Litigants

1. If the Court or Clerk receives, via mail, documents to be filed from a pro se party, the Clerk's office will register the party as a user in the e-Filing System, if the party has provided an email address, and that party will receive electronic notification and service. If the party has NOT provided an email address, the Clerk's office will accept the paper filing for processing.

2. For those pro se litigants who have provided an email address AND have submitted proper payment of deposit and/or filing fees, the Clerk will process the documents and scan-in and upload the submitted documents to the Clerk's case management system on the pro se party's behalf.

3. The Clerk will then e-File the same through the e-Filing System, listing the pro se party as the filer.

4. All subsequent filings in any case so initiated, subject to the Clerk's review, may be similarly process by the Clerk.

D. Documents Received From Indigent Litigants. Please refer to Section XVII.

E. Authorization. Parties to an assigned e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. By definition, parties filing electronically or receiving electronic service of any documents filed shall become participants in the e-Filing System.

V. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password

that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique username and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VI. PRO SE LITIGANTS

Pro se litigants who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

A. The Clerk should advise the pro se party that there is a public access computer station, located in the Law Library, from which the pro se litigant (and any other litigant or filer) may register and use the e-Filing System provided the e-filer has an email address that they can readily access and view documents. If they do not such an email address the pleadings will continue to be mailed to their physical address on file.

B. Alternatively, the Clerk shall accept and process paper filings from pro se filers as they have traditionally done prior to e-filing being required.

C. The pro se party may present proposed orders/entries in either a Microsoft Word compatible format or Portable Document Format (PDF), unless the format is specified by the Assignment Commissioner or assigned Judge/Magistrate, and shall reference the specific motions to which they apply.

D. The pro se litigant may e-File his/her documents through the e-Filing System. The pro se litigant may apply to the Clerk for an e-filing electronic identifier (user name) as stated in Section V. Any proposed orders/entries can then be uploaded to the e-Filing System as outlined above in C.

E. If the pro se litigant has not provided an e-mail address for himself/herself, they will not receive e-mail notifications, however they will receive electronic notification if they log into their account. If the pro se litigant has provided such an e-mail address, the pro se litigant will receive electronic service and notification.

VII. APPOINTED COUNSEL BILLING

Appointed Counsel shall follow the instructions contained on the Court's website regarding billing and e-Filing, which will be updated periodically as necessary.

VIII. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders/entries. Proposed orders/entries may be submitted in either Portable Document Format (PDF) or a Microsoft Word compatible format (however they shall be submitted in whichever format requested Judge or Magistrate assigned to the case), and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the proposed orders to the assigned Judge or Magistrate.

A. Size of Filing. Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.

B. Font Style and Size. Documents created for e-Filing shall be double-spaced, in either Times New Roman or Arial font style and at least 12 point type. An exception is made for state-mandated CSEA forms, civil protection order forms, or any other mandated court forms.

C. Signatures.

1. Attorney's/Filer's Signature. Documents filed electronically with the Clerk that require an attorney's or a filer's signature shall be signed with a conformed signature of "/s/ (name)" (if not an actual physical signature). Pleadings shall be formatted in this manner as follows:

/s/ Attorney Name or Signature Image (if filing electronically), or Actual Signature
Attorney Name (Supreme Court ID Number)
Attorney for (Plaintiff/Defendant) XYZ Corporation
ABC Law Firm
Address
Telephone
Fax
Email

The conformed signature on an electronically filed document, submitted through the use of the attorney's/filer's unique username and password, is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, and/or any other law.

2. Multiple Signatures. When a stipulation or other document requires two or more signatures (and there are not actual physical signatures):

a.) The filing party or attorney shall sign the stipulation or document him/herself as follows: “/s/ John Smith”.

b.) The filing party or attorney shall then confirm in writing that the contents of the documents are acceptable to all persons required to sign the document. The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, along with the method they obtained the agreement (i.e. via email), usually on the signature line.

c.) The filing party or attorney shall then file the document electronically, identifying all of the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

3. Third-Party Signatures and Signatures on Waivers of Service.

Documents containing signatures of third parties (i.e., affidavits, stipulations, etc.) and signatures on waiver of service shall be electronically filed only as scanned-in images with actual physical signatures.

4. Judge/Judicial Officer Signature. Electronic documents may be signed by a Judge, Magistrate or Judicial Officer via a digitized image of his or her signature superimposed over the Court seal (if they do not contain an actual physical signature). All decisions, orders, decrees, judgments and other documents signed in this manner, through the use of the Judge’s, Magistrate’s, or Judicial Officer’s unique username and password, shall have the same force and effect as if the Judge, Magistrate, or Judicial Officer had affixed his or her signature to a paper copy of the document.

Because proposed orders and entries submitted via the Court’s e-Filing System may be documents signed electronically, **the document must be a Microsoft Word document (doc or docx) and the signature line for the Court must have typed on it <{Magistrate Signature}> or <{Judge Signature}> or the submitted document will be rejected. Please refer to the template provided within the e-Filing system.**

Alternatively, proposed orders may be submitted in Adobe Acrobat (.PDF) form without “<{Magistrate Signature}>” or “<{Judge Signature}>” as the system only is able to insert a signature upon approval for documents created in Microsoft Word. Adobe submitted documents require the document to be downloaded, the signature added, and uploaded for processing which takes additional time.

IX. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

1. The e-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents. Any document submitted electronically to Domestic Court will not be considered filed until accepted at Clerk Review, however once accepted it will be deemed filed (except as provided in #3 below) and contain an

electronic stamp of the date and time it was submitted. Documents are typically processed the same business day or the next business day and viewable in the electronic system by the following day. Documents submitted after 4:00 p.m. on a business day may be accepted as filed that day, but be reviewed and posted to the system that next business day or the following business day and viewable in the electronic filing system the following day.

2. Upon receipt of submitted documents the e-Filing System will issue a confirmation that the documents have been received unless the user has elected not to receive email confirmations in their profile. The confirmation shall include the date and time of receipt. An e-Filer will receive subsequent notification through the e-Filing System that the documents have been accepted or rejected for filing. When accepted each document will receive an electronic stamp. This stamp will include the date and time the document was submitted by the filer.

3. While electronic documents may be submitted to the Court twenty-four (24) hours a day, seven (7) days a week, documents submitted on a Saturday, or Sunday, or Court holiday will be deemed filed on the following business day regardless of the electronic stamp. This does not in any way alter the provision of Civ.R. 6 that filing deadlines that fall on a Saturday, a Sunday or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or a legal holiday.

4. In the event the Court rejects a submitted document following Clerk Review, the document shall not become a part of the Official Court Record and the e-Filer will be required to resubmit the document to meet filing requirements.

5. Electronically filed documents will be deemed filed the day of submission through 11:59 pm.

X. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT OF COURT-CREATED DOCUMENTS

In all e-File case types, the Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court electronically, through the Court's e-Filing System, subject to the applicable provisions in the Court's local rules. The Court shall serve pro se litigants and parties who are not registered users of the Court's e-Filing System with paper copies of all notices, decisions, orders and other documents that are created by the Court.

The electronic transmission of a document that has been electronically signed by a Judge or Magistrate in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Rules of Superintendence, and the Local Rules of this Court.

XI. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Section A below, it shall be the responsibility of the filing party to serve all filings on all other parties in an e-File case. The filing party shall make service upon all other registered users of the e-Filing System electronically via the Court's authorized e-Filing System. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

A. Service of Original Complaint.

When submitting any Complaint or Third-Party Complaint for electronic filing, the filing party shall also submit a confidential disclosure of personal identifiers and instructions for service as required by the Ohio Rules of Civil Procedure. The Clerk shall issue a summons and process the method of service requested in accordance with the applicable Rules of Procedure. E-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure.

B. Service Copies.

When serving a pleading as outlined in Section A above, or if directed by Court Order, Rule or service instructions to serve paper copies of any other court documents, the Clerk shall cause service copies to be produced in lieu of service copies being furnished by the parties. In those situations, the Clerk shall charge a fee of \$0.25 per service copy produced and shall assess those fees as costs against the funds on deposit.

C. Service of Filings Subsequent to the Complaint.

1. When a document (other than and subsequent to a Complaint) is filed electronically in accordance with these procedures, the e-Filing System will generate a "Notice of Electronic Filing" to the filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service. If the recipient is a registered user, the "Notice of Electronic Filing" delivered to the user's e-Filing account shall constitute service of that document upon that party in accordance with the applicable rules of the Court.

2. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-Filing, and shall designate that date as the date of service of said document.

3. A party who is not a registered user of the e-Filing System is entitled to a paper copy of an electronically filed document. The filing party shall serve the non-registered user with the document in accordance with the applicable rules of the Court. Upon notification that its document has been accepted for e-Filing, the filing party shall print out a copy of the e-Filed document and mail it to the non-registered user at said user's last known address.

4. The filing party is also responsible for the service of any proposed orders and entries submitted to the Court through the e-Filing System. Upon notification that its proposed order or entry has been approved by the Court and e-Filed, the Clerk shall send a printed copy of the e-Filed order or entry and mail it to all non-registered parties on that case, at those parties' last known addresses and an electronic copy to those registered in the e-Filing system. The "Notice of Electronic Filing" delivered to all registered users' e-Filing accounts shall constitute service of that order or entry upon those parties in accordance with the applicable rules of the Court.

5. Service upon a party or an attorney shall be made in accordance with Civ.R. 5(B) and Civ.R. 5(D). The Ohio Supreme Court recently adopted amendments to the Ohio Rules of Civil Procedure, specifically Civ.R. 5(B) and Civ.R. 5(D). Pursuant to these amendments, parties served electronically shall no longer be entitled to the three-day extension of time to respond that they would otherwise be entitled to if they were served by mail or by a commercial carrier series. This limitation to the application of the "three day rule" applies only to documents served subsequent to the Complaint.

6. A filer who brings a document to the Clerk's office for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. Such a filer will have to print out (via the Clerk's print services and at a rate set by the Clerk, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties. However, such a filer shall serve all registered users on that case electronically via the e-Filing System (e-Service).

7. Certain documents that contain non-public information such as Social Security numbers and financial account numbers such as Qualified Domestic Relations Orders and Division of Property Orders shall be filed in the clerk's case file's private non-public section provided that a redacted copy is simultaneously filed in the clerk's public file. Other documents shall be filed under seal only with prior Court order.

D. Service on Parties: Time to Respond or Act

1. E-Service of an electronically filed document shall be deemed complete when the registered user receives the "Notice of Electronic Filing" through the e-Filing System, notifying said user that the specified document has been e-Filed.

2. Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the e-Filing System for e-Filing.

3. The time to respond to documents received via e-Service or otherwise shall be computed in accordance with the applicable rules of the Court.

E. Failure of Electronic Service. If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

XII. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court.

A. Documents Filed Under Seal. A party shall file a document to be sealed only after an order sealing that document has been signed and journalized. The sealed documents will not be e-Filed, but physically presented to the Clerk's office along with a copy of the signed order.

B. Documents to be Presented to the Court for In Camera Review. Any documents submitted for in camera inspection shall be submitted to the assigned Judge or Magistrate outside the e-Filing System.

C. Exhibits and Transcripts. Every reasonable effort shall be made to submit all exhibits and transcripts electronically whenever practicable. However, exhibits, transcripts or other items that cannot be captured or stored in an electronic format or that are too large, so it is impractical to file, may be filed and served conventionally. Such exhibits and transcripts shall be identified by a cover page using the caption of the case, the case number and the assigned judge/magistrate, and shall provide other information identifying the name and party designated of the filer. Example: "Exhibits in Support of Plaintiff John Doe's Motion for Summary Judgment."

D. Notices of Appeal. The Local Rules of the Fourth District Court of Appeals allows notices of appeal to be filed either electronically or in paper form, depending on whether the case type of the case being appealed is subject to mandatory e-Filing. Counsel shall consult the Local Rules of the Fourth District Court of Appeals to determine the proper means of filing a specific notice of appeal.

E. Continuances. Attorneys and pro se litigants may file motions to continue conventionally in paper form or may remotely prepare and present continuances through the e-Filing System. Electronic submission of a proposed continuance entry continuing a case or extending a deadline does not guarantee court approval merely because it was submitted prior to the upcoming court date and time.

F. Civil Protection Orders. The civil protection order clerks will continue to aid Petitioners when filing for a civil protection order. Neither attorneys nor pro se litigants will remotely e-File the Petition for Civil Protection Order and related necessary documents.

G. Subpoenas. Subpoenas currently cannot be filed electronically. Therefore they may continue to be filed conventionally in paper format. Subpoenas may be permitted to be filed electronically once the capability is available in the case management system.

H. Vision-Impaired Filers. Due to limitations associated with the electronic readers used by some vision-impaired filers, vision-impaired attorney filers may petition the Court for leave to file in paper format. A motion seeking exemption from the mandatory e-Filing requirements may be filed in paper format.

I. Vexatious Litigators. Individuals who have been deemed vexatious litigators pursuant to R.C. 2323.52 will not be permitted to file documents electronically. The e-Filing System will not provide an individual who has been declared a vexatious litigator with a username and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the assigned Judge to file in that case. The Clerk's office will accept the filings from the vexatious litigator in paper format, as needed.

XIII. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts may be filed electronically or conventionally in paper form. If the transcript is too large to file electronically it may be submitted in paper form. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ.R. 30(E).

XIV. NON-PARTY FILERS

If a non-party entity receives an electronic document from the Court or the Clerk, and is asked to perform an act with respect to the same (serve it, obtain a signature, fill it out and submit it back to the Court/Clerk, etc.), it is that entity's responsibility to carry out the requested act, make the appropriate notations on the document/form, and then scan-in and upload the same for electronic filing back to the Court/Clerk. Once the paper document has been scanned in and submitted electronically through the e-Filing System pursuant to the procedures identified herein, the electronic document becomes a part of the Court's official electronic record. Notwithstanding any entity-specific rules or statutes pertaining to records retention that may state otherwise, the non-party filer need not keep a paper copy of the electronically submitted document once the non-party filer receives confirmation from the Clerk that the document has been reviewed and accepted for e-Filing.

XV. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has been scanned in and uploaded to the e-Filing System, the electronic version of that document constitutes the Official Court Record.

XVI. USER FILING ERRORS AND TECHNICAL PROBLEMS

A. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's office. A filer cannot make changes to any document once it has been submitted and accepted for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable) will be rejected and the filer will be notified of the error(s) and the need to re-submit.

If the filer discovers an error in their submission that may be corrected, such as having chosen the incorrect document type, the filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. If the Clerk discovers the error after it has been accepted, the Clerk shall immediately notify the filer of the error and the need to resubmit, if appropriate. The Clerk will not delete the relevant docket text, but will annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted for e-Filing by the Clerk, only a Judge can strike the document in the event it has been filed in error.

B. Technical Failures

The Clerk shall deem the e-Filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the website, if possible.

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document, through the public access computer station, located in the Law Library.

If a document submitted electronically for filing is not filed with the Court because of an error in the transmission of the document to the e-Filing System, whether that error originates with the e-Filing System or at the filer's end, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

XVII. METHOD OF PAYMENT

In all mandatory e-File case types deposits as security for costs, filing fees, and all other costs shall be paid by credit card or debit card at the time a document is submitted for e-Filing.

Pro se filers shall pay deposits as security for costs, filing fees, and all other costs at the time a document is submitted for filing.

Prisoners and some pro se filers who qualify for indigent status, along with some government agencies, will need to have their costs deferred, and the Clerk and/or the Court will need to validate that those parties are in fact indigent or that they represent a qualifying government agency.

A. Approval of Affidavit of Indigency

1. In-Person Presentation of Affidavit of Indigency

a.) When an indigent party presents to the Clerk, in person, documents to be filed, and those documents are accompanied by an affidavit of indigency, the Clerk will direct said party to a public access computer station to register as a user of the e-Filing System. If necessary, the Clerk will assist said party with the registration process. The Clerk will scan in and upload in PDF format the documents to be e-Filed. The indigent party will then e-File his/her documents, including the affidavit of indigency and application to delay payment of the required deposit.

b.) Unless the indigent party has provided an email address for himself/herself, the indigent party will not receive electronic notification.

c.) The affidavit of indigency and application to delay payment of the required deposit will then be reviewed by the judge or magistrate.

d.) In the event the affidavit of indigency is rejected by the judge or magistrate, the court will give at least 30 days for the party to pay the applicable deposit, and if the deposit is not paid within 30 days, the filing may be dismissed.

2. When Affidavit of Indigency is Mailed to the Clerk

a.) When an indigent party mails to the Clerk documents to be filed, and the documents are accompanied by an affidavit of indigency, the Clerk shall: 1.) register the indigent party as a user of the e-Filing System; 2.) scan-in and upload in PDF format the submitted documents on the indigent party's behalf; and 3.) e-File the same through the e-Filing System on the indigent party's behalf, listing the indigent party as the filing party.

b.) Unless the indigent party has provided an email address for himself/herself, the indigent party will not receive electronic identification.

c.) The affidavit of indigency and application to delay payment of required deposit will then be reviewed by the judge or magistrate.

d.) In the event the affidavit of indigency is rejected by the judge or magistrate, the court will give at least 30 days for the party to pay the applicable deposit, and if the deposit is not paid within 30 days, the filing may be dismissed.

B. Fee Deferral for Certain Government Agencies/Other Entities. If a filer is a government agency or other entity from which pre-payments are not required by statute, rule or practice, the documents submitted for e-Filing by that filer must include a clear indication that they are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing. Costs are still assessed to the party filing a pleading even though prepayment is not required.

Entities that are exempt from pre-paying filing fees in domestic relations cases include:

1. Athens County Child Support Enforcement Agency
2. Southeastern Ohio Legal Services (S.E.O.L.S.)
3. Court-appointed Counsel

Other entities may obtain fee deferral upon application to and approval by the Court.

XVIII. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically, including the process for filing an affidavit of indigency. Individuals who have filed an affidavit of indigency and are found to be indigent are exempted from pre-pay filing but will be ordered to follow a payment plan to pay towards their initial security deposit. Pro se parties and non-parties shall pay for filing in the same manner as mandatory e-filers.

XIX. PUBLIC ACCESS COMPUTERS AND PRINT CHARGES

The public can view and print e-Filed documents on the Clerk's public access computer station located in the Law Library. Users shall be charged for printed copies of documents at rates established by the Law Library. Alternatively, copies and certified copies of documents may be obtained from the clerk upon paying any copy and related fees set forth by the Clerk.

XX. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective January 1, 2021.

SO ORDERED.

George McCarthy, Presiding Judge
Athens County Common Pleas Court

Patrick Lang, Administrative Judge
Athens County Common Pleas Court