

**CHAMPAIGN COUNTY COURT OF
COMMON PLEAS,
GENERAL DIVISION**

**LOCAL RULES OF
PRACTICE AND PROCEDURE**



JUDGE NICK A. SELVAGGIO

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**CHAMPAIGN COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION
LOCAL RULES OF PRACTICE AND PROCEDURE**

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ADMINISTRATION

Rule 1.1 – Title

These local rules shall be known as the Local Rules of Practice and Procedure for the Champaign County Court of Common Pleas, General Division and may be cited as “Champaign G.D.L.R. _____”

Effective Date: 7/1/15

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Rule 1.2 – Applicability

- (A) These rules shall pertain to all matters raised in the Champaign County Court of Common Pleas, General Division.
- (B) These rules are applicable to attorneys, *pro-se* litigants and party-litigants appearing in the Champaign County Court of Common Pleas, General Division.
- (C) These rules shall supplement and compliment the Ohio Rules of Civil Procedure (Civ.R.), the Ohio Rules of Criminal Procedure (Crim.R.), the Rules of Superintendence for the Courts of Ohio (Sup.R.), the Ohio Revised Code (R.C.) and the Ohio Rules of Professional Conduct (Prof.Cond.R.).
- (D) These rules shall be construed and applied to provide fairness and simplicity in procedure and to secure the just, expeditious and economical determination of all cases.

All previous rules are abrogated by adoption of these rules.

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Rule 1.3 – Definitions

- (A) “Court” includes the elected Judge of the Champaign County Court of Common Pleas, General Division and the appointed Magistrate.
- (B) “Clerk” means the elected Clerk of the Champaign County Court of Common Pleas, General Division and any duly appointed deputy clerk.
- (C) “Municipal Court” means the Champaign County Municipal Court.

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Rule 1.4 – Court Website

The Court shall maintain a website to further its operations. The internet address of the Court’s website is www.champaigncourt.org

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Rule 1.5 – Term of Court; Hours of Operation

- (A) The Jury Year shall begin on the first day of January of a given year.
- (B) There shall be four (4) jury terms in any given year divided as follows: (1) The first of January through the thirty-first of March; (2) The first of April through the thirtieth of June; (3) The first of July through the thirtieth of September; (4) The first of October through the thirty-first of December.
- (C) The business hours of the Court shall be Monday through Friday from 8:00 a.m. until 4:00 p.m. except for legal holidays, unless otherwise required by the Court.
- (D) Court shall be in session at all scheduled times unless one of the following occurs:
 - (1) Inclement winter weather (declared as a Level III Snow Emergency by the Champaign County Sheriff);
 - (2) Court website www.champaigncourt.org reflects changes in the Court’s scheduled trial or hearing(s);
 - (3) The scheduled hearing is vacated by journal entry or direct communication from Court Staff.

Effective Date: 7/1/15; Modified 12/30/2021

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Rule 1.6 – Court Administrator

The Court may appoint a Court Administrator who shall function as the chief non-judicial officer of the Court and will provide general supervision of Court Services (Caseflow Management and Pretrial Services) and Court Administrative Services to include, but not limited to, computer, budgetary and human resource services.

In addition, the Court Administrator shall implement the administrative policy decisions of the Court and perform such other duties that may be assigned by the Court.

Effective Date: 7/1/15; Modified 2/1/24; 01/01/2025

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Rule 1.7 – Official Reporters; Recordings of Proceedings; Custody of Work Product

- (A) (1) Pursuant to R.C. 2301.18, and consistent with Sup.R. 11, the Court appoints the following to serve as the official reporter for the term not exceeding three years, and thereafter renewed automatically, unless removed by the Court after good cause shown for neglect of duty, misconduct in office, or incompetency, to wit: a court reporter retained by contract for a particular hearing, a particular trial or for specified period of time or a court staff member operating the courtroom audio or video electronic recording system used to record any proceeding before the Court. Nothing in this rule shall create an expectation of employment.
- (2) The official record of any court proceeding means the transcript of the recording created by the designated reporter and prepared by a certified reporter.
- (B) Consistent with R.C. 2301.20, any notes, audio recording or electronic recording of oral testimony (including the media storage unit, diskettes, and dictionary used to clarify the electronic recording) produced by the Reporter shall be carefully preserved pursuant to the time period outlined in R.C. 2301.20. Electronic recordings shall be stored and accompanied with any dictionary or software installation that would permit a secondary reporter to sufficiently access and interpret the recording with accuracy in the event the Court determines that the Reporter is unable or unwilling to prepare the written transcript.
- (C) In the event a Contract Reporter is utilized, the Contract Reporter may leave a copy of the media and related necessities for interpretation and transcription (as described in the preceding paragraph), with the hearing bailiff before departing the courthouse for use by another court reporter in the event the Court determines that the Reporter is unable or unwilling to prepare the written transcript. In the event the Reporter does not leave a copy of the media with the hearing bailiff, the Reporter is thereby acknowledging the duty to prepare a transcript of the hearing/trial at the order of the Court, or the request of party or non-party to the action, at the rate of compensation established in these local rules.
- (D) A request for a written appellate transcript shall be made by filing a written praecipe with the Clerk in accordance with App.R. 9(A) and Second District Loc.R. 6 and Loc.R. 6.1. The Court Reporter shall not prepare a written transcript of an indigent criminal defendant's case unless the Second District Court of Appeals first issues a journal entry that secures the payment for the transcript at the expense of the State of Ohio.
- (E) Transcription rates are set by the Court and noted in the Transcript Rate Policy as set forth in Champaign G.D.L.R. Appendix B.
- (F) In the absence of a different agreement between the Court and the Court Reporter, if the Court requests a written transcript, the Court Reporter shall prepare the written transcript without first receiving payment from the Court.

- (G) If a grand jury transcript is to be prepared post-indictment, the Court Reporter shall determine whether the indicted Defendant has been subsequently determined by the Court to be indigent or non-indigent and then bill the requesting party for the transcript at the rate set by the Court for an indigent or non-indigent Defendant.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 1.8 – Assignment of Judges

- (A) Consistent with the Supreme Court of Ohio’s Guidelines for Assignment of Judges, Rule 2.1 – 2.2, the Administrative Judge of the General Division shall seek temporary assignments of judges whenever the Administrative Judge deems such assignment is required.
- (B) Consistent with the Supreme Court of Ohio’s Guidelines for Assignment of Judges, Rule 5.1, upon receipt of a certificate of assignment issued by the Chief Justice, the original certificate of assignment shall be filed with the Clerk and entered upon the miscellaneous journal of the court. Photocopies of the file-stamped certificate shall be placed in the case file of every matter considered by the assigned judge pursuant to the certificate.
- (C) The Administrative Judge of the General Division hereby assigns, until further notice, the two judges of the Champaign County Domestic Relations-Juvenile-Probate Division, to serve as General Division Judges for the purpose of signing orders and entries or presiding over matters as assigned by the General Division. Said judges may also perform “ministerial matters” of the Court when, for good cause shown, an entry must be journalized and the Court is absent. Ministerial matters shall not include:
- (1) Default judgments;
 - (2) Dismissal entries not agreed to by all parties;
 - (3) Continuances not previously approved by the Court;
 - (4) Appointment of Counsel;
 - (5) Entries reflecting a ruling of the Court which has not been approved by all parties (including *ex parte* orders).

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 1.9 – Court Security

- (A) Any person entering the North Main Street entrance of the Champaign County Courthouse for hearings or trials shall be subject to security screening by designated Sheriff’s Office personnel. Purses, packages, briefcases, bags or boxes shall be subject to security screening or inspection by designated Sheriff’s Office personnel.

- (B) Consistent with Sup.R. 9, Appendix C, Court Security Standard 7, no items designed for use as a weapon shall be permitted in the Champaign County Courthouse except those carried by Court Security Officers or by Law Enforcement Officers who are not a component of Court Security and are acting within the scope of their employment. Law Enforcement Officers who are parties to a judicial proceeding as plaintiff, defendant, or interested party outside the scope of their employment shall not be permitted to bring items designed for use as a weapon into the Champaign County Courthouse.

Effective Date: 7/1/15

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Rule 1.10 – Court Attire

- (A) All persons must dress in proper attire when entering a courtroom. No attorney, party or witness shall be permitted to appear in the courtroom or offer testimony while dressed in shorts or “tank tops”. It shall be the duty of Counsel to advise the parties and witnesses of this rule prior to their appearance in court.
- (B) The Court may seek the removal of any person wearing attire, or displaying any placards, photographs, signs or any other image that is disrespectful to the rule of law, or contains words or images likely to incite others in disorderly conduct, or may cause prejudice to a litigant.

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Rule 1.11 – Courtroom Conduct

- (A) Visitors in the gallery shall, to the extent practicable, keep conversation to a minimum and speak at a level of volume designed not to detract the Court, attorneys and litigants from conducting court business.
- (B) Food and beverages shall not be brought into Courtroom One and Courtroom Two.
- (1) Water may be consumed in the Courtroom only after obtaining the expressed permission of the Court or Bailiff.
- (C) Cellphones shall be in the “OFF” position and shall not be in operable condition while in the courtroom.
- (1) This rule does not apply to individuals:
- (a) Conducting a telephone call or accessing a scheduling calendar with the expressed permission of the Court;
- (b) Operating a cellphone to access the Internet in accordance with Champaign G.D.L.R. [1.12](#);
- (c) Recording or photographing courtroom activity in accordance with Champaign G.D.L.R. [1.13](#)

(D)(1)(a) No person is authorized to activate or operate other recording devices in the courtroom without express permission from the Court or Court Staff.

(1)(b) If Court Staff suspects that a court participant or court observer has activated or operated an unauthorized recording device, Court Staff shall notify the court services law enforcement officer on duty, who shall make inquiry and seize the device for further Court inquiry.

(E)(2)(c) Notice of the prohibition of unauthorized recordings and the potential for seizure upon discovery shall be conspicuously posted outside the entrance to the courtroom.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 1.12 – Internet Courtroom Access

(A) In order to enhance the litigation environment for parties, the Court has equipped each courtroom with wireless routers capable of providing access to the internet for case research and courtroom practice. Password(s) for access may be obtained from the Court Administrator.

(B) The Court places the following restrictions on the use of routers and internet access as follows:

(1) Wireless internet access is for the use of the licensed attorney only;

(2) Wireless internet access should be utilized for case research and practice. “Surfing” the internet at counsel table is prohibited unless the use is for a specific litigation purpose;

(3) Passwords shall not be shared with clients or members of the public. Passwords may be changed from time to time and the Court will re-issue modified passwords accordingly;

(4) At no time shall counsel engage computers, tablets, or smartphones with audible sound unless specifically authorized by the Court.

Effective Date: 7/1/15

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Rule 1.13 – Broadcasting and Photographing Court Proceedings

(A) Consistent with Sup.R. 12, requests for permission for broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and be hand-delivered to the Court Administrator, or in the event the Court Administrator is absent, the individual charged by the Court to stand in the place of the Court Administrator. The written order granting permission shall be filed with the Clerk and made a part of the record of the proceedings. Permission, limitations and revocations shall be in conformity with Sup.R. 12.

- (B) Individual permission to broadcast, televise, record or photograph need only be made once per case. Different reporters from the same reporting agency are required to submit individual permission requests in order for each reporter to receive advisement of the restrictions promulgated by Sup.R. 12.
- (C) In the event that “pooling equipment arrangements” are needed pursuant to Sup.R. 12(B) and there exists a lack of agreement over the arrangements between or among media representatives, the Court will resolve the lack of agreement by selecting the media representative that made the first written request, as received by the Court Administrator, for that particular hearing or trial as the media representative that shall exercise control over the particular arrangements.
- (D) Non-attorneys, while present in the courtroom, are prohibited from accessing or operating their computer, tablet or smartphone without first obtaining the expressed permission of the Court, or as set forth in paragraph (A). Attorneys may not grant operational authorization to non-attorneys without first obtaining the expressed permission of the Court. Violation of this provision shall cause court security personnel to immediately seize the device involved for court inspection. A hearing shall be set by the Court to determine the penalty to be imposed.
- (E) The filming, videotaping, recording or taking of photographs of jurors shall not occur unless the expressed written permission of the Court is first obtained.

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CLERK OF COURTS

Rule 2.1 – Relationship to the Court

Consistent with R.C. 2303.26, the Clerk shall exercise the powers conferred him/her and perform the duties enjoined upon him/her by statute and by the common law; and in the performance of those duties, shall be under the direction of the Court.

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Rule 2.2 – Hours

The Clerk shall remain open during regular business hours as set forth in these local rules to accept filings and payments unless closed with prior consent of the Court or in case of inclement weather as described in [Champaign G.D.L.R. 1.5](#).

Effective Date: 7/1/15, amended 01/16/2026

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Rule 2.3 – Filings

- (A) Original documents to be filed with the Clerk of Courts shall not be stapled.
- (B) All pleadings and motions shall be typewritten or printed, double spaced, on 8 ½ by 11 paper, paginated sequentially in at least 12 point type and filed without backing or cover. Exhibits are exempted from this requirement.
- (C) Faxed filing is not permitted.
- (D) The Clerk shall accept no document for filing unless it is properly captioned setting forth the name of the court, the title of the action, the case number and the request for action.
- (E) Every pleading, motion, and memorandum filed shall have typed or printed on it the name, address, telephone number, fax number, and email address of the individual filing the same.
 - (1) Any non-*pro-se* litigants shall denote their applicable Ohio Supreme Court attorney registration number in the signature block.
 - (2) When the counsel is a firm of attorneys, the particular attorney within the firm having primary responsibility for the case and his or her Ohio Supreme Court attorney registration number shall be indicated thereon.
- (F) When a new party plaintiff or defendant is added to a case after its commencement, the caption of subsequent pleadings shall contain the name and address of the new party, followed by the specific designation of "new party plaintiff" or "new party defendant" as applicable.
- (G) Counsel or *pro-se* litigants shall file with the Clerk written notice of any change of address. The notice shall include the Ohio Supreme Court attorney registration number for each attorney.
- (H) All motions, memoranda contra and replies shall be titled in the following manner:

MOTION:

MOTION OF [plaintiff/defendant] [party name]
[to/for] [type of motion]

MEMORANDUM IN SUPPORT / OPPOSITION:

MEMORANDUM IN SUPPORT / OPPOSITION OF [plaintiff/defendant] [party name]
TO [plaintiff/defendant] [party name]'s
MOTION [to/for] [type of motion] FILED [date of motion]

REPLY:

REPLY OF [plaintiff/defendant] [party name]
TO [plaintiff/defendant] [party name]'s
MEMORANDUM IN SUPPORT / OPPOSITION TO MOTION FILED [date of motion]

- (I) Consistent with Sup.R. 45(D), when submitting a case document to the Court or filing a case document with the Clerk, a party to a judicial proceeding shall omit or redact personal identifiers from the document before it is filed with the Clerk. The party shall submit or file omitted or redacted personal identifiers on a separate form. The responsibility for omitting or redacting personal identifiers from a case document shall rest solely with the party. The Court or Clerk is not required to review the case document to confirm that the party has omitted or redacted personal identifiers, and shall not refuse to accept or file the document on that basis.
- (J) Litigants or members of the public may have access to review the case files in the Clerk's office, but may not remove them from the office for any reason.
- (K) Upon request, and during regular business hours, the Clerk shall allow any individual to examine any transcript of testimony filed with the Clerk.
 - (1) Upon request, and during regular business hours, a copy of the transcript may be purchased from the Court Reporter in accordance with the transcription rates set by the Court and noted in the Transcript Rate Policy as set forth in Champaign G.D.L.R. Appendix B.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 2.4 – Online Electronic Records

- (A) The Court provides for the online internet access of electronic case record information through a link available at the Court's website www.champaigncourt.org or the Clerk's website www.champaignclerk.com.
- (B) So as to protect a party's right to a fair trial and maximize the ability of the Court to secure a population of impartial jurors, the Court reserves the right to temporarily block online access to the electronic case record information for any active case pending before the Court. Restricting online internet access to electronic case record information does not mean that the Court is restricting public access to a case document in the Clerk's Office.
- (C) In making the decision to temporarily block online internet access, the Court will consider a number of factors, including but not limited to, the nature of the case, the publicity generated, the level of community interest, the availability of information already available through media outlets and the timing of the access relative to an anticipated trial date. One factor, if present, shall constitute sufficient justification to temporarily block online internet access to electronic case record information.
- (D) The Court shall only restrict non-online public access to a case document if it follows the process outlined in Sup.R. 45(E).

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Rule 2.5 – Electronic Filing System (“e-Filing”)**(A) Implementation.**

As set forth in this rule, e-Filing will be available in both civil and criminal cases, with limited exceptions. The Clerk shall maintain on the Clerk's website a list of all case types which may be e-Filed. Counsel and persons representing themselves shall consult the Clerk's website to determine whether a case may be e-Filed. All documents that are e-Filed are subject to the requirements, exceptions and limitations set forth in these rules.

(B) Users/Registration.

- 1) The Court's e-File system shall assign to each person who has registered for e-Filing a confidential and unique electronic identifier that shall be used to file, serve, receive, review, and retrieve e-Filed pleadings, orders, and other documents in the case.
- 2) Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.
- 3) All e-Filed documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

(C) Format of Documents Electronically Filed.

- 1) All documents submitted for filing, with the exception of proposed orders and entries (or other documents requiring a judge's or magistrate's signature) shall be filed in Portable Document Format (PDF). Such documents may either be signed by hand and scanned-in or they may be signed electronically as set forth in this Rule.
- 2) Proposed Orders / Entries.
 - (a) Proposed orders and entries (or other documents requiring a judge's or magistrate's signature) shall reference the specific motion to which they apply, and shall be filed in Microsoft Word document format, and shall not contain any mail merge fields or macros embedded in the documents.
 - (b) Submitters who have need to file attachments to proposed entries, and are unable to incorporate those attachments into a Word document, will have the ability to submit PDF attachments in a separate document within the same filing. This document shall be entitled "Notice of Filing of Attachments to [Name of Entry]" and shall be filed concurrently with the motion and proposed order/entry. The first page of this document shall be a cover page with caption identifying the case. Any proposed order/entry requiring attachments shall include language that incorporates the attachments into the order/entry by reference.
 - (c) The Clerk, through the e-Filing Portal, will electronically forward the proposed orders/entries and notices of attachments to the assigned judge or magistrate, who will either accept, reject or modify the proposed order/entry.

3) Signatures

- (a) Attorney's / Submitter's Signature. Any document submitted electronically with the Clerk that requires an attorney's or a submitter's signature (other than hand-signed documents scanned in PDF format) shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name, Registration Number.
Attorney/Counsel for (Plaintiff/Defendant/Other Party Designation)
Address
Telephone Number
Facsimile Number
Email Address

The conformed signature on an electronically-submitted document, is deemed to constitute a legal signature on the document.

- (b) Multiple Signatures. When a stipulation or other document requires two or more signatures:
- (i) The submitting party or attorney shall sign the stipulation or document himself or herself as follows: "/s/ John Smith."
 - (ii) The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.
 - (iii) The submitting party or attorney shall then submit the document electronically, identifying all of the other signatories as follows: "/s/ Jane Doe, per written authorization, by John Smith," etc.
- (c) Third-Party Signatures. A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as a hand-signed, scanned-in PDF document.
- (d) Judge or Magistrate Signatures. Electronic documents may be signed by a judge or magistrate via a digitized image of his or her signature. All documents signed in this manner will have the same effect as if the judge or magistrate had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

(D) Fees.

When a document requiring the payment of a deposit or fees is e-Filed, the required deposit or fee must be paid by credit card at the time of the filing. A convenience fee will be assessed on all deposits and fees paid in this manner.

(E) Filing of Initial Pleadings.

When submitting any complaint, third-party complaint, or other filing requiring service of summons to the court's e-File System, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint, third-party complaint, or other filing according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee, as stated in the Clerk's fee schedule, for production of service copies, which shall be assessed as costs.

Indictments in criminal cases may be submitted for e-Filing in compliance with these Rules and shall be served on defendants according to the Ohio Rules of Criminal Procedure.

(F) Availability of e-Filing -- Acceptance of Documents.**1) Definitions.** As used in this section:

- (a) "Submission" of a document means the act of transmitting a document electronically from a filing party to the Clerk of Courts through the e-Filing Portal for the purpose of causing it to be filed.
- (b) "Filed" means the acceptance of a document into the record of a case.
- (c) "Deficiencies" refer to errors or omissions of a party failing to comply with the procedural aspects of these Local Rules, technical requirements of the e-Filing Portal, or clerical errors while submitting a document for filing.
- (d) "Rejected Document" refers to a document containing deficiencies which has been submitted but not filed pending correction of any deficiencies.

- 2) Old version:** Documents may be submitted to the Clerk for e-Filing 24 hours per day, 7 days per week. Parties filing after normal business hours (8:00 A.M. to 4:00 P.M., Monday through Friday, excluding holidays) assume the risk of technical failures that prevent e-filing of their document.

Ordered by the Court 01/16/2026; Comment period through 02/20/2026.

New version: Documents may be submitted to the Clerk for e-Filing 24 hours per day, 7 days per week.

- (a) Pleadings, documents or entries of the Court may be filed with the Clerk either in paper format or in electronic format. Absent total failure of the courthouse physical facility to host or receive electronic communications, the Clerk shall not prohibit or restrict the filing of pleadings, documents or entries of the Court in electronic format.
- (b) The Clerk of Courts has determined that the filing of pleadings, documents or entries of the Court in electronic format shall be accomplished through the use of the designated online platform.

- (c) Any pleading, document or entry of the Court submitted through the use of the established online platform shall receive a timestamp on the pleading, document or entry of the Court that reflects the actual date and time of initial submission.
- (d) The established online platform shall be implemented to immediately deliver the submitted pleading, document or entry of the Court to parties of record at the point of submission to the Clerk.
- (e) If the designated online platform is rendered unavailable for public access for any reason, the Clerk shall provide for the filing of pleadings, documents and entries of the Court through electronic mail while the designated online platform is unavailable. The Clerk shall provide prominent notice of the unavailability of the designated online platform on the website maintained by the Clerk for such filings. The notice shall include an email address maintained by the Clerk that is to be used for the electronic filing of pleadings, documents or entries of the Court during the period of unavailability of the designated online platform.
- (f) Where a pleading, document or entry of the Court is filed by electronic mail as the result of the unavailability of the designated online platform, the date and time designation as displayed on the sender's email shall be considered the timestamped date of submission. If the date of submission cannot be placed on the pleadings, documents or entries of the Court electronically, the Clerk shall manually timestamp said pleadings, documents or entries of the Court with the date of their actual submission.
- (g) Where the Clerk has designated electronic mail as the electronic format option as the result of the unavailability of the designated online platform, any party filing a pleading or document or the Court filing an entry by electronic mail shall serve parties of record in the same manner as if the filing the pleading, document or entry of the Court with the Clerk occurred in paper format.
- (h) Parties filing after normal business hours (8:00 A.M. to 4:00 P.M., Monday through Friday, excluding holidays) assume the risk of technical failures that prevent the filing of their document.

- 3) Old version: Effective Date of Filing. Documents may be considered filed upon submission, regardless of the date accepted by the Clerk in the e-Filing system.

Ordered by the Court 01/16/2026; Comment period through 02/20/2026.

New version: Effective Date of Filing. Any pleading, document or entry of the Court submitted in electronic format using the online platform system or electronic mail as designated by the Clerk of Courts shall Documents may be considered filed upon submission, regardless of the date the pleading, document or entry of the Court is accepted by the Clerk in the e-Filing system.

4) Notice of Deficiencies in Submissions.

- (a) The Clerk shall notify a submitting party of any deficiencies. By way of examples, notification of deficiencies may be given for reasons including, but not limited to, the use of incorrect electronic file format; failure to pay correct filing fees, including those for a requested jury demand; submitting multiple documents in one uploaded file; incomplete or inaccurate party information; and incorrect case number.
- (b) Upon receipt of a notice of deficiencies, the submitting party shall cure or correct any deficiencies within two business days. Should the submitting party fail to do so, the Clerk shall notify the assigned judge, who shall take any action deemed appropriate, which may include, but not be limited to, striking documents, dismissing the action, or issuing a corrective order.
- (c) A rejected document will be considered filed upon submission, provided any deficiencies are corrected in a timely manner.
- (d) Corrective Orders.
- (i) Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue orders necessary to correct and cure any deficiencies and to make modifications to its records consistent with this Rule.
- (ii) The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the e-Filing system to gain unfair advantage or circumvent legal deadlines.

(G) Exceptions to e-Filing

The following documents may not be e-Filed:

- 1) Complaints filed pursuant to R.C. 2903.214 for Civil Stalking Protection Orders and/or Civil Sexually Oriented Offender Protection Orders.
- 2) Complaints on Cognovit Notes.
- 3) Complaints in Appropriations Cases.
- 4) Foreign Judgments.
- 5) Any document required to be filed under seal or in camera.

- 6) Motions for temporary restraining orders, preliminary injunction or other immediate relief.
- 7) All documents related to Judgment Liens, Certificates of Judgment, Garnishments, Writs of Possession, Foreign Sheriff Deposits, Petitions for Court-Ordered Certificate of Title, and other matters traditionally designated as miscellaneous cases.
- 8) Exhibits, attachments, or other documents that cannot be filed as a .pdf document or exceed 10 megabytes in size.
- 9) Any document that contains an active hyperlink to material outside the document being filed.

(H) Effect of Technical Error.

If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk or the submitting party, upon satisfactory proof and for good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the submitter intended the document to be filed. Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed, and served.

(I) Service.

- 1) The availability and utilization of electronic filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filing pursuant to the Rules of Civil Procedure.
- 2) (i) When a submission is deemed filed, the e-filing system will generate a Notification of Electronic Filing to the e-filer and to any attorney who has already entered an appearance in the case using the email address on file. Self-represented parties who are registered users of the e-filing system will also receive the Notification of Electronic Filing. Self-represented parties who are not registered with the e-filing system will not receive a Notice of Electronic Filing.

An e-filer must serve a paper copy of the e-filed document on all parties to whom the e-filing system does not send the Notification of Electronic Filing.

(ii) All e-filers must also include on their documents a certificate of service signed in accordance with the Civil Rules or the Criminal Rules, and these Local Rules. The certificate of service must contain substantially the following language:

“I hereby certify that on [date], [document title] was served through the Court’s Electronic Filing Service or by ordinary U.S. mail.”

The Notification of Electronic Filing, in conjunction with the required proof of service, will constitute service under Civ.R. 5 and Crim.R. 49.

(iii) For parties or their counsel who receive the Notification of Electronic Filing, service is complete at the time the Notification of Electronic Filing is generated by the e-filing system. Parties who do not receive the Notification of Electronic Filing and who are served by regular U.S. mail will have additional time to respond as provided by Civ.R. 6(D) or Crim.R. 45(E). Parties who receive the Notification of Electronic Filing are not entitled to the additional time to respond provided by Civ.R. 6(D) or Crim.R. 45(E). If the

e-filing system fails to generate the Notice of Electronic Filing, the party to be served may request an order extending the date for any response.

- 3) (i) Except where required by statute or rule, judgment entries and orders from the court will be electronically served using the email address on file to any attorney who has already entered an appearance in the case and to any self-represented party who is a registered user of the e-filing system. Where permitted, service by the e-filing system will be the only form of service. Attorneys and self-represented parties who are registered users of the e-filing system are responsible for regularly checking their email and updating their email address with the court if it changes.

The Clerk will serve self-represented parties who are not registered users of the e-filing system by U.S. mail.

(ii) The Court will separately serve through its email address any non-designated parties to the criminal case that have a vested interest in the outcome of the proceedings, including but not limited to, Pretrial Services, Adult Parole Authority, Tri-County Regional Jail, Bureau of Sentence Computation, and community recovery treatment agencies.

Effective Date: 01/01/2025

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Rule 2.6 – Filing Sealed and In Camera Documents

(A) Documents Filed Under Seal

- (1) The Clerk shall not accept any document to be filed under seal unless a motion to make the filing has been made and approved by the Court.
- (a) The documents shall be filed with the Clerk, secured in a sealed envelope, with the face of the envelope containing the case caption, a descriptive title of the document (unless such information has been included among the information sealed), the date of the order permitting the item to be sealed, and a conspicuous notation stating “DOCUMENTS UNDER SEAL – JUDGE ACCESS ONLY.”
- (b) The Clerk shall file stamp the face of the envelope, enter on the docket that the document was filed under seal with “Judge Access Only,” and retain the envelope in the Clerk’s office.

(B) Documents Submitted for *In Camera* Review

- (1) Unless otherwise ordered by the assigned Judge, documents submitted for *in camera* review shall be submitted directly to the assigned Judge and not filed with the Clerk.

- (2) If the assigned Judge orders that documents submitted for *in camera* review be filed with the Clerk, the filer shall follow the procedures set forth under the “Documents under Seal” section of this Rule.

Effective Date: 7/1/15

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Rule 2.7 – Certificate of Qualification for Employment

- (A) The purpose of this local rule is to define the specific local rule requirements and processes that support a Petitioner’s application for a Certificate of Qualification for Employment (“CQE”) as set forth in R.C. 2953.25 and Ohio Administrative Rule 5120-15-01 established by the Ohio Department of Rehabilitation and Correction (“ODRC”).
- (B) In order to request a CQE, a Petitioner shall follow the ODRC procedures to complete a petition, obtain ODRC approval and obtain an ODRC electronic petition number. The Petitioner shall then file the petition with the Clerk.
- (1) The petition and instructions for completion are available by accessing www.drccqe.com.
- (2) If the petition is not submitted electronically through the ODRC, a written petition must be completed on the form prescribed by the ODRC and attached to the pleading.
- (C) All petitions submitted through the ODRC shall include electronic access to the ODRC CQE Summary.
- (D) Before any action is required to be taken on the petition, the Petitioner must pay a deposit in accordance with the Clerk’s fee schedule set forth in Champaign G.D.L.R. [Appendix C](#). Judgment granting a CQE shall not be issued until costs are paid in full.
- (E) All personal identifying information, including social security numbers and other information that must be excluded from the public record shall be redacted in accordance with Champaign G.D.L.R. [2.3](#).
- (F) Records or information received by the Court to assist the Court with making its decision on the petition, including information included on the petition, shall retain their character as public or non-public records, as otherwise provided by law.
- (G) Upon receipt of a Notice of Petition and the required deposit, the Clerk shall assign the petition a miscellaneous case number.
- (H) The Prosecutor’s Office shall obtain a criminal history for the Petitioner.
- (I) The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner’s criminal history or other investigation. The Clerk shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary U.S. mail.

- (J) The Clerk shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Prosecuting Attorney of the county in which the petition was filed.
- (K) The Judge shall review the petition, criminal history, all filings submitted by the Prosecuting Attorney or Victim Advocate in accordance with the rules adopted by the Division of Parole and Community Services, and all other relevant evidence.
- (L) The Judge may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision, through an Order for Investigation or an Order for Additional Information.
- (M) The decision to grant or deny the petition may be referred to the Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding the Magistrate's decision would apply as set forth in the Ohio Rules of Civil Procedure.
- (N) The Clerk shall provide a written notice to the Petitioner of the Court's final Judgment Entry and Order. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed.
- (O) The Clerk shall also notify the ODRC of the disposition of the petition as required under the Ohio Administrative Rules, and if granted, order the ODRC to issue the CQE to the Petitioner.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 2.8 – Fees and Costs

- (A) The Clerk of Court shall charge the fees as proscribed by R.C. 2303.20.
- (B) A schedule of security deposits and filing fees is set forth in Champaign G.D.L.R. [Appendix C](#).

Effective Date: 7/1/15

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Rule 2.9 – Criminal Bind Over Cases

- (A) Criminal Case Number Assignment
 - (1) When a criminal case is bound over from the Municipal Court, the Clerk shall register the Defendant's name in its electronic case management filing system using the Defendant's name as set forth on the Municipal Court complaint.
 - (2) In order to minimize accumulation of court costs, if the Defendant is subsequently indicted by the Grand Jury for an offense(s) arising out of a single incident or a series of related incidents involving the same operative Municipal Court set of facts, the Clerk shall utilize the same case filing number as was initiated by the Municipal Court bind over.

- (3) In order to minimize accumulation of court costs, when a set of criminal cases involving multiple criminal charges arising out of a single incident or a series of related incidents is bound over from the Municipal Court and the Defendant is subsequently indicted by the Grand Jury on those same offense(s), which involve those same operative facts, the Clerk shall utilize the first case filing number as was assigned by the initiation of the first Municipal Court bind over complaint.

(B) Criminal Defendant's Name

- (1) In any indicted case, the Defendant's name placed on the indictment shall control the caption of the case.
- (2) In the event a criminal case has begun in the Common Pleas Court through a Municipal Court bind over and the Defendant's name (as subsequently indicted) is listed differently in the indictment than what was set forth in the initial, Municipal Court bind over case, the Clerk shall modify the Defendant's name as entered on the Clerks' physical case jacket and shall modify the Defendant's name as initially entered in the electronic case management filing system from what was initially entered as a result of the Municipal Court bind over and change the Defendant's name to be consistent with what is named on the indictment.

Effective Date: 7/1/15

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Rule 2.10 – Sureties

- (A) All bonds must be approved by the Court before filing with the Clerk.
- (B) In the event that real estate is offered as security, the value of said real estate is to be considered as two-thirds (2/3) of the duplicate value. A legal description of such real estate must be furnished with the volume and page of the Recorder's deed book where recorded must also appear, together with liens of record.
- (C) Any bonding company ordered to pay forfeiture on a bond in a criminal case shall not be authorized to file bonds for any other defendant until the forfeiture is paid.

Effective Date: 7/1/15

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GENERAL

The following rules under this section are applicable to all civil, criminal and community control violation hearings and trials, where relevant.

Rule 3.1 – Page Limitations

- (A) A supporting or opposing memorandum to a motion or brief, including administrative appeals, shall not exceed twenty (20) pages exclusive of any supporting documents. The Clerk shall not accept for filing any supporting or opposing memorandum or brief which exceeds twenty (20) pages without prior leave of the Court.

- (B) A reply memorandum or brief, including administrative appeals, shall not exceed ten (10) pages and shall be restricted to matters in rebuttal. The Clerk shall not accept for filing any reply memorandum or brief which exceeds ten (10) pages without prior leave of Court.
- (C) A motion for leave to file a memorandum or brief in excess of the page limitations set forth above shall be made no later than seven (7) days prior to the time for filing the brief. Such motion shall set forth the unusual and extraordinary circumstances which necessitate exceeding the page limitation.

Effective Date: 7/1/15

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Rule 3.2 – Case Settlement

- (A) Whenever the parties have reached a settlement agreement prior to the trial date or when an action is voluntarily dismissed, it shall be the duty of Plaintiff's Counsel in a civil case and the Prosecutor in a criminal case to immediately notify Court Staff by telephone or electronic transmission, particularly if there are any pending motions that would involve the Court's or Magistrate's time.
- (B) Costs shall be assessed for Court Reporter services for the full day rate of the first day of trial if a settlement or dismissal of the scheduled trial date occurs within twenty-four (24) hours of the scheduled commencement of trial.
- (C) Civil Case Settlement
- (1) Any scheduled pretrial conference or trial shall not be vacated until a dismissal entry is filed with the Clerk.
 - (2) Any proposed settlement entry shall contain a statement of agreement as to the apportionment of court costs and fees.
 - (3) The Court may either accept the parties' submission of the written notice of dismissal or create and file a judgment entry based on the parties' dismissal submission.
 - (4) If counsel informs the Court of settlement, but then fails to present an appropriate termination entry for the Court's approval and filing, the case may be dismissed by the Court.
- (D) Criminal Case Settlement
- (1) If the parties intend to resolve the case by plea before the Common Pleas Court, the Prosecutor shall provide Court Staff with a "Plea Disposition Worksheet" that sets forth the terms of the plea agreement so that Court Staff may prepare a formal Journal Entry of Guilty Plea Agreement for the Court.
 - (2) If the parties intend to seek dismissal of the indictment subject to Municipal Court proceedings, the Prosecutor shall file a written motion with the Clerk seeking dismissal, with a statement of the intended Municipal Court resolution and a statement as to the apportionment of court costs and fees.

- (a) In order to efficiently track and conclude the disposition of a felony indictment dismissed subject to Municipal Court proceedings, the Prosecutor shall subsequently file with the Clerk, and within seven (7) days of the issuance of the Municipal Court Journal Entry of Judgment, Conviction and Sentence, a “Memorialization of Municipal Court Disposition”, which sets forth the subsequent Municipal Court action that was predicated on the Common Pleas Court dismissal.
- (b) The Clerk shall not charge costs for the filing of the Memorialization of Municipal Court Disposition by the Prosecutor.

Effective Date: 7/1/15

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Rule 3.3 – Trial and Hearing Practice

The local practice of administering a trial is set forth in Champaign G.D.L.R. [Appendix D](#).

Counsel and *pro-se* litigants are responsible for consulting Champaign G.D.L.R. [Appendix D](#) for the trial practice policies of the Court.

(A) Commencement of Trial or Hearing

- (1) Trial shall begin promptly at 8:30 a.m., unless otherwise scheduled by the Court. Parties are required to appear fifteen minutes prior to the scheduled trial time.
- (2) Hearings shall begin promptly at their scheduled time.
- (3) If either a party to the proceeding or counsel believes that due to unanticipated circumstances they will be late to the trial or hearing, the affected party or counsel are expected to notify Court Staff by telephone (937) 484 – 1000, giving the reason for the unanticipated delay in appearance. Failure to reasonably notify the Court in advance of being late to a hearing may result in the Court ordering financial sanctions against the offending party or counsel.

(B) Trial Date Continuances

- (1) All trial continuances shall be considered by the Court within the parameters set forth in Sup.R. 41. The Court shall not grant a motion for continuance of a trial date without the motion being in writing, stating the reason for the continuance, endorsed in writing by the client and whether opposing counsel objects or consents to the continuance with any objectionable reason(s) provided therefor. The requirement to obtain the written consent of the client may be waived for good cause, provided the motion states the reason why moving counsel has been unable to obtain the written consent of the client.
- (2) The Court shall not grant a continuance without rescheduling the trial.
- (3) When a continuance is requested for the reason that the attorney is scheduled to appear in another case assigned for trial on the same date, the case that was

scheduled first shall have priority. However, criminal cases assigned for trial shall have priority over civil cases assigned for trial. A copy of the trial assignment shall be attached to the motion in order for the motion to be considered.

- (4) When a continuance is requested by reason of the unavailability of a witness at the time scheduled for a civil trial or hearing, the Court shall consider the feasibility of resorting to the several methods of recording testimony permitted by Civ.R. 30(B) and authorized for use by Civ.R. 32(A)(3).

(C) Jury View

- (1) Jury view requests will be granted only upon a showing to the Court that it will expedite or make the testimony of witness(es) more understandable, and that it is necessary in the interest of substantial justice and cannot be accomplished by drawing, picture or videotape submitted at trial.
- (2) Jury view requests shall be made at the Case Scheduling Conference, unless otherwise ordered by the Court.

(D) Stipulations

- (1) Any stipulations or agreement entered into between opposing parties shall be made in writing, signed by both counsel, (or in the case of a *pro-se* defendant, signed by the defendant) and filed with the Clerk of Courts prior to the introduction of the stipulation at trial or hearing on the facts at issue.

(E) Pre-Trial Admissibility of Trial Exhibits

- (1) If either counsel is seeking pre-trial admissibility of trial exhibits, counsel shall be obligated to secure a hearing date from the Bailiff at least seven (7) days before trial for the Court to review exhibits, unless sufficient time exists at the civil pre-trial conference or criminal final pre-trial conference to address the admissibility request.
- (2) Any pre-trial admission of an exhibit may be published to the jury before the jury retires to deliberate.
- (3) Any exhibit introduced at trial without pre-trial qualification of admissibility shall be considered the Court for admission and publication to the jury only upon the close of the presentation of all testimony and evidence, unless modified by the Court.

(F) Trial or Hearing Exhibits – General

- (1) Any trial or hearing exhibit a party intends to offer into evidence shall be marked as follows:
 - (a) Joint Exhibits – Roman numerals (I, II, III, etc.)
 - (b) Plaintiff's Exhibits – Arabic numerals (1, 2, 3, etc.)

- (c) Defendant's Exhibits – Letters (A, B, C, etc.)
 - (d) Third party Exhibits – Identified as such
 - (e) At trial or hearing, the party offering exhibits into evidence shall provide the Court, the Court Reporter and opposing counsel with an anticipated ordered listing of the numerical or lettered marking of the proposed exhibit(s) and a corresponding description of the proposed exhibit(s).
 - (f) Where practically possible, parties are encouraged, but not required, to also provide the Court with photocopies of the marked exhibits that are being utilized at the trial or hearing.
- (2) Consistent with Sup.R. 26(D), poster boards or other large-sized displays to be used as exhibits in a trial or hearing must be submitted on 8 ½ x 11 inch paper or photographed by the party / attorney prior to the proceedings.
- (a) The Court will verify that the letter-sized paper exhibit or photograph is of the quality necessary to be marked as the exhibit to be maintained for the record. At the conclusion of the trial or hearing, the Court will verify with the parties and attorneys on the record that the letter-sized paper exhibit or photograph is being substituted for the poster board or other large-sized display, which will then be returned to the offering party / attorney.
 - (b) If the poster board or other large-sized display is marked by the witness during trial or hearing testimony, the Court Reporter shall photograph the marked poster board or large-sized display. At the conclusion of the trial or hearing, the Court will verify with the parties and attorneys on the record that the letter-sized paper exhibit or photograph is being substituted for the marked poster board or other large-sized display, which will then be returned to the offering party / attorney.
- (3) Exhibits withdrawn during the trial or hearing will be returned to the appropriate party or attorney at the conclusion of the trial or hearing.

(G) Trial or Hearing Exhibits – Firearms

- (1) Keeping the firearm exhibit secured, open and separate from its ammunition is crucial and central to the safe handling of firearms in the courtroom. These procedures apply to all firearms brought into the Courtroom that are anticipated to be offered into evidence. These procedures do not apply to firearms carried or worn by law enforcement officers that are testifying in their official capacity, or to court security personnel.
- (2) Securing the Firearm
 - (a) At a minimum, each firearm will be displayed with a brightly colored “zip tie” style device. This “zip tie” will be routed through the magazine chamber and

out the ejection port, insuring that the bolt, firing pin, and/or action of the weapon cannot seat and engage full firing function (complete battery).

- (b) In the case of a revolver, the “zip tie” should be routed from the through the open cylinder and locked, preventing the cylinder from being able to seat in its closed or loaded position.
- (c) In the alternative to a “zip tie”, trigger locks or other incapacitating hasp lock devices may be attached to the firearm.

(3) Displaying the Firearm

- (a) The condition of the firearm will be such that an immediate visual inspection will indicate that the firearm is unloaded and open as follows:
 - (i) The magazine or clip removed, bullets removed from the cylinder or chamber.
 - (ii) If the weapon is a semi-automatic pistol, the barrel or slide must be in the rear locked position.
 - (iii) If the weapon is a revolver, the cylinder must be swung out or opened to the side.
 - (iv) If the weapon is a single or double barrel shotgun, the barrel or breach must be “broken” open.
 - (v) If the weapon is a semi-automatic rifle or shotgun, the chamber slide or cocking lever must be in the open position.
 - (vi) If the firearm has an external safety, the firearm should be presented in the “Safe” position.

(4) Firearms To Be Held In Custody Of Court Reporter

- (a) Firearms and ammunition brought into a courtroom, to be offered into evidence, will be placed in the custody of the court reporter at all times except when they are being handled by counsel or witnesses.
- (b) During all recesses of the court, all firearms will be locked in a secure drawer, cabinet or closet by the court reporter.

(5) Handling of Firearm in the Courtroom

- (a) The firearm will always be handled by the barrel only unless otherwise ordered by the trial judge.
- (b) No firearm will be pointed at a jury, judge, court personnel or spectators.
- (c) Firearms will always be pointed either at the ceiling or floor.

- (d) If deemed valuable and necessary by the judge, the gun may be pointed for demonstrative purposes during testimony. The attorneys must obtain the permission of the judge prior to such use for evidentiary purposes.

(6) Firearm and Ammunition To Be Kept Separate

- (a) Firearms and ammunition shall not be given to a witness or the jury at the same time.
- (b) Firearms and ammunition shall not be placed or left together.
- (c) The Court shall decide if firearms and ammunition should be allowed into the jury room at the time of deliberation.
- (d) If a firearm and the related ammunition are to be sent into the jury room during deliberation, the jury shall be allowed to examine them, but the firearm and ammunition shall not be sent into the jury room at the same time.
- (e) If the Court allows firearms and ammunition into the jury room, the firearm shall be sent in to the jury first.
- (f) After the jury has examined the firearm, they will inform the Court that it has completed its examination of the firearm, and notify the bailiff by using the buzzer located in the jury room so that the firearm may be returned to the Court Reporter and the Court Reporter may release the ammunition to the jury for examination.

(H) Examination of Witness

- (1) At trial or a hearing on any issue of fact, only one (1) attorney for each party shall examine or cross-examine any witness unless otherwise permitted by the Court.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 3.4 – Jury Management

The Court's Jury Management Policy is set forth in Champaign G.D.L.R. [Appendix E](#).

Effective Date: 7/1/15

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Rule 3.5 – Withdrawal of Counsel / Notice of Substitution of Counsel

- (A) An attorney desiring to withdraw from representation of a client shall file a motion to withdraw stating the reasons for the withdrawal. The motion shall include the last current address and telephone number of the client and a certification by the attorney that the following conditions have been met:

- (1) Notice has been given to the client that the attorney has filed a motion to withdraw;
 - (2) Notice has been given to the client advising the client of all orders and all upcoming case scheduling assignment dates;
 - (3) Notice has been given to all other counsel and unrepresented parties that a motion to withdraw has been filed.
 - (4) Compliance with Prof. Cond. Rule 1.16 has been demonstrated, including but not limited to specifically noting that withdrawal can be accomplished without material adverse effect on the interests of the client and to the extent reasonably practicable, the attorney has taken steps to protect a client's interests.
- (B) No attorney shall be permitted to withdraw from a case later than twenty-one (21) days prior to a trial or dispositive hearing except in extraordinary circumstances, or unless required pursuant to the Ohio Rules of Professional Conduct.
- (C) In cases of the retained criminal attorney, no attorney shall be permitted to withdraw from a case for non-payment of attorney fees later than twenty-one (21) days prior to a trial and before then only upon motion of counsel at the Court's discretion.
- (D) The filing of a Notice of Substitution of Counsel does not operate as an automatic replacement of counsel. The Court may, in its discretion, set a hearing date on a Motion to Withdraw or a Notice of Substitution of Counsel and may require the attendance of all counsel and clients. If the Court requires the attendance of clients at the hearing, it shall be the responsibility of original counsel to inform the client of the hearing date and time by telephone or ordinary mail. If such contact is unsuccessful, original counsel shall seek notification of the client by certified mail, return receipt requested.
- (E) The withdrawal of counsel or substitution of counsel is not considered effective until the Court issues a written journal entry granting approval of the same.
- (F) Substitute counsel shall be required to abide by the pre-established case scheduling order, unless the interests of justice require otherwise.

Effective Date: 7/1/15; Modified 01/01/2025

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Rule 3.6 – Physical Restraints on Children

- (A) Consistent with Sup.R. 5.01, there is a presumption that physical restraints on a child shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:
- (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
 - (2) There is a significant risk the child will flee the courtroom.

- (B) Any party, as defined in Juv.R. 2(Y), shall be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding;
- (C) If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

Effective Date 7/1/16

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CIVIL PRACTICE

Rule 4.1 – Purpose - Civil Case Management Plan

Consistent with Sup.R. 5, the purpose of this rule is to establish a system for civil case management that will achieve the prompt and fair disposition of civil cases and provide the Court with an efficient means of controlling the flow of civil cases. In managing all civil cases filed in the General Division, the Court shall comply with the Supreme Court's time limits provided in Sup.R. 39 for case disposition.

Effective Date: 7/1/15

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Rule 4.2 – Extensions

- (A) By agreement of counsel, any party may be permitted two (2) leaves to plead or move provided the total extension of time does not exceed twenty-eight (28) days. That consent shall be evidenced by the "Consent to Plead / Move" signed by all counsel and filed with the Clerk. The "Consent to Plead / Move" shall not be submitted to the Court for approval.
- (B) Where an additional extension of time beyond that provided by the Consent to Plead / Move is needed, or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion demonstrating good cause for further extension. The motion shall be filed on or before the expiration of the time to move or plead. The motion and affidavit shall be served upon opposing counsel, and the matter will proceed in accordance with Champaign G.D.L.R. 4.9. The motion will be required even though consent of opposing counsel is obtained if the extension is for a period of time beyond that permitted by the preceding paragraph of this rule.

Effective Date: 7/1/15

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Rule 4.3 – Scheduling of Events

The scheduling of events begins when a civil action is filed.

Thereafter, the case is managed in three (3) steps.

(A) Step One

Service of summons, in accordance with Civ.R. 4.1 – 4.6, shall be checked within sixty (60) days from the date the action is filed.

- (3) If service is complete on all parties and the case is an administrative appeal, Appellant shall cause the proper notice, transcripts and information to be filed with the Clerk pursuant to the Ohio Revised Code and applicable case law.
- (4) All cases other than administrative appeals go to Step Two when all returns of service are filed and service is complete.

- (5) If there is no return of service, Step One is repeated every thirty (30) days until all returns are filed or time limitations for service are met in accordance with Civ.R. 4(E).
- (6) If service is being accomplished by publication, then after the last publication, the publisher or agent shall file an affidavit with the Court demonstrating that publication was made, and a copy of the notice of publication. The affidavit and copy of the notice shall together constitute proof of service. Twenty-eight (28) days after the last publication, the case shall proceed to Step Two.
- (7) Failure to make service shall be addressed in accordance with Civ.R. 4(E).

(B) Step Two

This step assumes that service upon all defendants is complete.

- (1) After all Defendants have filed an answer, the Court will set a scheduling conference and notify counsel of record. This scheduling conference shall be conducted by telephone, unless otherwise ordered.
- (2) Any party demanding a jury trial in a civil case shall secure the cost by filing a deposit set forth in Champaign G.D.L.R. [Appendix C](#) within ninety (90) days of filing the jury demand. Failure to comply herewith shall be deemed a waiver of trial by jury. If no jury demand has been made, the Court shall determine whether the case is to be tried by the Judge or referred to a Magistrate. The case may also be ordered to mediation, in which event the date(s) for the mediation shall be scheduled in accordance with Champaign G.D.L.R. [4.16](#).
- (3) If no answer has been filed and no action has been taken by Plaintiff's Counsel within sixty (60) days of the completion of service, notice may be served on Plaintiff's Counsel to either proceed with default judgment or otherwise inform the Court as to why no appropriate action has been taken. If Plaintiff's Counsel does not respond by the date set forth in the notice, the case will be dismissed by the Court.
- (4) If an extension to plead has been filed and the motion has been granted, the action shall be recycled to the beginning of Step Two at the end of the extension period.

(C) Step Three

The Court will conduct a Case Scheduling Conference and Pretrial Conference.

- (A) At the Case Scheduling Conference, the Court will set deadlines for action.
 - (a) The attorney(s) trying the case are required to attend the Case Scheduling Conference or in cases where a party is proceeding *pro-se*, the party is required to attend the Case Scheduling Conference.
 - (b) The client(s), party representative(s) and insurer(s) are not required to attend the Case Scheduling Conference unless directed to do so by the Court.

- (c) Should it be desired, Counsel for subrogated or non-participating parties should seek written permission of the Court not to participate in the Case Scheduling Conference. Any party not participating in the Case Scheduling Conference is bound by the dates contained in the Case Scheduling Order.
 - (d) In foreclosure cases where a government entity is named a Defendant because it has a lien on the real estate, the government entity and its Counsel need not appear or participate in the Case Scheduling Conference unless ordered by the Court.
- (B) At the Pretrial Conference, the Court will make inquiries as to the manner and presentation of evidence, resolve issues anticipated at trial and determine the likelihood of settlement prior to trial.
- (a) The attorney(s) trying the case, the client(s), the *pro-se* litigant(s), the party representative(s) and insurer(s) are required to attend the Pretrial Conference unless otherwise directed by the Court.
- (C) Trial counsel should consult with their clients in advance of the Case Scheduling Conference and Pretrial Conference and be prepared to confer practically and earnestly on all matters as may aid in the disposition of the action.

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Rule 4.4 – Civil Case Scheduling Conference

(A) Statement of Intent

This rule implements Civ.R. 16. It sets forth the basic pattern for the orderly pretrial development of civil actions. Initiative, ingenuity, and industry on the part of attorneys in these actions will serve to implement this rule and determine the quality of pretrial proceedings.

(B) Case Scheduling Conference

- (1) After all party defendants have filed an answer, or after twenty-eight (28) days have passed for a non-waiving defendant, the Court shall send a pretrial questionnaire to each party and will schedule a Case Scheduling Conference of which counsel of record shall be notified. This conference may be conducted by telephone.
- (2) In addition to their responses to the pretrial questionnaire, it is anticipated that the parties will have filed their Civ.R. 26(F) report prior to the conference.
- (3) Attorneys who will be trying the case and the *pro-se* litigant(s) are required to participate in the Case Scheduling Conference. Calendars should be brought to the conference and be “up-to-date” in order to set future trial-related dates. It is not necessary for the client to participate in the conference.

- (4) As a result of this conference, the Court will issue a Case Scheduling Order setting:
- (a) Deadlines for exchanging discovery and objections to the same;
 - (b) Deadlines for the filing dispositive motions;
 - (c) Deadlines for the disclosure of expert and lay witnesses;
 - (d) Deadlines for the submission and exchange expert witness reports;
 - (e) Deadlines for the filing of additional motions;
 - (f) Deadlines for requesting a jury view of the premises or scene;
 - (g) Deadlines for filing a Pretrial Statement;
 - (h) Scheduling dates for the Pretrial Conference and Trial;
 - (i) Potential referral of the case to mediation or for further hearing.
 - (j) These fixed dates are inflexible and may be modified only by the Court upon the filing of a motion showing good cause.

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Rule 4.5 – Pretrial Conference; Contents of Pretrial Statement

(A) Pretrial Conference

- (1) A Pretrial Conference shall be scheduled approximately four (4) weeks before the scheduled trial date. Attorneys shall consult with their clients in advance of the Pretrial Conference and be prepared to confer practically and earnestly on settlement and all other matters as may aid in the disposition of the action.
- (2) At the Pretrial Conference, counsel trying the case and the *pro-se* litigant(s) shall be prepared to discuss all phases of their case, shall bring with them the originals or copies of exhibits proposed to be offered at trial, and be prepared to resolve all preliminary questions of evidence pursuant to Evid.R.104, including expert witness qualifications.
- (3) For purposes of expert witness qualifications at the Pretrial Conference, the parties shall confer with each other beforehand and be prepared to present qualification testimony of the expert in the event that qualifications are to be contested.
 - (a) In the event that expert qualification testimony is needed, such testimony will be presented at the Pretrial Conference pursuant to Evid.R. 702 regarding the admissibility of expert testimony sought to be introduced by any party, and trial counsel and the *pro-se* litigant will have the responsibility to ensure that

the appropriate hearing time has been allocated by the Court for such testimony.

- (4) If written materials are to be read into evidence, copies of these materials shall be provided by the proponent to the Court and other counsel at the Pretrial Conference.
- (5) At the Pretrial Conference, counsel responsible for trying the case, parties, *pro-se* litigants, party representatives and insurers, if applicable, shall be present and be prepared to consider the following matters:
 - (a) The simplification of the issues;
 - (b) The necessity of amendments to the pleadings;
 - (c) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
 - (d) Written and videotaped depositions;
 - (e) The adoption of any agreements by the parties for asserting claims of privilege or for protecting designated materials after production;
 - (f) Videoconferencing;
 - (g) Jury view expectations and needs;
 - (h) The waiving of a jury;
 - (i) The possibility of settlement;
 - (j) The imposition of discovery sanctions as authorized by Civ.R. 37; and
 - (k) Such other matters as may aid in the disposition of the action.

(B) Pretrial Statement

- (1) At least fourteen (14) days prior to the Pretrial Conference, the parties shall have filed a Pretrial Statement. The Court shall review and discuss with counsel, where applicable, their filed Pretrial Statements.
- (2) Pretrial Statements shall, where applicable, contain the following information:
 - (a) A concise statement of the general claims and defenses of the parties;
 - (b) Those facts established by admissions in the pleadings, admissions by discovery and stipulations of counsel;
 - (c) The contested issues of fact;

- (d) The contested issues of law, together with counsel's citations of authority for counsel's position;
- (e) The names and addresses of witnesses, together with a brief summary of each witnesses' expected testimony;
- (f) The names, addresses and qualifications of the expert witness(es) expected to testify at trial, as a well as a brief summary of each expert witness(es)' expected testimony;
- (g) A list of trial or hearing exhibits counsel intends to offer into evidence;
- (h) Motions in *limine* not already filed;
- (i) A list containing itemizations of expenses and all special damages being requested; and
- (j) Proposed jury instructions.

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Rule 4.6 – Discovery

- (A) Counsel and *pro-se* litigant(s) shall participate in discovery conferences with opposing counsel and shall freely exchange discoverable information and documents upon informal request. Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court.
- (B) Counsel and *pro-se* litigant(s) shall make a timely and good faith effort to confer and agree to schedules for depositions. Counsel may not schedule a deposition without first consulting with opposing counsel for a mutually agreed-upon date, time and place.
- (C) Within such time as not to delay the trial, a party may obtain one automatic leave to respond to discovery, not to exceed twenty-eight (28) days, by filing a notice of such leave. The notice shall indicate that no prior extension of time for discovery has been granted and must be filed prior to the expiration of the time originally proscribed. If any additional extension of time is requested, the party requesting the extension must apply to the Court by written motion.
- (D) The discovery cutoff date specified in the Case Scheduling Order shall be the last date for any party to seek the involvement of the Court in the discovery process by way of motion seeking a ruling, order sanctions or other Court action, absent extraordinary circumstances. Voluntary, mutually agreed-upon discovery, including perpetuation of trial testimony by videotape or otherwise, may continue after the discovery cutoff in a manner that does not delay any other event on the case schedule.
- (E) Interrogatories under Civ.R. 33, requests for production or inspection under Civ.R. 34, and requests for admissions under Civ.R. 36 shall be served upon other counsel or parties in accordance with those rules, but shall not be filed with the Court. If relief is sought under Civ.R. 26(C) or Civ.R. 37 concerning any interrogatories, requests for

production or inspection, and requests for admissions, copies of the portions of the documents which are in dispute shall be filed with the Court contemporaneously with any motion filed under Civ.R. 26(C) or Civ.R. 37.

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Rule 4.7 – Disclosure of Potential Lay and Expert Witnesses

- (A) Each party shall, not later than the date for disclosure designated in the Case Scheduling Order, serve on all parties and file with the Court a written disclosure of all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.
- (B) Each party shall, no later than the date for disclosure designated in the Case Scheduling Order, serve on all parties and file with the Court a written disclosure of all persons whose factual or expert knowledge did not appear relevant until the witnesses were initially disclosed, whom the party reserves the option to call as witnesses at trial.
- (C) Disclosure of witnesses under this rule shall include the following information:
 - (1) All witnesses – name, address and business telephone number or cell phone number (or residential telephone number if no business or cell number is available)
 - (2) Lay witnesses – a brief description of witness' relevant knowledge.
 - (3) Expert witnesses – A brief description of the expert's qualifications and summary of the expert's opinions and the basis or theory of that opinion.
- (D) Any witness not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

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Rule 4.8 – Expert Witnesses

- (A) An expert witness shall not testify unless a written report has been procured from the witness and provided to opposing counsel. In the event the expert witness is a healthcare provider, the healthcare records relevant to the case shall be provided to opposing counsel in lieu of an expert report in accordance with the time schedule set forth in the Case Scheduling Order.
- (B) Counsel shall take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert witness' opinion. The report of an expert witness must reflect the expert witness' opinion as to each issue on which the expert will testify. An expert witness shall not testify or provide opinions on issues not raised in the expert witness' report.

- (C) Unless good cause is shown, all reports must be supplied to opposing counsel or the *pro-se* litigant as set forth in the Case Scheduling Order.
- (D) If a party is unable to obtain a written report from an expert, counsel or the *pro-se* litigant must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel or the *pro-se* litigant of the name and address of the expert, the subject of the expert's expertise, together with the expert's qualifications, and a detailed summary of the expert's testimony. The Court shall have the authority to nonetheless exclude testimony of the expert if good cause is not determined for the absence of the report.
- (E) Written reports of expert witnesses are not to be filed with the Court, unless for use as evidence or consideration of motion in the proceedings. The party serving the expert report shall file a certificate of service.

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Rule 4.9 – Motion Practice / Motions other than Summary Judgment

- (A) All motions shall be accompanied by a memorandum stating the grounds thereof and citing the authorities relied upon.
- (B) This rule does not apply to court-discretionary motions which include, but are not limited to, Motions for Leave to Plead, Motions for Extensions of Time and Motions to Continue.
- (C) Unless otherwise ordered by the Court, motions will be decided without an oral hearing.
- (D) In cases consisting of heavy motion practice, the Court may, at any time and in its discretion, order parties to number and letter its motions as follows: the Plaintiff shall title each motion with a sequential number within the body of the motion title (ex. Plaintiff's Motion #1 Seeking...), and the Defendant shall file any response making reference to that motion number (ex. Defendant's Memorandum in Opposition to Plaintiff's Motion #1 Seeking...). Likewise, the Defendant shall title each motion with a sequential letter within the body of the motion title (ex. Defendant's Motion #A Seeking...), and the Plaintiff shall file any response making reference to that motion number (ex. Plaintiff's Memorandum in Opposition to Defendant's Motion #A Seeking...).

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Rule 4.10 – Summary Judgment

- (A) Unless otherwise ordered by the Court, any motion for summary judgment will be decided without an oral hearing. The Court may grant a hearing for oral arguments, where requested.
- (B) Original evidentiary materials as permitted by Civ.R. 56(C) shall be filed with the Clerk with the original motion.

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Rule 4.11 – Default Judgment

- (A) A party seeking default judgment pursuant to Civ.R. 55 shall include with the motion an affidavit of an individual with personal knowledge containing sufficient facts to support the claim.
- (B) An affidavit confirming that the defendant is not a minor or incompetent person, and that the moving party has complied with the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., or any amendments to any of this act shall also accompany the motion.
- (C) The Court in its discretion may set any motion for default judgment for an evidentiary hearing.

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Rule 4.12 – Bankruptcy

If any party files a proceeding in the United States Bankruptcy Court which results in a stay of this Court's proceedings, counsel shall file with the Court a written notice of bankruptcy and submit an order staying proceedings as provided by the provisions of 11 U.S.C. 362. Counsel shall immediately notify the Court in writing of any action of the Bankruptcy Court which would permit the Court to proceed with the case.

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Rule 4.13 – Dismissals

Consistent with Sup.R.40(A)(1), cases which have been docketed for six months or more without any proceeding taken therein or without apparent action in the file shall be dismissed without prejudice, after notice to counsel of record, unless good cause is shown.

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Rule 4.14 – Foreclosure

The procedures set forth shall govern foreclosures in the General Division.

(A) Service by Publication

Publication shall be made once a week for three (3) consecutive weeks instead of as provided by Civ.R. 4.4. The parcel in such publication shall be described by a metes and bounds legal description if the land is in the unincorporated areas of the county. Within incorporated cities and villages, the parcel may be advertised by legal description or by listing the complete street address and the permanent parcel number where the complete description is available on a county website.

(B) Evidence of Title

Subject to modification by journal entry:

- (1) Preliminary Judicial Report. Pursuant to R.C. 2329.191, within fourteen (14) days of filing its complaint for the foreclosure or marshalling of liens, plaintiff shall procure and file with the Clerk a preliminary judicial report, effective within (30) days prior to the filing of its complaint, prepared by a title company not associated with any party or counsel of a party.
- (2) Final Judicial Report. Prior to a judgment being rendered or sale being ordered, plaintiff shall file with the Clerk a final judicial report that updates the state of the record title, includes relevant information from the Court's docket, and bears a certification clearly stating that "All necessary parties are properly before the Court, and all proceedings are in conformity to the applicable law and Civil Rules."
- (3) Costs. Examination fees for preliminary and final judicial reports shall be allowed at \$75.00 per hour not to exceed \$400.00 without leave of Court.
- (4) Purchasers at sale may procure title insurance at their cost and option.

(C) Case Management

- (1) In all real property foreclosure actions, where the Champaign County Treasurer (hereinafter "Treasurer") is named as a party defendant, the Treasurer need not file an answer to the complaint or any cross-claim, nor does the Treasurer need to be served with any answer or other pleading after the complaint, unless any party challenges the real estate taxes and/or assessments claimed by the Treasurer on the tax records either as to the amount or validity, or as to the priority as a first and best lien. In all foreclosure cases where the Treasurer need not answer, the Treasurer will also not be required to attend any hearings unless specifically directed to do so by the Court.
- (2) 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.
- (3) Upon the filing of a motion for default judgment, the Court will proceed in accordance with Civil Rule 55 and Champaign G.D.L.R. 4.11. Plaintiff's Counsel and Counsel for lienholders will not need to appear at a default judgment hearing unless specifically directed to do so by the Court.
- (4) In the event that trial is required, a Pretrial Conference in accordance with Champaign G.D.L.R. [4.5](#) will be conducted at the request of any necessary party or the Court.
- (5) A proposed Judgment and Decree in Foreclosure shall accompany any dispositive motion filed by the Plaintiff in a foreclosure action. The proposed entry shall include an accurate description of the subject real property. The Court will not consider a

dispositive motion filed by the Plaintiff, unless and until a proposed entry conforming to this requirement are provided to the Court.

(D) Post Judgment Practice

- (1) After the Court enters judgment of foreclosure and the Clerk issues an order of sale, the sale will proceed as scheduled unless one of the following intervening events occur:
 - (a) A bankruptcy action intervenes;
 - (b) The Decree in Foreclosure is vacated; or
 - (c) 12 C.F.R. Part 1024 applies due to the existence of a pending loss mitigation application – See 12 C.F.R. 1024.41(g) (“Prohibition of Foreclosure Sale”); or
 - (d) A motion to vacate the sale is granted by the Court.
- (2) If loss mitigation efforts prove successful, the Plaintiff shall promptly file a Civ.R. 60(B) motion to vacate the Judgment and Decree of Foreclosure.
- (3) Unless the sale is withdrawn due to the filing of a bankruptcy action, the deposit fee set forth in Champaign G.D.L.R. [Appendix C](#) shall be paid in order to reinstate the case.

(E) Post Sale Practice

- (1) A defendant debtor may exercise the debtor’s right of redemption in accordance with R.C. 2329.33. The debtor may redeem the subject real estate by depositing with the Clerk the following amounts:
 - (a) The amount of the decree or judgment upon which the lands were sold;
 - (b) Costs;
 - (c) Poundage of 1.5%;
 - (d) Interest at 8% on the purchase money from the date of sale to date of deposit unless the purchaser is the judgment creditor.

(F) Sheriff’s Sale

- (1) Unless the Court, on the motion of the party requesting the sale, appoints a Private Selling Officer, all sales of real estate on order of this Court shall be conducted under the direction of the Champaign County Sheriff (hereinafter “Sheriff”). Statutory timelines for purchase price payments and confirmation shall be followed.
- (2) The Sheriff shall be responsible for deed preparation.
- (3) The Sheriff shall set and collect fees as set forth in R.C. 311.17.

(G) Private Selling Officer

- (1) As an alternative to a Sheriff's Sale of Real Estate, a party seeking a judicial sale of real property or the party's counsel may file a motion requesting that a Private Selling Officer ("PSO") be authorized to sell the property at a public auction.

Such motion shall state: (a) the name and address of the proposed PSO; (b) that the proposed PSO is an Ohio resident; and (c) that the proposed PSO is licensed as both an auctioneer and as a real estate broker or real estate salesperson under Ohio law.

If the motion is granted, the judgment creditor may choose to have the property sold by either a PSO or the Sheriff.

- (2) The PSO shall be responsible for deed preparation if a sale is conducted by a PSO.
- (3) If a sale is conducted by an authorized PSO, all of the following must be taxed as costs:
 - (a) the cost of the appraisal;
 - (b) the cost of the advertisement; and
 - (c) the fee charged and all costs incurred by the PSO (excluding the appraisal and advertisement costs) up to 1.5 percent of the sale price of the real property.

Any amount exceeding 1.5 percent of the sale price must be paid by the judgment creditor or from the judgment creditor's portion of the sale proceeds, and cannot be taxed as costs.

- (4) After the sale, the PSO must file with the Court an itemized report of all appraisal, publication, marketing and other expenses of the sale and all fees charged by the PSO for marketing and/or conducting the sale, including fees charged by the title agent or title insurance company.

(H) Confirmation of Sale

- (1) All motions requesting a Confirmation of Sale shall be accompanied by a proposed Confirmation Entry. Said entry shall include a complete property description of the subject real property. The Court will not consider the motion, unless and until a proposed entry conforming to this requirement are provided to the Court.

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Rule 4.15 – Administrative Agency Appeals to the Common Pleas Court

- (A) All appeals to the Common Pleas Court provided in R.C. 119.12 and R.C. Chapter 2506 from administrative agencies shall be governed by this rule. Pursuant to R.C. 4123.512, this rule does not apply to appeals from the Industrial Commission.
- (B) The Notice of Appeal filed with the officer, agency, commission, board or other entity whose final order is being appealed, together with a copy of the praecipe for the record

of proceedings, shall be filed with the Court within the time prescribed by law for such appeal. The Clerk shall notify the parties in writing when the record has been filed.

- (C) In all appeals where no additional evidence is required, the case shall be submitted to the Court on the following briefing schedule:
- (1) Appellant's brief – the Appellant shall serve its assignments of error and brief within twenty (20) days after the filing of the Record of Proceedings with the Clerk;
 - (2) Appellee's brief – the Appellee may serve any desired brief and assignments of error within twenty (20) days after the filing of the Appellant's brief.
 - (3) Reply brief – The Appellant may serve any desired reply brief within ten (10) days after the filing of the Appellee's brief.
- (D) For good cause shown, the Court may, upon motion, extend or otherwise modify the foregoing briefing schedule. If the Appellant fails to file its brief and assignments of error within the time provided, the Court may dismiss the appeal or otherwise dispose of the case as justice requires.
- (E) In all appeals where the submission of additional evidence is required or permitted by law, a motion to supplement the record shall be filed within fourteen (14) days after the filing of the record of proceedings, supported by affidavit requesting the submission of additional evidence and specifying the nature and type of additional evidence to be submitted and the reasons therefor.
- (F) The Court shall set such cases for conference in order to determine whether additional evidence is required, and to schedule a hearing, if necessary. After such conference or hearing, the Court shall set a schedule for the submission of briefs. The Court may grant a hearing for oral arguments, if requested.

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Rule 4.16 – Mediation

(A) Establishment of the Mediation Program

The Champaign County Common Pleas Court, General Division hereby formalizes a mediation program to utilize assigned mediators for civil cases to decrease judicial involvement and produce early, cost effective resolutions of pending cases through mediated agreements.

- (a) Consistent with R.C. 2303.201, the Court may charge a reasonable fee to be collected on the filing of each civil or criminal action and that is to be used in the implementation of dispute resolution procedure.
- (b) Persons appointed to serve as mediators shall have such qualifications as deemed appropriate by the Court.

- (i) All mediators are required to have a bachelor's degree.
 - (ii) All mediators shall have completed at least twelve (12) hours of basic mediation training or have had equivalent experience as a mediator.
 - (iii) A list of mediators and their experience and qualifications shall be maintained by the Court.
- (1) Consistent with R.C. 2710.02, at any time after service of summons in any action within the jurisdiction of this Court, a case may be ordered to mediation at the discretion of the Court.
- (a) The Court may also order the parties to mediation at the Case Scheduling Conference.

(B) Scheduling of Mediation

- (1) If the Case Scheduling Order refers the case to mediation and specifies a date after which mediation is to take place, the Mediator or Mediator's representative will contact Counsel, within seven (7) days of receipt of the Case Scheduling Order, to fix a date for mediation consistent with the Case Scheduling Order.
- (2) If the Case Scheduling Order or the Journal Entry Setting Mediation does not specify a date after which mediation is to take place, the Mediator or Mediator's representative will contact Counsel, within seven (7) days of receipt of the Court's order, to determine whether mediation can proceed without discovery or if discovery is necessary. If the Mediator determines that discovery is not necessary for mediation to proceed, mediation will be scheduled. If discovery is necessary, the Mediator shall allow 90 days for discovery, unless the Mediator determines that some other time period is reasonable. Mediation will be scheduled after the time period for discovery.

(C) Mediation Conference

- (1) All parties and counsel will receive confirmation of the date set and a list of participants ordered to attend the Mediation Conference.
- (a) Mediation statements shall be provided to the Mediator three days prior to the mediation. The statement shall set forth the facts, the disputed issues of fact or law, and the amounts and type of insurance coverage available. Said statement shall be served upon opposing counsel prior to the Mediation Conference.
- (b) Once the Mediator sets a date for mediation, continuances must be obtained from the Mediator at least two business days prior to the scheduled mediation date.
- (2) The parties and counsel responsible for trying the case shall attend the Scheduled Mediation Conference.

- (a) All parties shall be prepared to mediate in good faith.
- (b) Counsel shall discuss the case with the client before mediation.
- (c) In case of an insured party, a representative of the carrier who has negotiating and full settlement authority must also attend.
- (d) Each party shall be prepared to fully discuss the case with the Mediator as well as presenting crucial items of evidence.

(D) Costs of Mediation

The parties shall equally divide the costs of the mediation process. However, if a party or an attorney fails to appear for a scheduled mediation, that party shall pay the entire mediator's fee for that scheduled mediation.

(E) Failure to Attend

Participants ordered to attend a Mediation Conference that fail to attend may be required to show cause before the Court as to why they should not be held in contempt for non-compliance with the Court's order.

If a party is found in contempt, sanctions deemed appropriate by the Court will be issued.

(F) Confidentiality

- (1) Statements made during the course of mediation assessment or the mediation session(s) shall not be admissible in any subsequent proceeding in the Court. Evid.R. 408; R.C. 2710.03.
- (2) Exceptions to confidentiality are only as provide by state statute, including the reporting of a crime or of child abuse or neglect. R.C. 2710.04; R.C. 2710.05; R.C. 2151.421; R.C. 3109.052.
- (3) The Mediator will not be called as a witness in any future legal proceeding that may involve matters discussed by the parties at mediation. No records, notes or other work product resulting from the mediation will be called for or subpoenaed in the future by any party. R.C. 2710.06; R.C. 3109.051(C); State ex. rel. Schneider v. Kreiner, (1998), 83 Ohio St.3d 203.

(G) Notice of Settlement

- (1) When a full or partial agreement is reached in mediation, a Notice of Settlement will be promptly created, signed and filed by all parties. The Notice of Settlement shall be filed within twenty-one (21) days of the last mediation conference. R.C. 2710.06

(2) Upon entering the Notice of Settlement, the parties shall be responsible for creating, signing and filing a Settlement Entry of Dismissal or Joint Entry of Dismissal within forty-five (45) of the last mediation conference.

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CRIMINAL PRACTICE

Rule 5.1 – Purpose - Criminal Case Management Plan

Consistent with Sup.R. 5, the purpose of this rule is to establish a system for criminal case management that will achieve the prompt and fair disposition of criminal cases and provide the Court with an efficient means of controlling the flow of criminal cases. In managing all criminal cases filed in the General Division, the Court shall comply with the Supreme Court's time limits provided in Sup.R. 39 for case disposition.

In capital cases or cases charging Aggravated Murder or Murder, the Court, in its discretion, may elect to modify any local rule herein in order to effectuate the interests of justice.

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Rule 5.2 – Arraignment

(A) Incarcerated Defendants

- (1) Incarcerated Defendants shall be scheduled for arraignment through the Court's video conferencing system as soon as practically possible, but not later than two (2) court business days after indictment.
- (2) All arraignments of Incarcerated Defendants shall take place via the video conferencing systems maintained by the Tri-County Regional Jail and/or Department of Rehabilitations and Corrections, unless the Court orders otherwise.
- (3) In order to expedite the video conferencing process, Counsel representing an Incarcerated Defendant shall strive to consult with their client prior to video arraignment conferencing.

(B) Non-custodial Defendants

- (1) Defendants not in custody are required to appear personally for arraignment, and those arraignments shall take place in open court.

(C) Where a Defendant is not represented by counsel, the Court shall determine whether the Defendant is able to afford an attorney.

- (1) If deemed indigent, the Court shall appoint counsel. The Defendant will be required to complete an Affidavit of Indigency to verify indigency and eligibility for the appointment of counsel.
- (2) If not deemed to be indigent, the Court will continue the arraignment for a reasonable time, not to exceed fourteen (14) days, to permit the Defendant to retain counsel. In that event, the Defendant shall appear at the next Arraignment with Counsel.

- (a) If the Defendant has not been able to secure counsel, despite a good faith effort to do so, the Court will appoint counsel.
- (3) The Court may deem an Indigent Defendant to be deemed financially responsible for the costs of the legal representation, provided that the fees are imposed at sentencing, not included as part of the Defendant's sentence and imposed in a separate entry as a separate civil judgment for the fees that the court finds the Defendant has the ability to pay. Any court-appointed counsel fees so imposed to be billed at the indigent counsel rate established by the Board of Champaign County Commissioners.
- (D) If the Defendant fails to appear for arraignment, and it appears of record that the Defendant was served with the indictment and notice of arraignment, a *capias* shall issue for the Defendant's arrest. If it does not appear of record that the Defendant was served, the matter shall be continued to allow perfection of service.
- (E) A continuance of the arraignment may be granted at the discretion of the Court.

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Rule 5.3 – Appointed Counsel

- (A) The Court shall maintain a list of attorneys who desire to represent indigent criminal defendants and are qualified for such appointments pursuant to Ohio Administrative Code Section 120-1-20.
- (1) An attorney seeking indigent criminal defense appointments shall complete and submit to the Court a written application certifying that they meet the qualifications for reimbursement for the level of criminal case sought to be represented as set by the Ohio Public Defender Commission pursuant to Ohio Administrative Code Section 120-1-10. The written application is available from Court Staff.
- (a) Any time an attorney becomes qualified for, and desires appointment to, a higher degree of criminal case from what was sought in the most recent written application, the attorney shall submit a new written application to the Court.
- (b) A new written application for appointment shall be refiled with the Court within one month of the time period when the attorney's continuing legal education requirements are due to be filed with the Ohio Supreme Court.
- (c) An attorney that, due to practice specialty or location of practice, does not regularly litigate criminal matters in this Court shall be required to complete a written application certifying the requirements as set forth in this local rule before becoming eligible to represent the defendant that elected to request that attorney's representation.

- (d) Failure to complete said application as required by this rule shall be grounds for denying the attorney's desire for appointment or an indigent criminal defendant's selection for appointment.
 - (a) If there is no attorney available from the Court's maintained list for appointment on a particular criminal case, the Court shall seek appointment of an attorney that satisfies the Ohio Public Defender Commission guidelines for reimbursement before considering selection from its maintained list.
- (2) When an Indigent Defendant declines or fails to select an attorney, the Court shall make appointments of counsel on a rotating basis from the list maintained by the Court's Judicial Assistant.
 - (3) The Court reserves the right to decline to appoint the next rotational Attorney if, after a review of the specific allegations contained in the indictment, the level of experience possessed by the Attorney is outweighed by the seriousness of the case.
 - (4) The Court shall have the discretion to refuse the appointment of any Attorney who routinely fails to comply with the General Division's Local Rules as set forth herein by the Court.
- (B) If an Attorney is contacted for a potential court appointment and no affirmation of acceptance is given to the Judicial Assistant within one (1) business day of the contact, then the Judicial Assistant shall contact the next rotational Attorney.
 - (C) An Affidavit of Indigency shall be completed by each Indigent Defendant in order for Court-Appointed Counsel to be compensated. Failure to complete such Affidavit shall result in the non-payment of any Court-Appointed Counsel fees submitted.
 - (D) Counsel appointed to represent an Indigent Defendant shall submit a Motion, Entry and Certification for Appointed Counsel Fees, as prescribed by the Ohio Public Defender's Office, together with the Affidavit of Indigency, to Court Staff within thirty (30) days after final termination or disposition of the case.
 - (E) In the Motion, Entry and Certification for Appointed Counsel Fees, the Court-Appointed Counsel shall set forth a detailed listing of the time involved and services rendered, stating the date, description of the service and time spent on that service. Failure to provide said detailed description may result in the Court lowering the fee amount sought.
 - (F) Court-Appointed Counsel shall verify that no additional compensation was obtained from anyone for services rendered in a case in the General Division.
 - (G) The Court Administrator shall reduce by forty (40) percent any motion for attorney fees received by Court Staff after thirty (30) days from the case termination or disposition date.

Rule 5.4 – Extraordinary Fees for Appointed Counsel

- (A) Consistent with R.C. 120.33, the Fee Schedule for Court-Appointed Counsel is fixed by the Board of Champaign County Commissioners.
- (B) Counsel accepting an indigent appointment does so with the general understanding that “if maximum allowable fees under a county’s fee schedule are lower than the state’s maximum, reimbursement shall be made based on the county’s maximum.” *Ohio Public Defender Standards and Guidelines for Appointed Counsel Reimbursement, Section I, Subsection H(1)*.
- (C) From time to time, there may be cases where extraordinary fees beyond the Fee Schedule fixed by the Board of Champaign County Commissioners is sought due to the presence of extraordinarily complex legal issues, the existence of a significant number of multiple offenses, lengthy or protracted trials, or other reasons justifying extraordinary fees.
- (D) Extraordinary fees shall not be considered for cases involving customary and expected court appearances, conducting basic legal research, the review of routine criminal procedures, the discovery packet and in some instances, trial work.
- (E) In cases where extraordinary fee reimbursement is sought, Court-Appointed Counsel must file a separate Motion for Extraordinary Fees that set forth the justification for the request. Failure to file a separate Motion for Extraordinary Fees or failure to attach said motion to the Motion, Entry and Certification for Appointed Counsel Fees shall be grounds to deny the request.

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Rule 5.5 – Retention of An Expert Witness by Appointed Counsel

In all cases involving Court-Appointed Counsel, prior approval of the Court to obtain the services of an expert is required. Counsel shall provide the name of the expert, the expert’s estimated hourly fee, the estimated total cost and the type of service to be obtained. If Court-Appointed Counsel fails to properly obtain the Court’s prior approval, counsel shall be responsible for the cost of services obtained.

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Rule 5.6 – Criminal Case Scheduling Conference

- (A) Once the Defendant has been arraigned, a Case Scheduling Conference shall be set within ten (10) days after arraignment.
- (B) A Prosecutor, Defense Counsel and Defendant shall appear at the Case Scheduling Conference.

- (C) The Prosecutor and Defense Counsel shall bring “up-to-date” calendars to the Case Scheduling Conference that can address future scheduling dates.
- (D) The Defendant’s appearance is required at the Scheduling Conference in order to ensure that the Defendant is appropriately advised of the subsequent conferencing and trial dates.
- (1) Since it is a standard condition of bond that the Defendant appear at a hearing when directed by the Court or Defense Counsel, the failure of a non-incarcerated Defendant to appear at the Case Scheduling Conference shall result in the scheduling of a bond violation hearing.
 - (2) A Defendant held in custody at the Tri-County Regional Jail shall be brought to the Courthouse for the Case Scheduling Conference, unless the Defendant, in accordance with Crim.R. 43, waives in writing or on the record, the Defendant’s right to be physically present at the Case Scheduling Conference with leave of court.
 - (a) In the event the defendant posts bond at some point between the Arraignment with Counsel and Scheduling Conference, the Defendant remains required to attend the Case Scheduling Conference.
 - (3) A Defendant who is concurrently serving a term of imprisonment while being maintained at the Tri-County Regional Jail shall not be returned to the state correctional institution until after completion of the Case Scheduling Conference.
- (E) At the Case Scheduling Conference, the Court shall make inquiry of procedural case matters including:
- (1) Requests for discovery;
 - (2) Anticipated motions to be filed;
 - (3) Anticipated number of witnesses to be called;
 - (4) Requests for jury view; and
 - (5) Scheduling of applicable hearing dates and trial dates.
 - (6) The Court may, in its discretion, entertain discussion of special inquiries pertaining to relevant issues of law or matters of procedure, but shall not make substantive determinations of inquiries pertaining to relevant issues of law unless the defendant is physically present in the courtroom.

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Rule 5.7 – Pretrial Conference

- (A) In order to facilitate communication between the Defendant and Defense Counsel, between the Prosecution and the Defense, and to give more meaning to the Final

Pretrial Conference, the Court orders the Defendant, Defense Counsel and Prosecutor to participate in Pretrial Conferencing as described herein.

- (B) At least one time prior to the scheduled Final Pretrial Conference, Defendant and Defense Counsel shall meet to review the materials contained in the Prosecutor's discovery packet.
- (1) The Defendant shall be presented with the opportunity to physically review the Prosecutor's discovery's materials before, during or after this meeting.
 - (2) Said meeting between Defendant and Defense Counsel shall occur either in person, telephonically or electronically through a video conferencing system.
- (C) Following Defense Counsel's initial meeting with the Defendant, Defense Counsel and the Prosecutor trying the case shall confer in order to "Pre-Try" the case.
- (1) The Pretrial Conference shall be scheduled by the parties and without Court involvement, at a time convenient to Defense Counsel and the Prosecutor, and at a time prior to the Final Pretrial Conference.
 - (a) Consideration shall be given to scheduling the Pretrial Conference with sufficient time to enable Defense Counsel to subsequently meet with the Defendant to review the discussions had with the Prosecutor and to enable the Defendant to consider the matters raised or offered for consideration.
 - (2) The Pretrial Conference between Defense Counsel and the Prosecutor shall occur either in person, telephonically or electronically through a video conferencing system.
 - (3) Pretrial Conference discussion shall include dialogue regarding any factual or legal issues in dispute, the existence of Defendant's expected discovery and whether the potential for a resolution of the case short of trial exists.
 - (4) It is not the intent of the Court to be present or be a participant in the Pretrial Conference.
- (D) Following the Pretrial Conference, and at least one (1) day prior to the Final Pretrial Conference, Defense Counsel shall confer with the Defendant to review the discussions held with the Prosecutor at the Pretrial Conference, with sufficient time scheduled for the Defendant to consider the matters raised or offered for consideration.
- (1) Said meeting between Defense Counsel and the Defendant shall occur either in person, telephonically or electronically through a video conferencing system.
- (E) The Court may order the parties and counsel to additional Pretrial Conference(s) deemed necessary by the nature or pace of the litigation.

Rule 5.8 – Final Pretrial Conference

- (A) A Final Pretrial Conference date shall be scheduled at least twenty-one (21) to twenty-eight (28) days before the trial date unless otherwise modified by the Court. The Prosecutor, Defense Counsel and Defendant are required to appear at the Final Pretrial Conference.
- (B) The Final Pretrial Conference hearing shall be used to brief the Court on the need for trial and may also be used for change of plea. The Final Pretrial Conference shall not be used for “first-time” discussions of received discovery or the initiation of plea discussions.
- (C) In the event no resolution settlement is reached, and upon the request of the Court, the Prosecutor shall read into the record the most recent resolution offer conveyed and rejected by the Defendant into the record. The recitation of the rejected plea offer is not sought to pressure or coerce a plea acceptance, but rather to ensure that the Prosecutor, Defense Counsel and Defendant are aware of the specific terms of the last proposed resolution offer and to verify the Defendant’s decision to reject the offer and proceed to trial.
- (D) The Court may order the parties and counsel to additional Final Pretrial Conference(s) deemed necessary by the nature or the pace of the litigation.

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Rule 5.9 – Sentencing Outcomes

The Court, as matter of sentencing policy, will not engage in plea negotiation discussions or discuss likely sentencing outcomes with counsel or the parties prior to the actual imposition of sentence.

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Rule 5.10 – Motion Practice

(A) Motions

- (1) All motions, other than those made at trial, shall be made in writing and, except for motions for discovery and requests for bills of particulars, shall be accompanied by a memorandum stating the grounds thereof and citing the authorities relied upon.
- (2) Unless modified by court order, any desired response to a motion shall be filed within fourteen (14) days after the day on which the motion was filed.
- (3) The Court, in its discretion, may set a hearing for the motion with notice to all parties. The Court reserves the right to rule upon a motion without conducting a hearing.

- (4) In capital offense cases or cases charging Aggravated Murder or Murder, the State of Ohio shall title each motion with a sequential number within the body of the motion title (ex. State of Ohio's Motion #1 Seeking...), and the Defendant shall file any response making reference to that motion number (ex. Defendant's Memorandum in Opposition to State of Ohio's Motion #1 Seeking...). Likewise, the Defendant shall title each motion with a sequential letter within the body of the motion title (ex. Defendant's Motion #A Seeking...), and the State of Ohio shall file any response making reference to that motion number (ex. State of Ohio's Memorandum in Opposition to Defendant's Motion #A Seeking...).

(B) Motion for Bond Modification

- (1) Unless orally raised at trial or hearing, no Defendant shall be granted a bond modification without a written motion stating the reason for the modification request and whether opposing counsel objects or consents to the modification.
- (2) In the event opposing counsel raises an objection to the bond modification, and the reason is provided to moving counsel, the motion shall also state the reason for opposing counsel's objection.
- (3) If the modification request requires a response where time is of the essence, moving counsel shall provide the Court with a "courtesy copy" of the filed request.
- (4) Failure to include opposing counsel's position or reason opposing the request may result in the Court granting opposing counsel seven (7) days to respond from the date the Court initially considered the motion.

(C) Motions for Discovery; Bill of Particulars

- (1) Unless a party files motion for protective order, or the Prosecutor has filed a certification for non-disclosure pursuant to Crim.R. 16(D), the following motions shall be deemed sustained by the Court upon filing:
- (a) Motions for general discovery under Crim.R. 16(B), Crim. R. 16(H), Crim.R. 16(I), and Crim.R. 16(K)
 - (b) Request for Bill of Particulars under Crim.R. 7(E)
- (2) Discovery
- (a) The Prosecutor shall strive to provide general discovery to Defense Counsel before the Case Scheduling Conference. The Prosecutor shall be responsible for gathering all matters subject to discovery from police agencies. It shall not be a defense to a motion for sanction under Crim.R. 16 or to a motion in *limine* that the police agency did not timely provide the information to the Prosecutor's Office.
 - (b) Defense Counsel shall strive to provide general discovery to the Prosecutor within twenty-one (21) days of receiving discovery from the Prosecutor. It shall not be a defense to a motion for sanction under Crim.R. 16 or a motion

in *limine* that the Defendant did not timely provide the information to Defense Counsel.

- (c) The Prosecutor and Defense Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court.
- (d) Absent extraordinary circumstances, the Final Pretrial Conference shall be the last date for any party to seek the involvement of the Court in the discovery process by way of motion seeking a ruling, an order, sanctions, or other Court action.

(D) Motion for Intervention in Lieu of Conviction

- (1) Consistent with R.C. 2951.041(A), an attorney filing or contemplating filing a motion for intervention in lieu of conviction pursuant to R.C. 2951.041 shall be prepared to provide the Court with the name of the addiction services provider certified pursuant to R.C. 5119.36 or a properly credentialed professional for the purpose of determining the defendant's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, in order for the Court to notify the provider of the Court's assessment order.
- (2) A motion for intervention in lieu of conviction shall be made no later than fourteen (14) days after receipt of the Prosecutor's discovery packet, unless for good cause shown.
- (3) In the event an assessment is ordered by the Court, the addiction services provider or the properly credentialed professional shall provide a written Assessment and Intervention Plan of the offender to the court, prosecutor and defense counsel no later than three (3) business days before the scheduled hearing on the motion.
 - (a) The Defendant shall sign a release of information to Pretrial Services, Prosecutor, Defense Counsel, Court and the Adult Parole Authority
 - (b) The Assessment and Intervention Plan shall contain the following:
 - (1) The evaluator's understanding of the basic facts of the incident giving rise to the evaluation;
 - (2) The evaluator's assessment and diagnosis of any substance abuse or mental health disorder
 - (3) The evaluator's proposed intervention plan of treatment
 - (4) An evaluation of the defendant's willingness and ability to engage in rehabilitative recovery programming
 - (c) It is the responsibility of the Defense to ensure that the parties and the Court receive the Assessment and Evaluation Report ("Report"). It is customary that the Defense will seek stipulation from the Prosecutor as to the findings and admissibility of the Report, which would then remove the necessity of subpoenaing the evaluator to testify at the hearing.

- (d) In the event the Report is not timely received, the Defense shall issue and serve a subpoena for the evaluator to appear and provide testimony at the hearing. Failure to secure the appearance of the evaluator may result in the denial of the motion.

- (4) The defendant's failure to attend the scheduled assessment or hearing on the motion may be considered grounds to deny the motion.

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Rule 5.11 – Trial

- (A) A trial date shall be scheduled within forty-five (45) to sixty (60) days of arraignment unless otherwise extended by the Court.
- (B) In the event more than one trial is scheduled for the same date, the Court will evaluate the complexities of each case and depending on case circumstances, seek to choose the trial that will go forward between one (1) and fourteen (14) days_ prior to the scheduled trial date.
 - (1) As a general rule, and speedy trial considerations notwithstanding, Defendants in custody shall be given trial priority over Defendants who are out of custody. With potential exception to a particularized fact pattern or public safety concern, trial priority will be given to cases in order of age of indictment and then by criminal offense types as follows:
 - (a) Offenses against children, disabled adults or elderly persons
 - (b) Offenses involving sexual assault
 - (c) Offenses involving physical assault
 - (d) Offenses against the administration of justice
 - (e) Offenses involving residential burglary
 - (f) Offenses involving drugs of abuse
 - (g) Others

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Rule 5.12 – Supplementation to the Pre-Sentence Investigation Report

- (A) Any documents, requests for restitution, letters or correspondence directly received by the Court prior to a sentencing hearing shall be marked by Court Staff as "Court Exhibits", using "Arabic numerals" (i.e., 1, 2, 3, etc.) for items supporting the prosecution of the case and using "Letters" (i.e., A, B, C, etc.) for items supporting the defense of the case.

- (1) Any items marked “Court Exhibits” prior to sentencing shall be affixed to the back of the pre-sentence investigation report for inspection by trial counsel. It will be the responsibility of counsel to review said “Court Exhibits” along with the pre-sentence investigation report, prior to sentencing.

- (B) Any documents, requests for restitution, letters or correspondence received by the Court through an offering party at a sentencing hearing shall be marked by the party offering the exhibit, using “Arabic numerals” (i.e., 1, 2, 3, etc.) for items supporting the prosecution of the case and using “Letters” (i.e., A, B, C, etc.) for items supporting the defense of the case.

- (1) The Prosecutor and Defense Counsel shall strive not to deliver high numbers of documents or letters of reference to the Court at the time of sentencing, as such a review could cause an unwieldy delay in the timely commencement of Court proceedings.

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ADULT PAROLE AUTHORITY

Rule 6.1 – Purpose

- (A) Consistent with R.C. 2301.27 and R.C. 2301.32, the Board of Champaign County Commissioners, at the request of the Court, contracts with the Adult Parole Authority (hereinafter “APA”) to provide for the provision of probationary services and supervisory services for persons placed under community control sanctions.
- (B) The APA is responsible for the release and supervision of adult felony inmates returning to local communities from prison, as well as assisting Courts of Common Pleas with supervision duties for felony offenders. It is comprised of the Parole Board and Field Services.
- (C) The Court hereby adopts the following local rules for community control supervision that are not inconsistent with law or with the rules of the APA. These local rules shall be observed and enforced by the APA Parole / Probation Officers assigned to Champaign County.

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Rule 6.2 – Guiding Principles and Purposes of Supervision in Champaign County

- (A) Consistent with the APA mission statement, the APA for Champaign County supervisory services shall “aid in the reentry of offenders by partnering with community stakeholders and law enforcement agencies to preserve public safety by holding offenders accountable through diverse supervision strategies and technology.”
- (B) Consistent with the APA philosophy, the philosophy of supervision statement for the APA Parole / Probation Services for Champaign County is to "effectively supervise and provide opportunity for offenders to reenter into law abiding citizenship and to reward, encourage, and promote positive behavior, while holding offenders accountable for negative behavior."

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Rule 6.3 – Physical Facilities

- (A) The Court shall provide the appropriate physical space and facilities for the APA Parole / Probation Officers, to be maintained under the control of the Court.
- (B) The Court shall review from time to time whether the physical space and facilities enable the APA Parole / Probation Officers to meet the rehabilitative needs of defendants and the administrative needs of the APA, consistent with other needs of the Court to perform the Court’s own functions and operations.

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Rule 6.4 – Court Assignment of Defendant to an APA Parole / Probation Officer

- (A) Depending on the nature and circumstances of a particular case or the rehabilitative needs of the Defendant, the Court hereby reserves the discretion to mandate the assignment or re-assignment of any Defendant under supervision to a particular APA Parole / Probation Officer.

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Rule 6.5 – Filing the Community Control Violation Complaint

- (A) The APA Parole / Probation Officer shall file with the Clerk any community control violation complaint in a format approved by the Court.
- (B) The Complaint shall be sworn before the Clerk, under oath.
- (C) The APA Parole / Probation Officer shall ensure that file-stamped copies of the complaint are delivered to the Court to be served upon the Defendant and Prosecutor at the Initial Community Control Arraignment hearing.
- (D) If an individual on community control is arrested by an APA Parole / Probation Officer regarding allegations of committing community control violations, the APA Parole / Probation Officer shall file a community control violation with the Clerk no later than five (5) days after arrest.

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Rule 6.6 – Community Control Violation Hearing

- (A) At the Initial Community Control Arraignment Hearing, and in the event the Defendant does not retain counsel, the Court shall follow the same court-appointment process as described in Champaign G.D.L.R. 5.3, and set a Community Control Arraignment with Counsel hearing.
 - (1) Court-Appointed Counsel shall accept the community control appointment with the same understanding and billing requirements as set forth in Champaign G.D.L.R. 5.3 and 5.4.
- (B) At the Community Control Arraignment with Counsel hearing, Defense Counsel shall set forth whether the Defendant contests probable cause to hold the violation hearing and whether the Defendant contests the merits of the violation.
 - (1) The Court or Magistrate shall then schedule the appropriate time period needed for taking an admission to the merits or holding a merits hearing.
 - (2) Merits hearing determination shall not be held before the Magistrate.

- (C) Prior to the Defendant's Community Control Arraignment with Counsel hearing, the APA Parole / Probation Officer shall deliver Crim.R. 16 discoverable materials to the Prosecutor's Office that solely pertain to the community control allegation(s) for distribution to Defense Counsel. APA copies or portions of copies of the pre-sentence investigation report shall not be distributed to the Prosecutor or Defense Counsel.
- (D) Where applicable, Community Control Violation Hearings shall be subject to the same "motion practice" requirements as set forth in Champaign G.D.L.R. 5.10.
- (E) Community Control Violation Dispositional Hearings shall be subject to the same "sentencing outcome" position of the Court as set forth in Champaign G.D.L.R. 5.9.

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Rule 6.7 – Allegations of Outstanding Costs, Fines, and Restitution

- (A) If an APA Parole / Probation Officer alleges, through a community control violation complaint or a request to extend supervision period of community control, that the Defendant has not satisfied court-ordered financial obligations, the APA Parole / Probation Officer shall obtain a breakdown of the specific amount(s) owed toward costs, fines, and restitution from the Clerk before filing the said complaint or request for extension with the Court.
- (B) The breakdown of specific amount(s) owed shall be clearly noted on the community control violation complaint or request for extension of community control.

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Rule 6.8 – Evidence Policy

- (A) APA Parole / Probation Officers for Champaign County shall comply with the APA's Evidence Policy for collecting, retaining and disposing any evidence collected during the investigation of a community control violation allegation.
- (B) Physical custody of any deadly weapons, drugs, drug paraphernalia and money seized by an APA Parole / Probation Officer during a community control violation investigation shall not be maintained at the offices of the APA for Champaign County and shall, at the earliest opportunity, be turned over to the law enforcement agency having concurrent jurisdiction over the alleged criminal conduct.

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RECORD RETENTION

Rule 7.1 – Record Retention Policy

(A) Record Retention Policy

- (1) The Court follows the general records retention policy set forth in Sup.R. 26.01, Sup.R. 26.03 and Sup.R. 26(F).
- (2) Pursuant to Sup.R.26(G), the following retention schedule is established for records not listed in Sup.R. 26.01 to 26.05:

(a) **Court Reporter Recordings – R.C. 2301.20**

- (i) “Reporter Recordings” include audio or video recordings, paper notes, diskettes, thumb drives or other computerized storage media that were utilized to record a court proceeding with the general contemplation that the material could subsequently be used to fulfill a request for production of a written transcription of the proceeding.
- (ii) Reporter Recordings created in criminal non-death penalty cases or criminal cases originating as a death penalty case but resulting in a non-death sentencing outcome or civil cases or civil stalking protection order cases shall be maintained for twelve (12) years after the final appealable order of the case was filed by the General Division.
 1. Reporter Recordings created in capital case death-imposed sentencing outcome hearings and trial shall be retained permanently or after both of the following apply: the recording of the particular hearing or trial was transcribed and filed and twelve years have passed since the final appealable order of the case was filed by the General Division and all direct appeals have concluded.

(b) **Jury Management Documents**

- (i) The Clerk shall retain the annual jury list pursuant to statute. The Jury Commissioners or designees shall retain the annual jury list, supplementary lists, juror excuses and action taken thereon for one year after the conclusion of the jury year for which the annual list was prepared.
- (ii) Jury questionnaires and venires created in non-death penalty cases or cases originating as a death penalty case but resulting in a non-death sentencing outcome or civil cases shall be maintained until the conclusion of all direct appeals. Thereafter, such records shall be destroyed.
 1. Jury questionnaires and venires called for capital cases where the sentence of death was imposed shall be retained permanently.

(c) **Trial or Hearing Exhibits on Appeal**

- (i) Upon conclusion of the direct appeal process, any trial or hearing exhibit(s) returned by the appellate court to the Clerk shall be returned by the Clerk to the Court for storage in the Court's exhibit room, to be maintained by Court Staff.
- (ii) Pursuant to Sup.R. 26(F), the Court hereby advises any party that tendered an exhibit(s), deposition(s) or transcript(s) in an action that the party may retrieve the exhibit(s), deposition(s), or transcript(s) from the Reporter located in the Court's Office within the following time periods: sixty (60) days of the filing of the final appealable order if no appeal is taken, or within thirty (30) days of the conclusion of any direct appeal.

If the tendered exhibit(s), deposition(s) or transcript(s) is not retrieved within that time period, the party that tendered the item is hereby notified that the tendered exhibit(s), deposition(s) or transcript(s) will be destroyed. The Court retains discretion to authorize Court Staff to photograph an exhibit prior to its destruction.

- (iii) The Court shall dispose of the appellate trial and hearing exhibits in the same manner it uses for non-appellate trial and hearing exhibits, using the procedures set forth in Sup.R. 26(F).

1. Trial and hearing exhibits admitted by the Court in a capital case where the sentence of death was imposed shall be retained indefinitely by the Court.

(D) **Judge's Notes, Drafts and Research – Supt.R. 26.03(E).**

- (a) "Case file" means the compendium of original documents filed in an action or proceeding in a court, including the pleadings, motions, orders and judgments of the court on a case by case basis. See, Sup.R. 26(B)(2).
- (b) Except in capital cases where death was the sentencing outcome, the Office of the Clerk of Courts, consistent with the Clerk of Courts policy toward storage and retention of case files, and twelve (12) years after the final order of the General Division, is hereby authorized to destroy any handwritten notations, emails, worksheets or other documents that are stored within the physical case file jacket and were created by the Court or Court Staff in order to prepare a decision or order of the Court.
- (c) Exception – this rule authorizing destruction of records does not apply to any exhibits or trial jury documentation that happen to be located within the physical case file jacket. The destruction of those items are governed by other rules of court.
- (d) Exception – this rule authorizing destruction of records does not apply to the personal identifying information of the criminally indicted offender or criminally named victim or victim representative unless that information is electronically

stored in the case record management system of the Office of the Clerk of Courts.

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**APPENDIX A – TRANSCRIPT REQUEST FORM
IN THE COURT OF COMMON PLEAS, CHAMPAIGN COUNTY, OHIO
GENERAL DIVISION**

_____	Case No. _____
Plaintiff / Petitioner	Appeal No. _____
- vs. -	
_____	REQUEST FOR TRANSCRIPT
Defendant / Respondent	Date of Request _____
	Due Date _____

I request a transcript be prepared of the Trial _____ Hearing before
 Judge Selvaggio Magistrate Schockling - heard on the following date(s):

Plaintiff / Petitioner Attorney _____

Defendant / Respondent Attorney _____

File Original Transcript with the Clerk of Courts The Court Reporter shall retain the Original Transcript

MARK THE APPROPRIATE SELECTIONS:

TRANSCRIPT PAGE RATES:

- | | |
|---|-----------------|
| <input type="checkbox"/> Original, plus One Certified Copy, Indigent Defendant | \$6.00 per page |
| <input type="checkbox"/> Original, plus One Certified Copy, Non-Indigent or Civil | \$7.25 per page |
| <input type="checkbox"/> Original, plus One Certified Copy – From Audio Tape
(No additional rewriting fee from Audio to Transcript format) | \$9.50 per page |
| <input type="checkbox"/> Copy, Written Format * | \$.10 per page |
| <input type="checkbox"/> Copy, Electronic Format* | FREE |
| <input type="checkbox"/> Audio CD of a Recorded Hearing | \$1.00 |

Expedited delivery shall be charged at a rate negotiated with the Court Reporter and approved by the Trial Judge

If Audio CD needs transcribed, name of Court Reporter Requested: _____

Estimate prior to preparation of the transcript is requested is not requested.

Bill to: _____

Requestor's Signature Requestor's Printed Name

Phone Number Email Address

***No copies of the transcripts shall be made available without the purchase of the original transcript pages.**

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APPENDIX B – TRANSCRIPT RATE POLICY

IN THE COURT OF COMMON PLEAS,
CHAMPAIGN COUNTY, OHIO

PERRY S. UNDERWOOD
COMMON PLEAS COURT
CHAMPAIGN COUNTY, OHIO

2023 MAY 22 PM 3:31

FILED

IN RE:

Case No. 2013 MS 026

TRANSCRIPT POLICY

Judge Nick A. Selvaggio
Judge Lori L. Reisinger
Judge Brett A. Gilbert

JOURNAL ENTRY UPDATING TRANSCRIPT POLICY

Pursuant to Ohio Revised Code Sections 2301.18 – 2301.26, this order establishes the compensation rate and procedure for the preparation of transcripts by the Court Reporters transcribing the official record of the Champaign County Court of Common Pleas.

This order is consistent with the reimbursement policy adopted by the Ohio Public Defender for criminal indigent cases and modifies the previously issued August 13, 2023 Journal Entry Establishing Transcript Policy.

TRANSCRIPT POLICY

Effective Date:

May 22, 2023

Transcripts (R.C. 2301.24):

The compensation of reporters for making written transcripts as provided in R.C. 2301.23 is fixed by the court of common pleas of the county in which the trial is held.

If more than one transcript of the same testimony or proceeding is ordered, the reporter shall make copies of the transcript at cost pursuant to R.C. 149.43(B)(1) or shall provide an electronic copy of the transcript free of charge.

The cost of the transcription shall be paid by the party for whose benefit a transcript is made.

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APPENDIX B – TRANSCRIPT RATE POLICY

In Re: Transcript Policy

2013 MS 026

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The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases or by the trial judge in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the court shall be paid from the county treasury and taxed and collected as costs.

Fee Structure:

This policy and procedure shall be effective for all transcripts **requested on or after May 22, 2023**, and shall be followed uniformly by all Court Reporters performing transcribing services for the Champaign County Court of Common Pleas.

Original, plus One Certified Copy, Indigent Defendant – \$6.00 per page

Original, plus One Certified Copy, Non-Indigent or Civil - \$7.25 per page

Original, plus One Certified Copy – From Audio Tape – \$9.50 per page. There shall be no additional “rewriting fee” from audio to transcript format.

Copy, written format – \$.10 per page

Copy, electronic format – no charge

Audio CD of a Recorded Hearing - \$1.00

Parties or non-parties requesting production of expedited civil or criminal proceedings shall be charged a rate negotiated with the Court Reporter and approved by the Trial Judge.

Miscellaneous:

A “Request for Transcript” form or Motion for Transcript shall be completed for each transcript request. A copy of the Request for Transcript is available in paper format in the Court’s office.

If an audio CD of the hearing is requested to be transcribed, the requesting party shall provide the Court with the name of the court reporter on the “Request for Transcript” form who will be transcribing the audio. The court reporter shall be responsible to obtain the CD from the Court.

In civil and non-indigent criminal cases, the transcript fee shall be paid prior to preparing the transcript. The requesting party may obtain an estimate from the court reporter prior to the preparation of the transcript.

The original shall be filed in the case, and a copy provided to each party in the case that requests a copy. Only the court reporter may file the original transcript.

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APPENDIX B – TRANSCRIPT RATE POLICY

In Re: Transcript Policy

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No copies of the civil or criminal transcripts shall be made available without the purchase of the original transcript pages.

Once a case is complete and through the appellate process, copies of transcripts may be obtained through the Clerk of Courts office at the cost of \$.10 per page.



Nick A. Selvaggio
Administrative Judge
General Division
Champaign County Common Pleas Court



Lori L. Reisinger
Administrative Judge
Domestic Relations-Juvenile-Probate Division
Champaign County Common Pleas Court



Brett A. Gilbert
Judge
Domestic Relations-Juvenile-Probate Division
Champaign County Common Pleas Court

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APPENDIX C – DEPOSIT FEES AND COSTS

General Actions

(A) Except as provided herein, no civil action or miscellaneous docketed action or proceeding shall be accepted by the Clerk for filing unless there is deposited with the Clerk, as security for costs and fees, in the amount set forth in the Clerk's Fee Deposit Schedule, herein adopted by the Court and made available either in person at the Clerk's Office or accessed through the Clerk's website www.champaignclerk.com/legal.

(1) The requirement for security deposit and filing fees shall not apply to any miscellaneous docketed action initiated by the Court.

(B) Consistent with R.C. 2323.31, on notice from the Clerk that the deposit for costs is insufficient, an order *sua sponte* may be made requiring additional cost deposit.

(C) If the party initiating the civil action or miscellaneous docketed action is an inmate, the inmate must comply with the provisions of R.C. 2969.25.

(1) Failure to comply with R.C. 2969.25 shall be grounds for dismissal of the action pursuant to Civ.R. 41(B)(1).

(D) If the party initiating the civil action or miscellaneous docketed action is not an inmate and believes that they are unable to pay the costs of an initiated action, the party shall include with the initiating document an Affidavit of Indigency listing (1) the employment and salary for the past twelve months, (2) received public assistance for the past twelve months, (3) total assets, excluding family furnishings, (4) bank balances, and (5) number of dependents within the body of the Affidavit of Indigency. A federal tax return for the preceding year shall be attached to said Affidavit.

(1) If the Affidavit of Indigency set forth in the preceding paragraph is complete, the Clerk shall accept the complaint for filing without costs. If the Affidavit of Indigency is not complete, the Clerk shall not accept the complaint for filing.

(2) Once the case is assigned, the Court may make further inquiry into the party's ability to pay costs, or a part thereof. If the Court determines that the party has the ability to pay costs, or a part thereof, such may be assessed and payment shall be made as directed by the Court.

(E) Failure to pay costs as ordered by the Court shall be grounds for dismissal of the action pursuant to Civ.R. 41(B)(1).

(F) If a party owes costs to the Court from a prior action, all such costs must be paid before the Clerk may accept for filing any subsequent civil action or miscellaneous docketed action.

- (G) The Clerk shall not accept a final judgment entry for filing unless the entry specifies exactly how and by whom the remaining costs are to be paid.
- (H) At least once every three (3) months after the filing of a final judgment entry, the Clerk shall send a statement to all parties against whom costs have been taxed. If a party fails to pay the costs reflected in the statement after two such notices, the Clerk shall issue a certificate of judgment against said party for the amount of unpaid costs.
- (I) The first party making a jury demand in a civil action before this Court shall deposit with the Clerk, a sum of monies, as set forth in the Clerk's Fee Deposit Schedule, within ninety (90) days of filing the jury demand. Failure to comply herewith shall be deemed a waiver of trial by jury. Funds on deposit shall be distributed in the same manner as the Clerk handles distribution of any other funds remaining after costs have been satisfied.

Foreclosure Actions

- (A) When filing a praecipe for an order of sale with the Clerk, a security deposit in the amount set forth in Clerk's Deposit Schedule, payable to the Champaign County Sheriff, shall be deposited with the Clerk. The Clerk shall promptly forward the security deposit to the Sheriff.
- (B) If the property is withdrawn from sheriff's sale, the security deposit will be returned to the depositor if no appraisal has taken place.

Municipal Court Transfers

Prior to the Clerk accepting a case transferred from the Municipal Court, in which the demand contained in the counterclaim or cross-claim exceeds the monetary jurisdiction of that court, the counterclaimant or cross-claimant shall post security for costs in the sum equal to the amount required if the case was originally filed in the Common Pleas Court. The Clerk shall immediately notify the counterclaimant or cross-claimant of the security for costs. If the counterclaimant or cross-claimant fails to post such security, the case shall be remanded to the Municipal Court.

Motion to Seal or Expunge Criminal Conviction

No motion to seal or expunge a criminal conviction shall be accepted by the Clerk for filing unless the Defendant offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action. Such advance deposit and fees shall be in accordance with the schedule as adopted by the Court.

Additional Fees

(A) Consistent with R.C. 2303.201(A), the Court finds that for the efficient operation of the Court, additional funds are required to computerize the Court and to make available computerized legal research services.

(1) Thus, the Clerk is authorized and directed to charge one additional fee, not to exceed six (6) dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(B) Consistent with R.C. 2303.201(B), the Court finds that for the efficient operation of the Court, additional funds are required to make technological advances in or to computerize the office of the Clerk.

(1) Thus, the Clerk is authorized and directed to charge an additional fee, not to exceed twenty (20) 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 of the Revised Code;

(2) Thus, the Clerk is authorized and directed to charge an additional fee, not to exceed one (1) dollar each for the services described in divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of the Revised Code.

(C) Consistent with R.C. 2303.201(C), the Court finds that additional funds are required for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender.

(1) Thus, the Clerk is authorized and directed to collect the sum of twenty-six (26) dollars as additional filing fees in each new civil action or proceeding.

(D) Consistent with R.C. 2303.201(E), 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 or 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, such as a special program or additional services in cases of a special type.

(1) As such, the Clerk is authorized and directed to collect a fee of one hundred (100) dollars, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession and shall deposit such amounts monthly into the Court's Special Project Fund.

- (2) In the case of a special program or additional services in cases of a specific type, the Court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.
- (3) The Clerk shall deposit such amounts monthly into the Court's Special Project Fund.
- (4) The Special Project Fund shall not be considered as anticipated revenue by the Champaign County Budget Commission for the following year.

Appointed Criminal Counsel Fees

- (A) Consistent with R.C. 120.36, indigent criminal defendants who are assigned counsel shall file a twenty-five (25) dollar fee with the Clerk within fourteen (14) days of arraignment. This rule does not apply to indigent defendants who are imprisoned in the Department of Corrections.
- (B) Costs attributable to appointed counsel fees and expenses shall be not collected by the Clerk as costs of the case, but shall be separately collected by the Clerk. The Court shall examine the indigent defendant's present and future ability to reimburse those fees and expenses, and may order such reimbursement as a part of the defendant's sentence in an amount the indigent defendant can reasonably be expected to pay. Any right of action to collect said fees and expenses shall be brought in a civil action.

Court Reporter Fees

Court Reporters recording a hearing or Judicial Assistants administering the audio recording system during a hearing shall charge twenty-five (25) dollars per hearing as costs to the case.

Effective Date: 7/1/15

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APPENDIX D – ADMINISTRATION OF THE TRIAL

Trial Practice – Location of the Parties

- (A) Jurors will assemble in Courtroom One at the time designated by the summons. Parties and counsel will be permitted to enter Courtroom One no earlier than ten (10) minutes prior to the commencement of trial.
- (B) If access is needed to Courtroom One prior to the commencement of trial, trial counsel may contact the Court Administrator to schedule arrangement of needed or necessary litigation equipment.
- (C) Prior to trial in a civil case, Plaintiff's counsel and the parties and witnesses shall be permitted to assemble in the gallery of Courtroom Two.
- (D) Prior to trial in a civil or criminal case, Defendant's counsel and respective parties and witnesses shall be permitted to assemble in Conference Room B located at the end of the second floor hallway.
- (E) Once trial has commenced, Plaintiff's witnesses may, but are not required to, assemble in Conference Room A located at the end of the second floor hallway.
- (F) Once trial has commenced, Defendant's witnesses may, but are not required to, assemble in Conference Room B located at the end of the second floor hallway.
- (G) All parties are responsible for keeping their area free from debris and trash. Failure to abide by this requirement shall cause removal and prohibition of the part(ies) from the designated space.

Trial Practice – Jury Questionnaire

- (A) Consistent with R.C. 2313.18, the Court will utilize a juror questionnaire ("questionnaire") to assist the lawyers and parties in the jury selection process.
- (B) The questionnaire contains questions designed to give the lawyers and parties personal background information about prospective jurors that may be relevant to their service as jurors on the case.
- (C) The Court shall be the sole determiner of the questionnaire content.
- (D) Prospective jurors shall receive a blank questionnaire from Court Staff for completion at the time the prospective juror appears for actual service. The Court may determine to mail juror questionnaires in advance of the scheduled trial date in cases where a significantly large number of jurors are summoned for service.
- (E) No prospective juror shall fail to answer any legal and pertinent question put to the prospective juror.

- (F) The questionnaire shall contain a prominent legend advising the prospective juror that the juror has the right to request and have an in-camera hearing on the record with counsel and the parties present regarding a particular written question and any legitimate privacy interest asserted by the prospective juror to that question.
- (G) Court Staff will photocopy the completed questionnaires and hand copies to the lawyers and the parties for review at counsel table.
- (H) The lawyers and parties are prohibited from photocopying, scanning or photographing the questionnaires.
- (I) The lawyers and parties shall return the questionnaires to the Bailiff at the conclusion of the juror selection process.

Trial Practice – Jury Selection; Trial Procedure

- (A) Jurors shall be seated in Courtroom One, arranged in numerical order, seated in rows closest to the courtroom door first. Unless mailed to them in advance, jurors shall use the time prior to the entrance of counsel and parties into Courtroom One to complete written questionnaires. Upon completion of the written questionnaires, the Bailiff shall administer an introductory oath to the jurors, attesting to the truthfulness of the answers provided in the written questionnaires.
 - (1) Counsel and parties shall be provided a written diagram of the juror seating order with their individual copies of the jury questionnaires upon entering Courtroom One.
- (B) Counsel and parties shall be permitted to enter Courtroom One no earlier than ten minutes prior to the commencement of trial.
- (C) Trial shall commence with the Court introducing the trial participants. After the roll call, the Court shall place the jurors under preliminary oath, provide introductory remarks, and briefly advise the entire venire of the case.
- (D) The Plaintiff, followed by the Defendant, shall be provided the opportunity to make opening statements, which shall be presented to the entire venire.
- (E) The Court may ask the venire questions, and the bailiff shall note the juror responses by announcing aloud the responding juror's numerical designation.
 - (1) Subsequent thereto, the Plaintiff, followed by the Defendant, shall be provided the opportunity to voir dire the venire. The Court may place time limitations on the questioning period. The Bailiff shall announce the juror responses by referencing the juror's numerical designation. Neither counsel nor the parties shall make reference to the juror's name during voir dire.

- (2) Consistent with Ohio Trial Court Jury Use and Management Standards No. 7, voir dire examinations 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 shall ensure that the privacy of prospective juror is reasonably protected and the questioning is consistent with the purpose of the voir dire process. The case shall not be argued in any way while questioning the jurors. Jurors shall not be questioned concerning anticipated instructions or theories of law. Jurors shall not be asked what kind of verdict that might return under any circumstance.
- (F) The Court, Court Reporter, Counsel and Parties shall recess to Courtroom Two to initially conduct any individual examination of a juror requesting a private hearing, and then secondarily to select the jury panel.
- (1) Due to privacy matters, public observers shall remain in Courtroom One until the time to select the jury panel has arrived. The Court retains discretion to modify this rule, subject to balancing the privacy needs of the prospective juror against the public observer's need to be present in Courtroom Two.
 - (2) Thereafter, the Court shall conduct the jury selection.
 - (a) In selecting the panel, the Court will utilize the jury diagram provided to the parties. The first eight (8) (civil) or twelve (12) (criminal) jurors will be considered. When one juror is excused, the remaining jurors move up one spot until the spot vacated by the excused juror is filled and the replacement juror takes the place of the former last numbered juror on the prospective panel (i.e., juror number 8 (civil case) or former juror number 12 (criminal case)). The same process is utilized until the jury selection process is completed.
- (G) Consistent with Ohio Trial Court Jury Use and Management Standards No. 9:
- (1) In civil cases, the number of peremptory challenges should not exceed three for each side.
 - (2) In criminal cases, the number of peremptory challenges should not exceed six for each side when a death sentence may be imposed upon conviction, four for each side when a sentence of imprisonment to a state institution may be imposed upon conviction and three for each side in all other prosecutions.
 - (3) If alternate juror(s) are to be selected, each side is entitled to one peremptory challenge if one or two alternate jurors are empaneled, two peremptory challenges if three or four alternate jurors are empaneled and three peremptory challenges if five or six alternate jurors are empaneled.
- (H) The Court, Court Reporter, Counsel and the Parties shall reconvene in Courtroom One, where the Court will call the roll and administer the final juror oath.

- (I) The parties shall not reproduce completed Juror Questionnaires and shall return all completed Juror Questionnaires to the Bailiff at the conclusion of the Jury Selection process. *Ohio Jury Management Association Manual, Standard 2.8*
- (J) The rules and practices of the Court applicable to Trial Jurors are also applicable to the selection of Grand Jurors.

Trial Practice – Jury Instructions

- (A) Specific Request for Jury Instructions shall be provided to the Court in both written and electronic format and shall be accompanied by a brief citation to the relevant Ohio Jury Instruction or case law citation.
- (B) In civil cases, jury instructions shall be provided to the Court with the Pretrial Statement.
- (C) In criminal cases, jury instructions may be provided to the Court at the time of the Final Pretrial Conference.
- (D) Where a party could not reasonably contemplate the introduction of certain testimony or evidence at trial, the Court, in its discretion, may agree to accept additional jury instructions at the close of the presentation of evidence. It will be the burden of the proffering party to justify the additional requested instruction(s).

Trial Practice – Juror Notetaking

- (A) Consistent with Civ.R. 47 and Crim.R. 24, the Court will permit those jurors who desire to take notes during the trial to do so. No juror is required to take notes; the taking of notes is entirely a matter of personal choice for each juror.
- (B) All notes are confidential and for the consideration of the jury only. Each note taker will leave his/her notes on his/her chair during all recesses and until deliberations begin.
- (C) All notes will be returned to the Bailiff for destruction at the time the jury is discharged.

Trial Practice – Juror Questioning of Witnesses

- (A) Consistent with Civ.R. 47 and Crim.R. 24, and at the conclusion of every witness's testimony, the Court may permit jurors to submit questions for the witness to answer. If authority is given by the Court, the following procedures set forth herein shall be used.
- (B) Jurors shall submit their question(s) in writing on pieces of paper entitled "Questions by Juror."

- (C) If a juror has no questions, then the juror is to write or mark the words “no questions” on the paper.
- (D) Each juror will be asked to hand that paper to the bailiff, regardless of whether the juror has a question or not for that particular witness. This will seek to ensure that those juror(s) who have questions will be able to maintain some level of confidentiality from the litigants and the Court as to who is asking the questions.
- (E) The Court will review each question with the lawyers before determining whether the question may be asked. The Court may, in its discretion, and in order to attain the objective of asking a particular question, revise the question for grammatical corrections or compliance with the Ohio Rules of Evidence.
- (F) In the event a question(s) is asked, the Court shall read the question(s) to the witness. Following the complete reading of all the questions, the lawyers will then be permitted to ask follow-up questions of the witness based on the juror questions asked and the answers that were given.
- (G) The questioning order for follow-up juror questioning shall be dictated by the order that counsel initially questioned that particular witness.
- (H) Only one opportunity for follow-up questioning shall be permitted for each witness.

Effective Date: 7/1/15

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APPENDIX E – JURY MANAGEMENT

Commissioners of Jurors; Deputy Commissioners of Jurors

- (A) Consistent with Ohio Trial Court Jury Use and Management Standards No. 10(C), the Court confers responsibility for administering the jury system to the Court Administrator.
- (B) Consistent with R.C. 2313.01, the Court authorizes the appointment of two Commissioners of Jurors for Champaign County.
- (C) Consistent with R.C. 2313.02, the Court authorizes the appointment of two Deputy Commissioners of Jurors for Champaign County, who shall carry out the duties set forth in Chapter 2313 of the Revised Code.
 - (1) The Deputy Commissioners may be Court Judicial Staff.
- (D) Consistent with R.C. 2313.07, the number of jurors to be drawn for the jury year, and each separate part of the jury year, or for any special term of a court of record at which issues of facts are triable by jury shall be as follows:
 - (1) Number of Jurors drawn for the Jury Year:
 - (a) Four hundred fifty (450) Grand Jurors
 - (b) Two thousand seven hundred (2700) Petit Jurors
 - (c) Two thousand two hundred fifty (2250) Municipal Court Jurors
 - (2) Number of Jurors drawn for each Jury Term:
 - (a) One hundred fifty (150) Grand Jurors
 - (b) Nine hundred (900) Petit Jurors
 - (c) Seven hundred fifty (750) Municipal Court Jurors
 - (3) Number of Jurors drawn for any special term of a Court shall be determined by the Court depending on the specific circumstance or need.
- (E) Consistent with R.C. 2313.10(D), the Sheriff, Commissioners of Jurors / Deputy Commissioners of Jurors, or Clerk shall summon each jury to attend the jury year, part of a jury year, or specified date within a part of the jury year as specified in the notice. The Sheriff or Commissioners of Jurors / Deputy Commissioners of Jurors shall serve the summons by mail or by leaving it at the juror's residence or usual place of business.
- (F) Court Staff may assist with check-in processes, calling the roll, and preparing or distributing employer certificates involving any prospective juror.
- (G) Consistent with Ohio Trial Court Jury Use and Management Standards No. 16(B), the Commissioners of Juror / Deputy Commissioners of Jurors shall assist

the Court in developing orientation and instructions to persons called for jury service.

- (H) The Clerk shall accept for filing documents set forth in Chapter 2313 of the Revised Code.
- (I) Consistent with R.C. 2313.08, the Clerk shall attend all drawings of juror on a day designated by the Commissioners of Jurors / Deputy Commissioners of Jurors.

Jury Year

- (A) The Jury Year shall begin on the first day of January of a given year.
- (B) There shall be four (4) jury terms in any given year divided as follows:
 - (1) The first of January through the thirty first of March;
 - (2) The first of April through the thirtieth of June;
 - (3) The first of July through the thirtieth of September;
 - (4) The first of October through the thirty-first of December.

Juror Service

- (A) Prospective jurors may be excused from service by the Judge or the Commissioners of Jurors / Deputy Commissioners of Jurors for reasons set forth within R.C. 2313.14 and R.C. 2313.15.
- (B) Except as provided by R.C. 2313.15, the Court shall not excuse a person who is liable to serve as a juror and who is drawn and notified unless it is shown to the satisfaction of the assigned Judge by either the juror or another person acquainted with the facts that one or more of the following applies:
 - (1) The interests of the public will be materially injured by the juror's attendance;
 - (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill;
 - (3) The juror has been called as a juror and has actually served as a juror for a trial in a court of record in any county of the state within the same jury year;
 - (4) The juror is a cloistered member of a religious organization;
 - (5) The juror has a mental or physical condition that causes the juror to be incapable of performing jury service.
 - (a) Documentation shall be required from a physician licensed to practice medicine verifying that a mental or physical condition renders the juror unfit for jury service for the remainder of the jury year.

- (b) The physician's documentation shall describe how the mental or physical condition impairs the cognitive or physical ability of the juror;
 - (6) Jury service would cause undue or extreme physical or financial hardship to the juror or a person under the care or supervision of the juror;
 - (7) The juror is over 75 years of age and requests to be excused;
 - (8) The juror is an active member of a recognized Amish sect and requests to be excused because of the juror's sincere belief that, as a result of that membership, the juror cannot pass judgment in a judicial matter; or
 - (9) The juror is on active military duty.
- (C) After one year, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding Judge determines that the underlying grounds for being excused are of a permanent nature.
- (D) Deferrals for jury service up to six months may be permitted by the assigned Judge or a representative of the assigned Judge if the juror has not previously been granted a postponement. If extraordinary circumstances exist, a deferral for more than six months may be granted.
- (E) An automatic deferral must be granted to a prospective juror if his or her employer has 25 or fewer employees and another employee of that business has been summoned during the same term.
- (F) Prospective Jurors seeking to be excused from service shall comply with any requirement to provide written supplementation for the excuse or deferral. Disposition of all excuses or deferrals shall be written or otherwise made or recorded by the Deputy Commissioner of Jurors.

Juror Identification

- (A) In order to verify prospective juror identity, all prospective jurors shall present a government issued photo identification card to Court Staff upon entering the Courthouse.
- (B) If a prospective juror does not possess a photo identification card, the individual shall not be permitted to be seated in the jury venire. In that instance, Court Staff shall immediately notify the bailiff that the juror lacks photo identification.
 - (1) The bailiff shall determine whether sufficient time exists for the juror to obtain identification through another means (i.e., either through departing the Courthouse or having a third party obtain the photo identification).

- (2) If time does not permit the juror to obtain the photo identification, the bailiff shall excuse the juror and the Deputy Jury Commissioners shall place the juror on the next scheduled trial or grand jury session.

Juror Cell Phones

(A) Jurors will be permitted to retain cell phones during the jury selection process, with the bailiff's instruction that:

- (1) Jurors place the cell phone in the "off" position;
- (2) Jurors may utilize the cell phone with permission of the Court and only when the Court is not in session; and,
- (3) Jurors must turn physical custody of the cell phone to the bailiff when ordered by the Court.

(B) Once selected as a juror, jurors will be permitted to utilize cell phones at the discretion of the Court, and only when the jury is remanded to the jury room for lengthy, non-deliberative, periods of time. In those instances, the Court shall instruct the jurors not to use their cell phones to engage in communications about the case or their jury experience and not to perform any research, internet or otherwise, on their cell phone about matters pertaining to the case.

Modified 01/01/2025

Juror Deliberation

Consistent with Ohio Trial Court Jury Use and Management Standard No. 18, a jury 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 interest of justice.

Effective Date: 7/1/15; Modified 12/30/2021

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