

**NOTICE**  
**MONTGOMERY COUNTY COMMON PLEAS COURT, GENERAL DIVISION**  
**AMENDMENTS TO LOCAL RULES 1.19, 1.27, 1.29, 1.30 & 2.03**

The General Division of the Montgomery County Common Pleas Court **adopted** the proposed amendments to the following Local Rules:

- 1) Loc. R. 1.19, The Assignment System **(Effective November 7, 2008)**
- 2) Loc. R. 1.27, Deposition Testimony **(Effective November 7, 2008)**
- 3) Loc. R. 1.29, Disclosure of Transcripts of Testimony **(Effective November 7, 2008)**
- 4) Loc. R. 1.30, Appeal Transcripts and Recordings **(Effective November 7, 2008)**
- 5) Loc. R. 2.03, Costs **(Emergency Status – Effective January 1, 2009)**

**Rule 1.19 – The Assignment System**

I. The assignment system shall be governed by the following provisions:

A. Definition:

1. The individual assignment system is the procedure adopted by the Court for the assignment of cases. Pursuant to this system, each civil and criminal case shall be randomly assigned ~~by lot~~ to a Judge who will be responsible for determining all matters in the case.

B. Court Services Division, Caseflow Services:

1. Rule 1.19 shall govern the Court Services Division, Caseflow Services of the General Division and shall require the division to perform the following duties:

a. Maintain a case record of each pending case. Each case record shall:

(1) Be identified by:

- (a) A consecutive number;
- (b) The name of the Judge to whom the case is assigned; and
- (c) One of the following case types:
  - i) Administrative appeals;
  - ii) Appropriations
  - iii) Complex litigation
  - iv) Criminal;
  - v) Declaratory judgment;
  - vi) Forcible entry;
  - vii) Foreclosure;
  - viii) Habeas corpus;
  - ix) Injunction;

- x) Medical malpractice;
- xi) Other tort (specify type);
- xii) Personal injury;
- xiii) Product liability;
- xiv) Professional tort;
- xv) Workers' Compensation; and
- xvi) All others

(2) Record:

- (a) The date of any pretrial conference;
  - (b) The date the case was assigned;
  - (c) The date notices were ~~transmitted;~~ mailed;
  - (d) The date the case was assigned for trial;
  - (e) The details of any continuance;
  - (f) The date of the verdict ~~or~~ decision; and
  - (g) The date of the final entry.
- b. Prepare reports required by Rule 37 of the Rules of Superintendence for the Courts of Ohio;
  - c. Prepare and approve separate reports for each Judge of the General Division;
  - d. Provide a monthly report on the status of the dockets to each Judge; and
  - e. Identify cases that should be terminated and notify the appropriate Judges of the status of those cases. After the Judges have been notified, the Court Services Division, Caseflow Services, shall submit final termination entries for approval to each assigned Judge for cases that are eligible for dismissal.

II. THE ASSIGNMENT SYSTEM:

A. Administration of Civil Dockets:

1. All civil cases shall be assigned to the Judges of the Court as follows:

- a. ~~All civil cases shall be randomly assigned to~~ On the first day of each week, the Court Services Division, Caseflow Services, shall assign all civil cases that have been filed in the Court the preceding week. All cases shall be equally divided among the Judges of the General Division of the Court. Subject to Sup. R. 4. C., the Administrative Judge may be relieved from part of the Judge's trial duties to utilize time to manage the calendar and docket of the Court.
- b. Case assignments shall be made through the use of computer software and hardware systems that have been tested to ensure that case assignments are made in a random manner.
- c. Random assignment is assignment of cases by chance.
- ~~b. To provide an equal distribution, the sequence of numbers used at each drawing shall be completed at the next drawing.~~

~~e.d.~~ Adjustment of Assignments:

(1) ~~Companion~~~~If, at the drawing or at any subsequent time there are companion~~ cases shall be assigned to the Judge whose name was drawn for the case filed first, if that Judge so determines. A Judge who withdraws from a case shall report this to the Court Services Division, Caseflow Services, via a request for disqualification. The Administrative Judge shall reassign the case to another Judge. In instances where a previously filed and dismissed case is refiled, the case shall be reassigned to the originally assigned Judge unless, for good cause shown, the Judge is precluded from hearing the case. All changes shall be noted in the records of the Clerk and Court Services Division, Caseflow Services.

~~d.e.~~ Civil cases shall be consolidated pursuant to Rule 42 of the O.R.C.P., upon motion for consolidation filed with both the Judges assigned the lowest and highest case numbers of the cases wherein one or more parties desire consolidation. The decision of whether to consolidate cases into a single trial initially will be decided by the Judge with the lowest case number. The entry, granting or denying consolidation, upon being signed by the Judge with the lowest case number then will be presented to the Judge(s) with the higher case number(s) for signatures. If consolidation is appropriate, the case will be placed on the docket of the Judge with the lowest case number unless otherwise ordered by the Administrative Judge.

~~e. Court Services Division, Caseflow Services, shall furnish the Clerk with a list of assignments and any subsequent adjustments in assignments.~~

f. Clerk's Duty:

(1) The Clerk shall:

(a) ~~Record~~~~Stamp~~ the name of the Judge to whom each civil case is assigned on the appearance docket;~~and on the folder containing the original records;~~

(b) Record any subsequent change in assignment on the appearance docket and any other~~the folder containing the original~~ records; and

(c) ~~Provide~~~~Publish~~ all assignments and adjustments in assignments to the entity designated by statute for publication in the Daily Court Reporter on the Wednesday following the assignment.

g. When a Judge is not available, arrangements may be made by that Judge or by the Administrative Judge for another member of the Court to handle urgent matters or sign entries.

2. Administration of Criminal Docket:

a. General Supervision:

(1) Each term, one Judge will be assigned to supervise the Grand Jury. The Grand Jury Judge shall preside over central arraignments. The Grand Jury Judge shall handle criminal matters that may arise in individual cases prior to indictment and arraignment, including the setting of bonds. The Grand Jury Judge shall handle extraditions and habeas corpus actions pertaining to extraditions. The Grand Jury Judge and the assigned Judge may handle arraignments. Pleas of guilty and no contest will be handled by the assigned Judge. The Judge assigned to the next Grand Jury term shall assist the Grand Jury Judge when requested to do so.

b. Assignment of Individual Cases:

(1) All criminal cases shall be randomly assigned to the Judges of the General Division of the Court assigned upon the approval of felony charges by the prosecuting attorney. Each day, the Court Service Division, Caseflow Services, shall randomly assign pre-indictment cases ~~by lot~~ unless: (a) the defendant is on community control ~~probation~~ and community control ~~probation~~ has not been terminated by entry; or (b) the defendant has another prior indictment pending on active or inactive status in this county.

(a) If condition (a) or (b) is met in any case that does not involve multiple defendants, that case shall be assigned to the Judge to whom the first prior indictment was assigned or to the Judge who placed the defendant on probation.

(b) If condition (a) or (b) is met, and the case does not involve multiple defendants, the condition which was met first shall control the assignment.

(c) Whenever an adjustment in the method of assignment is made as a result of the satisfaction of condition (a) or (b) or the satisfaction of conditions (a) and (b), a credit for additional assignment shall be made. The purpose of the adjustment of assignments is to ensure that a defendant who has a prior or pending indictment or probation appears before the same Judge who was previously assigned to his case.

(2) Case assignments shall be made through the use of computer software and hardware systems that have been tested to ensure that case assignments are made in a random manner.

c. Clerk's Duty:

(1) The Clerk shall:

(a) Record ~~Stamp~~ the name of the Judge to whom each criminal case is assigned on the appearance docket; ~~and on the folder containing the original records; and~~

(b) Record any subsequent changes in assignment on the appearance docket and any other ~~on the folder containing the original~~ records.

3. Transfer of Assigned ~~Assignment~~ Case to New Judge:

a. If a case is transferred from the originally assigned Judge to a new Judge, the new Judge shall hear all motions and proceedings pertaining to the case.

4. Assignment of Cases to New Judges:

a. A new member of the Court shall be assigned the cases previously assigned to the Judge whom the new Judge succeeds. An additional Judge shall be assigned a proportionate share of the pending cases from the individual docket of the other members of the Court.

~~5. Emergency Assignments in the General Division:~~

~~a. The Court Services Division, Caseflow Services, shall maintain an emergency assignment list which shall be drawn by lot. In any case where an emergency assignment is required before the case has been regularly assigned, the Court Services Division, Caseflow Services, shall assign the case to the Judge next available by sequence and shall notify the Clerk and Judge of the assignment.~~

~~6.5.~~ Foreign Executions and Other Ancillary Matters:

- a. When necessary to resolve any question arising on a foreign execution, certificate of judgment from another court or similar ancillary matter not otherwise assigned to any Judge under these rules, counsel shall call the matter to the attention of the Administrative Judge.

## Rule 1.27 – Deposition Testimony

### I. FILING:

- A. In addition to the requirements of Rule 13 of the Rules of Superintendence for the Courts of Ohio, unless otherwise ordered by the Court, no deposition shall be filed prior to the deadline for filing of any pretrial statement or seven (7) days prior to trial, whichever is later.
- B. If a ~~videotaped~~ deposition in an electronic format is filed, then a paper transcript of the deposition must be filed simultaneously unless the transcript has been filed previously. The filing of the transcript must comply with [Local Rule 2.09 \(IV\)](#).
- C. The Clerk shall not accept for filing any deposition unless it is accompanied by a certification from counsel that it is being filed in compliance with this rule and [Local Rule 2.09 \(IV\)](#).

### II. PRETRIAL REQUIREMENTS:

- A. The Court has video equipment for use at trial. It is the responsibility of the using party to:
  1. Notify the Bailiff of intended use within three (3) working days prior to trial;
  2. Ensure that the format of the electronic version of the deposition~~videotape~~ is compatible with the Court's presentation equipment;
  3. Be able~~familiar with how~~ to operate the Court's presentation equipment.

### III. POST-TRIAL DISPOSITION OF DEPOSITIONS: ~~AND VIDEOTAPES:~~

- A. The owner of any deposition and/or electronic version of the deposition~~videotape~~ shall take possession of it within sixty (60) days of the following:
  1. The final disposition of the case where no trial is had;
  2. The expiration of the appeal time; provided no appeal is taken following trial; and
  3. The final disposition of the case, if an appeal is taken.
- B. If the owner fails to take possession of the deposition and/or electronic version~~videotape~~, the Clerk shall dispose of it in any manner the Clerk determines is proper.

## Rule 1.29 – Disclosure of Transcripts of Testimony

### I. DISCLOSURE BY COURT REPORTER:

- A. Request for Preparation of Transcript:
  1. When stenographic notes have been taken in a case and the Court or either party to the suit or counsel requests transcripts of any portion of the notes, the Court Reporter reporting the case shall make full and accurate transcripts of the notes at a cost determined by the Court of Common Pleas

for the use of the Court or party. A copy of the fee schedule is available in the Court Administrator's Office:

a. Procedure:

- (1) The Court Reporter shall not provide any transcript of testimony to any party to the suit or counsel unless the party or counsel has:
  - (a) Filed a written request for transcripts under the case number with the Clerk;
  - (b) Served a copy of the request upon the Court Reporter who is responsible for the preparation of the transcript; and
  - (c) Caused the Court Reporter to be compensated for making the transcript or copies thereof in the amount determined by the Judges of the Court of Common Pleas.

B. Duplicating:

1. Upon request, the Court Reporter shall provide copies of any original transcript of testimony that the Court Reporter has prepared. Copies of the transcripts shall be made available at a cost determined by the Judges of the Court of Common Pleas within a reasonable period of time, and during regular business hours. A copy of the fee schedule is available in the Court Administrator's Office.

II. DISCLOSURE BY CLERK OF COURTS:

A. All transcripts of testimony that are filed with the Clerk of Courts may be removed, examined, and/or duplicated in accordance with the following procedure:

1. Removal:

- a. No filed original transcript of testimony may be removed from the Clerk's Office without an order of the Court.

2. Examination:

- a. Upon request, the Clerk of Courts shall allow any individual to examine, but not remove, any original transcript of testimony that has been filed with its office. Examination shall be allowed during regular business hours.

3. Duplication:

a. Copies of transcripts shall be provided in accordance with applicable statute, case law, and rules.

~~a. Upon request and payment of a photocopy fee, the Clerk of Courts shall provide copies of any original transcript of testimony that has been filed with its office. Copies shall be provided during regular business hours within a reasonable period of time as determine by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a twenty four (24) hour response time.~~

## **“New” Rule 1.30 – Appeal Transcripts and Recordings**

- I. The Administrative Judge will designate the method of recording for General Division courtrooms as required by Ohio Sup. R. 11.
- II. Any filing, exchange, transmission, or other transfer of recordings produced in General Division courtrooms shall be in a format produced by recording systems designated by the Administrative Judge pursuant to Ohio Sup. R. 11.
- III. If a rule, practice, or other procedure designates a recording medium~~media~~ or format that is obsolete or not authorized by the required designations in Ohio Sup. R. 11, to be filed, the media format designated by the Administrative Judge shall be utilized for any such filing.

## **Rule 2.03 – Costs**

- I. No civil action or proceeding shall be accepted for filing unless there is deposited as security for costs the amount of \$250.00 for all civil complaints, except for mortgage foreclosure actions which shall be \$500.00. Additional deposits may also be required as set forth in [Appendix G](#).
- II. If the party initiating the civil action is unable to give security or a cash deposit as provided under this rule, then said party shall file a poverty affidavit along with the complaint. The affidavit shall be accepted by the Clerk of Courts and the collection of costs shall be postponed until the case is terminated.
- III. APPROPRIATE DISPUTE RESOLUTION FEE:
  - A. Pursuant to Ohio Revised Code, Section 2303.201 (E) (1), the General Division of the Court of Common Pleas for Montgomery County, Ohio, has determined that for the efficient operation of the Court, additional funds are necessary to pay for dispute resolution services.
  - B. As authorized under Section 2303.201 (E) (1) of the Revised Code, the Clerk of Courts for Montgomery County, Ohio, shall charge in addition to all other court costs, a fee of ~~forty-five~~~~forty-three~~ dollars ~~(\$45.00)~~~~(\$43.00)~~ that is to be collected on the filing of each criminal cause, civil action or proceeding, or judgment by confession.
  - C. All fees collected shall be used to implement mediation, arbitration, and any other procedures established for the resolution of disputes between parties to any civil or criminal action that is within the jurisdiction of the Court. All fees collected shall be paid to the Montgomery County Treasurer. The Treasurer shall place the funds from the fees in a separate appropriate dispute resolution fee fund to be disbursed upon an order of the General Division of the Court of Common Pleas for Montgomery County, Ohio.
- IV. GENERAL SPECIAL PROJECT FEE:
  - A. Pursuant to Ohio Revised Code, Section 2303.201 (E) (1), the General Division of the Court of Common Pleas for Montgomery County, Ohio, has determined that for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the Court.
  - B. As authorized under Section 2303.201 (E) (1) of the Revised Code, the Clerk of Courts for Montgomery County, Ohio, shall charge, in addition to all other court costs, a fee of ~~twenty-four~~~~sixteen~~ dollars

| ~~(\$24.00)~~~~(\$16.00)~~ that is to be collected on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

- C. As authorized under Section 2303.201 (E) (1) of the Revised Code, the Clerk of Courts for Montgomery County, Ohio, shall charge, in addition to all other court costs, a fee of twenty-five (\$25.00) that is to be collected on the filing of each criminal cause, civil action or proceeding, or judgment by confession. This fee shall be utilized for special projects related to electronic filing and storage of case records and related materials.
- D. All fees collected shall be used for special projects consistent with Ohio Revised Code 2003.201 (E) (1). All fees collected shall be paid to the Montgomery County Treasurer. The Treasurer shall place the funds from the fees in separate general special project fund to be disbursed upon an order of the General Division of the Court of Common Pleas for Montgomery County.