

FILED  
ATHENS COUNTY, OHIO  
NOV 07 2005

In the Athens County Court of Common Pleas

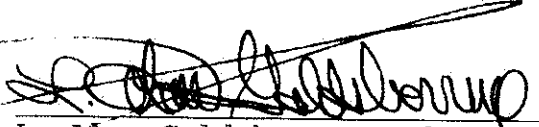
General Division

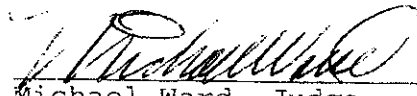
Athens, Ohio

CLERK  
OF COMMON PLEAS COURT

In re: Amendment of Local Rule : Judge L. Alan Goldsberry  
3 of the Athens County : Judge Michael Ward  
Court of Common Pleas, :  
General Division : Journal Entry  
:

It is ordered that the following amended Rule 3 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

  
L. Alan Goldsberry, Judge

  
Michael Ward, Judge

JOURNALIZED

NOV 07 2005

JR. 4402  
PG. 1022

**RULE 3**  
**(Amended, eff. 10-1-05)**

SECURITY FOR COSTS

3.01 A deposit of \$146.00 is required as security for costs to initiate a civil action except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) A deposit of \$341.00 is required to initiate a foreclosure action.

3.02 A deposit of \$75.00 shall be required in garnishment proceedings, and a \$75.00 deposit is required to re-open a civil action.

3.03 When submitting a request for service by publication or for publication of public sale notice, the proposed text shall be submitted to a newspaper of general circulation in Athens County for set-up and determination of printer's fees/publication costs. These costs must be paid in advance to the printer, and a copy of the receipt for said payment is to be submitted to the Clerk with the precipe for service and/or publication.

3.04 The appropriate deposit shall be made at the time of filing the complaint or other pleading with the Clerk of the Common Pleas Court. The word "complaint" as used in this rule refers to every original complaint, counter-claim, cross-claim, or third-party complaint filed. If it is brought to the attention of the Court that any deposit is insufficient, the Court may require said deposit to be increased from time to time.

3.05 No complaint will be accepted for filing by the Clerk where the party seeking the filing of said action has failed to pay costs previously incurred unless costs are waived due to the indigency of the party.

3.06 All persons requesting a public defender or appointed counsel shall be assessed an up-front application fee of \$25.00 per case, in accordance with R.C. 120.36. The fee shall be paid to the Clerk within seven (7) days of submitting an affidavit of indigency/financial disclosure form. Failure to pay the fee within this period shall result in assessment of the fee at sentencing or at the closing of the case. The Court reserves the discretion to waive the fee upon motion demonstrating that the applicant lacks the financial resources to pay it or if payment would result in an undue hardship.

**FILED**  
ATHENS COUNTY, OHIO

APR 20 2007

*David A. X.*, CLERK  
OF COMMON PLEAS COURT

**In the Athens County Court of Common Pleas**

**General Division**

**Athens, Ohio**

In re: Amendment of Local Rule : Judge L. Alan Goldsberry  
24.02 of the Athens : Judge Michael Ward  
County Court of Common :  
Pleas, General Division; : Journal Entry  
Adoption of Local Rule :  
30 of the Athens County :  
Court of Common Pleas, :  
General Division :  
:

It is ordered that the following amended Rule 24.02 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

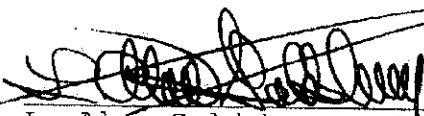
It is further ordered that the following Rule 30 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas,

JOURNAL

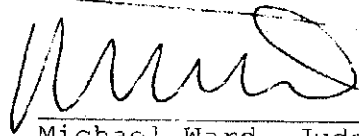
APR 20 2007

JH: 477  
PG. 229

Athens County, Ohio, until otherwise provided, likewise pursuant to the enabling authority referenced above.



L. Alan Goldsberry, Judge



Michael Ward, Judge

#### 24.02 INITIAL PLEADING REQUIREMENTS

(A) An Affidavit of Income and Expenses, form DR- I, shall accompany the filing of a dissolution petition, action for divorce, legal separation, or the filing of an answer or counterclaim to the aforementioned, unless no support issue is involved and the plaintiff or petitioner files a form DR-2, a Waiver of the Financial Disclosure Affidavit. A movant shall also file a DR-I form with any post-decree motion involving support. In any initial action or post-decree motion involving child support, an Affidavit of Health Insurance, DR-4, and a child support worksheet shall be filed. If allocation of parental rights and responsibilities or shared parenting is requested, worksheet A must be filed. If parental rights and responsibilities are split between the parties, worksheet B must be filed. Copies of these forms and worksheets are appended to the

(B) When there are minor or dependent children involved, every dissolution petition, complaint for divorce or legal separation, or post-decree motion or pleading shall state each party's social security number and date of birth in the case caption.

(C) In all domestic actions involving allocation of parental rights and responsibilities, shared parenting or visitation both parties shall file an affidavit complying with R.C. Section 3109.27, copies of which shall be served on the opposing party as required by the Rules of civil Procedure.

(D) Parent Education Class --All parents in divorce, legal separation, or dissolution actions in which there are any minor children or in post-decree actions involving visitation or reallocation of parental rights and responsibilities shall attend an educational seminar sponsored by the Domestic Relations Division of the Athens County Court of Common Pleas and Athens County Children Services. Attendance at the seminar shall take place within sixty (60) days after the filing of the action or motion. No action or motion shall proceed to final hearing until there has been compliance with this rule, provided, however, that noncompliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. This requirement may be waived by the Court for good cause shown.

Each parent shall be responsible for registering for the class by calling the office of the Director of Preventive Services, Athens County Children Services, 592- 3061, Ext. 305. All parents who have not filed an indigency affidavit with the Court may be required to pay a fee not to exceed \$10.00 per person to cover the cost of providing this class. If charged, this fee will be payable at Athens County Children Services at the time of class attendance.

An instructional letter shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are minor children and in each post-decree motion involving visitation or reallocation of parental rights and responsibilities. At the time of filing, the Clerk of Courts shall provide a copy of the instructional letter to counsel for delivery to the plaintiff or movant and to pro se litigants. Counsel filing dissolution of marriage actions shall provide a copy of the instructional letter to both parents to the action. (Effective October 5, 1992)

**Athens County Court of Common Pleas  
General Division**

RULE 30  
MEDIATION

**Introduction**

The Athens County Court of Common Pleas adopts Local Rule 30 effective April 23, 2007. Through Local Rule 30 the Athens County Court of Common Pleas incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

**(A) Definitions**

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

1. "Mediation" means any process in which a Mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
2. "Mediator" means an individual who conducts a mediation.
3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a Mediator.
4. "Proceeding" means either of the following:
  - a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
  - b. A legislative hearing or similar process.

**(B) Purpose**

Through mediation the court will provide an alternative method for the resolution of disputes that come before the Athens Court of Common Pleas.

**(C) Scope**

At any time any action under the jurisdiction of this court may be ordered to mediation, providing there is no applicable statutory exclusion.

**(D) Case Selection**

**(1) Referral Process**

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

**(2) Eligibility of Cases**

The Mediator will screen mediation candidates for the capacity to mediate prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

**(E) Procedures**

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

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

- Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- Screen for domestic violence both before and during mediation.
- Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

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

(2) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with minor children shall abide by all provisions set forth in (E)(1) of this rule, mediation may then proceed, when violence or fear of violence is alleged, suspected, or present, only if the Mediator has specialized training set forth in "Qualifications" section (F) of this rule and all of the following conditions are satisfied:

- The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
- The parties have the capacity to mediate without fear of coercion or control.
- Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- Procedures are in place for the Mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
- Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.



### **(3) Party/Non-Party Participation**

- Parties who are ordered into mediation shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.
- A judge, magistrate and/or Mediator may require the attendance of the parties' attorneys at the mediation sessions if the Mediator deems it necessary and appropriate.
- If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the Mediator as well as the assigned judge or magistrate.
- If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the Mediator and have duty to participate in any screening required by the court.
- By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

### **(4) Stay of Proceedings**

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

### **(5) Continuances**

It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the Judge, Magistrate, or Mediator, where applicable, for good cause. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their disposition, will be recorded in the file of the case.

**(6) Mediation Case Summary**

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

Insert applicable provisions, such as:

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

**(7) Mediation Memorandum of Understanding**

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

#### **(8) Mediator Report**

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

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

#### **(F) Confidentiality/Privilege**

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

#### **(G) Mediator's Duty**

##### **(1) Inform the Court**

The Mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the Mediator to the Court, unless all who hold a mediation privilege, including the Mediator, have consented to such disclosure. The Mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the Mediator, have consented to such disclosure.

##### **(2) Give no Advice**

The efforts of the Mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The Mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

### **(3) Mediator Conflicts of Interest**

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

### **(H) Qualifications**

#### **(1) Qualifications for Civil Mediators**

A Mediator employed by the division or to whom the division makes referrals for mediation of civil cases shall satisfy the following:

- Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the division
- At least 12 hours of basic mediation training by a qualified professional
- Minimum of two years mediating civil cases or other professional experience satisfactory to the division.

#### **(2) Qualifications for Domestic Relations Mediators**

A Mediator employed by the division or to whom the division makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall satisfy all of the following:

- Possess a bachelor's degree or equivalent education or experience as is satisfactory to the division, and at least two years of professional experience with families.  
"Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other

equivalent experience satisfactory to the division.

- Complete at least twelve hours of basic mediation training or equivalent experience as a Mediator that is satisfactory to the division.
- After completing the above training, complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.

### **(3) Specific Qualifications and Training: Domestic Abuse**

A Mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section. A Mediator who has not completed this specialized training may mediate these cases only if he/she co-mediates with a Mediator who has completed the specialized training.

### **(I) Sanctions**

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

### **(J) Model Standards**

Mediators providing services for the court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

In the Athens County Court of Common Pleas

General Division

Athens, Ohio

**FILED**

ATHENS COUNTY, OHIO

APR 24 2007

*Donald L. Clerk*  
CLERK  
OF COMMON PLEAS COURT

In re: Amendment of Local Rule : Judge L. Alan Goldsberry  
24.06 of the Athens : Judge Michael Ward  
County Court of Common :  
Pleas, General Division : Journal Entry  
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It is ordered that the following amended Rule 24.06 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

**JOURNALIZED**

APR 24 2007

JN: 477  
PG: 447

*L. Alan Goldsberry*  
L. Alan Goldsberry, Judge

*Michael Ward*  
Michael Ward, Judge

## VISITATION/PARENTING TIME GUIDELINES

(A) Every decree involving children shall be accompanied by a specific visitation/parenting time schedule. The following are suggested schedules.

Plan A (For parents who live in close proximity to each other and where work schedules permit.)

1. Alternate weekends from 6:00 p.m. Friday until the child is returned to the other parent's residence; the day care provider; or school on Monday morning. (The beginning and ending times, other than drop-off at school, may be varied to accommodate the parents' work schedules.)
2. A mid-week overnight, on Wednesdays in the week when there is parenting time on the upcoming weekend and on Thursdays in the week when there is no parenting time on the upcoming weekend, from 6:00 p.m. until the child is returned to the other parent's residence; the day care provider; or school on the following morning. (The beginning and ending times, other than drop-off at school, may be varied to accommodate the parents' work schedules.)
3. Mother's Day and Father's Day shall be spent with the appropriate parent. Should this provision require the child to be with the residential parent during the other parent's visitation/parenting time, the parent who is not a residential parent shall return the child by 9:00 a.m. on Mother's Day or Father's Day. Should the reverse occur, the parent who is not a residential parent shall receive the child at 9:00 a.m. on that day and return the child at 6:00 p.m.
4. Alternate holidays as follows:
  - a) in even-numbered years, the residential parent shall have the child:
    - (1) President's Day, Friday night to Monday night.
    - (2) Spring Vacation, 6:30 p.m. on the day school ends to 6:30 p.m. the Sunday prior to school reconvening.
    - (3) Memorial Day, Friday night to Monday night.

(C) The parent who is not a residential parent should give twenty-four (24) hour notice to cancel visitation/parenting time. If a child is ill, the residential parent should also give twenty-four (24) hours notice if possible.

(D) The residential parent shall send with the child sufficient clothing and other wear appropriate to the season to last the visitation/parenting time period.

(E) Visitation/parenting time does not include leaving the child with a non-family member while the nonresidential parent pursues his or her own pleasures or activities.



summer visitation/parenting time. The parent who is not a residential parent shall notify the residential parent no later than May 15th each year of the weeks summer visitation/parenting time will be exercised. Summer school necessary for the child to pass into the next grade must be attended.

6. The child's birthday shall be celebrated in the residential parent's home, unless it falls on a visitation/parenting time day. The parent who is not a residential parent may celebrate the birthday at another time if desired.
7. Such other times and places as the parties may agree.

Plan B - (For parents who do not live in close proximity to each other or whose work schedules do not permit the use of Plan A.)

1. Alternate weekends from 6:30 p.m. Friday until 6:30 p.m. Sunday. (The beginning and ending times may be varied to accommodate the parents' work schedules.)
2. Same as Plan A, 3-7.

Plan C - (For parents residing in different locations that make the above schedules impractical/)

1. Christmas vacation (including Christmas Day) in alternate years;
2. Spring vacation every year;
3. Up to six (6) weeks summer/parenting time every year.
4. Such other times and places as the parties may agree.

(B) Both parents shall be diligent in having the children ready and available at the appointed times. The child and/or residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes. A parent who is late, unless he or she suffers an unavoidable vehicle breakdown or delay enroute and promptly notifies the residential parent of the delay, shall forfeit visitation/parenting time for that time period.

- (4) Labor Day, Friday night to Monday night.
  - (5) Christmas, Christmas Eve and Christmas Day.
  - b) in even-numbered years, the parent who is not a residential parent shall have the child:
    - (1) Easter, Thursday night to Sunday night.
    - (2) Fourth of July, night before to morning after except when the 4th falls on Friday, Saturday, Sunday or Monday - then visitation/parenting time shall continue the night before and continue to end of weekend or end of holiday, whichever is later.
    - (3) Thanksgiving Day, Wednesday night to Sunday night.
    - (4) Christmas Vacation and New Years Day, December 26th at 9:00 a.m. until the night of the end of the New Years Holiday.
  - c) In odd-numbered years the schedule stated in 3 a) and 3 b) shall be reversed between the parents.
  - d) Other days of special meaning, such as religious holidays or Martin Luther King Day should be decided by the parties together, written down, and alternated.
  - e) Unless otherwise indicated in an entry or these rules, holiday visitation/parenting time shall begin and end at the same times as weekend visitation/parenting time. Holiday visitations/parenting times have precedence over the regular visitation/parenting time schedule, but shall not otherwise modify it.
5. The parent who is not a residential parent shall have extended summer visitation/parenting time up to four (4) weeks duration. These extended times supercede the alternating weekend visitations/parenting times, i.e. a nonresidential parent may not begin an extended time on a Monday following an alternating weekend, or end an extended time on a Friday before an alternating weekend, as a means of lengthening the extended visitation/parenting time. Alternating weekends shall begin again two weeks after the end of the extended visitation/parenting time. The parent who is not a residential parent shall attempt to coincide his or her vacation time with

**FILED**  
ATHENS COUNTY, OHIO

FEB 20 2008

*Paul J. ...* CLERK  
OF COMMON PLEAS COURT

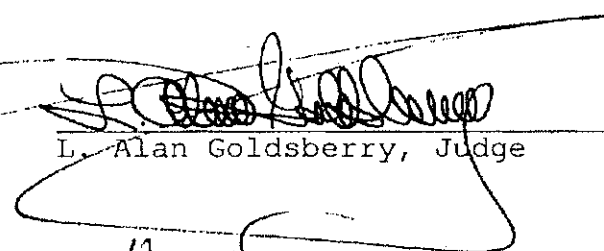
**In the Athens County Court of Common Pleas**

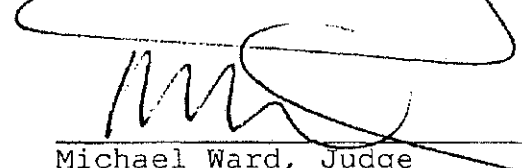
**General Division**

**Athens, Ohio**

In re: Amendment of Local Rule : Judge L. Alan Goldsberry  
30 of the Athens County : Judge Michael Ward  
Court of Common Pleas, :  
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It is ordered that the following Amended Local Rule 30 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

  
L. Alan Goldsberry, Judge

  
Michael Ward, Judge



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**ATHENS COUNTY COURT OF COMMON PLEAS  
GENERAL DIVISION**

**Rule 30 (amended)  
Mediation**

**Introduction**

The Athens County Court of Common Pleas, General Division (including Domestic Relations), adopts Local Rule 30, originally effective April 23, 2007, and amended effective \_\_\_\_\_, 2008. Through Local Rule 30 the Court incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA), R.C. 3109.052 concerning mediation of differences as to allocation of parental rights and responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

**(A) Definitions**

All definitions found in the UMA, R.C. 2710.01, are adopted by the Court through this local rule including, but not limited to, the following:

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

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

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

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

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

(b) A legislative hearing or similar process.

**(B) Purpose**

Through mediation the Court will provide an alternative method for the resolution of disputes that come before the Athens County Court of Common Pleas, General Division (including Domestic Relations).

**(C) Scope**

At any time, any action under the Court's jurisdiction may be ordered to mediation, providing there is no applicable statutory prohibition of same.

**(D) Case Selection**

**(1) Referral Process**

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

**(2) Eligibility of Cases**

The mediator will screen mediation candidates for the capacity to mediate prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

**(3) Mediator Selection and Assignment**

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

(a) A court-employed mediator, if any, may facilitate the mediation.

(b) The Court may randomly assign a contract mediator to the case from the Court's roster of approved mediators.

(c) Specific appointments may be made by the Court, taking into consideration the qualifications, skills, expertise, and case load of the mediator in addition to the type, complexity, and requirements of the case.

(d) Parties may select a mediator from the Court roster.

#### **(E) Procedures**

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

(1) The Court shall utilize procedures for all cases that will:

(a) Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

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

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

(d) Prohibit the use of mediation in any case of the following:

(i) As an alternative to the prosecution or adjudication of domestic violence.

(ii) In determining whether to grant, modify, or terminate a protection order.

(iii) In determining the terms and conditions of a protection order.

(iv) In determining the penalty for violation of a protection order.

Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.

(2) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children shall abide by all provisions set forth in division (E)(1) of this rule, and mediation may proceed when violence or fear of violence is alleged, suspected, or present only if the mediator has specialized training set forth in "Qualifications" section (H) of this rule, and all of the following conditions are satisfied:

(a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.

(b) The parties have the capacity to mediate without fear of coercion or control.

(c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.

(d) Procedures are in place for the mediator to terminate the mediation if the mediator believes there is continued threat of domestic violence or coercion between the parties.

(e) Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

(3) Party/Non-party Participation

(a) Parties who are ordered into mediation shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time.

(b) A judge, magistrate, and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.

(c) If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

(d) If the opposing parties to any case are (1) related by blood, adoption, or marriage; (2) have resided in a common residence; or (3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their attorneys have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the Court.

(e) By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

#### (4) Stay of Proceedings

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

#### (5) Continuances

It is the policy of the Court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only by the judge, magistrate, or mediator, where applicable, for good cause shown. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the Court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and



extensions, and their dispositions, will be recorded in the file of the case.

(6) Mediation Case Summary

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

- (a) A summary of material facts.
- (b) A summary of legal issues.
- (c) The status of discovery.
- (d) A list of special damages and a summary of injuries or damages.
- (e) Settlement attempts to date, including demands and offers.

(7) Mediation Memorandum of Understanding

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

(8) Mediator Report

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

- (a) Whether the mediation occurred or was terminated.
- (b) Whether a settlement was reached on some, all, or none of the issues.
- (c) Attendance of the parties.

(d) Future mediation session(s), including date and time.

**(F) Confidentiality/Privilege**

All mediation communications related to or made during the mediation process are subject to and governed by the UMA R.C. 2710.01 to 2710.10, R.C. 3109.052, the Rules of Evidence, and any other pertinent judicial rule(s).

**(G) Mediator's Duty**

**(1) Inform the Court**

The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

**(2) Give No Advice**

The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials concerning legal or other support services available in the community. The mediator is authorized to provide such resource information to the parties or their attorneys. However, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

**(3) Mediator Conflicts of Interest**

In accordance with R.C. 2710.08(A) and (B), the mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known

possible conflicts of interest that may affect the mediator's impartiality as soon as such a conflict becomes known to the mediator. If counsel or a mediation party requests that the assigned mediator withdraw because of the facts disclosed, the assigned mediator should withdraw and report the conflict to the judge or magistrate. The parties shall be free to retain the mediator by an informed, voluntary, written waiver of the conflict(s).

#### **(H) Qualifications**

##### **(1) General Civil Mediations**

A mediator employed by the Court or to whom the Court makes referrals for mediation of general civil cases shall satisfy the following requirements:

(a) Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the Court.

(b) Have at least twelve (12) hours of basic mediation training by a qualified professional.

(c) Have a minimum of two years of experience mediating civil cases, or other professional experience satisfactory to the Court.

##### **(2) Domestic Relations Mediations**

A mediator employed by the Court or to whom the Court makes referrals for mediation of allocation of parental rights and responsibilities, or the care of, or visitation with, minor children, or juvenile perpetrated domestic violence cases shall satisfy all of the following:

(a) Possess a bachelor's degree or equivalent education or experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court.

(b) Complete at least twelve (12) hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court.

(c) After completing the above training, complete at least forty (40) hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(3) Specific Qualifications and Training: Domestic Abuse

A mediator employed by the Court or to whom the Court makes referrals for mediation in domestic relations cases shall complete at least fourteen (14) hours of specialized training in domestic abuse and mediation through a training program approved by the Supreme Court of Ohio Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he or she co-mediate with a mediator who has completed the specialized training.

**(I) Sanctions**

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

**(J) Model Standards**

Mediators providing services for the Court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

In the Athens County Court of Common Pleas

**FILED**  
ATHENS COUNTY, OHIO

General Division

Athens, Ohio

AUG 26 2008

*Paul Hout*, CLERK  
OF COMMON PLEAS COURT

In re: Amendment of Local Rule : Judge Michael Ward  
24.01(A) of the Athens : Judge L. Alan Goldsberry  
County Court of Common :  
Pleas, General Division : Journal Entry  
:  
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:

It is ordered that the following amended Rule 24.01(A) be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. The purpose of the amendment is to raise the deposit required in domestic relations cases from the current amount of \$157.00 to the amount of \$200.00.



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Michael Ward, Administrative Judge

L. Alan Goldsberry, Judge

RULE 24.01(A)  
(Amended, eff. \_\_\_\_\_)

SECURITY FOR COSTS

24.01 SECURITY FOR COSTS

(A) A deposit of \$200.00 is required in all domestic relations cases.

ANNOUNCEMENT TO ALL BAR MEMBERS

The Athens County Court of Common Pleas, General Division, has amended its Local Rule 24.01(A) to increase the deposit for security for costs in domestic relations cases from \$157.00 to \$200.00. This amendment will become effective September 1, 2008.

In the Athens County Court of Common Pleas JUL 22 2009

General Division

Athens, Ohio

*Michael Ward* CLERK  
OF COMMON PLEAS COURT

In re: Amendment of Local Rules : Judge L. Alan Goldsberry  
3.01 and 30 of the Athens : Judge Michael Ward  
County Court of Common :  
Pleas, General Division : Journal Entry

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It is ordered, based upon an immediate need for same, that the following amended Rule 3.01 and amended Rule 30 be, and hereby are, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

*L. Alan Goldsberry*  
L. Alan Goldsberry,  
Administrative Judge

*Michael Ward*  
Michael Ward, Judge



LOCAL  
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ORDE



RULE 3.01  
(Amended, eff. 7/22/09 )

3.01     SECURITY FOR COSTS

A deposit of \$151.00 is required as security for costs to initiate a civil action except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) \$5.00 of said \$151.00 deposit shall be deposited into the Court's Special Projects - Mediation fund. A deposit of \$401.00 is required to initiate a foreclosure action. \$60.00 of said \$401.00 deposit shall be deposited into the Court's Special Projects - Mediation fund.

RULE 30  
(Amended, eff. 7/22/09 )

30(K)      FEES AND COSTS

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

In the Athens County Court of Common Pleas

General Division

Athens, Ohio

FILED  
ATHENS COUNTY, OHIO

JAN 03 2012

*Barbara*  
CLERK  
OF COMMON PLEAS COURT

In re: Amendment of Local Rule : Judge Michael Ward  
24.01(A) of the Athens : Judge L. Alan Goldsberry  
County Court of Common :  
Pleas, General Division : Journal Entry  
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It is ordered that the following amended Rule 24.01(A) be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. The purpose of the amendment is to raise the deposit required in domestic relations cases from the current amount of \$200.00 to the amount of \$225.00.

*Michael Ward*  
Michael Ward, Judge

JOURNALIZED

JAN 03 2012

JR: 594  
PG: 949

*L. Alan Goldsberry*  
L. Alan Goldsberry, Admin. Judge



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RULE 24.01(A)  
(Amended, eff. \_\_\_\_\_)

SECURITY FOR COSTS

24.01 SECURITY FOR COSTS

(A) A deposit of \$225.00 is required in all domestic relations cases.

**FILED**  
ATHENS COUNTY OHIO

FEB 08 2013

*Robert W. Stewart*  
Judge, Court of Common Pleas  
Juvenile Division

IN THE ATHENS COUNTY, OHIO, COURT OF COMMON PLEAS

GENERAL, DOMESTIC RELATIONS, PROBATE & JUVENILE DIVISIONS

IN RE: Compensation of Court :  
Reporters for Making : JOURNAL ENTRY  
Transcripts and Copies :  
:

**FILED**  
ATHENS COUNTY, OHIO

FEB 08 2013

*Ann C. Trout*, CLERK  
OF COMMON PLEAS COURT

Pursuant to R.C. 2301.24, the Court fixes the compensation of court reporters for making written transcripts at \$5.00 per page for an original transcript. For additional transcripts of the same testimony or proceeding, a court reporter shall either (1) make copies of the original transcript at actual cost, or (2) provide an electronic copy of the transcript free of charge.

*Robert W. Stewart*  
Robert W. Stewart  
Presiding Judge

*L. Alan Goldsberry*  
L. Alan Goldsberry  
Administrative Judge

cc: Judge Michael Ward  
Ann C. Trout, Clerk of Courts

**FILED**  
ATHENS COUNTY OHIO

FEB 08 2013

*Robert W. Stewart*  
Judge, Court of Common Pleas  
Probate Division

JOURNALIZED

FEB 08 2013

JR: 1021  
PG: 8531



LOCAL  
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MAR 06 2013

*Arthur* CLERK  
OF COMMON PLEAS COURTIN THE ATHENS COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION  
ATHENS, OHIOIN RE: COMPUTERIZATION FEES : JOURNAL ENTRY  
PURSUANT TO R.C. 2303.201(B)  
:

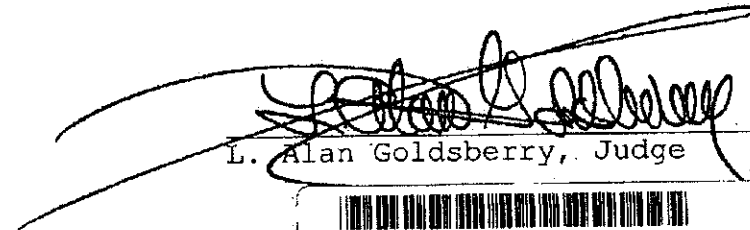
Pursuant to R.C. 2303.201(B), the Athens County Court of Common Pleas hereby determines that for the efficient operation of the court additional funds are required to make technological advances in or to computerize the office of the Clerk of the Court of Common Pleas. Accordingly, effective the date this Journal Entry is filed, the court hereby authorizes and directs the Clerk of the Court of Common Pleas to charge an additional fee of twenty dollars (\$20.00) 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 R.C. 2303.20(A), (P), (Q), (T), and (U), and not to exceed one dollar (\$1.00) each for the services described in R.C. 2303.20(B), (C), (D), (F), (H), and (L).



Robert W. Stewart, Presiding Judge

JOURNALIZED

MAR 06 2013

JR: 1023  
PG: 154  
L. Alan Goldsberry, JudgeLOCAL  
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FILED  
ATHENS COUNTY, OHIO

MAR 06 2013

*Arthur* CLERK  
OF COMMON PLEAS COURT

IN THE ATHENS COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION

ATHENS, OHIO

IN RE: COMPUTERIZATION FEES : JOURNAL ENTRY  
PURSUANT TO R.C. 2303.201(A) :

Pursuant to R.C. 2303.201(A), the Athens County Court of Common Pleas hereby determines that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Accordingly, effective the date this Journal Entry is filed, the court hereby authorizes and directs the Clerk of the Court of Common Pleas to charge one additional fee of six dollars (\$6.00) on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of R.C. 2303.20.

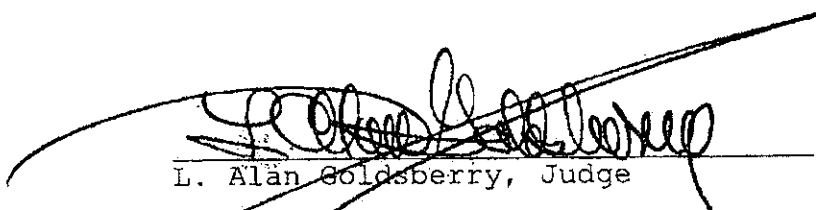


Robert W. Stewart, Presiding Judge

JOURNALIZED

MAR 06 2013

JR: 1023  
PG: 153



L. Alan Goldsberry, Judge



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Common Pleas

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ATHENS COUNTY, OHIO

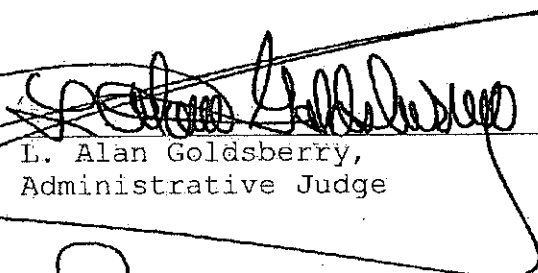
JUN 03 2013

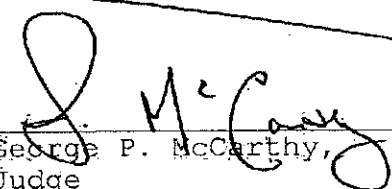
*John J. Clerk*  
CLERK  
OF COMMON PLEAS COURT

Athens, Ohio

In re: Adoption of Local Rule : Judge L. Alan Goldsberry  
31 of the Athens County : Judge George P. McCarthy  
Court of Common Pleas, :  
General Division :  
: Journal Entry

It is ordered that the following Rule 31 of the Local Rules of the Athens County, Ohio, Court of Common Pleas, General Division, be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until other provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court of Ohio's Rules of Superintendence for the Courts of Ohio. The Court further finds and declares there to be an immediate need for the adoption of such rule.

  
L. Alan Goldsberry,  
Administrative Judge

  
George P. McCarthy,  
Judge

JOURNALIZED

JUN 04 2013

JR: 1030  
PG: 103



**Athens County Court of Common Pleas  
General Division**

**Rule 31  
Petitions for Certificate of Qualification  
for Employment**

(Effective date: 6-4-13 )

31.1 This local rule shall establish the court practices and procedures regarding Petitions for a Certificate of Qualification for Employment (hereinafter CQE) in conjunction with Revised Code section 2953.25 and Administrative Rule 5120-15-01 adopted by the Department of Rehabilitation and Corrections (hereinafter DRC). Where the Revised Code, the Administrative Regulations, and this rule are silent on procedure, the Civil Rules shall apply unless clearly inapplicable.

31.2 In order to request a CQE, the Petitioner shall file the approved Cover Sheet and the fully completed Electronic DRC Petition with the Clerk of Courts for the Common Pleas Court. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall include electronic access to the DRC CQE Summary (CQE Summary).

31.3 Before the Petition is accepted for filing, the Petitioner shall deposit as security for costs the amount of \$100.00. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting the waiver of filing fees. A judge or magistrate may waive the deposit otherwise required by this Rule. If a judge or magistrate determines that the Petitioner is indigent, the Petitioner is still responsible for an administrative fee of \$25.00.

31.4 All social security numbers and other information that must be excluded from public records shall be redacted by the Clerk in accordance with the rules of this court and the Rules of Superintendence. Upon filing of a Petition, the Clerk shall file the original under seal for use by the Court, and prepare a redacted copy for inclusion in the portion of the case file accessible to the public. Records or information received by the Court or the Clerk to assist the Court with making its decision under Revised Code section 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

31.5 Upon receipt of a Petition and the required deposit, the Clerk shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a judge. The Administrative Judge may transfer a pending Petition to another judge of this Court who was previously assigned to a criminal case involving the Petitioner, or who is the successor judge to a former judge who was previously assigned to a criminal case involving the Petitioner.

31.6 The Court shall obtain the criminal history of the Petitioner, either through the investigation ordered in support of the Petition or otherwise. 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 Court shall send appropriate notice and response forms to each court so identified by U.S. mail, with a certificate of mailing, and include a stamped return envelope. The Court shall also send appropriate notice and response forms to the Prosecuting Attorney of this county.

31.7 The judge or magistrate shall review the Petition, criminal history, all filings submitted by other courts, the prosecutor or victim in accordance with the rules adopted by the DRC, and all other relevant evidence. The judge or magistrate may order any report, investigation or disclosure by the Petitioner that he or she believes is necessary to reach a decision. The judge or magistrate may conduct such hearings as are appropriate to the determination of the case.

31.8 Once all necessary information has been received, the judge or magistrate shall decide whether to grant or deny the Petition within sixty days of the completion of the record, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition made by a magistrate shall be sent to the judge for a final Judgment Entry and Order, pursuant to Civil Rule 53. All notice and objection periods regarding a magistrate's decision shall apply as set forth in Civil Rule 53.

31.9 The Clerk shall serve a written notice on the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC electronically of the disposition of the petition as required under the Administrative Rules, and if granted, order the DRC to issue the CQE to Petitioner.

31.10 The Court in its discretion may from time to time amend its forms and cost schedule without amending this Local Rule.



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FILED  
ATHENS COUNTY, OHIO

COURT OF COMMON PLEAS

JUL 14 2014

*Arthur*, CLERK  
OF COMMON PLEAS COURT

In re Assessment of Fee for :  
Clerk's Costs Associated with :  
R.C. 109.60 :


JOURNAL ENTRY


Whereas the Court, under certain circumstances provided by statute, must order that persons be fingerprinted; and


Whereas, the Athens County Clerk of Court possesses the technological equipment necessary to take such fingerprints and to forward required related information to the Ohio Bureau of Criminal Identification and Investigation pursuant to R.C. 109.60; and

Whereas, the Clerk will incur the expense of maintaining said technological equipment;

It is hereby Ordered pursuant to R.C. 2303.201(B)(1) that the Clerk charge an additional fee of \$ 5.00 on the filing of each criminal cause of action, to be collected, paid and disbursed as provided by statute.

  
Robert W. Stewart, Presiding Judge

  
George P. McCarthy, Admin. Judge

  
L. Alan Goldsberry, Judge

JOURNALIZED

JUL 14 2014

JR: 660  
PG: 634

MAR 20 2015

*Deborah*, CLERK  
OF COMMON PLEAS COURT

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00021390669  
NOFEE

In the Athens County Court of Common Pleas

General Division

Athens, Ohio

In re: Amendment of Local Rules : Judge George P. McCarthy  
24.01(A) and (D) of the : Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : Journal Entry  
:

It is ordered that the following amended Rule 24.01(A) be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. The purpose of this amendment, among other things, is to comply with amended R.C. 2303.201(C), effective March 23, 2015, removing the \$26.00 filing fee exemption formerly applicable to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters. Henceforth, the total deposit required in the aforementioned domestic relations matters shall be \$275.00.

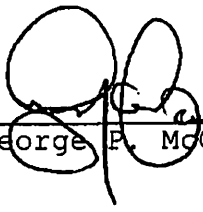
Furthermore, it is ordered that the following amended Rule 24.01(D) be, and hereby is, adopted pursuant to the authority referenced

**JOURNALIZED**

MAR 19 2015

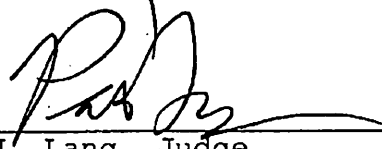
JR: 678  
PG: 842

above. Henceforth, with the exception of motions for modification of parental rights, all applications or motions to reopen a domestic relations matter, to bring a contempt proceeding therein, or to seek modification of any court order issued therein, shall be accompanied by a cost deposit of **\$125.00**. Motions for modification of parental rights shall be accompanied by a cost deposit of **\$200.00**.



---

George P. McCarthy, Admin. Judge



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Patrick J. Lang, Judge

MAR 20 2015

*Deborah* CLERK  
OF COMMON PLEAS COURT

LOCAL  
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00021390669  
NOFEE

In the Athens County Court of Common Pleas

General Division

Athens, Ohio

In re: Amendment of Local Rules : Judge George P. McCarthy  
24.01(A) and (D) of the : Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : Journal Entry  
:

It is ordered that the following amended Rule 24.01(A) be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. The purpose of this amendment, among other things, is to comply with amended R.C. 2303.201(C), effective March 23, 2015, removing the \$26.00 filing fee exemption formerly applicable to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters. Henceforth, the total deposit required in the aforementioned domestic relations matters shall be \$275.00.

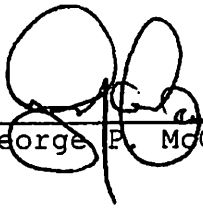
Furthermore, it is ordered that the following amended Rule 24.01(D) be, and hereby is, adopted pursuant to the authority referenced

**JOURNALIZED**

MAR 19 2015

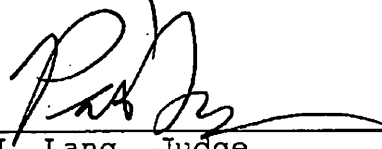
JR: 678  
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above. Henceforth, with the exception of motions for modification of parental rights, all applications or motions to reopen a domestic relations matter, to bring a contempt proceeding therein, or to seek modification of any court order issued therein, shall be accompanied by a cost deposit of **\$125.00**. Motions for modification of parental rights shall be accompanied by a cost deposit of **\$200.00**.



---

George P. McCarthy, Admin. Judge



---

Patrick J. Lang, Judge

**RULE 24.01**

**(Amended, eff. March 23, 2015)**

**SECURITY FOR COSTS**

**24.01 SECURITY FOR COSTS**

(A) A deposit of \$275.00 is required in all proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters.

\* \* \* \*

(D) With the exception of motions for modification of parental rights, all applications or motions to re-open a domestic relations matter referenced in division (A) of this Rule, to bring a contempt proceeding therein, or to seek modification of any court order issued therein, shall be accompanied by a cost deposit of \$125.00. Motions for modification of parental rights shall be accompanied by a cost deposit of \$200.00.



MAR 20 2015

*Arthur J. Clark*  
CLERK  
OF COMMON PLEAS COURT

**In the Athens County Court of Common Pleas**

**General Division**

**Athens, Ohio**

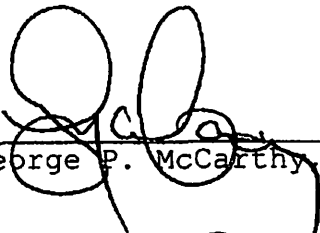
In re: Amendment of Local Rule : Judge George P. McCarthy  
3.01 and 3.02 of the : Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : **Journal Entry**

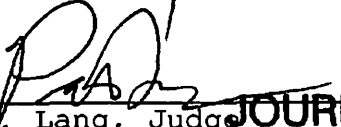
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It is ordered that the following amended Rule 3 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

  
George P. McCarthy, Admin. Judge

  
Patrick J. Lang, Judge **JOURNALIZED**

LOCAL  
COURT  
RULES  
00070164765  
NOFEE

MAR 19 2015

JR: 678  
PG: 840

**RULE 3**  
**(Amended, eff. March 23, 2015)**

SECURITY FOR COSTS

3.01 A deposit of \$175.00 is required as security for costs to initiate a civil action except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) A deposit of \$500.00 is required to initiate a foreclosure action.

3.02 A deposit of \$75.00 shall be required in garnishment proceedings, and a \$125.00 deposit is required to re-open a civil action other than a domestic relations matter.

CASA GAL Juv. Court

**FILED**  
ATHENS COUNTY, OHIO

MAR 24 2015

*Barbara L. Moore*, CLERK  
COURT OF APPEALS

IN THE COURT OF APPEALS OF OHIO  
FOURTH APPELLATE DISTRICT  
ATHENS COUNTY

In re R.S.-G.

Adjudicated dependent  
Child.

Case No. 15CA2

**MAGISTRATE'S ORDER**

Appellant has filed a motion to extend time to file transcript and to transmit the record. Upon consideration, the Court **GRANTS** the motion. Appellant shall file the transcript on or before April 2, 2015 and the Clerk shall transmit the record the same day.

The clerk shall serve a copy of this order on all counsel of record and unrepresented parties at their last known addresses by ordinary mail. **SO ORDERED.**

**FOR THE COURT**

*Sharon A. Maerten-Moore*  
Sharon A. Maerten-Moore  
Magistrate



15CA0002  
00065545339  
AFFI

**JOURNALIZED**

MAR 24 2015

JR: *26*  
PR: *730*

FILED  
ATHENS COUNTY, OHIO

MAR 24 2015

*Arthur* CLERK  
OF COMMON PLEAS COURT

In the Athens County Court of Common Pleas

General Division

Athens, Ohio

In re: Special Projects of the : Judge George P. McCarthy  
Court - R.C. 2303.201(E); Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : Journal Entry

Having determined that, for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the Court, which may include, but are 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 and magistrates, and other related services, the Court hereby orders that for each reopened case, out of existing fees ordered pursuant to Loc.RR. 3.02 and 24.01(D) for reopening civil and domestic relations matters, the following sums be paid into the Special Projects CP Court Fund:

1. From the reopening fee set forth in Loc.R. 3.02 of \$125.00 applicable to general civil cases, and from the reopening fee set forth in Loc.R. 24.01(D) of \$125.00 applicable to all domestic relations matters except motions for modification of parental rights, the sum of **JOURNALIZED**  
\$50.00 shall be paid into the fund set forth above.



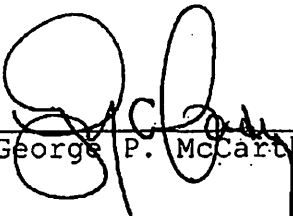
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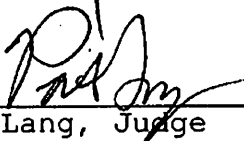
MAR 24 2015

JR: 679

PG: 96

2. From the reopening fee set forth in Loc.R. 24.01(D) of \$200.00 applicable to motions for modification of parental rights, the sum of \$125.00 shall be paid into the fund set forth above.

  
George P. McCarthy, Admin. Judge

  
Patrick J. Lang, Judge

MAR 20 2015

*Arthur, Clerk*  
OF COMMON PLEAS COURT

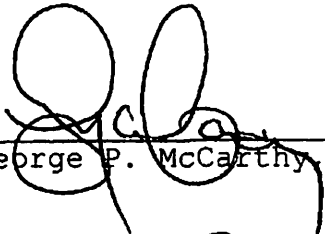
**In the Athens County Court of Common Pleas**

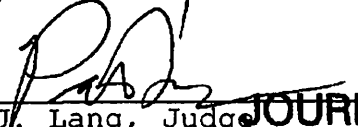
**General Division**

**Athens, Ohio**

In re: Amendment of Local Rule : Judge George P. McCarthy  
3.01 and 3.02 of the : Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : Journal Entry  
:  
:  
:

It is ordered that the following amended Rule 3 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

  
George P. McCarthy, Admin. Judge

  
Patrick J. Lang, Judge **JOURNALIZED**

MAR 19 2015

JR: 678  
PG: 840

LOCAL  
COURT  
RULES  
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NOFEE

**RULE 3**  
**(Amended, eff. March 23, 2015)**

SECURITY FOR COSTS

3.01 A deposit of \$175.00 is required as security for costs to initiate a civil action except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) A deposit of \$500.00 is required to initiate a foreclosure action.

3.02 A deposit of \$75.00 shall be required in garnishment proceedings, and a \$125.00 deposit is required to re-open a civil action other than a domestic relations matter.

## **2303.201 [Effective Until 3/23/2015] Computerizing court or paying cost of computerized legal research.**

(A)

(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six 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.

(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.

(B)

(1) The court of common pleas of any county may determine 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 of the court of common pleas and, upon that determination, authorize and direct the clerk of the court of common pleas to charge an additional fee, not to exceed twenty dollars, on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code and not to exceed one dollar each for the services described in divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under division (B)(1) of this section shall be paid to the county treasurer to be disbursed, upon an order of the court of common pleas and subject to appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of procuring and maintaining technology and computer systems for the office of the clerk of the court of common pleas.

(2) If the court of common pleas of a county makes the determination described in division (B)(1) of this section, the board of county commissioners of that county may issue one or more general obligation bonds for the purpose of procuring and maintaining the technology and computer systems for the office of the clerk of the court of common pleas. In addition to the purposes stated in division (B)(1) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges on and financing costs related to any general obligation bonds issued pursuant to division (B)(2) of this section as they become due. General obligation bonds issued pursuant



to division (B)(2) of this section are Chapter 133. securities.

(C) The court of common pleas shall collect the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding 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. This division does not apply to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters; to a juvenile division of a court of common pleas; to a probate division of a court of common pleas, except that the additional filing fees shall apply to name change, guardianship, adoption, and decedents' estate proceedings; or to an execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit to the treasurer of state all moneys collected under this division, including the forfeited amount retained for administrative costs, for deposit in the legal aid fund.

(D) On and after the thirtieth day after December 9, 1994, the court of common pleas shall collect the sum of thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code.

(E)

(1) The court of common pleas may determine 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. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers or requires a special program or additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. 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.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order, subject to an appropriation by the board of county commissioners, that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No. 176, HB 197, §1, eff. 3/22/2013.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General Assembly File No. 9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 09-05-2001; 10-01-2005

**Note:** This section is set out twice. See also § 2303.201, as amended by 130th General Assembly File No. TBD, SB 177, §1, eff. 3/23/2015.

MAR 20 2015

*Debra J. Clark*  
CLERK  
OF COMMON PLEAS COURT

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NOFEE

**In the Athens County Court of Common Pleas**

**General Division**

**Athens, Ohio**

In re: Amendment of Local Rules : Judge George P. McCarthy  
24.01(A) and (D) of the : Judge Patrick J. Lang  
Athens County Court of :  
Common Pleas, Gen. Div. : **Journal Entry**  
:

It is ordered that the following amended Rule 24.01(A) be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio. The purpose of this amendment, among other things, is to comply with amended R.C. 2303.201(C), effective March 23, 2015, removing the \$26.00 filing fee exemption formerly applicable to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters. Henceforth, the total deposit required in the aforementioned domestic relations matters shall be \$275.00.

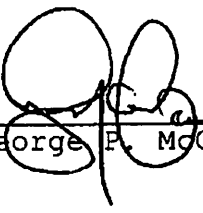
Furthermore, it is ordered that the following amended Rule 24.01(D) be, and hereby is, adopted pursuant to the authority referenced

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MAR 19 2015

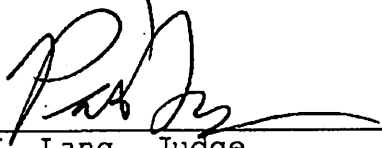
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above. Henceforth, with the exception of motions for modification of parental rights, all applications or motions to reopen a domestic relations matter, to bring a contempt proceeding therein, or to seek modification of any court order issued therein, shall be accompanied by a cost deposit of **\$125.00**. Motions for modification of parental rights shall be accompanied by a cost deposit of **\$200.00**.



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George P. McCarthy, Admin. Judge



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Patrick J. Lang, Judge

**RULE 24.01**

**(Amended, eff. March 23, 2015)**

**SECURITY FOR COSTS**

**24.01 SECURITY FOR COSTS**

(A) A deposit of \$275.00 is required in all proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters.

\* \* \* \*

(D) With the exception of motions for modification of parental rights, all applications or motions to re-open a domestic relations matter referenced in division (A) of this Rule, to bring a contempt proceeding therein, or to seek modification of any court order issued therein, shall be accompanied by a cost deposit of \$125.00. Motions for modification of parental rights shall be accompanied by a cost deposit of \$200.00.

MAR 20 2015

*Arthur J. Clark*  
CLERK  
OF COMMON PLEAS COURT

**In the Athens County Court of Common Pleas**

**General Division**

**Athens, Ohio**

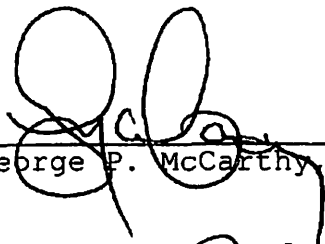
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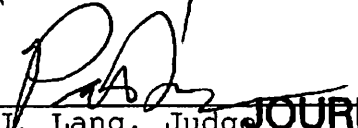
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It is ordered that the following amended Rule 3 be, and hereby is, adopted for the governance of the practice and procedure in the General Division of the Court of Common Pleas, Athens County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, and Rule 5 of the Supreme Court's Rules of Superintendence for the Courts of Ohio.

  
George P. McCarthy, Admin. Judge

  
Patrick J. Lang, Judge **JOURNALIZED**

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MAR 19 2015

JR: 678  
PG: 840

**RULE 3**  
**(Amended, eff. March 23, 2015)**

SECURITY FOR COSTS

3.01 A deposit of \$175.00 is required as security for costs to initiate a civil action except in domestic relations cases and foreclosure cases. (See Local Rule 24.01 for domestic relations costs.) A deposit of \$500.00 is required to initiate a foreclosure action.

3.02 A deposit of \$75.00 shall be required in garnishment proceedings, and a \$125.00 deposit is required to re-open a civil action other than a domestic relations matter.