



COMMON PLEAS COURT  
GENERAL DIVISION

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

FAIRFIELD COUNTY  
COMMON PLEAS COURT  
GENERAL DIVISION  
*Local Rules of Court*

SERVE • CONNECT • PROTECT

# GENERAL VISITOR INFORMATION

## 1. HOURS OF OPERATION

The Court, Clerk's Office, and Adult Probation Department will be open for business from 8:00 a.m. to 4:00 p.m. Monday through Friday. 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.

The Court, Clerk's Office, and Adult Probation Department will also be closed on the following dates pursuant to the 2022 holiday schedule:

- January 1, 2022 - New Year's Day
- January 17, 2022 - Martin Luther King Jr. Day
- February 21, 2022 - President's Day
- April 15, 2022 - Good Friday (county offices close at noon)
- May 30, 2022 - Memorial Day
- June 20, 2022 - Juneteenth
- July 4, 2022 - Independence Day
- September 5, 2022 - Labor Day
- October 14, 2022 - Fairfield County Fair Day
- November 11, 2022 - Veteran's Day
- November 24, 2022 - Thanksgiving Day
- November 25, 2022 - Day After Thanksgiving
- December 23, 2022 - Christmas Eve (county offices close at noon)
- December 26, 2022 - Christmas Day (observed)

## 2. GENERAL CONTACT INFORMATION

|   |              |
|---|--------------|
| <b>Clerk's Office</b><br><i>(record requests, filing fees/questions, payment; bond inquiries)</i>       | 740-652-7360 |
| <b>Domestic Relations Division</b><br><i>(custody, visitation, child support, divorce, dissolution)</i> | 740-652-7440 |
| <b>Probate Division</b><br><i>(marriage licenses, wills, trusts, estates, guardianships)</i>            | 740-652-7485 |
| <b>Protection Order Victim Assistance</b><br><i>(offered at no cost through The Lighthouse)</i>         | 740-654-3247 |
| <b>Court Services</b><br><i>(jury service, transcript, and notary questions)</i>                        | 740-652-7433 |
| <b>Juvenile Division</b>  | 740-652-7463 |
| <b>Judge Berens' Chambers</b>   | 740-652-7431 |
| <b>Judge Trimmer's Chambers</b>   | 740-652-7427 |
| <b>Magistrate's Chambers</b>  | 740-652-7434 |
| <b>Court Administration</b>   | 740-652-7424 |
| <b>Community Control Department (Adult Probation)</b>   | 740-652-7340 |

### 3. SECURITY AND VISITOR CONDUCT

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

**3.B. 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 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.

**3.C. 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. Upon entering courtrooms, persons must remove sunglasses and headwear. Cell phones and tablets are to be turned off or placed on “airplane mode” until exiting the courtroom.

Visitors may not disturb or interrupt court proceedings or the operation of the Court, Community Control Department, or Clerk’s Office in any fashion. Visitors are expected to treat all Court, Community Control Department, Clerk’s Office staff, and other Hall of Justice visitors with decency and respect. Any disturbance or interruption caused by a visitor may subject the individual to removal from the Hall of Justice at the discretion of security and/or the presiding judge.

### 4. TECHNOLOGY POLICIES AND PUBLIC RECORDS REQUESTS

**4.A. AUDIO AND VISUAL RECORDING IN THE HALL OF JUSTICE.** The taking of photographs and any audio or visual recording are prohibited while in the Hall of Justice unless prior judicial approval is obtained. A Request for Broadcast template can be found [here](#). Permission may be revoked upon failure to comply with the limitations set forth by the Judge in writing or orally during the hearing.

**4.B. TECHNOLOGY CAPABILITIES AND EQUIPMENT.** The Court will make audiovisual equipment available for counsel, including a TV, speakers, laptop, overhead document camera, video projector, and display screen for use at trial. Public WiFi is also available. Any additional equipment or connections required by the parties must be furnished by counsel. Court staff will be available to instruct and assist counsel in operating the Court’s audio/visual equipment, but counsel is ultimately responsible for the functionality, compatibility, and operation of any privately furnished IT equipment. For specific questions about the Court’s technological capabilities and equipment, parties should contact the respective Judge’s chambers.

**4.C. PUBLIC RECORDS.** The Court and/or Clerk's Office shall acknowledge and respond to any person's public records 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.

**3. REMOVAL OF FILES.** No files shall be removed from the Offices of the Court or the Clerk of Courts without prior authorization.

# GENERAL FILING INFORMATION

## 5. FILING REQUIREMENTS

All documents filed with the Clerk of Courts must:

- Be on 8.5 x 11 single-sided white paper
- Include the names of the parties, the case number, and the Judge assigned to the case
- Contain the filer's signature, address, telephone number, and e-mail address
- Include a completed certificate of service
- Redact or omit any personal identifiers included in the document. For details about redaction requirements and warnings, see the Clerk's Redaction Policy below.

## 6. FILING METHODS

| Method    | Where to Go/Send  | Important Notes  |
|-----------|---|--|
| In-Person | 224 East Main St., 2 <sup>nd</sup> Floor<br>Lancaster, OH 43130                         | <ul style="list-style-type: none"> <li>• Open 8 a.m. – 4 p.m.</li> </ul>   |
| Mail      | 224 East Main St., 2 <sup>nd</sup> Floor<br>ATTN: Clerk's Office<br>Lancaster, OH 43130 | <ul style="list-style-type: none"> <li>• Will be deemed filed on date received.</li> <li>• If envelope with return postage provided, will mail copies back to sender; if no return envelope provided, copies will be shredded.</li> <li>• If filing fee associated with mailed documents, must include check.</li> </ul>   |
| E-Mail    | clerkefile@fairfieldcountyohio.gov  | <ul style="list-style-type: none"> <li>• E-mail filing will be deemed the original; DO NOT SEND ORIGINAL AFTER E-MAIL FILING.</li> <li>• Any documents received after 3:45 p.m. will be deemed filed the following business day.</li> <li>• No courtesy copies will be sent back to sender; file-stamped copies may be printed from online docket.</li> </ul>      |
| Fax       | 740-687-0158  | <ul style="list-style-type: none"> <li>• Fax filing will be deemed the original; DO NOT SEND ORIGINAL AFTER FAX FILING.</li> <li>• Any documents received after 3:45 p.m. will be deemed filed the following business day.</li> <li>• No courtesy copies will be mailed or faxed back to sender; file-stamped copies may be printed from online docket.</li> </ul> |

## 7. COURT COSTS, FINES, FEES, AND HOW TO PAY

The cost of filing a specific document is outlined in the Clerk's Schedule of Costs which can be found [here](#).

Court costs, restitution, and probation fees may be paid as set forth below. Information about posting bond in criminal cases is outlined in Section 15.

| Method    | Where to Go/Send  | Important Notes   |
|-----------|---|---|
| In-Person | 224 East Main St., 2 <sup>nd</sup> Floor<br>Lancaster, OH 43130                       | <ul style="list-style-type: none"><li>• Open 8 a.m. – 4 p.m.</li><li>• Checks, credit cards, debit cards, and cash accepted</li></ul> |
| Mail      | 224 E. Main St., 2 <sup>nd</sup> Floor<br>ATTN: Clerk's Office<br>Lancaster, OH 43130 | <ul style="list-style-type: none"><li>• Checks only</li></ul>   |
| Online    | <a href="http://www.fairfieldcountyclerk.com">www.fairfieldcountyclerk.com</a>        | <ul style="list-style-type: none"><li>• Credit cards and debit cards only</li></ul>   |
| By Phone  | 740-652-7360  | <ul style="list-style-type: none"><li>• Open 8 a.m. – 4 p.m.</li><li>• Credit cards and debit cards only</li></ul>                    |

**NOTE:** 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](http://www.OhioAttorneyGeneral.gov/business/pay).

## 8. REDACTION POLICY

**8.A. GENERAL.** When filing any document with the Court, the filer must omit or redact personal identifiers from all filed documents and/or exhibits. It is the sole responsibility of the filing parties and counsel to omit and/or redact personal identifiers from filed documents and exhibits. The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not be redacted and submitted in accordance with this rule.

**8.B. PARTIAL REDACTION.** To the extent possible, personal information and identifiers shall be omitted from all filings. Alternatively, parties may partially redact this information as follows:

- 1. SOCIAL SECURITY NUMBERS.** Only the last four numbers of the individual's social security number should be used.
- 2. FINANCIAL ACCOUNT NUMBERS.** Only the last four digits of the account number should be used.
- 3. NAMES OF MINOR CHILDREN.** Only the initials of the minor should be used.

**8.C. TOTAL REDACTION.** If an individual's personal information must be included, in full, in a filing with the Court, the filer must do the following:

1. Submit the original document that includes the individual's unredacted personal information
2. Submit a redacted copy that indicates in the caption "REDACTED COPY" with the individual's personal information redacted throughout the document.
3. The Court will sign both copies, but will make only the redacted version publicly available.

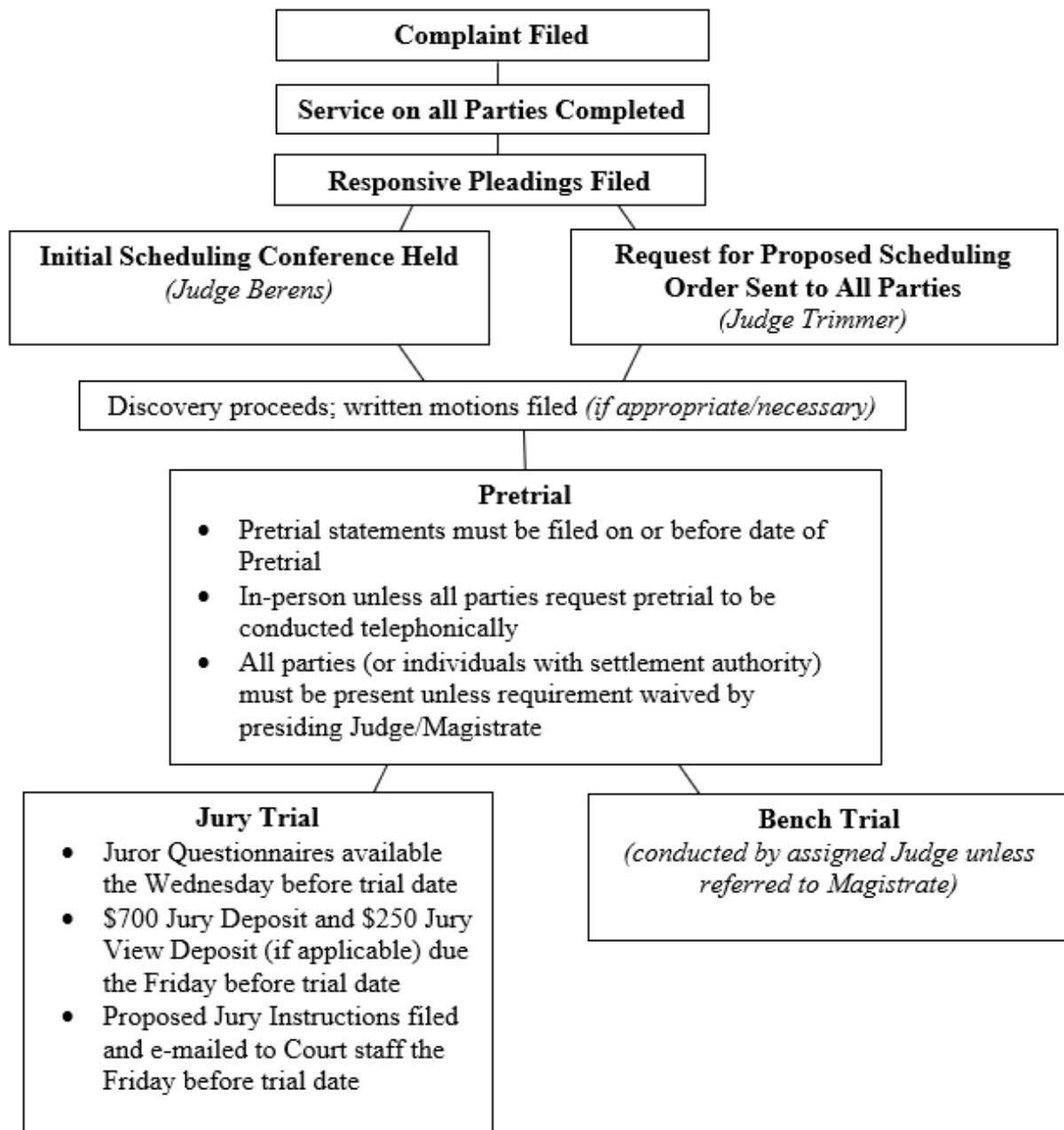
## **9. COURT SERVICES BOXES**

Attorney Court Service Boxes are available for attorneys who prefer to accept service in this manner. Court Service Boxes are located in the 2<sup>nd</sup> Floor Clerk's Office. Service on an attorney shall be considered complete on the day following placement in their Court Service Box. If an attorney no longer prefers to accept service through a Court mailbox, they are required to notify the Clerk's Office immediately. All attorneys on the Court's criminal court-appointment list are required to maintain a Court Service Box for service purposes.

# LOCAL RULES – CIVIL

## 9. CIVIL CASE PROCESSING GOALS & CASE MANAGEMENT PLAN

|   |           |
|---|-----------|
| Mortgage Foreclosure:                                   | 12 months |
| Administrative Appeals:                                 | 9 months  |
| Worker’s Compensation:                                  | 12 months |
| Product Liability:                                      | 24 months |
| Professional Tort (i.e., legal or medical malpractice): | 24 months |
| Other Torts (i.e., personal injury, vehicle collision): | 24 months |
| All Other Civil:  | 24 months |





## 10. GENERAL RULES APPLICABLE TO ALL CIVIL CASES

**10.A. CIVIL INFORMATION SHEET.** All civil filings must be accompanied by a completed Civil Information Sheet. This document is available [here](#).

**10.B. 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 presided over the previously dismissed case.

**10.C. 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.

**10.D. MAGISTRATES.** Magistrates shall be appointed by the Court and serve as full-time employees of the Court as provided by Civil Rule 53, having all powers and duties as set forth therein and as authorized by the Court.

**10.E. 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.

**1. DESIGNATED PROCESS SERVER (ONE-TIME APPOINTMENT).** An individual or an agent of a legal organization may apply to be designated as a process server in a particular case. The applicant must file a motion, affidavit, and order for signature by the judge assigned to the case. The affidavit must list the name, address, email address, and telephone number of the person to be appointed as a special process server, as well as an affirmation that the person:

- a. is 18 years of age or older;
- b. is not a party to any action for which the person will serve process;
- c. has no familial relationship to any party in an action for which the special process server will serve process;
- d. has no felony criminal record and/or is not currently under pretrial, probation, or parole supervision;
- e. will carry out his or her duties in accordance with all applicable court rules.

**2. STANDING SPECIAL PROCESS SERVER.** An individual or an agent of a legal organization may apply to be designated as a standing special process server. The applicant must submit an affidavit and an order for signature by the Administrative Judge. The affidavit must list the name, address, email address, and telephone

number of the person to be appointed as a standing special process server, as well as an affirmation that the person:

- a. is 18 years of age or older;
- b. is not a party to any action for which the person will serve process;
- c. has no familial relationship to any party in an action for which the special process server will serve process;
- d. has no felony criminal record and/or is not currently under pretrial, probation, or parole supervision;
- e. will carry out his or her duties in accordance with all applicable court rules.

After the Administrative Judge has signed the order, the individual or agent of the legal organization must file the affidavit and order with the Clerk of Courts. The Clerk of Courts will record the affidavit and order on the administrative journal. Thereafter, the Clerk of Courts will accept a time-stamped copy of the affidavit and order as proper designation of the process server until the order expires or is vacated by the Court.

**a. EXPIRATION OF ORDER.** All affidavits and orders appointing standing special process servers will expire two years from the date of filing.

**b. PROHIBITIONS.** No legal organization whose agent is a standing special process server may represent or advertise that it is the court's official process server.

**c. COST.** The fee for filing the affidavit and order is \$25.

**10.F. ADDITIONAL TIME TO FILE ANSWER OR RESPONSE.** If a party's request for additional time to file a response to a Complaint is unopposed, the parties may file a joint stipulation rather than submitting a motion and proposed entry. If the request is opposed, a motion and proposed entry are required.

**10.G. INITIAL CONFERENCE / SCHEDULING ORDER.** Once all parties are served, and after time has expired for the parties to file responsive pleadings, the Court will hold an initial scheduling conference (Judge Berens) and/or send all parties a request for a proposed scheduling order (Judge Trimmer). If no responsive pleadings have been filed, or if the Court believes that issuing a scheduling order is unnecessary, the Court may elect not to request a scheduling order or conduct an initial conference.

**1. ADJUSTMENTS TO CASE SCHEDULING ORDER.** If the parties jointly agree to modify dates or deadlines included in the case scheduling order, they may do so by stipulation if the modifications do not impact the case's pretrial and trial dates. If the requested modification is not agreed upon or necessitates the rescheduling of pretrial

or trial dates, the parties must submit a motion and proposed scheduling order for the Court's consideration.

**10.H. PRETRIAL CONFERENCE.** All pretrials will be held in-person unless counsel jointly requests (and the Court allows) the pretrial to be held telephonically. Trial counsel and all parties (or representatives thereof with settlement authority) are required to be present.

**1. PRETRIAL STATEMENT.** On or before the date of the pretrial, each party shall file a pretrial statement, 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 disputed issues of law; (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.

**10.I. MEDIATION AND SETTLEMENT.** The Court does not have a formal alternative dispute resolution program or mandatory mediation requirement, but does encourage all litigants 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 chambers by phone or e-mail. A settlement and/or dismissal entry shall be sent to the Court within 30 days or within such time as the Court directs. Failure to comply with this rule may result in the case being dismissed for lack of prosecution.

**10.J. MOTIONS.** All motions shall be accompanied by a supporting memorandum citing authorities relied upon and any underlying operative facts. Parties are also encouraged to submit a proposed order for consideration by the Court.

**1. BRIEFING SCHEDULE.** Upon the filing of a motion, the Court will issue a Notice/Order setting an oral or non-oral hearing date. Unless otherwise stated, all response and reply deadlines will be governed by the Ohio Rules of Civil Procedure. If scheduled for a non-oral hearing, the parties need not appear in Court; the Court will rule on the motion based on a review of the parties' written arguments.

**2. UNOPPOSED, JOINTLY REQUESTED, AND ROUTINE MOTIONS.** If a motion is routine, unopposed, or jointly requested, the Court reserves the right to process the motion on an expedited basis, without scheduling a hearing. All joint and unopposed motions shall be clearly labeled as "joint" or "unopposed" in the caption and submitted with a proposed order for the Court's consideration.

**3. 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.

**10.K. CONTINUANCES.** Any motion for continuance must be in writing and filed with the Clerk of Courts or made orally on the record. The motion to continue 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.

**1. SUPPORTING DOCUMENTATION.** When an attorney requests a continuance on the basis 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.

**2. PROPOSED ENTRY.** All motions for continuance shall be accompanied by a proposed entry. The proposed entry should not include blank spaces for a new hearing date and time, as the Court will prepare a separate scheduling notice with the new hearing date.

**10.L. TRIAL.** A trial date will be scheduled either during the Initial Conference, pursuant to a Scheduling Order, or at the Pretrial.

**1. JURY DEPOSIT.** Any party who has requested a jury in a civil case shall deposit \$700.00 with the Clerk of Courts. This deposit must be completed by noon 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 by noon on the preceding day that is not a Court holiday. 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.

**2. JURY VIEW DEPOSIT.** Any party who has requested a jury view in a civil case shall deposit \$250.00 with the Clerk of Courts. This deposit must be completed by noon 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 by noon on the preceding day that is not a Court holiday. 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.

**3. JURY INSTRUCTIONS.** Parties must file proposed jury instructions specific to the issues for trial as well as proposed jury interrogatories and verdict forms no later than the Friday prior to trial. The parties must also e-mail the Judge's Bailiffs the proposed instructions and interrogatories in Word format no later than the Friday prior to trial. General (non-case specific) jury instructions need not be submitted.

**4. JURY QUESTIONNAIRES.** Requests for juror questionnaires should be directed to Kelly Starkey, the Court's Court Services Coordinator, who can be reached at Kelly.starkey@fairfieldcountyohio.gov. Juror questionnaires will be available to counsel 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, all jury questionnaires in the possession of trial counsel or counsel's staff shall be returned to the Court's Bailiff or Court Services Coordinator.

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

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

**1. 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 8.5 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.

**2. RETENTION.** The Court will follow the Ohio Rules of Superintendence with regards to the retention and destruction of all exhibits submitted to the Court.

**10.N. 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 official transcript or an unofficial audio recording from the Court.

**1. OFFICIAL TRANSCRIPT.** To request an official transcript, a party must complete, file, and serve the designated Court Reporter with a Praeceptum for Transcript, which is available [here](#) ("Praeceptum to the Court Reporter") or from the Court's Court Services Coordinator. The Praeceptum must contain a detailed description of the hearings to be transcribed, including whether or not voir dire is being requested. Transcript request templates are available [here](#) (under "Criminal Appellate Forms"). Individuals are also encouraged to contact the Court's Court Services Coordinator at

740-652-7433 or Kelly.Starkey@fairfieldcountyohio.gov with any questions regarding the preparation of an official transcript. The rates per page to be charged by the designated Court Reporter to prepare an official transcript of any Court proceedings are 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.

**2. 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 complete an Audio Request Form and send, hand-deliver or e-mail it to Kelly.starkey@fairfieldcountyohio.gov. The Audio Request Form is available [here](#). There is no cost associated with obtaining an audio CD; however, to play its contents, individuals must download "FTR Player" a software available free of cost at [www.fortherecord.com](http://www.fortherecord.com).

**a. SEALED PROCEEDINGS.** 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.

**b. LIMITATIONS.** Audio CDs and any unofficial written transcription of their contents do not constitute the Court's official record; therefore, they may not be used during any proceeding for which an official transcript is required, unless leave of Court is requested and granted.

**10.O. 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.

## 11. RULES APPLICABLE TO SPECIFIC CIVIL CASE TYPES

**11.A. ADMINISTRATIVE APPEALS.** Within 14 days after service is complete on all parties and the record of the administrative agency has been filed, Appellant shall file a written request to the Court to establish a briefing schedule. The Court will thereafter issue an Entry

setting forth a briefing schedule and an oral or non-oral hearing date for final consideration of the administrative appeal.

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

**11.C. GARNISHMENT HEARINGS.** If the debtor files a request for hearing in any garnishment proceeding, the Court will schedule a hearing as prescribed by statute.

**1. 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, regardless of whether funds are available, except as outlined below. Affidavits in lieu of appearance will not be accepted.

**2. 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 Assignment Commissioner (740-652-7434) as such prior to the hearing date.

**11.D. FORECLOSURE CASES.**

**1. 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 c/o the Fairfield County Prosecutor, Civil Division (239 W. Main Street, Ste. 101, Lancaster, OH 43130).

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 c/o 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-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.

**2. 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.

**3. 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.

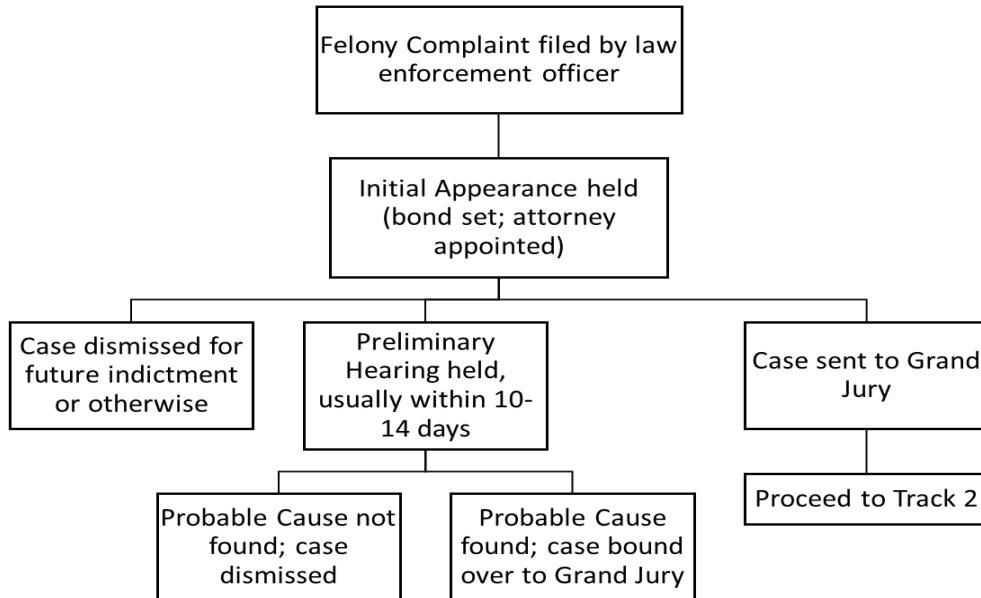


# LOCAL RULES – CRIMINAL

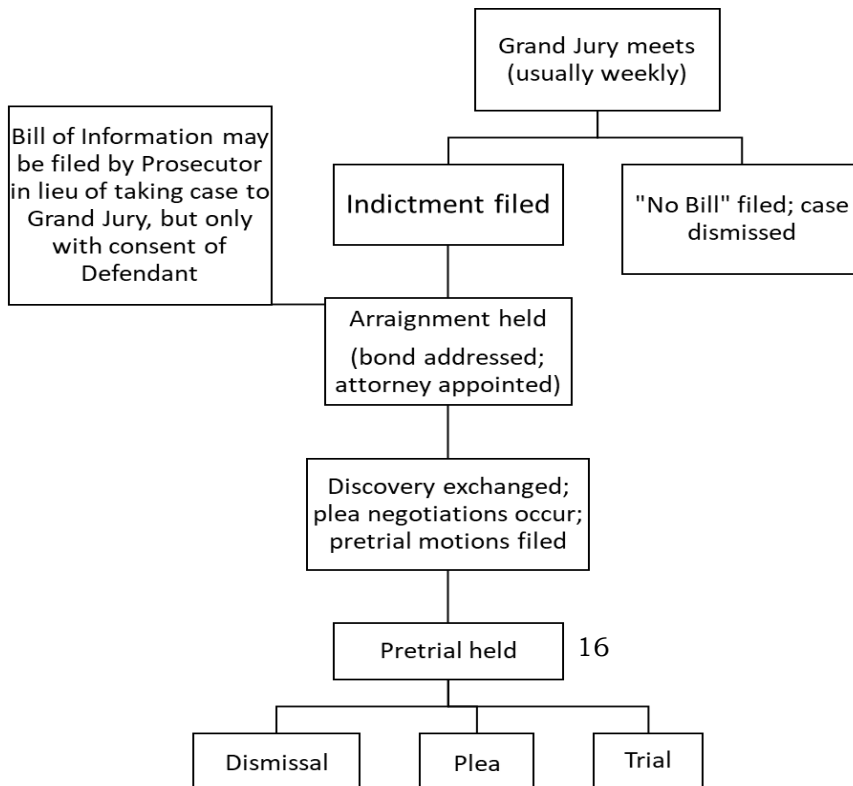
## 12. CRIMINAL CASE PROCESSING GOALS & CASE MANAGEMENT PLAN

**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. All criminal cases shall be initiated by Complaint (Track 1) or Indictment / Bill of Information (Track 2) and shall proceed as outlined below.

### TRACK 1



### TRACK 2



**12.A. TRACK 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.

**1. 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.

**2. APPOINTMENT OF COUNSEL.** The Court utilizes an “on-call” attorney rotation schedule to ensure that all defendants are represented at initial appearance. For questions about the attorney rotation schedule, contact the Magistrate’s Assignment Commissioner (Shannon.seesholtz@fairfieldcountyohio.gov).

**3. PRELIMINARY HEARINGS.** Preliminary hearings will be held no later than 10 days following arrest or service of summons if the defendant is in custody and not later than 15 days following arrest or service of summons if the defendant has posted bond. 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. Preliminary hearings will automatically be removed from the Court’s docket if the defendant is indicted by the Grand Jury (as outlined below) or the case is dismissed.

**12.B. TRACK 2: CASES PROSECUTED BY INDICTMENT.** The Judges of the General Division of the Court of Common Pleas shall preside over the Grand Jury during alternating terms of Court. Cases will be presented to the Grand Jury as soon as reasonably possible.

**1. 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. If a defendant is out on bond, defense counsel may file a Written Not Guilty plea and waiver of arraignment in lieu of scheduling an in-court arraignment.

**2. APPOINTMENT OF COUNSEL.** If counsel has been appointed during the complaint stage, the Court will schedule an arraignment with assigned counsel. If counsel has not yet been appointed, the Court utilizes an “on-call” attorney rotation schedule to ensure that all defendants are represented at arraignment. For questions about the attorney rotation schedule, contact the Magistrate’s Assignment Commissioner (Shannon.seesholtz@fairfieldcountyohio.gov).

## 13. GENERAL RULES APPLICABLE TO ALL CRIMINAL CASES

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

**13.B. COURT-APPOINTED COUNSEL.** If a defendant submits a Financial Disclosure Form, and the Court finds the defendant to be indigent, the Court will appoint counsel as soon as practicable.

**1. APPOINTMENT.** The Court appoints attorneys from a list maintained by the Court in a manner that ensures the equitable distribution of appointments. 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:

- the anticipated complexity of the case in which appointment will be made;
- any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
- 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;
- The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
- Intangible factors, including the Court's assessment of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

**2. CONFLICT.** 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.

**13.C. COURT-APPOINTMENT LIST REQUIREMENTS.** Any attorney who seeks to be included on the Court's appointment list must submit an application with the Court. The application is available [here](#) or upon request from the Magistrate's Assignment Commissioner. 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 Assignment Commissioner Shannon Seesholtz ([shannon.seesholtz@fairfieldcountyohio.gov](mailto:shannon.seesholtz@fairfieldcountyohio.gov)).

**1. 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.

**2. PREREQUISITES.** To serve on the Court's court-appointment list, defense counsel must:

1. Be in good standing with the Ohio
2. Meet all qualifications set forth by the Ohio Public Defender's Office
3. Update the Court on an annual basis of any changes to qualifications
4. Participate in the Court's initial appearance / arraignment rotation schedule
5. Maintain a courthouse mailbox

**3. 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.

**4. COMPENSATION.** All time shall be billed in 6-minute increments (1/10 of an hour). Time shall be billed at a rate of \$50.00 per hour for both in-court and out-of-court work.

**a. REQUIRED DOCUMENTATION.** All requests for payment must be submitted on the most current fee application form promulgated by the Ohio Public Defender's Office. Invoices must also include a line-item explanation of services rendered, and a copy of the defendant's financial disclosure form. Attorneys must submit the unstapled original and two unstapled 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.

**b. MAXIMUM FEES.** The Court hereby enacts the following Maximum Fee Guidelines. Attorneys seeking fees in excess of the amounts listed below are required to file a motion for extraordinary fees that outlines the specific reasons that extraordinary fees are warranted.

#### TRIAL LEVEL PROCEEDINGS

|  |  |
|--|--|
| Aggravated Murder  | \$7,500 (1 attorney)<br>\$10,000 (2 attorneys) |
| Murder   | \$3,7500                                       |
| Felonies of the 1st, 2nd, or 3rd Degree                          | \$2,500  |
| Felonies of the 4th or 5th Degree                                | \$1,875  |
| Misdemeanors   | \$937.50                                       |
| Parole, Community Control and any other unclassified proceedings | \$625  |

## APPELLATE LEVEL PROCEEDINGS

|                                      |          |
|--------------------------------------|----------|
| Aggravated Murder (death penalty)    | \$12,500 |
| Aggravated Murder (no death penalty) | \$5,000  |
| Murder                               | \$1,875  |
| All Other Felonies                   | \$1,250  |
| Misdemeanors                         | \$937.50 |

**c. NON-COMPLIANCE.** An attorney's failure to abide by the submission requirements set forth above may result in the Court denying, reducing, or returning the fee application and/or removing the attorney from the court-appointment list.

**13.D. BOND HEARINGS.** Counsel may make oral arguments regarding bond at initial appearance and arraignment. Counsel may also file a written bond motion at a later date for consideration by the Court.

**13.E. PRETRIAL CONFERENCE.** Discovery shall be exchanged at least 7 days prior to the Pretrial Conference. Counsel should therefore be prepared to address all pretrial matters at the Pretrial Conference, including but not limited to discovery issues, potential pretrial motions, plea offers, and future scheduling dates.

**13.F. PLEA HEARINGS.** Plea hearings shall be conducted as soon as practicable after the defendant has indicated they intend to enter a change of plea. Counsel is required to inform the assigned Judge's chambers of the terms of the plea agreement prior to the hearing to facilitate the preparation of plea paperwork. Plea paperwork will be prepared by Court staff prior to the plea hearing.

### **13.G. JURY TRIALS.**

**1. JURY QUESTIONNAIRES.** Requests for juror questionnaires should be directed to the Court's Court Services Coordinator, Kelly Starkey (740-652-7433; Kelly.starkey@fairfieldcountyoio.gov). Juror questionnaires will be available to counsel 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, all jury questionnaires in the possession of trial counsel or counsel's staff shall be returned to the Court's Bailiff or Court Services Coordinator.

**2. JURY VIEW REQUEST AND DEPOSIT.** All requests for a jury view, whether made by the State or the Defendant must be made by noon on the Friday before trial. If the Friday prior to the trial date is a Court holiday, the party is required to make said deposit by noon on the preceding day that is not a Court holiday. 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:

**a. 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 by noon 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 by noon on the preceding day that is not a Court holiday.

**b. INDIGENT DEFENDANT.** In the case of a jury view in a criminal trial where the defendant is indigent, the State 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.

**13.H. 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.

**13.I. CONTINUANCES.** Any motion for continuance must be in writing and filed with the Clerk of Court or made orally on the record. The motion to continue 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.

**1. 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.

**2. PROPOSED ENTRY.** All motions for continuance shall be accompanied by a proposed entry. The proposed entry should not include blank spaces for a new hearing date and time, as the Court will prepare a separate scheduling notice with the new hearing date.

**13.J. COURTESY COPIES.** Upon the filing of a time-sensitive motion, counsel shall submit a courtesy copy of said motion to the respective Judge's Assignment Commissioner directly in chambers or via e-mail. 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.

**13.K. ENTRIES.** It shall be the responsibility of the Prosecutor'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. All entries prepared by the Prosecutor's Office must include a "Submitted by" signature line, which must be signed either electronically or by hand.

#### **14. RULES APPLICABLE TO SPECIFIC CASE TYPES AND/OR DISPOSITIONS**

**14.A. 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. Counsel may obtain an Application [here](#) or from the Judge's Bailiff. The application is to be completed and submitted to the Court no later than 7 days prior to the defendant's scheduled plea. The Court will only accept late applications upon good cause shown.

**14.B. 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. The defendant's failure to do so may result in the Court's denial of the defendant's motion. A list of local ILC treatment providers as well as general guidance regarding the ILC process can be found [here](#) or by contacting the Community Control Department at 740-652-7340.

**14.C. 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.

**14.D. 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 and (2) a proposed order setting the matter for a judicial release hearing. Template forms are available [here](#) ("Judicial Release Forms").

Counsel should file his/her motion and then deliver or e-mail a courtesy copy of the motion and proposed order to the Judge's Assignment Commissioner.

#### **15. RULES REGARDING BAIL BONDSMEN AND THE POSTING OF BOND**

**15.A. POSTING OF BOND.** Bond may be posted on behalf of a criminal defendant as follows:

- If posting bond between the hours of 8 a.m. and 4 p.m. Monday through Friday, individuals and bail bondsmen may post bond by cash or cashier's check (payable to the Fairfield County Clerk of Courts) at the Clerk of Courts Office located at 224 E. Main Street, 2<sup>nd</sup> Floor, Lancaster, Ohio.

- If posting bond on the weekend or outside of normal business hours, only approved bail bondsmen may post bond on behalf of an incarcerated defendant. Bail bondsmen may do so at the Fairfield County Jail located at 345 Lincoln Ave., Lancaster, Ohio.

**15.B. BAIL BONDSMEN.** 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 found [here](#) or by contacting the Fairfield County Clerk of Courts at (740) 652-7360.

**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.

## 16. RULES RELATING TO THE COURT'S SPECIALIZED DOCKET

**16.A. RECOVERY COURT.** The Fairfield County Common Pleas maintains a specialized docket for its Substance Abuse Recovery Court.

**16.B. 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.

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

**16.D. 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:

- 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.
- 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.
- 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.

**16.E. 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.

**16.F. 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.

**16.G. 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.

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

**1. 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.

**2. 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.

**3. 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.

# LOCAL RULES – JURY MANAGEMENT

## 17. GENERAL JURY INFORMATION

**17.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.

**17.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.

**17.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.

### 17.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. 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. 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.

**17.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.

**17.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.

**17.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.

**17.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.

**17.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, Kelly Starkey, at Kelly.starkey@fairfieldcountyohio.gov or 740-652-7433.

1. **EXCUSES.** Prospective jurors may be excused for financial hardship, personal or family illness, childcare hardship, or employment responsibilities.

2. **DEFERRALS.** Jury service may be rescheduled for pre-scheduled vacations or employment responsibilities.

**17.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.

**17.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.

## **18. JURY SELECTION PROCESS**

**18.A. VOIR DIRE.** In all cases, the voir dire process shall be held on the record.

1. **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.

## **2. GENERAL RULES.**

- The case may not be argued in any way while questioning the jurors.
- Counsel may not engage in efforts to indoctrinate jurors.
- 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.
- Under no circumstance shall jurors be asked what kind of verdict they might return.
- Questions are to be asked collectively of the entire panel whenever possible.

**3. 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.

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

**5. 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.

## **19. RULES PERTAINING TO SELECTED JURORS**

**19.A. JURY 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.

**19.B. 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.

**19.C. 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.

**19.D. 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.

**19.E. JUROR COMPENSATION.** Jurors will receive daily payment of \$30 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.