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Lisa A. Hillyland
VINTON COUNTY
CLERK OF COURTS

RULES OF COURT

VINTON COUNTY COURT OF COMMON PLEAS

MCARTHUR, OHIO

General, Criminal and Domestic Relations Divisions

Effective date: January 1, 2016

Jeffrey L. Simmons - Judge

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RULE 1: TERMS OF COURT

A judicial year shall consist of one term of Court and shall be designated as the January Term of Court. Each Term of Court shall commence at the Clerk of Courts as provided by RC 2301.09. The Court shall be in continual session for the transaction of judicial business.

The Clerk of Courts shall, on the last day of each term of Court, journalize an entry continuing all cases, proceedings, prosecutions and other matters pending before the Court to the next succeeding term of Court.

The Court shall convene in open session at 9:00 a.m. and close at 4:00 p.m. Monday through Friday of each week and with one-hour recess from 11:30 to 12:30 for lunch each day. These hours may be varied from time to time, to expedite the business of the Court. The Court will not be in session or in chambers during any legal holiday as established by the State of Ohio or United States Government.

RULE 2: PLEADINGS AND MOTIONS

All pleadings, motions and other papers to be filed with the Court shall be legibly typed or printed on letter sized bond paper, bound at the top. Sufficient copies will be furnished by the filling party to enable the Clerk to serve each other party, according to law, when the Clerk is required to serve copies on other parties. On the face of the complaint, motion or other pleading will appear a general statement as to the type of action (examples: Complaint in Partition, Motion to Show Cause). Initial pleadings shall list the name and address of each party, case number blank to be filed in, style of the action, and header with the name of the Court. Subsequent and responsive pleadings may use an abbreviated caption, showing only the name of the first Plaintiff and first Defendant. Each pleading shall contain the name, address and telephone number of the attorney or party filing same.

Pleadings may be amended as provided in Civil Rule 15, but may not be amended by interlineation or obliteration without leave of Court. Original pleadings will not be withdrawn when amended pleadings are filed.

RULE 3: DISPOSITION OF MOTIONS

Unless oral argument is specifically requested in civil cases, motions will be submitted and determined without oral hearing and upon brief written statements of reasons in support thereof. Any party opposing the

motion will serve and file his/her memorandum with a brief written statement of reasons in opposition to the motion within fourteen (14) days of service of the original motion.

If a request for oral argument is granted, all counsel and parties not in default will be notified by the Court of the assigned dates for said oral arguments.

RULE 4: INTERROGATORIES

Except when Interrogatories are attached to the complaint, for service with the complaint, Interrogatories, and responses to Interrogatories shall not be filed with the Clerk. They shall be sent to the opposing counsel, or party if no counsel, leaving sufficient space between each interrogatory to permit typing the answer immediately beneath the question. Opposing counsel, or the party if no counsel, shall type the answer or objection to each question on the ORIGINAL copy of the interrogatories, and return them to the proponent with 28 days, unless the Court shortens the time.

The opposing counsel answering said interrogatories shall file with the Clerk an Entry certifying that the same have been served upon all other counsel of record.

RULE 5: PRETRIAL CONFERENCE IN CIVIL CASES

"Pre-Trial" shall mean a court supervised conference designed to expedite the trial of a case and, if possible, to assist counsel in the amicable settlement of the controversy existing between litigants prior to trial.

At any time after a civil case is at issue, counsel for any party may request a pre-trial hearing by motion or the Court may, on its own motion, assign any cause at issue for pre-trial.

Following a pre-trial conference counsel may engage in further discovery proceedings should the same not be engaged in for the purpose of delaying trial of the issues. The Court reserves the right to set the case for trial without additional pre-trial and on its own motion and to consolidate or sever cases before the taking of testimony begins.

RULE 6: COUNSEL OF RECORD AND WITHDRAWAL OF COUNSEL

It is the responsibility of counsel to see that he/she is listed as an attorney of record to be entitled to receive notice of proceedings in any case. He/she may be so listed as "counsel of record" by some showing on the first

pleading or by filing a written statement so signifying with the Clerk of this Court designating the case number and style of the case of which he/she is an attorney of sufficient notice to constitute an attorney "counsel of record."

If an attorney should desire to withdraw from a case, he/she may only do so by filing a written statement of such withdrawal with the Clerk of Courts and furnishing a copy of such withdrawal to all parties of record and to the Court with his certificate of service attached. Failure of an attorney to give notice of his/her withdrawal may subject him/her to payment of unnecessary jury and witnesses fess incurred. All provisions of Rule 1.16, Rules of Professional Conduct, are incorporated here by reference.

RULE 7: JOURNAL ENTRIES

Unless the Court otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered, shall within five (5) days thereafter prepare the proper Journal Entry, submit the same to opposing counsel who shall reject the same within five (5) days after receipt thereof and return to the submitting attorney or to the Court for the Judge's signature and journalization by the Clerk of Courts. Upon the failure of the adverse attorney to act upon the entry within five (5) days of receipt thereof, the preparer of such entry may submit it to the Clerk of Court for approval or rejection. If counsel are unable to agree upon an entry, their respective entries will be submitted to the judge who will direct which entry shall be journalized or in lieu thereof prepare his/her own journal entry for journalization without approval of counsel.

RULE 8: APPEALS TO THE COMMON PLEAS COURT

Except as may be otherwise provided by specific rules or statutes, all cases filed by way of appeal from administrative agencies, except Workers Compensation cases, shall be governed by the same procedure, to wit:

(1) Within thirty (30) days after the filing of a complete transcript (all the original papers, testimony and evidence offered, heard and taken into consideration in issuing the order appealed from.) with the Clerk of the Court of Common Pleas of this county, the Appellant shall file his assignment of errors and brief.

(2) Within thirty (30) days after filing of Appellant's brief, Appellee shall file his/her brief in opposition, and assignments of error on his/her own behalf, if any.

(3) Within ten (10) days after filing of Appellee's brief, Appellant may file reply brief.

(4) The Court for good cause shown may extend or shorten the time within which assignments of error or briefs shall be filed.

RULE 9: SHERIFF SALES OF REAL ESTATE

The purchaser at every Sheriff's sale of real estate, as soon as the bid is accepted, shall be required to deposit in cash or by certified check payable to the Sheriff, ten percent (10%) of the accepted bid. Where the amount bid is $3,000.00 or less, the minimum amount of such deposit shall be $300.00; and the maximum amount of such bid deposit in any case shall be $10,000.00. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of the sale.

On Monday following the week in which real estate has been sold at Sheriff's Sale, the Sheriff shall make his return to the Court and have the sale confirmed and deed ordered.

RULE 10: TRIAL PRACTICE - ORAL ARGUMENTS

In civil and criminal cases where oral argument has not been waived, whether the case is tried to the Court with or without a jury, the time allowed counsel for oral argument will be limited to thirty (30) minutes on each side unless all parties to the suit agree to a longer or shorter period of time, such agreement subject to the Court's approval, or unless in the interest of justice the Court allows a longer period of time.

RULE 11: DISMISSAL FOR LACK OF PROSECUTION

If the Plaintiff falls to prosecute, or comply with these local Rules of Court, the Ohio Rules of Civil and Criminal Procedure and the Rules of Superintendence as promulgated by the Ohio State Supreme Court, or any Order of Court, upon motion of the Defendant, or on the Court's own motion, the Court may dismiss an action or claim after notice to Plaintiff's counsel. All costs incurred in the action will be assessed against the Plaintiff.

RULE 16: SECURITY FOR COSTS

(A) No Complaint or proceeding in any civil case shall accepted by the Clerk of this Court for filing unless the party offering the same for filing shall first deposit a sum to secure the payment of costs that may accrue, except as otherwise provided by law.

Such advance deposit as security for costs shall be in accordance with the schedule attached hereto.

(B) In cases with multiple parties, the Clerk of Courts may require the payment of additional amounts estimated by the Clerk to be sufficient to cover costs of service.

(C) "Complaint" as used herein above refers to every original complaint, counter-claim, cross-complaint or cross-claim or third party complaint.

(D) The Clerk of this Court will refuse to accept for filing any complaint, motion, application or other papers where the party attempting to file the same has failed to pay all costs in any proceeding previously incurred unless the same have been waived due to indigency.

(E) Every poverty affidavit offered in lieu of advancements for security for costs shall state the reasons for the inability to prepay costs and must be executed in the presence of the Clerk of Court or a Deputy Clerk.

(F) Every affidavit of poverty is subject to Court review at any state of the proceedings.

(G) No final decree in divorce, alimony, annulment, or dissolution of marriage will be approved for journalization by the Court until all costs incurred have been fully paid.

RULE 17: STANDARD PARENTING TIME ORDER

RULE 17.0
VINTON COUNTY
STANDARD PARENTING TIME ORDER

17.1 LOCAL PARENTING TIME

The following schedule is applicable to those situations where the parties live within 150 miles of each other. The primary goal of any parenting time schedule is to maintain contact between the non-residential parent and the child(ren). The optimum parenting time schedule is where the parties agree to be as flexible as possible.

17.11 **Regular Parenting Time.** The non-residential parent shall have parenting time on alternate weekends from Friday, 6:00 p.m. until Sunday, 6:00 p.m.; however, if the preceding Friday or the following Monday of that weekend is a holiday during which the non-residential parent is scheduled to have parenting time, then parenting time will be expanded to include the holiday by beginning Thursday evening at 6:00 p.m. (if Friday is the holiday) or shall extend through Monday to 6:00 p.m. (if Monday is the holiday).

The non-residential parent will have mid-week parenting time of 5:00 p.m. to 8:00 p.m. on Wednesday evening every week. At the discretion of the non-residential parent, if he or she has the facilities and is able to take the child to school on Thursday morning, this parenting time period may extend all night Wednesday and the non-residential parent must provide transportation and deliver the child to school on Thursday morning or to the residence of the residential parent or to daycare by 9:00 a.m. Thursday morning.

17.12 **Holidays.** For the following listed holidays:

(1) Martin Luther King Day (2) President's Day

(3) Easter or Passover (4) Memorial Day

(5) July 4th (6) Veteran's Day

(7) Labor Day

the parenting time schedule shall be:

For the years ending with an odd number, the non-residential parent shall have parenting time on the above odd numbered holidays, and the residential parent shall have parenting time on the above even numbered holidays. For the years ending with an even number, the non-residential parent shall have parenting time on the above even numbered holidays, and the residential parent shall have parenting time on the above odd numbered holidays. Parenting time shall be from 6:00 p.m. the day before the holiday to 6:00 p.m. of the holiday except that with notice to the other parent, the July 4th return may be delayed until the following morning at 9:00 a.m.; however, where a non-residential parent's work schedule would not permit this parenting time, the holiday parenting time will be restricted to the hours the non-residential parent can actually spend with the child(ren) between 9:30 a.m. to 8:30 p.m. (except July 4th as noted above) unless notice is given that the child(ren) will be staying with grandparents during the holiday parenting time. Holidays shall take precedence over regular weekend parenting time.

17.13 **Days of Special Meaning.** Mother's Day shall always be with the children's mother and Father's Day shall always be with the children's father, **regardless of the weekend parenting time schedule**. If the parties cannot agree, the times shall be 9:30 a.m. to 6:00 p.m.

The child(ren)'s birthdays shall always be with the mother in years ending with even numbers and always with the father in years ending with odd numbers. The non-residential parent must provide one week's notice of the intent to have parenting time for the birthday. If the parties cannot agree, the parenting time shall be 10:00 a.m. to 7:00 p.m. if the birthday falls on a non-school day for the child and a non-working day for the designated parent. If it is the child's school day or the designated parent's work day, the parenting time shall be 5:00 p.m. to 8:00 p.m. The child(ren)'s birthday parenting time schedules take precedent over all other designated parenting times. Brothers and sisters shall be permitted to attend the birthday event.

17.14 **Extended Holiday Periods.** There are certain holiday periods where school age children receive additional time off from school during spring breaks, Thanksgiving and Christmas.

For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd numbers, the residential parent shall have parenting time as follows:

(1) Thanksgiving break: Wednesday before Thanksgiving from 6:00 p.m. to Friday after Thanksgiving at 6:00 p.m.

(2) Spring break: 6:00 p.m. the first day of the break through 6:00 p.m. of the last day before school vacation ends. If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the spring break dates.

17.15 **Christmas Parenting Time.** For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd numbers, the residential parent shall have Christmas parenting time from 6:00 p.m. on the last day before Christmas break until 2:00 p.m. on December 25.

For the years ending in odd numbers, the non-residential parent shall have, and for years ending in even numbers, the residential parent shall have Christmas parenting time from 2:00 p.m. on December 25 until 6:00 p.m. on January 1.

If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the Christmas break dates.

17.16 **Summer Vacations.** The non-residential parent shall have the opportunity to have the child(ren) for five weeks during the summer vacation schedule which may be exercised in two blocks of no more than three weeks separated by at least 14 days. During summer vacation there will be reciprocal weekends and mid-week parenting time for the residential parent. Provided also that the parties shall each have two weeks of uninterrupted parenting time with the children without parenting time with the other.

Both the residential parent and the non-residential parent shall provide the other party with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before April 15 of that year. The non-residential parent's choice of vacation has priority over the residential parent's choice **unless** the residential parent's vacation is during a mandatory shutdown of that party's employer.

17.17 **Transportation.**

The non-residential parent is responsible for all transportation associated with

midweek parenting time. The transportation associated with all other parenting times shall be equally divided between the parents as follows: The child(ren) shall be picked up at the home of the residential parent by the non-residential parent, or a designated driver, at the beginning of the non-residential parent's time. The residential parent, or a designated driver, shall pick up the child(ren) from the non-residential parent's home at the beginning of the residential parent's time.

17.2 LONG DISTANCE PARENTING TIME
(For Parties Residing Over 150 Miles Apart)

The intent of long distance parenting time (over 150 miles) is the same as when the

parties are located reasonably close to one another and that is to maintain contact between the child(ren) and the non-residential parent. Both parties are encouraged to be as flexible as possible concerning parenting time.

17.21 **Extended Holiday Periods.** The non-residential parent shall have parenting time:

(A) Thanksgiving: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday, 6:00 p.m.

(B) Spring Break: From 6:00 p.m. of the first day of the break to 6:00 p.m. of the day before school starts.

(C) Christmas Break: From 3:00 p.m. Christmas Day (or Hanukkah) to 6:00 p.m. on the last day before school resumes after New Year's Day.

If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the Spring and Christmas break dates.

17.22 **Summer Vacation.** The non-residential parent shall have seven (7) weeks of summer parenting time with the child(ren) which shall be exercised at the discretion of the non-residential parent in two blocks of no more than four weeks separated by at least two weeks. During summer vacation there will be reciprocal weekends for the residential parent if travel time is less than six hours (round trip). In any event, with school age children, the child shall be returned to the residential parent at least one week prior to the start of school. The only exception would be where the residential parent's vacation is controlled by a mandatory shut-down of employer's operations. The non-residential parent shall provide the residential parent with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before April 15 of that year.

17.23 **Additional Vacation Times.** The non-residential parent may exercise additional parenting time with the child(ren) as follows:

(A) Where the travel time does not involve more than six hours (round trip), the non-residential parent may exercise each year one period of parenting time for a three day weekend during a holiday otherwise designated for a non-residential parent under rule 17.12 beginning at 4:30 p.m. the day before the first day of the three day weekend to 8:30 p.m. of

the last day of the three day weekend. The non-residential parent must provide a thirty day notice of intent to exercise this parenting time.

(B) If the non-residential parent elects to travel to the area where the child(ren) normally reside, the non-residential parent may exercise parenting time pursuant to Rule 17.13 except the following times would apply:

(1) Mother's/Father's Day: 1:00 p.m. to 5:00 p.m.;

(2) Non-residential Parent's Birthday: 1:00 p.m. to 5:00 p.m. (non-school days); 6:00 p.m. to 8:30 p.m. (school days); (if both parents have same birth date, they are to alternate).

(3) Children's Birthday: 1:00 p.m. to 5:00 p.m. (non-school days), 6:00 p.m. to 8:30 p.m. (school days).

(C) If the non-residential parent intends to exercise this additional parenting time, fourteen (14) days notice must be given to the residential parent. Unless the order or decree specifies otherwise, the non-residential parent shall be responsible for the costs of transportation for any parenting time exercised under this Section 17.23.

17.24 **Transportation.** Where the parties reside more than 150 miles apart, the parties will divide the hours of transportation and the expense as evenly as possible.

17.3 PARENTING TIME WITH INFANTS (AGE BIRTH TO 18 MONTHS)

The court recognizes that parenting time with infants raises special concerns for the parties because of the care, skill and needs of the baby or infant. During this most formative of times it is important that both parents are able to observe, share and participate in activities with the infant. The court encourages the non-residential parent to have frequent short visits with the infant at the beginning, with more and longer visits as the infant grows and the comfort level for the infant and parent increases.

17.31 **Birth to twelve months.** The non-residential parent shall have parenting time from 2:00 p.m. until 6:00 p.m. on Sundays and 5:00 p.m. to 8:00 p.m. on Wednesdays, every week.

17.32 **Twelve months to 18 months.** The non-residential parent shall have parenting time from 10:00 a.m. on Saturdays to 6:00 p.m. on Sundays, and from 5:00 p.m. to 8:00 p.m. on Wednesdays, every week.

17.33 **After 18 months.** Regular parenting time schedule applies.

17.34 **Special Situations.** If the parties have an infant who is younger than 18 months of age and either parent does not believe this infant schedule is appropriate in their circumstances, then, upon the request of either parent, the court will schedule an oral hearing for the purpose of establishing a reasonable parenting time schedule. Said hearing will be scheduled for 30 minutes allowing each parent 15 minutes to present his/her case.

17.4 GENERAL RULES (APPLICABLE TO ALL PARENTING TIME ORDERS

(A) **Notice.** Parents have a right to visit their child(ren) and the child(ren) has the right to prepare for and expect a visit. Notice of the intent not to visit shall be given 24 hours in advance. The child(ren) must only be available for 30 minutes past the scheduled pick-up time unless prior arrangements have been made by the parties.

(B) **Special situations.** When the residential parent will be gone overnight regardless of the age of the child(ren), the non-residential parent shall be afforded the opportunity to exercise overnight parenting time.

(C) **Telephone.** Each parent shall have telephone contact of reasonable frequency and duration with the child(ren) while in the physical custody of the other parent. Each parent shall provide the other with appropriate telephone numbers.

(D) **Address.** Each parent shall provide the other parent and the Court with any change in residential address promptly and in accordance with the Notice of Relocation required by the Ohio Revised Code.

RULE 18: ASSIGNMENT AND COMPENSATION OF COUNSEL IN CRIMINAL CASES

Upon arraignment or subsequent thereto, where it appears to the Court that a Defendant is without counsel and desires the Court to assign counsel to him, the Court, before doing so may require the Defendant to execute an affidavit regarding his employment, general background and financial status.

Such assigned counsel shall receive compensation for professional services and shall be reimbursed for expenses in accordance with R.C. 2941.51. Such assigned counsel will submit an itemized statement of the

services rendered and the time spent in connection with such services, whether spent in preparation and trial or other disposition of the case and any out of pocket expenses incurred therein. The trial Judge, after due consideration of such itemized statement, shall determine the amount of compensation within the statutory limits thereon, in accordance with the current fee schedule adopted by the Board of Commissioners for Vinton County, Ohio.

RULE 18.1: SUBMISSION OF MOTION FOR ASSIGNED COUNSEL FEES

1. All motions shall be submitted in triplicate on a form specified by the Ohio Public Defender Commission within 30 days of the filing of the final entry in the case.

2. All motions shall be accompanied be receipts for monies expended in defending the case.

3. All motions and copies thereof shall be accompanied by a copy of the Affidavit of Indigency of the Defendant on a form specified by the Ohio Public Defender Commission.

4. Maximum fees granted shall not exceed the schedule set by the Vinton County Commissioners.

5. Failure to timely file the Motion for Assigned Counsel Fees shall result in a reduction in the amount which would have been reimbursed to the county by the state of Ohio Public Defender Commission, and the approved fee will be reduced accordingly.

RULE 19: CASE MANAGEMENT

Pursuant to CP Rule 9 (A), the following case management plan is adopted. Early Case Management Conference: This conference, known as a "Status Conference", shall be scheduled by the Court, for all civil and domestic relations cases which are at issue, in the second month following joinder of the issues. At the status conference, the Court may, if available, refer the matter to mediation in accordance with Rule 22. At the status conference, the Court shall establish a binding case management schedule,

and schedule a pre-trial date. For cases which are not at issue, or in which the defendants have been served but are in default, the Court shall advise counsel appropriately, and schedule the matter for further review, on a date certain. In Criminal cases, the case management conference will be the pretrial hearing. The pretrial hearing will be scheduled at arraignment.

RULE 20: CHILD SUPPORT

On and after July1, 1986, all cases filed in this Court involving divorce, dissolution or any case involving the payment of support for minor children, there must be filed with the complaint, petition or motion or within five (5) days thereafter, an affidavit executed by the Complainant, Petitioner, or Movant containing among other things, the names and dates of birth of the minor children and financial information.

Affidavit forms will be available at the Common Pleas Court or Vinton County Clerk of Courts.

In any case where all the information is not known to the filing party a statement to this effect should be included and the affidavit questionnaire shall be served on the opposing party with the complaint, petition or motion.

All child support payment ordered shall be paid to the Vinton County Child Support Enforcement Agency, and shall include 2% additional poundage.

RULE 21: PERSONAL AND PRIVATE INFORMATION

IN THE COMMON PLEAS COURT, VINTON COUNTY, OHIO
GENERAL DIVISION AND DOMESTIC RELATIONS DIVISION

IN RE:	**Protection of Personal and Private Information in Records of the Court**	**JOURNAL ENTRY**

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

1. social security number;
2. full financial account number (it may be listed as e.g. "-------1234"); and

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

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the clerk of court's office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports which itemize state tax liens that use social security numbers as case numbers, or medical records.

The clerk of courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Vinton County clerk of court's office.

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

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

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

The clerk of court will not remove any personal and private information from a stamp-filed document, including records or transcripts transmitted to this court from another court, without a court order to do so. The clerk of courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this order.

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

RULE 22: MEDIATION

Vinton County, Ohio
Court of Common Pleas General, Domestic Relations, Juvenile and Probate Divisions, and County Court
Local Rule

Rule 2007-1. Mediation

The General, Domestic Relations, Juvenile and Probate Divisions of the Common Pleas Court, and County Court (hereinafter "Courts") adopt Local Rule 2007-1 effective January 1, 2007. Through Rule 2007-1 the Courts incorporate by reference the R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

(A) Definitions

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

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

(2) "Mediator" means an individual who conducts a mediation.

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

(4) "Proceeding" means either of the following:

a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;

b. A legislative hearing or similar process.

(B) Purpose

To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for Courts' cases through the use of mediation. To accomplish this goal, Court Mediation Services has been established.

(C) Scope

At any time any action under the jurisdiction of this court may be referred to mediation by the Courts.

At any time any action under the jurisdiction of these courts may be referred to mediation by Courts. The following actions shall be exempted from mediation upon request of any party:

(1) Cases in which one of the parties is mentally ill;
(2) In emergency circumstances requiring an immediate hearing by a a jurist, or
(3) Cases in which the parties have achieved an executed Agreed Judgment Entry.

(D) Case Selection

(1) Referral Process

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

A case in this court may be referred to Court Mediation Services in the following manner:

a. For formal proceedings, the court may order parties to participate in the mediation process.
b. For formal proceedings, the court upon written or oral motion to the court may order parties to participate in the mediation process.
c. For informal cases (pre-filing), a referral to Court Mediation Services may be made by court personnel.

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

(2) Eligibility of Cases

The Court Mediation Services will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

(3) Mediator Selection and Assignment

The following methods may be used to determine the mediator for the case:

a. The court mediator may facilitate the mediation.
b. The court randomly assigns a mediator to the case from the court's roster of approved mediators.
c. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case.
d. Parties may select a mediator from the court roster.

(E)(1) Procedures

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

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

- Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate

are allowed to accompany them and participate in mediation.

(B) Screen for domestic violence both before and during mediation.

(C)Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

(D) The Court Mediation Services will create a brochure to be displayed in public areas and have available by mediators and other staff to distribute
to clients as appropriate. The brochure will include: 1) local attorney referral contact information, 2) information regarding Children Services and 3) resource information for local domestic violence prevention, counseling, substance abuse and mental health services.

(E)The Court shall prohibit the use of mediation in any of the following:

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

(4) Party/Non-Party Participation

- Parties to informal cases may voluntarily attend mediation sessions.
- Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.
- A judge, magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.
- If counsel of any party to the mediation becomes aware of the identity of a person or

entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

- If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.
- By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

(5) Confidentiality/Privilege

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

All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10 and the Rules of Evidence and any other pertinent judicial rule(s). In furtherance of the confidentially set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session. If a new or different person(s) attend a subsequent session, their signatures shall be obtained prior to proceeding further in the process. A blank "Agreement to Mediate" form is available for review by any prospective participant by contacting the Courts.

(6) Mediator Conflicts of Interest

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

(7) Termination

If the assigned Mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this Court.

(8) Stay of Proceedings

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

(9) Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Coordinator or the Judge or Magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a

continuance of a scheduled mediation is requested and the proposed new date is within 45 days of the initial referral to mediation, then the request shall be made to the Mediation Coordinator. If the requested date is more than 45 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the Judge, Magistrate or staff mediator, where applicable, for good cause. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their disposition, will be recorded in the file of the case. Where continuances and extensions are requested with excessive frequency or insubstantial grounds, the court may adopt one or all of the following procedures:

a. Cross-referencing all requests for continuances and extensions by the name of the lawyer requesting them.
b. Requiring that requests for continuances and stipulations for extensions be in writing and the parties notified.
c. Summoning lawyers who persistently request continuances and extensions to warn them of possibility of sanctions and to encourage them to make necessary adjustments in management of their practice. Where such measures fail, restrictions may properly be imposed on the number of cases in which the lawyer may participate at one time.

(10) Mediation Case Summary

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

Insert applicable provisions, such as:

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

(11) Mediation Memorandum of Understanding

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

(12) Mediator Report

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

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

(E) Qualifications

(1) Qualifications

To be a court approved mediator the following qualifications apply:

- Commitment to Continuing Education,
- Membership in a Mediation Association,
- Minimum number of years mediating a specific type of case(s), etc.

(2) List of Qualified Mediators

The court maintains a list of qualified Mediators which shall be maintained by the Courts and a copy shall be distributed to all Judges and Magistrates of the Court.

a. All those on the list of qualified mediators shall submit to the Courts a regularly updated Curriculum Vitae (including a list of training related to the field of dispute resolution and professional or association memberships) which CV shall be provided by the the Courts to those requesting information on an assigned Mediator's qualifications to mediate a dispute pursuant the requirements set forth in R.C. 2710.08(C).

b. The Court will review applications of person seeking to be added to the list of qualified Mediators in accordance with the procedures adopted by the Judges of the Court.

(F) Fees and Costs

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

(G) Sanctions

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

RULE 23: JURY MANAGEMENT PLAN

Jury management. The responsibility for administration of the jury system shall be vested in the Judge and Clerk who shall coordinate all procedures.

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

RULE 24: MISCELLANEOUS

Attached hereto are various miscellaneous rules adopted by the Court.

RULE 24.1: IN THE MATTER OF THE ADOPTION OF A RULE OF COURT PURSUANT TO CIVIL RULE 4.4 (A) (2)

Civil Rule 4.4 (A) (2) provides that in a divorce, annulment, or legal separation action, if the Plaintiff is proceeding *in forma pauperis* and if the residence of the defendant is unknown, service of publication shall be made by posting and mail.

It is therefore ORDERED that upon the filing of the affidavit as required by Civil Rule 4.4 (A) (2), the Clerk shall cause service of notice to be made by posting in a conspicuous place in the Courthouse, and in two additional public places. The Court hereby designates the Village of McArthur Town Hall, the Village of Zaleski Town Hall, the Village of Wilkesville Town Hall, the Village of Hamden Town Hall, the McArthur Post Office, the Hamden Post Office, the Zaleski Post Office, the Wilkesville Post Office, the Ray Post Office, the New Plymouth Post Office, Vinton County Department of Job and Family Services, the Vinton County Community Building and Herbert Wescoat Memorial Library as "public places" for purposes of this rule. Posting shall be required only in the Courthouse and two additional public places.

The notice shall be posted in the required locations for six successive weeks.

After the last week of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

RULE 24.2: IN THE MATTER OF THE EXPENSE OF CALLING A JURY

The Clerk is hereby Ordered to include as court costs all expenses incurred in calling a jury, including but not limited to, certified mail postage and Sheriff's fees. The Court finds that such expenses are necessary and appropriate to summons a jury and shall be assessed as court costs.

RULE 24.3: IN THE MATTER OF FORM 10-A "PROTECTION NOTICE TO NCIC"

Whereas, the Court is required to issue Form 10-A "Protection Notice TO NCIC" whenever a civil protection order is issued; and

Whereas, Form 10-A contains the social security number of the person subject to the order; and

Whereas, the Court finds the social security number should not be part of the public case file due to privacy reasons;

It is hereby ORDERED that the Clerk shall maintain a separate file which shall contain forms 10-A which file shall be considered sealed and shall be disclosed to the public only upon Court order for good cause shown.

RULE 24.4: ADDITIONAL COSTS PURSUANT TO SECTION 2303.201 (A) (1) ORC

The Court, pursuant to Section 2303.201 (A) (1) ORC, determines that, for the efficient operation of the Court, additional funds are required to computerize the Court, to make available computerized legal research services, or to do both, and that pursuant to this determination, the Clerk of the Court of Common Pleas is authorized and directed to charge one additional fee of Six Dollars on the filing of each cause of action or appeal under divisions (A), (Q) and (U) of Section 2303.20 ORC.

RULE 24.5: ADDITIONAL COSTS PURSUANT TO SECTION 2303.201 (B) (1) ORC

The Court, pursuant to Section 2303.201 (B) (1) ORC, determines that, for the efficient operation of the Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas, and pursuant to this determination, the Clerk of the Court of Common Pleas is authorized and directed to charge an additional fee of Twenty Dollars on the

filing of each cause of action or appeal, on the filing, docketing and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive or modify a judgment under divisions (A), (P), (Q), (T) and (U) of Section 2303.20 ORC.

RULE 24.6: ADDITIONAL COSTS PURSUANT TO SECTION 2303.201 (E) (1)

The Court finds that for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the Court including, but not limited to, the acquisition of additional facilities, the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges and magistrates, and other related services.

Therefore, pursuant to the authority vested in the Court by Ohio Revised Code 2303.201 (E) (1), the court orders that there be assessed as court costs an additional sum of $40.00 per case effective January 1, 2016.

It is further ordered that effective 1-1-04, all funds collected from the assessment be paid to the Treasurer of Vinton County for deposit into a general projects fund which shall accumulate and only be disbursed upon an order of the Court in amounts no greater than the actual cost of the special projects which the Court deems appropriate to fulfill the objectives of this order.

IN THE MATTER OF MODIFICATION OF RULE REGARDING SPECIAL PROJECTS FUND

Whereas, this Court by journal entry filed May 7, 2004 established a general projects fund to acquire and pay for special projects of the Court; and

Whereas, the Court finds that the rule needs to be modified;

Now, Therefore, the May 7, 2004 journal entry is modified as follows:

(1) As to foreclosure actions only, an additional fee of $100.00 shall be charged on every new foreclosure complaint, effective January 1, 2016.

(2) An additional fee of $25.00 shall be charged on every order of sale.
(3) An additional fee of $5.00 shall be charged for each filing of a certificate of judgment.

RULE 24.7: IN THE MATTER OF MEDIATION SERVICES, ASSESSING COSTS AND ESTABLISHING FUNDS THEREFORE

Whereas, the Judge of the Court of Common Pleas, General Division of Vinton County, Ohio, pursuant to ORC 2303.201 (E)(1) has determined that for the efficient operation of the Court, additional funds are required to provide the services of a mediator pursuant to Local Rule.

Now, therefore, the Clerk of the Court of Common Pleas is hereby directed and authorized to charge the fee of ten dollars ($10.00) on the filing of each criminal cause, civil action or proceeding, or judgment by confession for the purpose of providing mediation service.

All monies collected under ORC 2303.201 (E)(1) from the ten dollar ($10.00) fee shall be paid to the County Treasurer to be disbursed upon an order of the Court of Common Pleas. Said fund shall be maintained in a special projects fund known as the "Mediator Fund."

RULE 24.8: IN THE MATTER OF A RULEOF COURT REGARDING GUARDIAN AD LITEM REPORTS

The Court finds that guardian-ad-litem reports are not required to be filed with the Clerk. In the event a report is filed with the Clerk, the Court finds that the report should be filed under seal to protect the privacy of the parties. It is therefore Ordered:

(1) All guardian-ad-litem reports filed with the Clerk shall automatically be filed under seal.

(2) The sealed report shall not be unsealed except upon court order.

(3) All reports shall be circulated in accordance with Superintendence Rule 48.