



C O M M O N P L E A S C O U R T
G E N E R A L D I V I S I O N

Richard E. Berens, Administrative Judge
David A. Trimmer, Judge

FAIRFIELD COUNTY COMMON PLEAS COURT
GENERAL DIVISION

LOCAL RULES OF COURT



Last Revised: July 25, 2017

The rules hereinafter set forth shall apply to the General Division of the Court of Common Pleas of Fairfield County, Ohio. The purpose of these rules is to define local practices and procedures of this Court, consistent with the Rules of Superintendence, the Rules of Civil and Criminal Procedure, and such other rules as may be adopted or promulgated by the Supreme Court of Ohio pursuant to Section 5 of Article IV of the Ohio Constitution.

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I. GENERAL RULES

A. HOURS OF OPERATION. Regular sessions of Court shall be from 8:00 a.m. to 4:00 p.m., Monday through Friday, except for holidays provided for by law and such other occasions designated by the County Commissioners or otherwise approved by the Court. The Judges’ Offices and Court Services Office will close from 12:00 p.m. – 1:00 p.m. for lunch. The Clerk of Court’s Office will remain open during the lunch hour.

B. FILING INFORMATION. All documents must be filed in person with the Clerk of Court’s Office on the second floor of the Hall of Justice located at 224 E. Main St., Lancaster, OH 43130. Fax filing is permitted only in limited circumstances with prior approval by the Court as set forth below. All filed documents must comply with the following requirements:

1. CAPTION. All documents filed with the Court, whether prepared by an attorney or a self-represented litigant, shall include the names of the parties to the action, the case number, and the name of the Judge assigned to the case.

2. PAPER. All pleadings and papers filed with the Clerk of Courts shall be on 8 ½ x 11 inch white paper, single-sided and double-spaced unless otherwise permitted by the Court. All papers shall be securely bound in the upper left-hand corner by staple unless the size of said pleading makes such binding impractical. In such case, counsel shall contact the Court for further directions as to the binding of said pleading or papers. The foregoing shall not apply to exhibits filed with the Court or attached to pleadings or to official Court forms.

3. SIGNATURE BLOCK. All documents filed with the Court shall include the filer's name, Supreme Court attorney number (if applicable), office address (or home address if filing as a self-represented litigant), telephone number, e-mail, and fax number.

4. REDACTION. When filing any document with the Court, the filer must omit or redact personal identifiers from the document. The responsibility for omitting and/or redacting personal identifiers from a case document rests solely with the filer. Personal identifiers include social security numbers (except for the last four digits) as well as financial account numbers such as debit card or credit card numbers.

5. FAX FILING. Pleadings or other papers may be filed by facsimile with the Clerk of Court only under exigent circumstances and with prior approval of the respective Judge.

a. PAGE LIMIT. Any filing being transmitted to the Court by fax shall be limited to no more than 10 pages.

b. ORIGINAL. If approval is given, the faxed document shall be deemed the original and filed in as such. The sending party must maintain possession of the source document and make it available for inspection by the Court upon request. The Court will not make any additional copies for the parties. The filing party is required to serve a copy of the faxed motion on all parties and/or counsel as required by the Rules of Civil and Criminal Procedure.

c. DATE FILED. The filing will be deemed filed the day it is received; however, if the document is transmitted after 4:00 p.m., it will be deemed filed on the next business day of the Court.

C. SCHEDULE OF COSTS. The schedule of costs for the Fairfield County Common Pleas Court may be found online at www.fairfieldcountyclerk.com. Parties and/or counsel shall be responsible for verifying the current court costs by contacting the Fairfield County Clerk of Courts at (740) 652-7360 or online at www.fairfieldcountyclerk.com.

1. HOW PAID.

a. COURT COSTS AND COMMUNITY CONTROL FEES.

Individuals may pay court costs or community control fees either online at www.fairfieldcountyclerk.com or by phone at 740-652-7360. For questions regarding court costs please contact the Clerk of Court's Administrative/Fiscal Department at 740-652-7356. For questions regarding community control fees please contact the Community Control Department at 740-652-7340.

b. FINES FOR TRAFFIC CITATIONS. Traffic fines must be processed through the Fairfield County Municipal Court (740-687-6621, ext. 5).

c. STATE TAX LIENS. Resolving state tax liens is a two-step process. State of Ohio tax liens must be paid in full through the State of Ohio before they can be released by the Clerk's Office. The State of Ohio's toll free number is 888-301-8885. After the lien has been paid in full with the State, it must then be released through the Fairfield County Clerk of Courts. The cost to release a lien is \$40.00 per lien. This cost can be paid either online at www.fairfieldcountyclerk.com or by phone at 740-652-7360.

d. COLLECTIONS. Some cases may be forwarded to the Ohio Attorney General's Office for collections. If your case is in collections, the Clerk is no longer able to accept payment. Instead, individuals must contact the Ohio Attorney General's office at 888-871-8838 or pay online at www.OhioAttorneyGeneral.gov/business/pay.

2. STATEMENT AND EXECUTION FOR COSTS. The Clerk shall keep a list of all unpaid and accrued costs in all proceedings where costs have been taxed and shall send statements to all parties against whom costs have been taxed at least once every two months. If, after two such notices the costs have not been paid, the Clerk shall issue a Certificate of Judgment for the amount of such costs without further order of the Court.

D. COURT SERVICE BOX. Mailboxes in the Clerk's Office are available for attorneys who prefer to accept service in this manner. Service on an attorney

shall be considered complete on the day following placement therein. Availability of the boxes shall be designated by the Clerk of Courts.

If an attorney no longer prefers to accept service through a Court mailbox, he or she is required to notify the Clerk's Office immediately.

E. CONTINUANCES.

1. HOW REQUESTED. Except in cases of emergency or by order of the Court, any motion for continuance must be in writing. The motion must set forth the reason justifying the request and the number of previous continuances granted. The motion must also specifically state that counsel consulted or attempted to consult with opposing counsel about the continuance.

2. SUPPORTING DOCUMENTATION. Where an attorney requests a continuance on the ground that the hearing date conflicts with another matter on the attorney's schedule, the motion shall contain documentation reflecting the conflicting date in the other court. If the conflict is not with another court date, the attorney shall provide sufficient documentation to support the request for continuance. Failure to provide documentation in support of a motion may result in the request for continuance being denied.

3. PROPOSED ENTRY. All motions for continuance shall be accompanied by a proposed entry ordering the reassignment of the case with blank spaces for a date and time to be determined by Court.

F. PUBLIC RECORDS. The Court and Clerk's Office shall make records available by direct access, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time in accordance with the Ohio Rules of Superintendence.

1. COSTS. The Clerk of Court may charge its actual costs incurred in responding to a request for direct access to a court record, and may require a deposit of the estimated actual costs.

2. SEALED RECORDS. Upon its own motion or the motion of a party, the Court may restrict public access to case documents if it determines that certain factors justify restricting public access. Individuals seeking access to sealed documents may do so by filing a written motion with the Court. If the Court finds the motion well-taken, the sealed records will be made available for inspection at the Court. Individuals will not be permitted to remove or make copies of any sealed records.

3. REMOVAL OF FILES. No files shall be removed from the Offices of the Court or the Offices of the Clerk of Courts unless with permission of the Court.

G. OFFICIAL RECORD OF PROCEEDINGS. Unless otherwise ordered by the Court, all matters of record shall be preserved by digital recording and maintained indefinitely. To review a recorded court proceeding, an individual may request either an audio recording or an official transcript from the Court.

1. AUDIO RECORDING. Any party or interested person may request an audio CD of court proceedings that were conducted on the record. To do so, the individual must contact the Court's Court Services Coordinator and be able to pick up the CD at the Hall of Justice within 14 days of the request.

a. WARNINGS AND LIMITATIONS. The Fairfield County Court of Common Pleas does not warrant the accuracy or completeness of the information contained in any data provided electronically. Therefore, any written transcription of the contents of the audio file is not the official transcript of the case and may not be used during any proceeding for which an official transcript is required.

b. SEALED PROCEEDINGS. Some proceedings may be sealed. If an individual is requesting an audio CD of a sealed hearing, he or she must obtain permission from the Court prior to receiving a recording of those proceedings.

c. PLAYBACK SOFTWARE. In order to play the contents of the requested audio recording, it is the responsibility of the requester to download the software necessary to play the recording, specifically the "FTR Player." This software can be downloaded free of charge at www.fortherecord.com.

2. OFFICIAL TRANSCRIPT.

a. PROCESS. To request an official transcript, a party must complete, file, and serve the designated Court Reporter with a Praecipe for Transcript. The praecipe must contain a detailed description of the hearings to be transcribed. Further, if the transcript request is being made on behalf of an indigent defendant, counsel must file a motion requesting the transcript be prepared at the State's expense. Template motions and entries are available on the Court's website at <http://www.co.fairfield.oh.us/Commonpleas/forms.html>.

Individuals are encouraged to contact the Court's Court Services Coordinator with any questions regarding the preparation of an official transcript.

b. COSTS. The rates per page to be charged by the designated Court Reporter to prepare an official transcript of any Court proceedings are set and established as follows:

Regular Rate: \$5.50 per page (cost includes original transcript to be filed with the Court and one copy)

Expedited Rate: The designated Court Reporter has the right to charge an expedited rate when applicable. Expedited rates for transcripts provided at the State's expense for indigent defendants must be approved by the Court.

Additional Copies: If requested, an electronic copy will be provided by the designated Court Reporter at no charge. Additional hard copies may be obtained from the Clerk's Office at the Clerk's copy rate.

The Court reserves the right to adjust the page rate for complex, expedited transcripts, excerpts of proceedings, or as is deemed appropriate by the Court.

H. PERMISSION TO SELF-RECORD. In accordance with the Rule 12 of Superintendence, the Court will permit the broadcasting, recording, televising or photographing of court proceedings that are open to the public as provided by Ohio law. However, prior written approval must be received from the Court before doing so. A Request for Broadcast template can be found on the Court's website at <http://www.co.fairfield.oh.us/Commonpleas/forms.html>.

1. LIMITATIONS. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while court is in session. There shall be no audio pickup or broadcast of conferences conducted between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge. Further, victims and witnesses have the right to object to being filmed, videotaped, recorded, or photographed.

2. REVOCATION OF PERMISSION. Upon the failure of any media representative to comply with the limitations set forth above or by the Judge during the hearing, the Court may revoke the permission to broadcast or photograph the trial or hearing.

I. MAGISTRATES. Magistrates shall be appointed by the Court and serve as full-time employees of the Court as provided by Civil Rule 53 and Criminal Rule 19, having all powers and duties as set forth therein and as ordered by the Court.

J. MEDIATION AND SETTLEMENT. The General Division of the Fairfield County Common Pleas Court does not have an alternative dispute program or mandatory mediation requirement, but does encourage the parties to engage in mediation and settlement negotiations whenever practicable.

If a case has been successfully mediated or settled outside of Court, the parties are to immediately notify the respective Judge's Assignment Commissioner by phone or e-mail. Counsel shall also promptly submit an order of dismissal following settlement of any case. If counsel fails to present such an order to the trial judge within 30 days or within such time as the Court directs, the judge may order the case dismissed for lack of prosecution.

K. SECURITY.

1. SUBJECT TO SEARCH. All persons entering the Hall of Justice will be subject to security procedures and potential search of any bag, case, or parcel. Discovery of any weapon or illicit substance will subject a person to prosecution and immediate removal from the premises.

2. WEAPONS ON PREMISES. No person, with the exception of a judge, law enforcement officer (who is acting within the scope of his or her duties while in the courthouse), and individuals conveying a deadly weapon or dangerous ordinance to be used as evidence in a pending criminal or civil action or proceeding (and who have notified the court deputies in advance), will be permitted to possess a deadly weapon or dangerous ordinance in the Hall of Justice. The weapons of other persons, even if they possess a valid permit for a concealed weapon, shall not be brought to nor secured in the courthouse or other court facility unless approved by the Court.

L. DECORUM. Food and beverages are prohibited in all courtrooms, and smoking is prohibited throughout the Hall of Justice. All children must be accompanied by an adult. Spectators and other patrons may not disturb court proceedings or the operation of the Court, Community Control Department, or Clerk's Office in any fashion. Patrons are expected to treat all Court, Community Control Department, and Clerk's Office staff with decency and respect. Any disturbance caused by a patron may subject the individual to removal from the Hall of Justice

II. CIVIL RULES

A. RULES APPLICABLE TO ALL CIVIL CASES.

1. CIVIL INFORMATION SHEET. All civil filings must be accompanied by a completed Civil Information Sheet. This document is available on the Court's website as well as in the Clerk's Office.

2. ASSIGNMENT. Upon filing or transfer to the General Division of the court, a civil case shall be assigned by lot to a judge who shall be primarily responsible for the case until its termination or reassignment. Any case refiled after dismissal shall be reassigned to the judge who was assigned to hear the case as of the time of dismissal.

3. REASSIGNMENT. Any judge appointed or elected to succeed another shall take over the cases of the predecessor judge. The Administrative Judge may reassign cases for a judge who is ill, for a judge involved in a prolonged or unusual case, or for any urgent necessity which justice requires.

4. MOTIONS.

a. ACCOMPANYING DOCUMENTS. All motions shall be accompanied by a supporting memorandum citing authorities relied upon and any underlying operative facts. In the absence of such memorandum, such motion may be disregarded by the Court. Parties are encouraged to submit a proposed order for consideration by the Court.

b. BRIEFING SCHEDULE. Upon the filing of a motion, the Court will, as soon as practicable, issue a Notice/Order setting response times and an oral or non-oral hearing date.

i. UNOPPOSED AND ROUTINE MOTIONS. Upon filing of a motion that concerns routine matters or that is agreed to by all the parties, the Court reserves the right to process the motion immediately, without scheduling a hearing. The party filing the motion shall submit a proposed agreed entry containing the approval of all counsel and/or self-represented litigants for the Court's consideration.

ii. REPLY MEMORANDA. Parties are not permitted to submit reply briefs in support of their motions unless they have first obtained leave of Court to do so, except in the case of a pending summary judgment motion. A party may file a reply brief as a matter of course, without leave, in support of

a motion for summary judgment.

c. LEAVE TO AMEND. A motion seeking leave to amend a pleading shall include a copy of the proposed amended pleading. If leave is granted, the party is required to file and serve anew the amended pleading as provided by the Ohio Rules of Civil Procedure.

5. SETTLEMENT. Counsel shall promptly submit an order of dismissal following settlement of any case. If counsel fail to present such an order to the trial judge within 30 days or within such time as the Court directs, the judge may order the case dismissed for lack of prosecution.

6. APPRAISERS' FEES. Appraisers' fees in all judicial sales conducted through the Fairfield County Sheriff's Office shall be \$150.00 per appraiser, except when the complexity of the appraisal is such that the \$150.00 fee is unreasonable for the amount of time and effort required to perform the appraisal. Whenever extraordinary fees are requested, the appraiser shall file an application with the Court for the additional fees showing good cause for the extraordinary fees. Any additional appraisal fee after the initial appraisal shall be \$75.00.

7. ALTERNATE DISPUTE RESOLUTION. The Court does not have an in-house mediation program. However, the Court encourages and approves the use of private alternative dispute resolution programs such as arbitration and mediation among the parties.

8. TECHNOLOGY CAPABILITIES AND EQUIPMENT. The Court will make audio visual equipment available for counsel, including a TV, an overhead document camera, a video projector, and a display screen for use at trial. Any additional equipment required by the parties must be furnished by counsel. Court staff will be available to instruct counsel on the operation of equipment and will help when possible, but counsel is solely responsible for operating the equipment or retaining someone who can operate the equipment. For questions about the Court's technological capabilities and equipment, parties should contact the respective Judge's bailiff.

9. EXHIBITS. Counsel shall submit a complete index of all exhibits to the Court when said exhibits are moved and admitted into evidence.

A. SIZE. Enlarged exhibits such as tri-fold boards, poster-size maps, or other oversized diagrams are permitted to be used during trial for demonstrative purposes. However, to be admitted and maintained by the Court, the offering party must be able to reduce

the exhibit to 8½ x 11 inches in size. At the conclusion of the trial, the Court will verify with the attorneys that the letter size exhibit or photograph is being substituted for the poster board or other large display, which will then be returned to the attorney.

B. DESTRUCTION. The Court will follow the Ohio Rules of Superintendence with regard to the destruction of exhibits admitted in all cases before the Court.

B. SPECIFIC CASE RULES.

1. ADMINISTRATIVE APPEALS. Once service is complete on all parties and the record of the administrative agency has been filed, counsel for appellant shall notify the Court in writing within five days of transmission, that the record has been filed and that a briefing schedule should be established. The Court will thereafter issue an Entry setting forth a briefing schedule and an oral or non-oral hearing date for final consideration.

2. TEMPORARY RESTRAINING ORDERS. Any party seeking a temporary restraining order must hand deliver the motion and all other supporting documentation to the respective Judge's office staff to ensure timely processing. A party must seek prior approval from the Court to be relieved from this requirement.

3. FORECLOSURE CASES.

a. COUNTY TREASURER AS PARTY. In all real property foreclosure actions where the Fairfield County Treasurer is named as a party defendant, the complaint shall be served on the Treasurer care of the Fairfield County Prosecutor, Civil Division.

The Fairfield County Treasurer ("Treasurer") need not file an answer to the complaint or any cross-claim. Additionally, the Treasurer need not be served with any answer or other pleading after the complaint unless any party challenges the (1) real estate taxes and/or assessments claimed by the Treasurer on the tax records either as to the amount or validity, or (2) the Treasurer's priority as having the first and best lien. In either case, service shall be made upon the Fairfield County Treasurer care of the Prosecutor's Office, Civil Division ("Prosecutor's Office"). In all foreclosure cases where the Fairfield County Treasurer need not answer, the Treasurer will also not be required to attend any hearings unless specifically directed to do so by the court.

In real property foreclosure actions where the Treasurer need not file an answer, the Treasurer's appearance will be presumed for purposes of jurisdiction and the court shall take judicial notice that the Treasurer has the first and best lien for taxes due and shall be deemed to have priority over all other liens.

After the real property is foreclosed upon, all motions requesting a confirmation of sale and proposed entries for confirmation of sale that include a request for a distribution of the proceeds shall first be submitted to the Prosecutor's Office no less than at least five (5) business days in advance and shall include the payment of any outstanding delinquent taxes, unpaid current year taxes (prorated to the date of sale), and all penalties and interest due. Any motion requesting a confirmation of sale or proposed entry for confirmation shall include a statement certifying that a copy of said motion or proposed entry has been served upon the Prosecutor's Office within the prescribed five (5) day time frame. If the Prosecutor's Office fails to respond to the submitted motions and/or entries, the Treasurer will be deemed to have no objections thereto. Motions requesting a confirmation of sale or proposed entries for confirmation of sale shall also include estimated current year taxes prorated to the sale date of the property.

b. SUMMARY JUDGMENT MOTIONS. All summary judgment motions in foreclosure cases shall be supported by evidentiary quality materials showing: (1) the movant is the holder of the note and mortgage, or is a party entitled to enforce the instrument; (2) if the movant is not the original mortgagee, the chain of assignments and transfers; (3) all conditions precedent have been met; (4) the mortgagor is in default; and (5) the amount of principal and interest due. *Wachovia Bank of Delaware, N.A. v. Jackson*, 5th Dist. No. 2010-CA-00291, 2011-Ohio-3203.

4. GARNISHMENT HEARINGS. If the debtor files a request for hearing on garnishment proceedings, the Court will schedule a hearing as prescribed by statute.

a. CREDITOR'S APPEARANCE REQUIRED. If the debtor requests a hearing, the creditor or the creditor's attorney is required to appear in-person at the hearing. Affidavits in lieu of appearance will not be accepted.

b. WHEN NO FUNDS AVAILABLE. If, after a hearing has been requested by the debtor, the creditor has received notice that there are no funds available for garnishment, the hearing will proceed as scheduled unless (1) the creditor or the creditor's attorney is able

to successfully contact the debtor and inform him/her that no funds are available and that a hearing is no longer necessary, and (2) informs the Magistrate's Assistant as such prior to the hearing date.

C. CIVIL CASE MANAGEMENT PLAN

1. CASE PROCESSING GOALS.

Mortgage Foreclosure:	12 months
Administrative Appeals:	9 months
Worker's Compensation:	12 months
Product Liability:	24 months
Professional Tort:	24 months
Other Torts:	24 months
All Other Civil:	24 months

2. SERVICE. Parties shall comply with the Ohio Rules of Civil Procedure and properly serve all necessary parties in a timely manner. Failure to do so may result in the Court dismissing the case for lack of prosecution.

3. INITIAL CONFERENCE. Once all parties are served, and after time has expired for the parties to file responsive pleadings, the Court will schedule, and send notice of, an initial conference. The initial conference may be held by phone or in person. The purpose of the conference will be to provide the Court with the current status of the pending litigation and to establish a scheduling order moving forward. If no responsive pleadings have been filed, or if the Court believes for some other reason that issuing a scheduling order is unnecessary, the Court may elect not to conduct an initial conference.

4. PRETRIAL CONFERENCE. The date of the Pretrial Conference will be scheduled during the Initial Conference.

a. PARTIES PRESENT. Unless excused by the Court, trial counsel and all parties (or representatives thereof with settlement authority) are required to be present.

b. PRETRIAL STATEMENT. On or before the date of Pretrial Conference, the parties shall file pretrial statements, serving opposing counsel with a copy. This statement shall include: (1) a brief statement of the facts of the case, indicating which are disputed and which are undisputed; (2) a statement of the issues of law that are disputed; (3) a list of all exhibits expected to be offered into evidence; (4) an itemization of all damages sought; (5)

the names and addresses of expert witnesses expected to be called by the parties; (6) the names and addresses of all lay witnesses expected to be called by the parties; (7) an estimate of the total time required for trial; (8) if a request for a jury view is to be made, a statement as to what items or objects are to be pointed out by the bailiff; and (9) a summary of the efforts made to settle the case up to the date of the Pretrial Conference. The pretrial statement shall be binding on the party submitting it. Amendments to the statement are permitted only with leave of the Court and for good cause shown.

5. TRIAL. A trial date will be scheduled either during the Initial Conference or at the Pretrial.

a. TRIAL PREREQUISITES. The following must be completed on or before 4:00 p.m. on the Friday prior to trial. If the Friday prior to the trial date is a Court holiday, the party is required to make said deposit on or before 4:00 p.m. noon on the preceding day that is not a Court holiday.

i. JURY DEPOSIT. Any party who has requested a jury in a civil case shall deposit \$700.00 with the Clerk of Courts. Failure to do so will constitute a waiver of a trial by jury. If both parties have requested a jury, only one party is required to post the deposit. Jury fees may be assessed as court costs. Under certain circumstances, the Court, in its discretion, may waive a jury deposit.

ii. JURY VIEW DEPOSIT. Any party who has requested a jury view in a civil case shall deposit \$250.00 with the Clerk of Courts. Failure to do so will constitute a waiver of a jury view. Generally, the party requesting the jury view shall be responsible for the entire cost of transporting jurors. However, if multiple parties request the jury view, the deposit shall be divided evenly between or among the parties.

iii. JURY INSTRUCTIONS. Parties must submit proposed jury instructions *specific to the issues for trial* as well as proposed jury interrogatories and verdict forms in the manner designated on the Scheduling Order.

b. JURY QUESTIONNAIRES. Requests for juror questionnaires should be directed to the Court's Court Services Coordinator. Juror questionnaires will be available for counsel to on the Wednesday of the week preceding trial. Counsel must either pick the questionnaires up from the Court Services

Coordinator at the Hall of Justice or request that the questionnaires be mailed to them by regular U.S. Mail. If mail service is requested, the Court does not guarantee that the questionnaires will be received prior to trial.

At the close of voir dire, any jury questionnaires and any and all copies thereof in the possession of trial counsel or counsel's staff shall be returned to the Court's Bailiff or Court Services Coordinator.

c. EXHIBIT AND WITNESS LISTS. At the close of trial, counsel for each party is required to submit a list of all witnesses and exhibits offered at trial.

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

D. NONCOMPLIANCE. If any party or attorney representing any party fails to comply with these rules, the Court may make such orders in regard to the failure as are just, including: (1) treating the failure as contempt of court; (2) requiring the party or the attorney or both to pay the reasonable expenses, including attorney's fees, caused by the noncompliance; (3) staying the proceedings; (4) dismissing the action or any part thereof; or (5) rendering a judgment by default against the noncompliant party.

III. CRIMINAL RULES

A. GRAND JURY.

1. **TERM.** The Judges of the General Division of the Court of Common Pleas shall preside over the Grand Jury during alternating terms of Court.

2. **SECRECY OF INDICTMENTS.**

a. **OBLIGATION OF SECRECY.** Pursuant to Criminal Rule 6(E), no grand juror, officer of the court, or other person shall disclose that an indictment has been found against a person before such indictment is filed and the case docketed. Once the indictment has been filed and docketed, no obligation of secrecy remains, except as provided in section (A)(2)(b).

b. **SEALED INDICTMENTS.** Upon its own motion, or a motion filed by the prosecuting attorney, the Court may order that the indictment be kept secret, even after the case is filed and docketed, until the defendant has been served with a warrant or summons and taken into custody or released pursuant to Criminal Rule 46. When such an order is issued, the indictment shall be kept under seal until the defendant has been taken into custody, released on bail, or otherwise served. In this event, no person shall disclose the finding of the indictment until after service has been perfected upon the accused, except as necessary for the issuance of a warrant or summons.

B. COURT-APPOINTED COUNSEL.

1. **APPLICATION.** Any attorney who seeks to be included on the Court's appointment list must submit an application with the Court. The application is available on the Court's website (www.co.fairfield.oh.us/Commonpleas/forms.html) or upon request to the Magistrate's Assistant. Once completed, the application is to be returned to the Court for processing. Any questions regarding the application should be directed to the Magistrate's Assistant.

2. **QUALIFICATIONS.** Attorneys must meet the qualification standards set forth by the Ohio Public Defender's Office. If counsel has a question about the level of felony that he or she is qualified to represent, counsel should contact the Ohio Public Defender's Office for further information.

3. APPOINTMENT. The Court appoints attorneys from a list maintained by the Court in a manner that ensures the equitable distribution of appointments. Specifically, the Court utilizes a rotary system that takes into account the complexity and nature of the cases as well as the qualifications and experiences of the attorney to be appointed. Specifically, the Court takes into account the following:

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

4. CONFLICT OR REFUSAL TO ACCEPT CASE. If the Court has appointed counsel to a particular case and counsel realizes he or she has a conflict or otherwise intends to refuse the appointment, he or she must contact the respective Judge's Assignment Commissioner within three business days of being appointed on the case.

5. REMOVAL. The Court retains discretion to remove any attorney from its court-appointed list if it believes that the attorney is unfit to represent the interests of his or her court-appointed clients. Examples of conduct that may provide a basis for removal include, but are not limited to: frequent tardiness, arriving at hearings unprepared, initiation of disciplinary proceedings by the bar, unethical behavior, overbilling, general incompetence, and/or disrespectful treatment of court, clerk, or community control staff.

6. FEES.

- a. TIME.** All court-appointed attorney fee applications shall be submitted no later than 30 days after the termination of the case. Failure to do so may result in the application being denied.

b. RATES. All time shall be billed in 6 minute increments (1/10 of an hour). Except for capital cases, time spent in court shall be billed at a rate of \$50.00 per hour. Time spent out of court working on the case shall be billed at a rate of \$40.00. Effective September 2017, the hourly rate for all capital (death penalty) cases shall be \$125.00 per hour.

c. MAXIMUM FEES. The Court hereby enacts the following Maximum Fee Guidelines:

TRIAL LEVEL PROCEEDINGS

Aggravated Murder (w/ specification)	\$40,000
Aggravated Murder (w/o specification)	\$6,000 (1 attorney) \$8,000 (2 attorneys)
Murder	\$3,000
Felonies of the 1st, 2nd, or 3rd Degree	\$2,000
Felonies of the 4th or 5th Degree	\$1,500
Misdemeanors	\$750
Parole, Community Control and any other unclassified proceedings	\$500

APPELLATE LEVEL PROCEEDINGS

Aggravated Murder (death penalty)	\$10,000
Aggravated Murder (no death penalty)	\$4,000
Murder	\$1,500
All Other Felonies	\$1,000
Misdemeanors	\$750

Attorneys seeking fees in excess of the amounts listed above are required to submit a motion and proposed order for extraordinary fees with the Judge who presided over the case.

d. SUPPORTING DOCUMENTATION. All fee applications shall be supported by (i) the defendant’s affidavit of indigency and (ii) the entry or order appointing counsel, if available.

e. HOW SUBMITTED. To be compensated, attorneys must submit the original (unstapled) and two stapled copies (one to be filed with the Clerk, the other to be given back to the attorney) to the Judge who presided over the case no later than 30 days from the termination of the case. Attorneys are required to include his or her vendor number on the fee application.

f. NON-COMPLIANCE. An attorney's failure to abide by the submission requirements set forth above may result in the Court denying or returning the fee application.

C. BAIL BONDS. One approved bail bondsman list for all Fairfield County courts will be maintained by the Clerk of the Common Pleas Court. Therefore, registration will be required at the Common Pleas Court only.

1. REGISTRATION. All bond agents and surety companies seeking to do business in Fairfield County shall register and file their required credentials by the first day of August of each odd numbered year in accordance with O.R.C. 3905.87. Registration after this date will require Court approval by the Common Pleas Court to be added to the approved list for Fairfield County. A registration application can be obtained by contacting the Fairfield County Clerk of Courts at (740) 652-7360 or online at www.fairfieldcountyclerk.com.

2. FAILURE TO PRODUCE. Notice will be sent to the bond agent or surety company upon a defendant's failure to appear. The bond agent or surety company will have at least 45 days to locate the defendant and secure his/her appearance before the Court. If the bond agent or surety company is unable to secure the defendant's appearance within this timeframe, judgment will be entered against the bail bond agent or surety company and the defendant's bond shall be forfeited.

3. CANCELLATION. Pursuant to R.C. 3905.932(K), a bail bond agent shall not execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent, which judgment has remained unpaid for at least 60 days, unless the full amount of the judgment is deposited with the Clerk of the Court.

Therefore, if a judgment remains unpaid for 60 days, registration with the Clerk of Courts pursuant to R.C. 3905.87 will be cancelled. Pursuant to R.C. 3905.87(A), the bail bond agent will not thereafter be permitted to post bonds at the Fairfield County Common Pleas Court, Fairfield County Municipal Court and Fairfield County Juvenile Court until the current obligations are met and credentials are submitted for registration during the next registration period.

D. APPLICATION FOR COMMUNITY CONTROL. In all cases in which a defendant intends to apply for community control, counsel for the defendant shall obtain an application for community control from the Court. The application is to be completed and submitted to the Court at or before the Pretrial Conference. The Court will accept late applications only upon good

cause shown. Individuals can obtain an application online at www.co.fairfield.oh.us/Commonpleas/forms.html, from the Court's Bailiff, or by contacting the Fairfield County Community Control Department at 740-652-7340.

E. INTERVENTION IN LIEU OF CONVICTION. Once a motion for intervention in lieu of conviction has been filed, it is the responsibility of the defendant to obtain an assessment prior to the scheduled hearing. A failure to do so may result in the Court's denial of the defendant's motion. Guidance regarding the ILC process can be found on the Court's website at www.co.fairfield.oh.us/Commonpleas/forms.html or by contacting the Community Control Department at 740-652-7340.

F. CBCF ASSESSMENTS. Assessments for admission into a Community Based Correctional Facility (CBCF), Halfway House, or any other residential treatment facility will only take place by order of the Court. Requests for assessments can be made on the record (at a Pretrial Conference or other hearing) or by way of a written motion filed with the Clerk. Verbal or written requests for assessments made to Community Control staff will not be acted upon.

G. JUDICIAL RELEASE. When seeking judicial release on behalf of a client, defense counsel must submit all of the following at the time the motion for judicial release is filed: (1) the motion for judicial release; (2) a proposed order setting the matter for a judicial release hearing; (3) a proposed warrant to remove, with all information completed except for the hearing date and time; and (4) a praecipe to serve, with all information completed except for the hearing date and time. Template forms are available on the Court's website at <http://www.co.fairfield.oh.us/Commonpleas/forms.html>.

Counsel should file his/her motion and then deliver a courtesy copy of the motion (filed), the proposed order (unfiled), the proposed warrant to remove (unfiled), and the praecipe (unfiled) to the Judge's Assignment Commissioner in chambers. All of these documents are to be delivered at the time the motion is filed.

H. RECOVERY COURT. The Fairfield County Common Pleas maintains a specialized docket for its Drug Recovery Court.

1. MISSION. It is the mission of the Recovery Court to provide intense, specialized, and individualized supervision and treatment to defendants with the aim of encouraging them to confront their addictions and problematic behavior and become productive members of society. This in turn will reduce the likelihood of recidivism and protect the community as a whole. These goals will be achieved through frequent contact with and direction from the Community Control Department,

counseling service, and the Court. Defendants will be held accountable for their behavior via periodic drug/alcohol testing, counseling reports, and in-court hearings, as well as the use of graduated sanctions and rehabilitative services.

2. ASSESSMENT. A defendant may be assessed for placement in Recovery Court upon motion by counsel or recommendation by the Court.

3. PLACEMENT. Recovery Court participants include persons sentenced to community control, either after serving a portion of their sentence in jail or prison or during a suspended sentence, and persons subject to community control as a condition of intervention in lieu of conviction. The underlying requirement is that all defendants demonstrate addictive or dependent drug or alcohol symptoms. Prospective participants must meet the following criteria:

- (a) he or she is (i) charged with an eligible offense or (ii) already on community control for an eligible offense with a pending motion to revoke. An eligible offense is considered any felony offense.
- (b) he or she completes a Recovery Court assessment and agrees to the terms and conditions set forth in the Recovery Court Handbook and Participant Agreement.
- (c) the Court approves the prospective participant's admission into the Recovery Court program and, after he or she pleads guilty to an eligible offense or admits to violating community control terms, the Court transfers his or her case to the specialized Recovery Court docket.

4. ADMITTANCE. Once the defendant is admitted to the Recovery Court, further proceedings concerning his or her case are stayed on the Court's regular docket pending successful completion of the Recovery Court program. While in the Recovery Court program, the defendant is expected to engage in programming and treatment, as well as attend Court hearings on a weekly, bi-monthly, or monthly basis. The expectations and requirements of the Court program are outlined in detail in the Recovery Court Handbook and Participant Agreement, which are available upon request to the Court's Community Control Department.

5. CASE ASSIGNMENT. Both General Division Judges will facilitate referrals to the Recovery Court specialized docket; however, only the designated Recovery Court Judge will preside over the Recovery Court. If the non-designated Recovery Court Judge seeks to refer a case to the

specialized Recovery Court docket, a transfer entry will be prepared and the case transferred to the Recovery Court Judge once the referred defendant completes his or her assessment and is determined eligible for the program. Once a case is transferred to the Recovery Court, the designated Recovery Court Judge will maintain precedence over those cases on which the defendant entered the program, regardless of continued participation or unsuccessful termination from the Recovery Court program.

6. DOCKET CASE MANAGEMENT. It is the mission of the Fairfield County Common Pleas Recovery Court to provide effective supervision of defendants, while facilitating focused counseling and treatment services. Detailed descriptions and outlines of program expectations, processes, and requirements are outlined in detail in the Recovery Court Handbook and Participant Agreement, which are available upon request to the Court's Community Control Department.

7. TERMINATION. A Recovery Court participant may be terminated from the Recovery Court in one of three ways.

a. SUCCESSFUL COMPLETION. A defendant is classified as successfully terminated from the Recovery Court when he or she completes all three phases of the Recovery Court program (outlined in detail in the Recovery Court Handbook), and any other special graduation conditions imposed by the Community Control Department or the designated Recovery Court Judge.

b. UNSUCCESSFUL TERMINATION. A defendant is terminated from Recovery Court for non-compliance with the program requirements. The treatment team and Community Control Department will make recommendations regarding termination, but the designated Recovery Court Judge retains final discretionary authority to terminate the participant from the program. Upon termination, the participant's case is reactivated and scheduled for a disposition hearing before the designated Recovery Court Judge.

c. NEUTRAL DISCHARGE. A defendant may be terminated from Recovery Court due to a serious medical or mental health condition, death, or any other event that may preclude the defendant from meeting the requirements for successful completion. If a defendant receives a neutral discharge from Recovery Court, the Court may, depending on the specific circumstance underlying the discharge, dismiss the case and/or order further medical or mental health evaluations and placements. In any event, upon termination, the defendant's case

is reactivated and scheduled for a hearing before the designated Recovery Court Judge.

I. RELEASE OF EVIDENCE. Once evidence is admitted as an exhibit in a criminal proceeding, it may not be withdrawn from the custody of the Court absent written order.

J. ENTRIES. It shall be the responsibility of the prosecuting attorney's office to timely prepare all criminal entries and rulings of the Court for journalization, unless otherwise directed by the Court. Such entries need not be submitted to defense counsel for approval prior to submission to the Court unless defense counsel requests, on the record, to be provided with a copy of the proposed entry for review.

K. COURTESY COPIES. Upon the filing of any motion, counsel is instructed to submit a courtesy copy of said motion to the respective Judge's Assignment Commissioner directly in chambers. If a courtesy copy is not provided, or is merely dropped off in the Clerk's Office, the Court cannot guarantee timely processing of the motion.

L. CRIMINAL CASE MANAGEMENT PLAN. The Court seeks to resolve, by trial or otherwise, all criminal cases no later than six months from the date the defendant was arrested or served with a summons.

1. CASES FILED BY COMPLAINT. Beginning July 10, 2017, all felony complaints will be filed directly with the Fairfield County Common Pleas Court. Therefore, felony complaints (formerly known as "CRA" cases) will no longer be heard by the Fairfield County Municipal Court.

a. INITIAL APPEARANCES. After the complaint is filed, the Court will schedule an initial appearance without unnecessary delay. Initial appearances will be conducted in-person for individuals who post bond or appear pursuant to a summons and by video for individuals in custody.

b. APPOINTMENT OF COUNSEL. Counsel will be appointed immediately following the initial appearance. Appointment will continue through indictment.

c. PRELIMINARY HEARINGS. Preliminary hearings will be held no later than ten days following arrest or service of summons if the defendant is in custody and not later than fifteen days following arrest or service of summons if the defendant has posted bond.

i. EXTENSIONS. These deadlines may be extended with the consent of the defendant and upon a showing of good cause, taking into account the public interest in the prompt disposition of criminal cases. If the defendant does not consent, time limits will only be extended as permitted by law.

ii. CANCELLATION. Preliminary hearings will automatically be removed from the Court's docket if the defendant is indicted or the case is dismissed.

2. CASES PROSECUTED BY DIRECT INDICTMENT.

a. GRAND JURY. Cases will be presented to the Grand Jury as soon as reasonably possible.

b. APPOINTMENT OF COUNSEL. Once the Court receives notice that the grand jury has returned an indictment against the defendant and the defendant has been served a copy of the indictment by warrant or summons, the Court will appoint counsel to represent the defendant at arraignment. If counsel has been retained in a particular case, counsel is to contact the Court immediately to schedule an arraignment and file a notice of appearance as soon as practicable.

c. ARRAIGNMENTS. Arraignments will be scheduled without unreasonable delay after the Court receives notice of the service of the indictment. Arraignments will be conducted in-person for individuals who post bond or appear pursuant to a summons and by video for individuals in custody.

d. BOND HEARINGS. Counsel may make oral arguments regarding bond at arraignment. Counsel may also file a written bond motion at a later date for consideration by the Court.

e. PRETRIAL CONFERENCE. Discovery shall be exchanged prior to the Pretrial Conference. Counsel should therefore be prepared to address all pretrial matters, including but not limited to: discovery issues, potential pretrial motions, plea offers, and future scheduling dates.

f. PLEA HEARINGS. Plea hearings shall be conducted as soon as practicable after the defendant has notified the Court of the defendant's intention to enter a change of plea. Counsel is required to inform court staff of the terms of the plea agreement prior to the scheduled plea hearing to facilitate the preparation of

plea paperwork.

g. JURY TRIALS.

i. JURY VIEW DEPOSIT. Except for cases involving indigent criminal defendants, the party or parties requesting a jury view shall be responsible for the entire cost for transportation of jurors. When a view of the premises is had in a jury trial, a request for payment, in the form of an invoice or voucher, submitted to the Court by the transportation provider shall be paid as follows:

1. CRIMINAL (NON-INDIGENT DEFENDANT). In the case of a jury view in a criminal trial, a non-indigent defendant shall deposit \$250.00 with the Clerk of Courts on or before 4:00 p.m. on the Friday prior to trial. If the Friday prior to the trial date is a Court holiday, the party is required to make said deposit on or before 4:00 p.m. on the preceding day that is not a Court holiday.

2. CRIMINAL (INDIGENT DEFENDANT). In the case of a jury view in a criminal trial, where the defendant is indigent, the government shall pay the expense of transporting the jurors to and from the scene. The Clerk of Courts shall assess as costs the expense of transporting the jurors to and from the scene.

ii. JURY QUESTIONNAIRES. Requests for juror questionnaires should be directed to the Court's Court Services Coordinator. Juror questionnaires will be available for counsel to review on the Wednesday preceding trial. Counsel must either pick up the questionnaires from the Court Services Coordinator at the Hall of Justice or request that the questionnaires be mailed to them by regular U.S. Mail. If mail service is requested, the Court cannot guarantee that the questionnaires will be received prior to trial.

At the close of voir dire, any jury questionnaires and any and all copies thereof in the possession of trial counsel or counsel's staff shall be returned to the Court's Bailiff or Court Services Coordinator.

IV. JURY MANAGEMENT PLAN

A. PURPOSE. The purpose of this plan is to establish, pursuant to Rule 5(B)(2) of the Rules of Superintendence for Courts of Ohio, a system for jury management that will achieve the prompt and fair disposition of civil and criminal cases and provide the Court with an efficient means of managing the Fairfield County jury system.

B. ADMINISTRATION OF THE JURY SYSTEM. The responsibility for administration of the jury system shall be vested exclusively in the Fairfield County Common Pleas Court, General Division through its Court Services Coordinator.

C. OPPORTUNITY FOR SERVICE. Jury service is an obligation of all qualified citizens of Fairfield County, Ohio. The opportunity for jury service shall not be denied nor 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 in the jurisdiction.

D. JURY POOL.

1. A list of all registered voters of Fairfield County, Ohio is obtained from the Fairfield County Board of Elections and entered into Jury View, a computer program purchased and maintained by the Court.
2. The Court Services Coordinator then provides lists of prospective jurors to the Fairfield County Municipal Court and the Fairfield County Common Pleas Court, General and Probate/Juvenile Divisions.
 - a. The Jury Commissioners shall periodically review the jury source list to ensure that it is as inclusive and representative of the adult population in the jurisdiction as is feasible.
 - b. Should the Court determine that improvement is needed, appropriate corrective action shall be taken.
3. Finally, a random selection program, which is considered by this Court to adequately assure the random selection of jurors, is utilized. Departures from the principle of random selection are appropriate only to comply with lawful exceptions and/or mandates.

E. ELIGIBILITY FOR JURY SERVICE. 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 Fairfield County;
4. Are not able to communicate in the English language;
5. Have been convicted of a felony or serious misdemeanor offense and have not had their civil rights restored.

F. NOTIFICATION AND SUMMONING PROCEDURES. Jurors will be sent a summons, notice, and questionnaire by ordinary mail. Jurors are to complete the questionnaire and call in and/or report as set forth in the summons and notice.

G. TERM OF JURY SERVICE. Petit Jurors shall be on call for a period of three weeks, and are required to call in each week to determine whether they need to report in-person to the Court. Grand Jurors shall be on call for a term of four months, and are required to serve on the Grand Jury once a week throughout the term.

H. DISCRIMINATION PROHIBITION. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work due to jury service.

I. EXCUSES AND DEFERRALS. Requests for excuses and deferrals shall be in writing and accompanied by a detailed explanation and documentation justifying the request. All requests should be directed to the Court Services Coordinator at 740-652-7433.

1. EXCUSES. Prospective jurors may be excused for the following reasons:

- a. Financial hardship;
- b. Personal or family illness;
- c. Child care hardship; or
- d. Employment responsibilities.

2. DEFERRALS. Jury service may be rescheduled for the following reasons:

- a. Vacation; or
- b. Employment.

J. CONSEQUENCES FOR FAILING TO CALL IN OR REPORT FOR DUTY. Your summons to appear as a juror is a court order. Failure to comply with the order can result in the imposition of sanctions provided under Ohio law, including the issuance of a warrant and the assessment of a fine.

K. JURY FACILITIES. The Court will provide an adequate and suitable environment for jurors, which will be conducive to reaching a fair verdict while minimizing contact with the parties, counsel, and the public.

L. JUROR SELECTION PROCESS

1. VOIR DIRE.

a. SCOPE. 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. The Court will ensure that the privacy and personal security of prospective jurors is reasonably protected, and that questioning is consistent with the purpose of the voir dire process.

b. RECORD. In all cases, the voir dire process shall be held on the record.

c. GENERAL RULES.

- i. The case may not be argued in any way while questioning the jurors.
- ii. Counsel may not engage in efforts to indoctrinate jurors.
- iii. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning matters such as the validity and philosophy of reasonable doubt or the presumption of innocence.
- iv. Under no circumstance shall jurors be asked what kind of verdict they might return.
- v. Questions are to be asked collectively of the entire panel whenever possible.

2. REMOVAL FROM THE JURY PANEL FOR CAUSE. If the Court determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, said individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Court.

3. PEREMPTORY CHALLENGES. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules and applicable statutory authority.

M. JUROR INSTRUCTIONS. In every case, the Court will give preliminary instructions to all prospective jurors. The Court will also give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note-taking, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles. Finally, prior to the commencement of deliberations, the Court will instruct the jury on the law, the appropriate procedures to be followed during deliberations, and the appropriate method for reporting the results of its deliberation. These instructions may be made available to the jurors in writing during the deliberations.

N. JUDGE-JUROR COMMUNICATIONS. All communication between the Judge and members of the jury panel from voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

O. JURY DELIBERATIONS. Jury deliberations will take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making. The Court will instruct the jury concerning appropriate procedures to be followed during deliberations. Jurors will not be required to deliberate after a reasonable hour unless the Court determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interests of justice.

P. SEQUESTRATION OF JURORS. A jury may be sequestered only for good cause, including, but not limited to, insulating its members from improper information or influences. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law. On all other cases, the Court 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. The Court will employ sequestration procedures and training protocols to achieve the purpose of sequestration while minimizing the inconvenience and discomfort of the sequestered jurors.

Q. INSTRUCTIONS UPON DISMISSAL. Before dismissing a jury at the conclusion of a case, the Judge will release the jurors from the duty of confidentiality; explain their rights regarding inquiries from counsel or the press; either advise them that they are discharged from service or specify when they must call or report; and express appreciation to the jurors for their service, without expressing approval or disapproval of the verdict.

R. JUROR COMPENSATION. Jurors will receive a reasonable fee for their service pursuant to statutory authority, which will be mailed by check no later than one month after they complete their last week of service.