

Mahoning County Civil Local Rules of Court

Table of Contents

<u>Rule</u>		<u>Page</u>
1	Offical Notice.....	1
2	Review of Civil Cases.....	2
3	Trial Witnesses.....	3
4	Pre-Trials.....	5
5	Court Administrator.....	7
6	Motions; Leaves.....	8
7	Assignment of Civil Cases for Trial	10
8	Exhibits.....	12
9	Depositions.....	13
10	Judgment Entries.....	14
11	Mediation.....	15
12	Withdrawal of Counsel.....	16

13	Foreclosure Actions.....	17
14	Jury Selection and Management.....	19
15	Presiding Judge.....	22
16	Discretion of Court.....	23
17	Arbitration.....	24
18	Effective Date of Civil Rules of Court	25

RULE ONE – OFFICIAL NOTICE

- (A) Publication in the “Daily Legal News” and the Courts official website, which can be accessed at: <http://courts.mahoningcountyoh.gov> , shall be deemed official notification to all counsel and any unrepresented party of any assignment on any case and it shall be the duty of such counsel or unrepresented party to ascertain from the “Daily Legal News” or website any official notification contained therein pertaining to any case with which they are concerned.
- (B) In all instances where the Court makes an order, it may direct the Clerk to notify counsel or, if there is no counsel, the party, by ordinary mail of such ruling by providing a copy of the entry which includes such order. The Clerk shall make an appropriate notation on the appearance docket to reflect such mailing. In every case where the Mahoning County Prosecutor is counsel in a case, deposit of a copy of such order in the Mahoning County Prosecutor’s mailbox, located in the Clerk of Courts’ office, shall constitute compliance with this section.
- (C) Within three (3) days of the entry of any final appealable judgment or order, the Clerk of Courts shall serve a copy of the entry upon every party not represented by counsel, or upon counsel for every party not in default for failure to appear. Such service shall be made by ordinary mail at said counsel or said parties’ last known address. The Clerk shall make a notation in the appearance docket indicating that the required service has been made.
- (D) Once the Clerk has served notice of the entry and entered the appropriate notation in the docket, notice shall be deemed to have been served. The failure of any party to receive such notice shall not affect the validity of the judgment or the running of time for appeal.

RULE TWO – REVIEW OF CIVIL CASES

- (A) The Court Administrator shall review all civil cases within four months of their filing. During that review, the Court Administrator shall, except in foreclosure actions and non-jury trials, set a status hearing. The Status hearing shall be set within six months of the filing of the complaint. Notice of such status hearing shall be given in accordance with Local Civil Rule One. All non-jury civil cases shall be assigned in accordance with Local Civil Rule Seven.
- (B) The Status Hearing may be conducted by the Court or its designee. With prior approval of the Court, the Status Hearing may be held by telephone conference.
- (C) All counsel or the parties, if unrepresented by counsel, shall be present, unless excused by the Court. The Status Hearing shall not be continued, except for good cause.
- (D) The purpose of the Status Hearing shall be:
 - (1) To set mediation, pretrial and trial date, if not already scheduled by the Assignment Office.
 - (2) To determine an appropriate time within which all discovery and disclosure of expert witnesses may be completed.
 - (3) To discuss any other reasons why the case may not be assigned for pre-trial and trial in its regular order.
- (E) Discovery Schedule
 - (1) The schedule for completion of discovery adopted at the status hearing shall be entered on a form provided by the Court with a copy provided to all counsel or the parties. Such schedule shall become an order of the Court.
 - (2) Such schedule for the completion of discovery shall be adhered to by the parties. No further discovery shall be permitted after the completion date determined by the Court, unless, upon written motion and for good cause shown, the Court finds that circumstances warrant the extension of time within which such discovery shall be completed. Such application for extension of time shall set forth the reasons why the discovery cannot be completed within the time assigned and will

also provide the Court with a time schedule for the completion of the additional discovery.

RULE THREE – TRIAL WITNESSES

(A) Expert Witnesses

- (1) An expert witness is any person qualified as such pursuant to Ohio Evidence Rule 702.
- (2) At the status hearing the Court shall establish a schedule for the identification of expert witnesses. The identification shall include the name, professional address, office telephone number and curriculum vitae of each such witness. The Plaintiff(s) shall be required to identify their expert witnesses first, and sixty days thereafter the Defendant(s) shall be required to identify their expert witnesses, unless otherwise ordered by the Court.
- (3) A party shall, at the time expert witnesses are identified, submit to all other parties a written report from each identified expert witness. The report must fairly and accurately set forth the expert's opinion on each and every material issue upon which the witness will testify. An expert witness will not be permitted to testify or provide opinions on any material issue not addressed in his/her report.
- (4) If a party is unable to procure a written report from an expert witness, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and counsel for all other parties the name, professional address and office telephone number of such witness, the subject of the witness' expertise together with his/her qualifications and a detailed summary of the anticipated testimony. In the event the witness is a treating physician, the Court shall have the discretion to determine whether hospital and/or office records of that physician's treatment that have been produced satisfy the requirements of a written report.
- (5) A party may take a discovery deposition of its opponent's medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time may be provided after submission of both sides' expert reports for the discovery depositions. If a party chooses not to hire an expert in

opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. Except upon good cause shown, the taking of a discovery deposition of the proponent's expert prior to the opponent's submission of an expert report constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

(B) Lay Witnesses

- (1) All parties shall submit to all opposing counsel or to opposing parties, if unrepresented, the complete names and address of all lay witnesses, who may testify at trial. The list of lay witnesses contemplated by this rule shall be exchanged with all counsel or parties, if unrepresented, no later than sixty (60) days prior to the original date set for trial.
- (2) Following the exchange of the list of lay witnesses, a party may, within thirty (30) days, take the discovery deposition of any witness contained on an opposing trial witness list who has not been previously deposed during the normal discovery period. This extension of discovery cutoff is specifically restricted to depositions not previously taken of individuals listed on the opponent's trial witness list.

- (C) Medical and Hospital Records - In every case involving a medical claim, or a claim for mental, emotional or bodily injury, a party may submit to the opposing side medical authorizations permitting the seeking party access to the records of the other's medical providers, including hospitals and similar health care facilities. Providing records pursuant to a medical authorization does not waive a party's right to object to the admissibility of the records at trial. Any party opposing such authorizations shall, within ten (10) days of receipt of the demand for such authorizations, file with the Court a motion for protective order setting forth the basis for opposition. The Court shall, within fourteen (14) days of service of the motion, set the matter down for hearing or, at the option of the Court, shall rule on the motion without oral hearing. If the Court denies the motion for protective order, the party opposing the authorizations shall immediately transmit the signed authorizations to the party who had sought them. Failure to do so may, at the discretion of the Court, result in the imposition of sanctions pursuant to Ohio

Civil Rule 37. Any medial records obtained pursuant to an authorization are confidential, and may only be released to the parties, their counsel, and insurers or medical experts.

RULE FOUR – PRE-TRIALS

- (A) Trial counsel shall appear at the status hearing and pretrial unless excused by the Court for good cause shown. All parties shall appear at the Pre-trial unless excused by the Court for good cause shown. All counsel shall have authority from their clients, if not present, to settle the case. In all cases involving liability insurance, a representative of the insurance company with full authority to negotiate and settle the case shall be present at the pretrial unless previously excused by the Court.
- (B) At all Pre-trials, the following shall be considered:
 - (1) Settlement of the case;
 - (2) The necessity or desirability of amendments or supplementation of pleadings;
 - (3) The obtaining of admissions and stipulations of fact and their incorporation into the record;
 - (4) The identification, authentication, and exchange of documentary evidence which may be offered at trial; a discussion and determination of what verification, if any, shall be required before such documents are offered in evidence;
 - (5) In cases involving insurance, Defendant shall have information concerning the limits of insurance;
 - (6) All other matters as may aid in the disposition of the case, including whether Probate Court approval is necessary for any claims of a minor or incompetent, or wrongful death or survival claims related to a decedent's estate.
- (C) Seven days before trial, counsel shall prepare a pre-trial statement which shall be submitted to the Court, unless the pretrial statement is waived by the Court. The pretrial statement shall contain:
 - (1) A concise statement of the general claims and defenses of the parties;
 - (2) The facts established by admissions in the pleadings, admissions by discovery and stipulations of counsel;
 - (3) The contested issues of fact;

- (4) The contested issues of law, together with counsel's citations of authority for counsel's position;
 - (5) The names of all witnesses, together with a brief summary of each witness' expected testimony;
 - (6) The names of the expert witnesses expected to testify at trial, together with a brief summary of each expert witness' expected testimony;
 - (7) A list of exhibits counsel intends to offer into evidence;
 - (8) A list of all special damages being requested;
 - (9) Counsel's expectation of trial time needed to present each side of the case;
 - (10) The status of settlement negotiations including specific demands or offers;
 - (11) Requested special jury instructions, other than boilerplate.
 - (12) Whether any potential settlement or judgment upon a verdict may require Probate Court review or approval.
- (D) In the event that counsel or a party whose presence is deemed necessary to fulfill the requirements of Local Civil Rule 4(D) above shall fail to appear for such Pre-trial, without prior Court approval, then the Court may initiate contempt proceedings or impose upon the parties or counsel such sanctions as the Court deems appropriate, including a monetary sanction of not less than \$75.00, to be paid to opposing counsel.
- (E) In the event that a party fails to provide a pretrial statement, where that statement is not excused by the Court, the Court may impose sanctions against the party for its failure to comply with this rule.

RULE FIVE – COURT ADMINISTRATOR

- (A) The Court shall appoint as required a qualified Court Administrator who will function as the chief non-judicial officer of the Court. Pursuant to direction from the Administrative Judge, the Court Administrator will implement the administrative policy decisions of the court and shall be responsible for all matters concerning the administrative duties of the general division of the Mahoning County Common Pleas Court including, but not limited to:
- (1) Fiscal Management-preparation of court budget, accounting, payroll and financial control.
 - (2) Personnel Management- administering the wage and salary systems, personnel training and instruction of nonjudicial administrative staff.
 - (3) Jury Management- managing the jury system in the most effective and cost effective way.
 - (4) Technology Management – analyzing, evaluating and implementing technology applications to assist the court
 - (5) Facilities Management – planning physical space needs, purchasing, managing and maintaining equipment and supplies.
 - (6) Intergovernmental Relations –act as a liaison to other government agencies.
 - (7) Records Management- creation and management of uniform record keeping systems.
 - (8) Other Duties- the Court may assign other duties to the Administrator as the Judges of the Court deem necessary.
- (B) The Court Administrator shall maintain an automated case management system to keep a record of all the progress of all cases from filing to final disposition. This system will note scheduled and projected dates for pre-trial hearings and any other dates that are deemed necessary to maintain control of the case by the Court Administrator or the Court. The Court Administrator shall also be responsible for the scheduling of all court events.
- (1) The Court Administrator shall continually monitor the progress of each event scheduled in each of the courts. When a scheduled trial is not heard for any reason, a judgment entry shall be prepared within three (3) business days of said event by the Court Administrator and the event reset within a reasonable time.
- (C) The Court Administrator shall timely submit all reports required by the Superintendence Rules of the Supreme Court of Ohio and as required by statute.

RULE SIX – MOTIONS; LEAVES

- (A) All motions and briefs shall be filed with the Clerk of Courts. The attorney or party, if unrepresented by counsel, shall note on each motion or brief the courtroom number in which the case is pending. Counsel shall file no motion or brief unless accompanied by a copy for distribution to the appropriate court. Upon completion of processing of each motion or brief, the Clerk shall deliver the motion or brief to the Court Administrator.
- (1) All motions and briefs shall be delivered by the Court Administrator to the court assigned to the case, and shall not be set for oral hearing unless approved or ordered by the Court.
 - (2) Opposition briefs shall be filed no later than fourteen (14) days from the date of filing a motion unless, with leave of Court, an extension is granted. In no event shall an opposition brief be filed later than five (5) days prior to the non-oral hearing date. Motions may be heard and ruled upon the day following the cut-off for filing briefs.
- (B) The Court will, without motion or consent of the opposing party, approve one request for extension of time to move or plead to a pleading seeking affirmative relief provided the same are delivered to the Court Administrator on or before the expiration date of the time period set out in Ohio Civil Rule 12(A) or the first extension thereof. The Court will also approve without motion, a leave to move or plead, or a motion to file a response instanter to a pleading seeking affirmative relief, and presume a showing of good cause therefore, if no motion for default judgment has been filed in the case, provided that the same is delivered to the Court Administrator before a motion for default judgment is filed. Additional leaves to move or plead may be granted by the Court, for good cause shown.
- (C) In accordance with Ohio Superintendence Rule 6, an attorney shall include the attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court and said number shall be the exclusive means of identifying attorneys who file

documents with the Court. If a party is acting “pro se”, that party shall be required to indicate on all documents filed with the Court, that they are acting “pro se”.

- (D) Where an attorney’s signature on a pleading or other documents filed with this Court is illegible, that attorney shall see to it that his or her name is typewritten, printed or stamped under the signature.

RULE SEVEN – ASSIGNMENT OF CIVIL CASES FOR TRIAL

- (A) All civil cases shall be assigned to a judge, pursuant to the system described in Ohio Superintendence Rule 4.
 - (1) If companion cases are filed, whether simultaneously or not, it shall be the duty of counsel to call such fact to the attention of the Court Administrator.
 - (2) Motions to consolidate made pursuant to Ohio Civil Rule 42(A) shall be filed in the case with the lower case number. In the event a motion to consolidate cases is filed in the higher case number, the Court Administrator shall set the matter for hearing as if such motion was filed in the court with the lower case number. In the event a motion to consolidate is filed in each of the cases sought to be consolidated, the matter shall be referred to and ruled upon by the Court to which the case with the lower number has been assigned.
- (B) In cases requesting extraordinary relief and immediate hearing, the Court Administrator or the Court shall assign a date upon filing of such request.
- (C) Any party having a conflict with a trial date that is not scheduled by agreement must notify the Court and Court Administrator of such conflict within 14 days of notice of the trial date.
- (D) The Court Administrator shall coordinate the scheduling of cases for trial in all courtrooms and shall maintain a central trial calendar for all Courts.
 - (1) In the event that an individual Trial Court schedules its own criminal or civil docket, that Court shall coordinate with the Assignment Office and the other Trial Courts to avoid conflicts with trial counsel and the orderly processes of the other Trial Courts.
- (E) Cases shall be assigned in the following manner:
 - (1) Jury Cases

- (a) Civil jury trials shall be set for trial in each courtroom at 9:00 A.M. on each Tuesday and criminal jury trials shall be set for trial in each courtroom at 10:00A.M.on each Monday, unless otherwise ordered by the Court.
- (b) If upon the date set for trial the Judge to whom the case has been assigned or the Magistrate for that Court is engaged in another trial or is otherwise unavailable, the case shall be continued; but it shall be the duty of counsel to immediately confer with the Court Administrator who shall reassign the case for trial with that Judge or Magistrate at the earliest available date pursuant to instructions from the Trial Court. The Court Administrator shall promptly notify the Judge to whom the case is assigned of the new trial date.
- (c) Except for illness or other physical disability of a party, counsel or a necessary witness, or the occurrence of some other unexpected and unforeseeable circumstance, or as otherwise provided in these rules, no case assigned for trial in accordance with the provisions of these rules shall be continued. If one or more parties are not ready to proceed on the day the case is set for trial, and if the lack of readiness is due to the fault of a party, the Court may dismiss an action or render judgment against the at-fault party; if the lack of readiness is the fault of counsel, the Court may take such action as it deems appropriate within its inherent powers to discipline counsel, without affecting the rights of a party.
- (d) It shall be the responsibility of counsel who has a case assigned for trial to promptly notify the Court Administrator and the ~~trial~~ Judge of any facts which might interfere with the trial of the case immediately upon becoming aware of them. No continuance shall be granted except upon written request to the Court pursuant to Ohio Superintendence Rule 7, stating the reason why a continuance is necessary, together with a written certification that the party on whose behalf the request is made has been notified of such request.

- (2) Non-jury Cases - All non-jury civil cases assigned to a particular Court shall be assigned to that Court's Magistrate.

RULE EIGHT - EXHIBITS

- (A) All exhibits shall be premarked by counsel before trial.
- (B) Counsel shall prepare and submit to the Court, opposing counsel and the court reporter a list of the premarked exhibits.
- (C) All Plaintiff exhibits shall be marked PX, followed by the number (Ex: PX-1, PX-2, etc.). All Defendant exhibits shall be marked DX followed by the number (Ex: DX-1, DX-2, etc.).

RULE NINE - DEPOSITIONS

- (A) The Court and the stenographer shall be provided a copy of all depositions intended to be read into evidence.
- (B) Condensed transcripts in any form will not be permitted, unless approved by the Court.
- (C) A list of objections with page and line numbers are to be attached to the transcript with a marked copy provided to the Court and to the stenographer prior to the commencement of trial.

RULE TEN – JUDGMENT ENTRIES

- (A) Unless a judgment entry is filed by the Court, counsel for the party in whose favor an order, judgment or decree is entered in a civil case shall, within fourteen (14) days thereafter prepare a proper judgment entry and submit the same to counsel for the opposite party, who shall approve or reject the same within ten (10) days after receipt and may, in case of rejection, file objections thereto in writing with the Court within said ten day period.
- (B) All judgment entries prepared by counsel and submitted to the Court shall be signed by counsel as “prepared and approved” by such counsel.
- (C) In any case in which the resolution of the civil cause, whether by order, judgment or decree, must be conditioned upon the review and approval of a Probate Court, the proposed judgment entry shall reflect such fact.

RULE ELEVEN – MEDIATION

- (A) Cases for Submission
 - (1) With the exception of actions in foreclosure and cases involving requests for injunctive relief, all civil cases shall be assigned to mediation.
- (B) Once a case is assigned to mediation, no party shall be permitted to opt out of mediation without the consent of the Mediator, and for good cause shown.
- (C) The Court Administrator shall, upon consultation with the parties, assign the Mediation date for each case. The Court Administrator shall endeavor to select a date not previously assigned as a trial date for counsel.

RULE TWELVE – WITHDRAWAL OF COUNSEL

- (A) An attorney desiring to withdraw from representation of a client shall file a motion to withdraw stating the reasons for the withdrawal. The motion shall include the last current address and phone number of the client and a certification by the attorney that the following conditions have been met:
- (1) Notice has been given to the client that the attorney has filed a motion to withdraw;
 - (2) Notice has been given to the client advising the client of all orders and all upcoming assignment dates;
 - (3) Notice has been given to all other counsel and unrepresented parties that a motion to withdraw has been filed.
- (B) No attorney shall be permitted to withdraw from a case later than twenty-one days prior to a trial or dispositive hearing except in extraordinary circumstances, or unless required pursuant to the Code of Professional Responsibility.

RULE THIRTEEN – FORECLOSURE ACTIONS

- (A) In actions for the marshaling and foreclosure of liens on real property or for the partition of real estate, the Mahoning County Treasurer need not be made a party to the action except where the action involves registered land, the amount of real estate tax is contested, where the treasurer holds a personal property tax lien on the premises, or where the real estate taxes have been certified delinquent. The Mahoning County Treasurer's appearance will be presumed for purposes of jurisdiction and the Court shall take judicial notice that the treasurer has the first and best lien for taxes due.
- (B) In actions concerning non-registered land where the treasurer has been named as a party and in which the taxes are not in dispute, nor certified delinquent, and in which there is no personal property tax lien, the treasurer need not file an answer to the complaint or to any cross-claim.
- (C) In foreclosure and partition actions the complaint, order of sale and confirmation of sale shall include a legal description of the property which shall also include the street address, if available, of the subject property and the County Auditor's tax parcel number.
- (D) In all such cases, the County Treasurer and all parties to the action or their counsel of record, whether they have appeared in the action or not, shall be served with a copy of the sheriff sale advertisement no later than two weeks prior to a sale scheduled thereon, and shall also be served with a copy of the confirmation of sale or dismissal entry.
- (E) No decree in foreclosure shall issue without hearing, upon notice of such hearing having been first given to all parties or their counsel by ordinary mail.
- (F) In all actions where the relief sought involves the judicial sale of real estate, the Plaintiff shall file a copy of a Preliminary Judicial Report at the time of filing the complaint.
- (G) In all actions where the relief sought involves the judicial sale of real estate, the Plaintiff shall file a Final Judicial Report prior to an entry of decree in foreclosure.
- (H) In all foreclosure actions and Sheriff Sale, the parties shall pay all required real estate taxes pursuant to O.R.C. 323.47 directly to the Mahoning County Treasurer and/or the

Negotiated Tax Lien Sale Purchaser, of tax certificates, if the County Treasurer determines that there may be such certificates due and owing. Real estate taxes shall include all delinquent taxes, tax lien certificate liens, and current taxes along with any penalties and interest that have been assessed against the subject property. The parties shall obtain an original verification form from the Treasurer's Office and/or Negotiated Tax Lien Sale Purchaser if so determined, attesting to the payment in full of real property taxes and be delivered to the Sheriff's Court Services Civil Division and/or attached to the confirmation of sale entry prior to any deed being released by the Sheriff's Department.

RULE FOURTEEN – JURY SELECTION AND MANAGEMENT

(A) Jury Source List

- (1) On or before the last day of December of each year, unless otherwise ordered by the Court of Common Pleas, the Board of Elections of Mahoning County shall compile and file with the Commissioners of Jurors of this county a certified, current list containing the names, addresses and dates of birth, of all electors of Mahoning County shown on the registration lists for the most recent general election (O.R.C. 2313.06).
- (2) This jury source list shall be obtained from the Board of Elections in a computer readable form, such as a magnetic tape or disc. The Jury Commissioners shall then direct the loading of the names supplied by the Board of Elections into the Jury Commissioners' computer system, with the assistance of the software vendor if necessary, to allow for the random selection of names necessary to produce an Annual Jury List.

(B) Annual Jury List

- (1) The jury source list from the Board of Elections shall be loaded into the Jury Commissioners' computer, listing names, addresses, and other identifying information as is necessary. By use of automated data processing equipment and an appropriate software program, sufficient names to comprise an Annual Jury List will then be selected at random from the jury source list and shall be certified by the Jury Commissioners and filed with the Clerk of Courts' office before the beginning of each jury year.
- (2) The Annual Jury List, showing the names and addresses of the persons drawn on such list shall be kept both in printed form and stored as a file in the Jury Commissioners' computer. When the Annual Jury List is created and filed as required by law, the remaining list or computer file of names from the jury source list not drawn may be destroyed or purged from the computer. Hard copies of the

complete juror source list and the Annual Jury List shall be kept securely by the Jury Commissioners. A list of those jurors selected for jury service and a list of those jurors selected for service but not used shall also be kept.

- (3) The jury source list shall be representative and as inclusive of the adult population in the jurisdiction as possible, using the list of registered voters as authorized by O.R.C. 2313.06 and 2313.08(B).
- (C) Venires - By computerized programming from the Annual Jury List, the Jury Commissioners shall periodically draw venires of randomly selected jurors for service to the Court as petit jurors and grand jurors as needed throughout the year, and shall print such venires and include the names and addresses of the persons drawn and the term for which they were drawn to serve. From such venires, trial panels of randomly selected jurors shall be drawn as needed, specifying the Court and the case for which they were drawn.
- (D) All procedures for the selection of jurors shall be performed by computer, automated data processing equipment, using magnetic tapes, magnetic discs, punched paper tapes, or other similar devices, and the use of an automated information retrieval system and visual display apparatus, or such data equipment or technology as is then available for the efficient, random selection of jurors. Until further order of the Court, the Jury Commissioners shall utilize the computer program and procedures supplied by C.C.I.-Maximus (F.K.A. Crawford Consulting, Inc.) for this purpose.
- (E) All jury selection processes before the Jury Commissioners shall be conducted to allow public viewing by designated officers or their representatives and any other persons as required by law. The Jury Commissioners shall provide notice of such drawings as required by Court rules and applicable law, and shall keep a record of such notices for the entire jury year.
- (F) Unless otherwise designated by the Court, the beginning of each jury year shall coincide with the Opening of Court, the first Monday following Labor Day.
- (G) Using the same methods and procedures detailed above, and after selection of the Annual Jury List for the Court of Common Pleas, the Jury Commissioners shall draw separate Annual Jury Lists from the jury source list for each of the territorial jurisdictions of the

following courts, from which separate venires can be drawn as needed: Austintown, Boardman, Campbell, Canfield, Sebring, Struthers, and Youngstown.

(H) Security

- (1) The data processing equipment and all programs and data shall be secured by appropriate computer security systems to limit accessibility only to persons authorized by the Court. All copies of programs and lists shall be stored in a locked office accessible only to the Court and/or the Jury Commissioners to safeguard against tampering with the equipment, data, and programs.
- (2) In order to comply with O.R.C. 2313.21 and O.R.C. 2313.22 activation of and access to the data processing equipment, programs and data shall be restricted to authorized persons who shall be assigned passwords for such activation and access as directed by the Court. No person shall disclose any assigned passwords to any other person(s), unless otherwise directed by the Court.
- (3) Access to the application and database shall be separated, and no person shall have access to both the application and database unless authorized by the Court.

(I) Excusal of Jurors

- (1) The Jury Commissioner may serve as the representative of each of the General Division Judges of this Court for the purpose of excusal of jurors as provided in O.R.C. 2313.16.
- (2) Jurors seeking to be excused pursuant to O.R.C. 2313.16 shall prove one or more excuses as provided in said section to the satisfaction of either a Judge of the General Division of the Common Pleas Court or the Jury Commissioner.

RULE FIFTEEN – PRESIDING JUDGE

In lieu of the requirement in Rule 3 of the Supreme Court of Ohio’s Rules of Superintendence that the Presiding Judge shall be elected annually, the position of Presiding Judge in the Mahoning County Court of Common Pleas shall rotate annually between the judges of all divisions following the sequential numbers of the courts. The powers and duties of the Presiding Judge shall be as set out in Ohio Superintendence Rule 3.

RULE SIXTEEN – DISCRETION OF COURT

These local rules are applicable to all civil proceedings in the Mahoning County Common Pleas Courts unless otherwise specifically ordered in an individual case by written judgment entry of the Judge presiding over such case, or by amendment to these rules.

Rule Seventeen- Arbitration

- A) A civil case, other than actions involving title to real estate, equitable relief, and Administrative Appeals, may be submitted to arbitration. A civil case may be submitted to arbitration only if all parties consent.
- B) Arbitration under this rule shall be binding.
- C) Witnesses in any case referred to arbitration shall be reimbursed in the same amount as witnesses who testify in a trial in the Court of Common Pleas, and witness fees may be ordered taxed as costs in the case. The costs in any case submitted to arbitration shall be paid by the party or parties by whom they would have been paid had the case been tried in the Court of Common Pleas.
- D) Unless otherwise agreed, the costs of the Arbitrator shall be divided equally between the parties.

RULE EIGHTEEN – EFFECTIVE DATE OF CIVIL RULES OF COURT

These rules are adopted by the Court and shall take effect on February 25, 2008.