

MARION COUNTY  
COURT OF COMMON PLEAS  
LOCAL RULES

**MARION COUNTY COURT OF COMMON PLEAS  
LOCAL RULES  
INDEX**

**SCOPE**

<b>RULE I ...</b>	<b>TERM OF COURT</b>
<b>RULE II ...</b>	<b>MEMBERS OF THE BAR</b>
<b>RULE III ...</b>	<b>PLEADINGS, FILES AND PAPERS</b>
<b>RULE IV...</b>	<b>MOTIONS</b>
<b>RULE V...</b>	<b>JOURNAL ENTRIES</b>
<b>RULE VI ...</b>	<b>FEES FOR ATTORNEYS IN PARTITION AND OTHER JUDICIAL SALES</b>
<b>RULE VII ...</b>	<b>JUDICIAL SALES CERTIFICATE OR GUARANTEE OF TITLE</b>
<b>RULE VIII ...</b>	<b>DEPOSIT BY PURCHASER IN JUDICIAL SALES</b>
<b>RULE IX ...</b>	<b>PRETRIAL PROCEDURE</b>
<b>RULE X ...</b>	<b>SECURITY FOR COSTS</b>
<b>APPENDIX X (A1)...</b>	<b>SECURITY DEPOSIT SCHEDULE</b>
<b>RULE XI ...</b>	<b>RECEIVERS AND ATTORNEYS</b>
<b>RULE XII ...</b>	<b>COGNOVIT JUDGMENT</b>
<b>RULE XIII ...</b>	<b>GUARDIAN AD LITEM OR TRUSTEE</b>
<b>RULE XIV ...</b>	<b>PROBATION</b>
<b>RULE XV ...</b>	<b>DEPOSITIONS</b>
<b>RULE XVI ...</b>	<b>APPRAISER FEES</b>
<b>RULE XVII ...</b>	<b>APPEALS</b>
<b>RULE XVIII ...</b>	<b>ADDITIONAL COURT COSTS FOR COMPUTERIZED LEGAL RESEARCH</b>
<b>RULE XIX ...</b>	<b>ADDITIONAL COURT COSTS FOR COMPUTERIZATION OF OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO</b>
<b>RULE XX ...</b>	<b>ADDITIONAL COURT COSTS FOR THE COMPUTERIZATION OF THE COURTS</b>
<b>RULE XXI ...</b>	<b>AUCTIONEER FEES</b>
<b>RULE XXII ...</b>	<b>MEDIA COVERAGE OF COURT PROCEEDINGS</b>
<b>APPENDIX XXII A...</b>	<b>REQUEST FORM FOR MEDIA COVERAGE OF COURT PROCEEDINGS</b>
<b>RULE XXIII...</b>	<b>EFFECTIVE DATE</b>
<b>RULE XXIV...</b>	<b>SUPERSEDES PREVIOUS RULE XXIV FILED ON 9/16/05 FIREARMS OR WEAPONS IN COURTROOM/ FIREARMS OR WEAPONS USED AS EXHIBITS</b>

**RULE XXV...**

**SPECIALIZED DOCKET FOR MULTIPLE OVI OFFENDERS**

**RULE XXVI...**

**JURY MANAGEMENT PLAN**

**RULE XXVII...**

**SPECIAL PROJECTS FEES**

IN THE COURT OF COMMON PLEAS, MARION COUNTY, OHIO

In Re:

RULES OF THE COURT  
OF COMMON PLEAS  
GENERAL DIVISION  
MARION COUNTY, OHIO

:  
:  
:  
:

JOURNAL ENTRY

.....

It is ordered that the following shall be the rules and orders for the regulation of the practice and proceedings of this court effective immediately and continuing until otherwise ordered.

All former rules are hereby rescinded, if inconsistent herewith.

**RULE I  
TERM OF COURT**

- 1.01 By authority of R.C. 2301.05 the year shall be divided into three parts, beginning January 1 and ending April 30; beginning May 1 and ending August 31; and beginning September 1 and ending December 31.
- 1.02 The hours for holding the regular sessions of the court shall be from 8:30 A.M. to 12:00 P.M. and from 1:00 P.M. to 4:30 P.M. unless varied by the Judge. Unless counsel are otherwise advised, cases will be for trial at the regular session hours.

**RULE II**  
**MEMBERS OF THE BAR**

- 2.01 Bail or Surety. No attorney or officer of this court shall be received as bail or security in any action, matter or proceeding in this court, nor shall any bond be approved having the name of such person as surety.
- 2.02 Agreements. Stipulations and private agreements of counsel or parties to a suit, if not made in open court, may be disregarded, if disputed, unless reduced to writing and signed by such counsel or parties.

**RULE III**  
**PLEADINGS, FILES AND PAPERS**

- 3.01 All pleadings, and other papers filed in an action shall be neatly and plainly typewritten on legal cap so that they can be easily read, or the court may strike them from the files at the cost of the party filing them.
- 3.02 Endorsement of Address. The caption of the complaint shall state the post office address of all parties, if known; if the address is unknown, that fact shall be stated. The first pleading or motion filed by a party shall state the correct address of such party. A motion or pleading making new parties shall conform to the provisions of this rule. All pleadings shall bear the name and address of counsel filing them and each page shall be numbered. One copy of every pleading shall be filed with the original.
- (a) Upon the filing of a Complaint or other pleading initiating a cause of action, the Clerk of the Court of Common Pleas shall enter the name of the Judge to which the case is assigned immediately beneath the case number on the Complaint or pleading. The party thereafter filing any pleading, motion or memorandum shall enter the name of the assigned Judge immediately beneath the case number prior to filing.
- 3.03 Amendments. In no case, where pleadings are amended, shall the original pleadings be withdrawn from the files or any part thereof obliterated; nor shall the amendment be made by interlineation or erasure, except by special leave of the court, and if such is granted, the words to be interlined and/or erased shall be set forth in full on the journal.
- 3.04 Custody of Files. The Clerk of Courts shall be responsible for all records belonging to his/her office and all papers filed therein. In no instance shall the original papers in any case or any part of said papers be removed from the Clerk's custody, except for the use of the court.
- 3.05 Any party or attorney in any cause pending in this court may demand from the Clerk, a copy or certified copy of any paper or pleading in such cause, and such copy or copies shall be made promptly and furnished to such party or attorney and the cost thereof collected from the party or parties requesting same.
- 3.06 The attorney or party filing a pleading requiring the Court's assignment clerk to schedule a hearing or that requires the Court to rule shall deliver a time-stamped copy of the pleading to the assignment clerk at the time the pleading is filed with the Clerk of Court.
- 3.07 The Clerk of this Court shall maintain all case files in chronological order as determined by the date and time file stamp that is placed on each document as it is received.
- (a) Only the original of each document received for filing shall be maintained in the case file by the Clerk. However, a copy of each Order or Judgment of the Court shall be maintained in said case file until the original has been photocopied for journalization and returned to the original file.
- 3.08 The Clerk of Courts shall make records in criminal cases available for inspection by the public in accordance with Ohio's public record law (O.R.C. § 149.43). Records which are not required to be made available to the public shall be kept by the Clerk in non-public files and shall not be available for public inspection.

3.09 The following guidelines shall be observed by the Clerk to assist him/her in determining which records are public records:

A) All records pertaining to any criminal case which is not the result of a secret indictment, are public records available to the public, subject to the following exceptions:

1. Records regarding cases in which a secret indictment is returned, are not public records until the defendant is served with the indictment, or he/she personally appears in court for a proceeding related to his/her case.
2. Records pertaining to search warrants are not public records until the person who is the subject of the search has been served with criminal charges following the search, or until it is determined that no criminal charges will be filed related to the search.
3. Arrest warrants are not public records until served on the defendant.
4. Reports of psychiatric evaluations of the defendant to determine competency or insanity are not public records and are required to be kept confidential. O.R.C. §5122.31.
5. All records pertaining to any case in which the Court has sealed the records pursuant to O.R.C. § 2953.31 et. seq. or § 2953.51 et. seq. (expungement) are required to be kept confidential.

3.10 Discovery pursuant to Criminal Rule sixteen (16) shall be conducted in a manner that will eliminate delay and unnecessary expense. The failure of a party to timely and fully respond shall be grounds for exclusion of the evidence at trial.

- a. Wherever applicable, discovery shall be in the manner prescribed by the Rules of Civil Procedure, including compliance with Civil Rule 5(D), which provides that most items discovered shall not be filed with the Clerk, except as therein specified.
- b. A party responding to discovery shall file with the Clerk a Notice of Compliance which shall contain a brief statement that compliance has been completed.
- c. A Notice of Compliance shall be accompanied by a certificate of service as required by Civil Rule 5(D).
- d. Failure to file a Notice of Compliance with a proper certificate of service shall create a presumption that the party has failed to comply with discovery.

**3.11 All pleadings filed with Clerk of Courts shall be docketed and placed in the Court file within three days of the pleading being delivered to the Clerk of Courts.**

## **RULE IV MOTIONS**

- 4.01 Counsel filing any motion shall file with such motion, a brief containing a statement of authorities and arguments relied upon; in default thereof the motion, may be overruled or stricken from the files, except in the case of a motion for a new trial.
- 4.02 Opposing counsel may file a brief at any time prior to hearing date unless the court by order directs such brief to be filed earlier.
- 4.03 All motions when filed will be considered submitted unless oral hearing is requested by an interested party or by the court. In the event that a hearing for the purposes of oral argument is held the parties will be notified thereof by an entry, a notice from the assignment clerk or by notice attached to the original motion.
- 4.04 Summary Judgment. Unless otherwise ordered by the Court, Motions for Summary Judgment shall be heard on briefs and other materials authorized by Civil Rule 56 (C) without oral arguments thirty (30) days after service of the Motion upon opposing party. The adverse party prior to the day of hearing may serve and file opposing affidavits. In the event the adverse party also files a Motion for Summary Judgment, the hearing date shall be extended to thirty (30) days from the service upon the opposing party of the latter motion.

**RULE V**  
**JOURNAL ENTRIES**

- 5.01 The court will notify counsel in writing of all minutes entered unless counsel are present and informed at the time the minutes are entered.
- 5.02 Counsel for the party in whose favor or on whose request any order, decree of judgment is rendered, shall within 5 days after notice thereof, unless the time be extended by the court, prepare the journal entry and submit it to counsel for the opposite party or parties who shall approve or reject the same in writing within 3 days after such presentation. If rejected or if not approved within 3 days it shall be considered rejected and counsel so rejecting shall within 24 hours after rejection prepare an entry. In such cases all entries shall be submitted to the Judge who will direct what entry shall be made or prepare the proper entry. The court will notify counsel when an entry prepared by the court is filed.
- 5.03 Journal entries shall have space for approval of all attorneys of record in the case and state the name of the party or parties represented by the respective counsel. In a case where there is no adverse interest, or if there is no attorney representing the adverse interest or interests, an entry presented to the court shall be approved by the attorney presenting the entry.
- 5.04 The Clerk shall not receive for filing any entry until it is signed and approved by the court.

**RULE VI**  
**FEEES FOR ATTORNEYS IN PARTITION AND OTHER JUDICIAL SALES**

6.01 In all cases involving judicial sales, where the court has legal authority to fix attorney fees, said fees shall be the same as in partition cases.

6.02 Fees of counsel in partition cases shall be as follows:

- a. On the selling price if sold, otherwise,
- b. based upon the appraised value;
- c. 6% on the first \$5,000.00, 3% on the remainder of the sale price, above \$5,000.00.

Fees so allowed shall be taxed in favor of counsel for plaintiff and for good cause the court may allow an additional fee for plaintiff's counsel or a fee for defendant's counsel who assist in the partition for the common benefit of all parties. In no case shall the fee so taxed for the plaintiff's counsel be less than \$100.00.

6.03 When a trial is necessary in a partition case, or extra-ordinary services are required of an attorney, application stating in detail the time used and work done with the dates of work specified and requesting additional fees may be made and the same will be considered by the court.

**RULE VII**  
**JUDICIAL SALES CERTIFICATE OR GUARANTEE OF TITLE**

- 7.01 In actions for the sale of real estate, where an order of judicial sale is prayed for, save and except in cases where the premises involved are under the Land Registration Act, the Attorney for the plaintiff shall cause to be procured and filed with the Clerk, any time before the confirmation of sale but preferably the first evidence within 60 days after filing the Complaint and the second certificate before the order of sale is issued, evidence of title showing the record condition of the title to the premises described in the Complaint, prepared and extended later to cover all proceedings in the case, by either a certificate of any attorney as an examiner of titles or a guaranty by a responsible abstract or title insurance company.
- 7.02 In case plaintiff's counsel has not caused to be filed within 60 days after the date of filing of the petition, evidence of title as above referred to or the first certificate thereof, any cross-petitioner or interested party may, upon notice to the attorney for plaintiff, procure leave of court to furnish and file such evidence of title within 30 days after leave of court.
- It shall be the duty of plaintiff's attorney or the attorney for such cross-petitioner or interested party who furnished and filed the evidence of the title aforesaid, to proceed without delay to make and cause to be served any new parties who appear to be necessary parties to said action. Such evidence of title or copy thereof shall become a part of the files in the case, in every instance where such evidence is filed in a case.
- 7.03 In lieu of the original evidence of title, a true copy thereof certified by the attorney or a photostat thereof, may be filed with the clerk and become a part of the record in the case.
- 7.04 Any such certificate or guaranty filed in a case shall be made and filed for the use and benefit of all parties to said proceedings, and the purchaser at judicial sale there under, and a certified copy of an original as the case may be, of said certificate or guaranty shall be delivered to and become the property of the purchaser at such judicial sale.
- 7.05 The expense of the title work under this rule, shall be taxed as costs in the case. Pursuant to ORC§ 2329.191

**RULE VIII**  
**DEPOSIT BY PURCHASER IN JUDICIAL SALES**

- 8.01 In any judicial sale the officer selling the real estate shall require the purchaser, as a condition of his bid being accepted, to forthwith deposit in the form of cash or certified check, to guarantee the payment of the amount of the bid within thirty days from date of sale, the sum equal to 10% of such bid, but not less than \$50.00 or more than \$1,500.00 in any case. In the event of failure to pay said purchase price by the purchaser, such deposit shall be applied toward payment of the costs, and the officer making the sale shall, after thirty days from date of sale cite the purchaser before the court on charges of contempt of court.

**RULE X  
SECURITY FOR COSTS**

- 10.01 No civil action or proceeding shall be accepted by the Clerk for filing in civil cases unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in each action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk as Appendix X (A1) to this Rule.
- 10.02 Appendix X (A1) may be modified by the Judges of the General Division of the Common Pleas Court of Marion County and any modification shall be effective upon posting the new schedule in a conspicuous place in the Office of the Clerk of the Court of Common Pleas.
- 10.03 For the purposes of this Rule, a civil action means any pleading as permitted by Civil Rule 7.
- 10.04 For the purposes of this Rule, a civil proceeding means any application to the Court for an order.
- 10.05 When the Clerk has determined that costs in a case still active has exceeded the deposit, the Clerk is to require an additional deposit of the same amount as when the case was originally filed.
- 10.06 In cases where service by publication is necessary, payment for the legal notice is to be made directly to the newspaper but such amount may be taxed as costs.
- 10.07 An Affidavit of Poverty, filed pursuant to R.C. 2323.30, shall state the reasons for inability to advance security for costs, and is subject to review by the Court at any stage of the proceedings.
- a.) If filed by an inmate of a State Institution, an Affidavit of Poverty shall be accompanied by a Certificate of Superintendent or other appropriate officer of the institution setting forth the amount of funds, if any, which the inmate may have on deposit with the institution available to the inmate to secure costs. If the Certificate demonstrates that the inmate has sufficient funds available to him to secure the costs the Clerk shall not file the Complaint until the costs are secured.
- 10.08 Upon final judgment, the Clerk of Courts is directed to apply any and all security deposits to the costs in the case, regardless of the party against whom costs are assessed. The Clerk shall then deliver a statement of costs to the party against whom costs were assessed. Upon payment by the responsible party, the depositors shall be reimbursed.
- 10.09 All final entries shall state exactly which party is responsible for payment of costs.
- 10.10 In all criminal cases costs shall be assessed to the Defendant unless the final judgment specifically waives the costs.

**RULE XI**  
**RECEIVERS AND ATTORNEYS**

- 11.01 A written notice of not less than two days shall be given to the opposite party of all applications for appointment of a receiver, unless the Court, upon good cause stated in the pleading or affidavit filed therewith, dispenses with same. Such notice shall state the time when application will be made.
- 11.02 A party against whom a temporary injunction has been issued or for whose property a receiver has been appointed without notice shall be entitled to a hearing upon a motion to dissolve such injunction or dispense with the receivership at the earliest practicable time.
- 11.03 Before a receiver will be appointed the person making application for the receivership shall make a deposit with the Clerk in the amount of \$100.00 as security for costs.
- 11.04 All receivers must file an inventory of the property coming into their hands as such receivers within thirty (30) days after appointment unless the time is extended by the Court.
- 11.05 Receivers shall make quarterly reports. The first report shall be filed within three months after date of appointment, and subsequent reports quarterly thereafter. Failure to file any report within thirty (30) days after due shall be grounds for removal without notice and without compensation.
- 11.06 Any person removed as receiver for failure to comply with rules shall be ineligible for subsequent appointments. Receipts for all monies paid out by receivers must be filed with the report.
- 11.07 Fees of receivers and their attorneys shall be allowed only upon application filed in the cause with an affidavit setting forth in detail the services rendered in the case. Written notice of the time and place of the hearing of said application may be required by the court to be served upon all counsel, parties known, and creditors, a reasonable time before hearing unless all counsel and parties agree. The court may direct that notice be given by publication or in such other manner as it deems proper.

**RULE XII**  
**COGNOVIT JUDGMENT**

- 12.01 No judgment on a cognovit note shall be allowed unless there is submitted with the complaint, answer and entry the original note upon which such action is founded. At the time of granting judgment the Clerk shall endorse on said note the fact that it has been reduced to judgment.
- 12.02 On all complaints for cognovit judgment, a true copy of the original note with all its endorsements shall be attached and marked as an exhibit.
- 12.03 Interest shall be computed to the day of the rendition of the judgment and included in the amount of the judgment.
- 12.04 Cognovit notes upon which judgment are taken shall be delivered to the Clerk and remain in his/her possession after judgment until final disposition of the case, after which time he/she may dispose of the original note, unless by special order of the Court he/she is directed otherwise. On release of the judgment the Clerk shall deliver the original note to the party or their counsel paying the judgment, unless the amount of the judgment is paid to the Sheriff or to the Clerk in which case the note shall be delivered to the person making payment.
- 12.05 Counsel Fees. In all cognovit judgment cases where an attorney appears on behalf of the defendant, he/she shall be paid a fee of \$5.00 in all cases where the judgment is not more than \$200.00; \$10.00 where the judgment is more than \$200.00 but not more than \$3,000.00 and \$15.00 where the judgment is more than \$3,000.00 and the fee shall be taxed as costs by the Clerk against the defendant in the case.

**RULE XIII**  
**GUARDIAN AD LITEM OR TRUSTEE**

- 13.01 That hereafter no person other than an attorney at law duly admitted to practice the profession of law in the State of Ohio shall be appointed Guardian ad Litem or Trustee for the suit in any matter or proceeding in this Court.
- 13.02 The fees allowed a Guardian ad Litem or Trustee for the suit shall be taxed as part of the costs and shall be as follows: \$25.00 if the Guardian ad Litem or Trustee represents one party; \$35.00 if the Guardian ad Litem or Trustee represents more than one party. If extraordinary services are rendered by the Guardian ad Litem or Trustee for the suit, an application for additional fees may be made and will be considered by the Court.
- 13.03 Special application and order may be made in situations not covered by these rules.

**RULE IX  
PRETRIAL PROCEDURE**

- 9.01 Unless otherwise ordered by the Judge to whom the case is assigned, no civil case, with the exception of divorce proceedings, dissolution of marriage and proceedings for injunctive relief, shall be called for trial unless it is first pretried.
- 9.02 Pretrials shall be held at such times as the court shall direct. The assignment commissioner shall prepare the schedule of pretrials and mail notice to all counsel and to all parties not represented by counsel.
- 9.03 It shall be the duty of counsel to do the following at pretrial hearing:
- a. Counsel shall present a pretrial statement which will indicate the issues, the questions of law; the exhibits that will be used, special damages, witnesses and the approximate time estimated to complete their respective presentation.
  - b. Counsel shall prepare a list of all proposed exhibits and confer with opposing counsel regarding same prior to pretrial and be prepared at the conference to enter into stipulations as to admission, substitution of copies for originals and other matters.
  - c. If the defense is being presented by an insurer, counsel shall have a representative present at the conference who is authorized to negotiate settlement. If counsel has full authority to negotiate a settlement the presence of the insurer's representative is not required.
  - d. The court will assume that all preliminary discovery matters such as depositions, physical examinations or appraisals will be completed before pretrial. All reports of experts, medical or otherwise, shall be exchanged by counsel before pretrial.
  - e. The parties shall exchange medical reports and hospital records. If the exchange has not been accomplished, the court may order the exchange of such records and/or reports by authority of Rule 16.
  - f. Counsel are urged to have a preliminary conference before pretrial to inspect exhibits and arrive at all possible stipulations.
  - g. Each attorney must come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. The plaintiff is required to be present. Plaintiff's counsel must be prepared to submit a demand.
  - h. Each attorney shall have in his pretrial statement a list of all witnesses he expects to call to testify. In the absence of reasonable notice to opposing counsel to the contrary, only those witnesses listed will be permitted to testify at the trial. The only exceptions will be witnesses called for impeachment purposes, rebuttal or witnesses permitted to be called by the court upon the showing of good cause.
  - i. The plaintiff's attorney shall prepare and tender to opposing counsel an appropriate pretrial order and this shall be filed within 14 days subsequent to the pretrial. The pretrial order may be modified at the trial or prior thereto to prevent manifest injustice.

**RULE XIV  
PROBATION**

- 14.01 In all cases where a defendant is placed on probation by this Court, and attorney fees have been paid by the County, these fees shall be repaid to the County either forthwith upon being placed on probation or in amounts paid thereafter as ordered by the Court.
- 14.02 In all cases where a defendant is placed on probation by this Court a supervision fee of \$20.00 shall be paid by such probationer each month to the Clerk of this Court for the benefit of the County and this rule shall apply to all persons now on probation.

**RULE XV  
DEPOSITIONS**

- 15.01 Fees for depositions shall be collected by the officer taking the deposition. The deposition may be retained by the officer until the fees are paid in full, before filing said deposition with the Clerk of this Court.

**RULE XVI  
APPRAISER FEES**

- 16.01 Appraiser Fees for the appraisal of real estate in foreclosure actions be and hereby is fixed at \$50.00 per parcel pursuant to O.R.C. 2335.01.
- 16.02 Compensation for Appraisers to be taxed as costs.

**RULE XVII**  
**APPEALS**

- 17.01 Where the time for filing bills of exceptions, assignments of errors and briefs are fixed by statute or by rule of Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by such judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.
- 17.02 Where the time for filing is not fixed by statute or rule of the Supreme Court, the Appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the Appellee shall file his/her brief within ten (10) days after the filing of the brief of Appellant and any reply brief shall be filed within five (5) days after the filing of the Appellee's brief. Extensions of time may be granted by entry by the judge to whom the case is assigned for good cause shown after notice to all parties.
- 17.03 In all cases, in which demand or request to the agency by the Appellant is a prerequisite to the preparation or filing of the transcript of the record by the agency, such demand or request shall be filed by the Appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law, or Rule of Supreme Court.
- 17.04 Upon the expiration of the time for filing of the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such judge.
- 17.05 The procedures of paragraphs one (1) and two (2) above as may be applicable shall apply to all appeals including those under Chapter 2506 of the Revised Code and Chapter 119 of the Revised Code.
- 17.06 Failure of an Appellant to file his bill of exceptions, assignments of error, his brief or a demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the judge to whom the case is assigned.
- 17.07 All briefs and memoranda, pro and contra, and all motions, briefs and memoranda thereto, pro and contra shall be filed in duplicate.

**RULE XVIII**  
**ADDITIONAL COURT COSTS FOR COMPUTERIZED LEGAL RESEARCH**  
**[R.C. 2303.201 (A)]**

- 18.01 Pursuant to the authority of R.C. 2303.201(A), the Court has determined that for the efficient operation of the Court additional funds are required to make available computerized legal research services. The Court therefore authorizes and directs the Clerk of the Court of Common Pleas of Marion County, Ohio, to charge an additional fee upon filing of each cause of action or appeal as follows:
- a. The Clerk shall assess the sum of one dollar and fifty cents upon filing of each cause of action or appeal under divisions (A), (R) and (V) of section 2303.20 of the Revised Code, prior to January 1, 1993.
  - b. The Clerk shall assess the sum of three dollars upon filing of each cause of action or appeal under divisions (A), (Q) and (U) of section 2303.20 of the Revised Code, on or after January 1, 1993.
- 18.02 The Marion County Auditor shall establish a separate Computerized Legal Research Fund.
- 18.03 All monies collected under Local Rule XIX shall be paid to the County Treasurer, monthly, to be deposited in said Computerized Legal Research Fund.
- 18.04 All fees collected and interest earned pursuant to R.C. 2303.201(A) and Local Rule XIX (19.01) shall be disbursed only upon order of the Court of Common Pleas of Marion County, Ohio, in an amount no greater than the actual costs to the Court in procuring and maintaining legal research services. No moneys shall be disbursed from said funds without an order of the Court pursuant to R.C. 2303.201(A).
- 18.05 For the purposes of Local Rule XIX, a cause of action is defined as a pleading which contains a claim for relief, or multiple claims for relief, by one or more parties, against one or more parties, whether contained in an original claim, counterclaim, cross-claim, or third party claim.

**RULE XIX**  
**ADDITIONAL COURT COSTS FOR COMPUTERIZATION OF OFFICE OF THE**  
**CLERK OF THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO**  
**[R.C. 2303.201 (B)(1)]**

- 19.01 Pursuant to the authority of R.C. 2303.201 (B)(1), the Court has determined that for the efficient operation of the Court additional funds are required to computerize the office of the Clerk of the Court of Common Pleas of Marion County. The Court therefore authorizes and directs the Clerk of the Court of Common Pleas of Marion County, Ohio to charge an additional fee upon filing of each cause of action or appeal as follows:
- a. Effective January 1, 1993 the Clerk shall assess the sum of Ten (10) dollars upon 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.
- 19.02 The Marion County Auditor shall establish a separate Clerk of Courts Computerization Fund.
- 19.03 All monies collected under Local Rule XX shall be paid to the County Treasurer, monthly, to be deposited in said Clerk of Courts Computerization Fund.
- 19.04 All fees collected and interest earned pursuant to R.C. 2303.201(B)(1) and Local Rule XX shall be disbursed only upon order of the Court of Common Pleas of Marion County, Ohio, in an amount no greater than the actual costs to the Court in procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas of Marion County, Ohio. No monies shall be disbursed from said funds without an order of the Court pursuant to R.C. 2303.201(B)(1).
- 19.05 For the purposes of Local Rule XX, a cause of action is defined as a pleading which contains a claim for relief, or multiple claims for relief, by one or more parties, against one or more parties, whether contained in an original claim, counterclaim, cross-claim, or third party claim.

**RULE XX**  
**ADDITIONAL COURT COSTS FOR THE**  
**COMPUTERIZATION OF THE COURTS**

- 20.01 Pursuant to the authority of R.C. 2303.201(E)(1), the Court has determined that for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects, to charge an additional fee to existing court costs.
- 20.02 The Court authorizes the Clerk of the Court of Common Pleas of Marion County, Ohio, to assess additional fees to assist in paying for the purchase of an integrated computer system for the Court and the Clerk of Courts, as follows;
1. Effective December 1, 2002 an additional fee of \$25.00 in court costs shall be charged on the filing of each criminal cause, civil action or proceeding, or judgment by confession.
  2. All moneys collected under this Order shall be paid to the County Treasurer for deposit into a specific special project fund for court computerization. The Treasurer shall create four special project funds for Common Pleas Court General Division, [Domestic Relations Court, Probate Court and Juvenile Court, nka, Family Court.]

**RULE XXI**  
**AUCTIONEER FEES**

- 21.01 Pursuant to the authority of O.R.C. 2335.021 an auctioneer appointed by the Court to conduct any public auction of goods, chattels, or lands required to be sold by an officer of the Court, shall receive as compensation the sum of \$50.00 per parcel and such compensation shall be charged as costs in the action or proceeding in which said sale is ordered.
- a. A parcel of personal property is to include all the articles included in one action, execution, or attachment.

LOCAL RULE XXII

APPLICABLE TO ALL AGENCIES OR PERSONS GRANTED PERMISSION TO PHOTOGRAPH, TELEWISE, RECORD, OR BROADCAST COURT PROCEEDINGS.

- A. (Definition) "Court Proceedings" means the courtroom at issue, the courthouse, and its entrances and exits.
1. There shall be no filming, videotaping, recording, or photographing of jurors.
  2. There shall be no filming, videotaping, recording, or photographing of victims or witnesses who object.
  3. No artificial lighting other than that normally used in the courtroom shall be employed. The equipment used shall not produce distracting sound or light.
  4. There shall be no audio pickup or broadcast of conferences, conducted in any court facility between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the judge.
  5. There shall be no transmission or recording of anything other than the court proceedings from the courtroom while the court is in session.
  6. All media in attendance shall be limited to one portable television, videotape, or movie camera with one operator, unless specific permission is granted in writing, by the judge.
  7. All media in attendance shall be limited to one still photographer, unless specific permission is granted, in writing, by the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
  8. All media in attendance shall be limited to one audio system, unless specific permission is granted, in writing, by the judge.
  9. Any audio recording equipment shall be fully visible to the court, counsel, and witnesses.
  10. The judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Movement shall be restricted to that location.
  11. Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding. "Pooling" arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.
  12. The "Request for Permission to Photograph, Telewise, Record, or Broadcast Court Proceeding" form shall be filed, at least, twenty-four (24) hours prior to the scheduled hearing.
  13. Upon the failure of any media representative to comply with the conditions prescribed by this rule, or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.
  14. [Other] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RULE XXII APPENDIX A  
IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO  
GENERAL DIVISION**

\_\_\_\_\_  
**Plaintiff(s)**  
  
-vs-  
  
\_\_\_\_\_  
**Defendant(s)**

\* Case No. \_\_\_\_\_

\* **REQUEST FOR PERMISSION  
TO PHOTOGRAPH, TELEVISION,  
RECORD OR BROADCAST  
COURT PROCEEDINGS**

\*

\*\*\*\*\*

[Name] \_\_\_\_\_, representing the media agency,

[Agency name] \_\_\_\_\_ and requests permission for

**broadcasting**    **televising**    **recording**    **taking photographs of,** court proceedings

to be held on [date] \_\_\_\_\_, pursuant to Superintendence Rule 12.

By signing this request the undersigned certifies that the agency will abide by the local court rules on photographing, televising, recording, and/or broadcasting court proceedings, and acknowledges receipt of said rules.

\_\_\_\_\_  
Agency Representative

\*\*\*\*\***JOURNAL ENTRY**\*\*\*\*\*

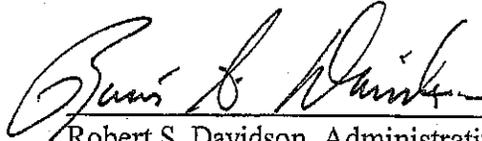
**IT IS THEREFORE ORDERED** that the agency named above is granted permission to photograph, televise, record or broadcast court proceedings as requested, provided that they fully comply with the local court rules on photographing, televising, recording and/or broadcasting court proceedings, and any additional orders of the court pertaining to the specific court proceedings.

\_\_\_\_\_  
Judge

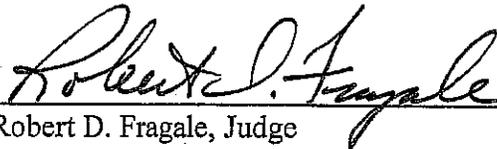
**RULE XXIII**  
**EFFECTIVE DATE**

23.01 The foregoing rules shall be in force and effective from and after July 19, 2004 pursuant to this entry and said entry shall be entered upon the journal.

IT IS ORDERED that these rules promulgated pursuant to Rule 83 of the Ohio Rules of Civil Procedure shall be filed by the Clerk of this Court with the Supreme Court of Ohio.



Robert S. Davidson, Administrative Judge



Robert D. Fragale, Judge

**RULE XXIV FILED ON 09/16/05 IS SUPERSEDED BY THE FOLLOWING:**

**RULE XXIV**

**FIREARMS OR WEAPONS IN COURTROOM  
FIREARMS OR WEAPONS USED AS EXHIBITS**

24.01 The Court recognizes that there has been a dramatic increase in court-related violence over the past ten years and that we cannot afford to be complacent or to assume that we are immune from violence. Violence in the courtroom threatens the lives, as well as, the operation of the courts. Effective security measures are necessary to ensure that all parties obtain a fair trial and that the public confidence in our legal process is upheld. At the same time, we need to balance the safety of trial participants and court personnel against the need for fair and neutral proceedings.

24.02 The following types of cases have been identified as representing a high risk of violence in the courtroom:

1. Criminal cases
2. Gang-related cases
3. Juvenile delinquency
4. Dissolutions with children
5. Child custody, visitation, and support hearings
6. Domestic abuse
7. Orders of Protection hearings
8. Commitments of the mentally ill and dangerous to self or others

The potential for violence is found in the following individuals:

1. Criminal defendants, their families, and friends
2. Witnesses
3. Victims, their families, and friends
4. Spectators
5. Demonstrators and activists
6. Civil litigants

The most likely targets for violence in a courtroom are:

1. Judges
2. Bailiffs
3. Attorneys
4. Prevailing litigants

24.03 The Ohio Revised Code makes it a felony to possess a dangerous weapon in a courthouse complex except when used as a demonstrative exhibit in an official proceeding and with the advance notice to the court and pursuant to safety guidelines. The Court is responsible for ensuring the safety of parties, counsel, jurors, witnesses, spectators and court personnel. All persons utilizing the facilities and services of the Court should be able to do so without apprehension or fear of violence.

The Court shall incorporate "Weapons in the Courthouse/Courtroom" in the Local Rules of the Court, as set forth within and shall be followed in all civil and criminal proceedings and trials. This order shall be distributed to the following persons:

1. Marion County Prosecutor
2. Marion County Attorneys-at-Law
3. The Marion County Sheriff's Office, Marion Police Department and the Marion Post Ohio State Highway Patrol

4. Multi-County Corrections Center
5. All Court personnel

24.04 The Court shall cause two signs to be prominently displayed to read as follows:

- # 1. "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises." O.R.C. 2923.1212(A)

"A license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun onto these premises." O.R.C. 2923.126(b)

- # 2. IT IS HEREBY ORDERED that all persons who enter the Marion County Courthouse, and any items in their possession, are subject to search.

24.05 As used in this policy, Firearms and other weapons are defined as:

1. "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.
2. Other weapons shall include, but not be limited to:
  - a. Edged Weapons
    - i. Knives of any type, including kitchen knives
    - ii. Box Cutters
    - iii. Medical Instruments
  - b. Impact Weapons
    - i. Sports Equipment (ball bats, etc.)
    - ii. Hand Tools
  - c. Chemical Spray
  - d. Electronic Weapons (stun guns, etc.)

24.06 Except when used as an exhibit in an official proceeding, no firearm, or other weapon shall be taken into a courtroom. If these weapons are intended for use as exhibits, they shall be checked for safety by the Bailiff, Court Deputy Sheriff, or Court Security Officer, and properly sealed or blocked in accordance with court policy and procedure before they are taken into the courtroom.

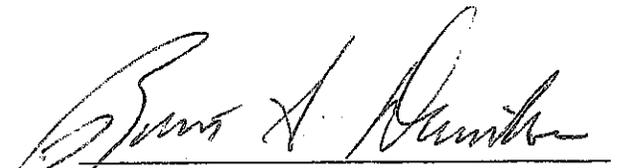
24.07 Only Law Enforcement Officers on official duty, Corrections Officers escorting inmates, Bailiff, Court Deputy Sheriff, or Court Security Officer, shall be permitted to carry a firearm into a courtroom or other area within the court building.

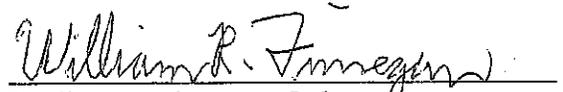
24.08 Procedures for the Handling of Weapons in the Courtroom:

1. Any person intending to offer a weapon as evidence in either a civil or criminal case shall notify the Court and opposing counsel of their intent prior to commencement of the trial or hearing.
2. No weapon intended to be used as a exhibit shall be brought into a courtroom without one or more of the following precautions being taken to ensure its safe handling:
  - a. All firearms are to be unloaded prior to being brought into the courthouse.
  - b. After inspection to ensure the firearm is completely unloaded and prior to the start of a hearing or trial, a mechanical trigger block shall be placed on every firearm by the Bailiff, Court Deputy Sheriff, or Court Security Officer. The following types of mechanical blocks may be utilized:
    - i. a padlock (the preferred method for securing a handgun)
    - ii. plastic tie wrap

- ii. plastic tie wrap
- iii. a trigger lock
- iiii. an electrician's strap
- iiiii. bicycle cable

3. All keys for trigger locks and padlocks shall be maintained by the Bailiff.
4. All other weapons, or devises used as a weapon, shall be secured on a plexi-glass display board using plastic tie wraps.
5. All ammunition shall be removed from the firearm and placed in a heat-sealed evidence bag.
6. No one shall be allowed to display a firearm or weapon until a foundation for its admissibility has been laid. In the event counsel wishes to display the weapon during opening statements, they may do so by photograph or drawing.
7. Once the weapon has been received in evidence, it shall be consigned to the custody of the court reporter for the duration of the trial. At no time shall the weapon be allowed to be placed on counsel table or at the witness box except upon prior approval of the Court for use by the witness during testimony. The Court shall provide a secure drawer or cabinet in which to place the weapon during recess or when not under the direct visual supervision of the court reporter or Bailiff.

  
Robert S. Davidson, Administrative Judge

  
William R. Finnegan, Judge

March 1, 2009

COMMON PLEAS COURT  
MARION COUNTY  
**RULE XXV**

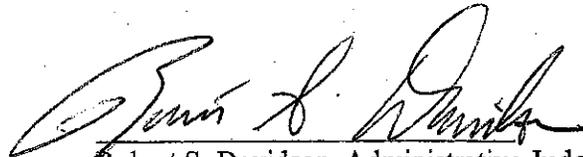
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**SPECIALIZED DOCKET FOR MULTIPLE OVI OFFENDERS**

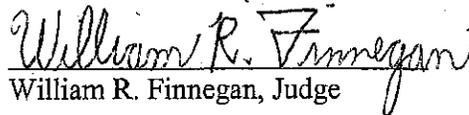
JULIE H. KAGEL  
CLERK OF COURTS

- 25.01 In order to provide supervision and effective treatment of multiple OVI offenders, the Court hereby establishes the "Marion County Common Pleas Court OVI Program."
- 25.02 A Judge may refer an individual to the OVI Court Team for consideration for participation in the Specialized Docket Program. The OVI Court Team will determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the OVI Court Program Judge. The OVI Court Program Judge shall then determine whether to accept the individual into the program. If admitted, the case shall be transferred to the specialized docket of the OVI Court Program Judge for further proceedings. The OVI Court Program Judge is authorized to accept any plea from the offender, sentence the offender, and shall have supervision responsibility over the offender. If terminated from the OVI Court Program, the individual shall be sentenced by the OVI Court Program Judge according to the criminal sentencing laws as contained in the Ohio Revised Code. For purposes of Supreme Court statistical reporting, the case shall be considered disposed by the assigned Judge when the offender is found guilty of the offense.
- 25.03 Individuals found to be in violation of their community control terms may be referred by a Judge to the OVI Court Team for Program consideration.

The rule shall be effective March 1, 2009.



Robert S. Davidson, Administrative Judge



William R. Finnegan, Judge

**Rule XXVI**  
**JURY MANAGEMENT PLAN**

COMMON PLEAS COURT  
MARION CO. OHIO

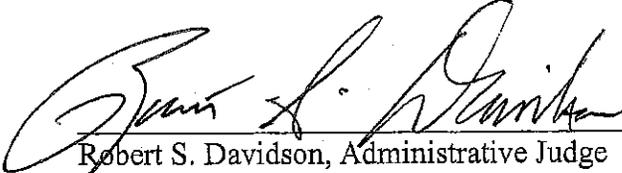
July 15, 2009

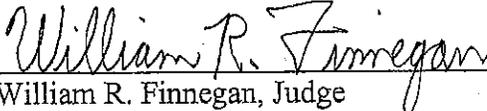
2009 JUL 22 AM 10:21

JULIE M. KAGEL  
CLERK OF COURTS

- 26.1 Pursuant to Supt. Rules, Appendix B, for the Court of Common Pleas, the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court on August 16, 1993.
- 26.2 The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group.
- (A.) Jury service is an obligation and privilege of all qualified citizens of Marion County Ohio.
- 26.3 Responsibility for administration of the jury system should be vested exclusively in the judicial branch of government
- 26.4 Responsibility for administering the jury system shall be vested in the Court Administrator acting under the supervision of the Administrative Judge.
- 26.5 All procedures concerning Jury selection and service shall be governed by the Statutes, the Rules of Superintendence for the Common Pleas Courts and the Local Rules of Court.
- 26.6 The names of potential jurors shall be drawn from the list of electors certified annually by the Marion County Board of Elections, using an automated process that assures random selection procedures throughout the jury selection process and that provides each eligible person with an equal probability of selection.
- 26.7 All persons shall be eligible for jury service except those who:
- (a.) Are less than 18 years of age;
  - (b.) Are not citizens of the United States
  - (c.) Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Marion County;
  - (d.) Are not able to communicate in the English language; or
  - (e.) Have been convicted of a felony and have not had their civil rights restored.
- 26.8 Jurors shall be available for jury service for a four month period of time as many times as they are summoned. The Court has implemented a telephone call-in system for both courts for prospective jurors to call to hear a recorded message which informs them if the trial is proceeding or if it has been postponed.

- 26.9 Deferrals for jury service for reasonably short periods of time may be approved by a Judge or the Judges designee.
- 26.10 Jurors with young children are not permitted to bring them to the jury room or Courtroom.
- 26.11 Jurors shall be compensated in accordance with the fees adopted by the Marion County Board of Commissioners. Such fees shall be paid as soon as processing is completed.
- 26.12 Persons who fail to respond to a summons for jury service may be subject to contempt of court proceedings.
- 26.13 A jury shall not be sequestered, except for good cause, or when required by law.
- 26.14 Jurors have a responsibility to notify their employer of their potential to be called to serve on a jury during their term of jury service. Ohio Revised Code § 2313.18 states "No employer shall discharge or threaten to discharge any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313 of the Revised Code if that employee gives reasonable notice to the employer of the summons prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service". absent from work for service as a juror. It further states "Whoever violates this section shall be punished as for a contempt of court pursuant to Chapter 2705 of the Revised Code".

  
Robert S. Davidson, Administrative Judge

  
William R. Finnegan, Judge

April 22, 2011

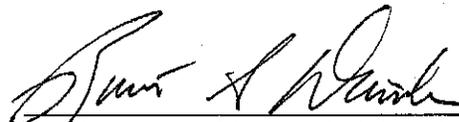
COMMON PLEAS CLERK  
MARION COUNTY, OHIO

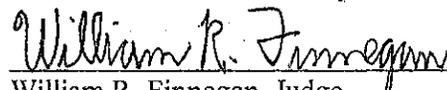
Rule XXVII  
SPECIAL PROJECTS FEE

2011 APR 22 AM 11:23

JULIE H. RAGEL  
CLERK OF COURTS

- 27.01 In accordance with Ohio Revised Code §2301.201(E)(1), The court of common pleas has determined that for the efficient operation of the court, additional funds are necessary.
- 27.02 In addition to all other court costs, a fee of forty (\$40.00) dollars will be assessed on the filing of each criminal cause, civil action or proceeding, or judgment by confession.
- 27.03 The forty dollar addition shall be reflected on Appendix X (A1), Security Deposit Schedule upon posting in the Clerk of Courts office.

  
Robert S. Davidson, Administrative Judge

  
William R. Finnegan, Judge

**COURT OF COMMON PLEAS OF MARION COUNTY**  
**General Division**  
**Courthouse Square, 100 North Main Street**  
**Marion, Ohio 43302**  
**(740)223-4220**  
**fax (740)387-7131**

**Honorable William R. Finnegan**

**Honorable Jim Slagle**

**To:** Members of the Marion County Bar Association  
and practicing attorneys in the Marion County Common  
Pleas Court, General Division

**From:** Judge William R. Finnegan, Administrative Judge

**Re:** Special Projects Fee, Rule 27 of the Common Pleas Court  
General Division

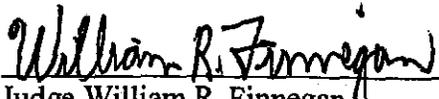
**Date:** April 22, 2013

COMMON PLEAS COURT  
MARION CO. OHIO  
2013 APR 26 AM 9:14  
JULIE M. KAGEL  
CLERK OF COURTS

On April 22, 2011, Rule 27, a Special Projects Fee became part of the Rules of the Marion County Common Pleas Court, General Division. The Rule provided for a payment of \$40 to be assessed on the filing of each criminal cause, civil action or proceeding, or judgment by confession. However, as an account at the Marion County Auditor's Office was not created, assessment of the \$40 could not begin in April, 2011.

The account at the County Auditor's Office has now been created. This Memorandum serves as notice that effective for filings on May 15, 2013 and thereafter, the \$40 Special Projects Fee will be required, along with all other existing fees, for the filing for each criminal cause, civil action or proceeding, or judgment by confession.

If you have any questions, please feel free to contact me.

  
Judge William R. Finnegan  
Administrative Judge, General Division

APPENDIX X (A1)  
MARION COUNTY COMMON PLEAS COURT  
SECURITY DEPOSIT SCHEDULE  
(Pursuant to Local Rule X)

Added \$40.00 cost increase to prior costs list on 3-30-11 may need to change

**CIVIL ACTIONS**

1. Complaints, Cross-Claims, Counterclaims, Third Party Claims, Cognovit Actions, Appeals from other tribunals	\$190.00
2. Jury Demands	\$200.00
3. Post Decree Motions, Motion for Relief from Judgment	\$140.00
4. Foreign Judgments	\$140.00
5. Each Aid in Execution	
a. Garnishments	\$70.00
b. Judgment Debtor Examinations	\$70.00
c. Executions	\$225.00
6. Writ of Possession	\$100.00
7. Foreclosure Order of Sale	\$200.00
8. Certification of Judgment	
a. Filing	\$95.00
b. Issuing to Foreign County	\$40.00
c. Partial or Complete Release of Lien	\$5.00
9. Appeals to the Third District Court of Appeals	\$190.00
10. Expungements	\$50.00

COMMON PLEAS COURT  
MARION COUNTY, OHIO  
**IN THE COURT OF COMMON PLEAS, MARION COUNTY, OHIO**

2011 APR 22 AM 11:23

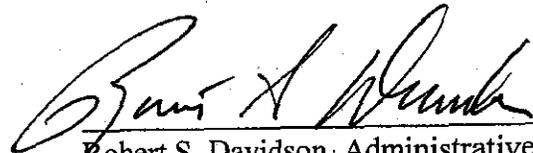
JULIE W. RAHEL  
CLERK OF COURTS

REVISION OF LOCAL COURT  
RULE X, APPENDIX (A1) OF  
THE COURT OF COMMON  
PLEAS, GENERAL DIVISION  
MARION COUNTY, OHIO

JOURNAL ENTRY

.....

Pursuant to the authority of Civil Rule 83, The Common Pleas Court of Marion County, General Division, hereby amends Local Rule X, Appendix (A1) as attached, effective May 22, 2011.



Robert S. Davidson, Administrative Judge

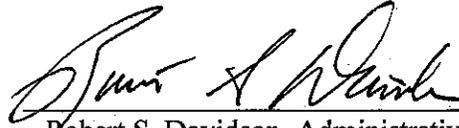
April 22, 2011

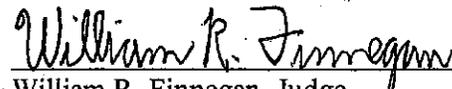
COMMON PLEAS COURT  
MARIETTA

Rule XXVII  
SPECIAL PROJECTS FEE 2011 APR 22 AM 11:23

JULIE M. KABEL  
CLERK OF COURTS

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Robert S. Davidson, Administrative Judge

  
William R. Finnegan, Judge

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General Division

Date: April 22, 2013

COMMON PLEAS COURT  
MARION COUNTY, OHIO  
2013 APR 26 AM 9:14  
JULIE M. KAGEL  
CLERK OF COURTS

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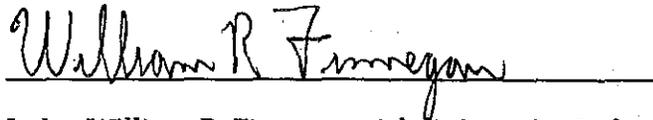
  
Judge William R. Finnegan  
Administrative Judge, General Division

**RULE III**

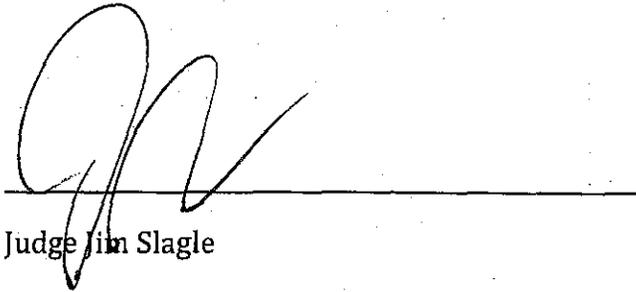
**EFFECTIVE DATE**

3.11 The foregoing rule shall be in force and effective from and after January 1, 2015 pursuant to this entry and said entry shall be entered upon the Journal.

IT IS ORDERED that all pleadings filed with Clerk of Courts shall be docketed and placed in the Court file within three days of the pleading being delivered to the Clerk of Courts.



Judge William R. Finnegan, Administrative Judge



Judge Jim Slagle

COMMON PLEAS COURT  
MARION CO. OHIO

2014 DEC 31 PM 3:26

JULIE M. KAGELL  
CLERK OF COURTS