

**Pike County Court of Common Pleas
Probate Division
230 Waverly Plaza
Suite 600
Waverly, Ohio 45690**

**LOCAL RULES
Effective August 12, 2021**



Judge Paul Price

**IN THE COURT OF COMMON PLEAS, PIKE COUNTY, OHIO
PROBATE DIVISION**

LOCAL RULES

As originally adopted and made effective beginning February 1, 2009

Amended October 1, 2015

and

Amended August 1, 2018

and

Amended March 22, 2021

and

August 12, 2021

Conduct and operations in the Probate Division of the Pike County, Ohio, Court of Common Pleas (Pike County Probate Court) are governed by the applicable Rules of Superintendence for the Courts of Ohio supplemented by local rules of practice adopted by the Pike County Probate Court, which follow.

The Rules of Superintendence may be found on the Ohio Supreme Court's website at <http://sc.ohio.gov/LegalResources/Rules/default.asp>, and are incorporated in their entirety into these Local Rules by reference.

The Pike County Probate Court's Local Rules of Practice are numbered to correspond with the numbering of the Rules of Superintendence for the Court of Ohio. The effective date of all Pike County Probate Court Rules contained herein was February 1, 2009, except for rules that have been amended since that date. For rules that have been amended since February 1, 2009, the effective date of the amendment is set forth immediately following the new or amended paragraph.

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RULES OF COURT - PROBATE DIVISION
THE FOLLOWING RULES SHALL APPLY TO PROBATE DIVISION:

RULE 8:1: Court Appointments

1. Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, investigators, guardians ad litem, and trustees for suit, shall be selected from lists maintained by the Court.
2. Appointments will be made from such lists taking into consideration the qualifications, skills, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.
3. Court appointees will be paid a reasonable fee with consideration given to the factors contained in DR-2-106 of the Code of Professional Responsibility, the Ohio Revised Code, and the Local Rules of Court relating to fees as outlined below.
4. Payment for assigned counsel shall be on the basis of Fifty Dollars (\$50.00) per hour for time in court and Forty-Five Dollars (\$45.00) per hour for time out of court, up to a maximum of One Thousand Dollars (\$1,000.00).
5. Payment for Guardian ad Litem (Attorney) shall be paid at the same hourly rate as listed in number 4 above, up to a maximum of Eight Hundred Dollars (\$800.00).
6. In all cases, assigned counsel and Guardian ad Litem may petition the Court to request payment of additional fees that exceed the maximum amount, which will be considered on a case-by-case basis.
7. The Court will review court appointment lists periodically to ensure the equitable distributions of appointments.

RULE 8.2: Court Appointed Counsel in Adoption Proceedings

1. Attorneys appointed to represent indigent legal parents in adoption proceedings shall not be paid an hourly rate in excess of that approved in the fee schedule for appointed counsel as outlined in Rule 8.1.
2. Fees requested by attorneys to represent indigent legal parents in adoption proceedings must be filed on form OPD-1026R or such other form utilized by the Office of the Ohio Public Defender. A more detailed itemization may also be required to be filed at the Court's discretion. In the event that counsel is requesting a total fee in excess of the maximum total fee according to the fee schedule outlined in Rule 8.1, counsel shall file a motion for extraordinary fees, accompanied by a detailed itemization, in addition to form OPD-1026R.
3. All requests for fees shall be file no later than thirty (30) days after the final disposition of the adoption proceeding.

RULE 52.1: Preparation and Filing of Papers

1. All papers prepared for filing in this court **must** be typewritten on the forms provided by or approved by the court. Changes made to the document must also be typed. A document containing erasures or handwritten interlineations changes will not be accepted unless approved by the court.

2. All entries, except those appointing fiduciaries and approving inventories and accounts will be prepared in full prior to submission to the court for approval. No unfilled blanks will be left in either a printed form or a drafted entry. If the same are not appropriate to the proceedings in question, they may be stricken.

3. The court reserves the right to reject any paper not prepared in accordance with this rule.

4. All pleadings are to be clearly titled, i.e. Motion to Continue, Motion for Extension of Time, etc.

5. All filings will be on 8 ½ x 11 paper. Initial papers filed in the Probate Court shall contain the name, Supreme Court number, address, and telephone and facsimile number of counsel representing the fiduciary, and in the absence of such counsel, the name, address and telephone number of the fiduciary. The filing of any paper not containing the above requirement may be refused by the court.

6. Failure of the fiduciary to notify the court of his current address shall be grounds for his removal.

7. Papers containing partial or wholly illegible signatures of counsel, parties or officers administering oaths may be refused for filing, or, if filed, be stricken from the files, unless the typewritten or printed name of the person whose signature it purports to be appears below it.

9. The provisions of this rule apply to surety on bonds.

RULE 53.1: Sessions of Court

1. The probate office will be open for transaction of ordinary business from 8:30 a.m. to 4:00 p.m., Monday through Friday, each week, except as otherwise determined by the Probate Judge.

2. The probate office, at the discretion of the Judge, may be open at other hours for matters of extraordinary importance.

3. The address of the court is 230 Waverly Plaza, Suite 600, Waverly, Ohio 45690. The phone number is (740) 947-2560 and the fax number is (740) 941-3086.

RULE 53.2: Conduct in the Court

Proper decorum in the Court is necessary to the administration of the court's functions, and any conduct which interferes, or tends to interfere, with the proper administration of the court's business is prohibited. Radio or television transmission, voice recording device making a record of a proceeding before the court, or the making or taking of pictures shall be permitted upon written application to the court and authorization by court entry.

RULE 55.1: Removal of Papers from Probate Court Files

1. Pursuant to Ohio Revised Code Section 149.51, the Deputy Clerks shall permit any person to examine and make copies of any pleading or paper on file in any case, except adoption proceedings and mental illness proceedings, in which case permission must first be obtained directly from the Judge.
2. No case file shall be removed from the office of the Clerk of Probate Court without first obtaining permission from the Deputy Clerk or the Judge.
3. All adoption case files and mental illness case files are confidential, and are not open to inspection or copying or removal except as provided by law or with specific permission of the Judge.
4. The court shall from time to time determine the per copy charge.

RULE 57.1: Motions

All applications to the court shall be submitted by motion unless an alternative method is permitted. A proposed entry shall accompany each motion.

RULE 57.2: Entries

1. All entries are to be clearly titled, i.e., Entry Approving Inventory, Entry Denying Motion for New Trial, etc.

2. If any party fails to comply with Superintendence Rule 57(F) (submission of proposed entry within 7 days and/or objections within 7 days) the court will schedule an oral hearing and the court will consider the issue of dismissing the matter or approving the entry without approval of the opposing party.

3. A judgment entry or order bearing evidence of erasures or containing longhand interlineations will not be accepted unless approved by the court.

4. Upon failure to comply with this rule, the matter may be dismissed for want of prosecution or such further action may be taken by the court as is necessary or required by law.

5. Additionally, the court reserves unto itself the right to prepare and file entries.

RULE 57.3: Hearings

1. Hearings shall be either oral hearings or non-oral hearings.
2. At an oral hearing, all parties and their counsel are required to appear and present their case.
3. At a non-oral hearing, neither the parties nor their attorneys are required to appear. If a party requests an oral hearing, the request shall be filed with the court at least five (5) days prior to the hearing date and the matter, at the discretion of the court, shall be scheduled for an oral hearing.
4. If an interested person appears at a non-oral hearing, the court may continue the matter for oral hearing.

RULE 57.4: Motions to Seal Information Contained Within Court Records

1. A request to seal information contained within a court record shall be made by written motion. If the motion is filed simultaneously with the information that is the subject of the motion, then the subject information shall be sealed pending the Court's ruling on the motion. If the motion is filed after the filing of the information that is the subject of the motion, then the subject information shall remain open to the public pending the Court's ruling on the motion.

2. The motion to seal information in a court record may be made by any party to a case, by the individual about whom information is disclosed in the record, or on the Court's own motion.

3. The movant shall give notice of the motion to seal, and of the hearing date, time, and place, in accordance with the applicable Civil Rules, to all parties in the case and to any additional persons that the Court may order.

4. The Court may seal information in a court record if it finds that the presumption of public access is outweighed by an interest greater than that of the public's right to access. In making its decision, the Court shall consider, without limitation, the following factors:

- a. Risk of injury to individuals;
- b. Individual privacy rights and interests;
- c. Proprietary business information; and
- d. Public safety.

5. When sealing information contained within a court record, the Court shall use the least restrictive means available, including, where possible, redacting specified information from the underlying document rather than restricting access to the entire document.

6. Upon granting a motion to seal, the Court shall separately maintain the sealed information, along with a copy of the Court's sealing order, and may require counsel for the movant to file a redacted copy for the public record.

7. For purposes of public access to Court records, the Court manages its paper file the same as its electronic file. Generally, the Court will not restrict access to one such file-type without restricting access to the other.

RULE 57.5: Motions to Unseal Information Contained Within Court Records

1. A request to unseal information contained within a court record that is currently sealed shall be made by written motion. Such motion may be made by any member of the public, by any party to the underlying case, by the individual about whom information is disclosed in the record, or on the Court's own motion.

2. The sealed information that is the subject of the motion will remain under seal pending the Court's ruling on the motion.

3. The movant shall give notice of the motion to unseal, and of the hearing date, time, and place, in accordance with the applicable Civil Rules, to all parties in the case, to the individual who requested that the subject information be sealed, and to any additional persons that the Court may order.

4. The Court may open public access to a sealed court record if it finds that the presumption of public access outweighs other factors supporting restriction of access. In making its decision, the Court shall consider, without limitation, the following factors:

- a. Risk of injury to individuals;
- b. Individual privacy rights and interests;
- c. Proprietary business information; and
- d. Public safety.

5. If the motion to unseal is granted, the Court shall release only the specific information that warrants release and shall keep the remainder under seal.

RULE 57.6: Electronic Transmission Filings

1. *Definitions.* The following terms in the Rule shall be as follows:
 - (a) **Source document** – The document to be filed. This document shall be transmitted to the court by facsimile or by e-mail in PDF format unless it is a proposed order, which may be submitted in WORD format.
 - (b) **Original document** – The facsimile or e-mail copy of the source document received by the Court and maintained as the “original” document in the Court’s file. A document transmitted by facsimile or filed by e-mail shall be accepted as the original filing if the sender complies with all of the requirements set forth in this Local Rule. The sender need not file any source document with the Court.
2. **Filings Not Accepted:** The following documents may NOT be filed by facsimile or e-mail transmission:
 - (a) Any pleading or document necessary to commence a proceeding for which the Court must collect an initial deposit or filing fee;
 - (b) Any document that requires a fee at the time of filing unless the filer has sufficient funds on deposit to cover the cost of the filing or prior arrangements for payment have been made;
 - (c) Any filing for which the Court must effectuate service of summons; or
 - (d) Any proceedings deemed confidential pursuant to Ohio Law.
3. **Electronic Cover Page:** All filings by facsimile or e-mail shall be accompanied by a Court approved cover page as set forth in Appendix A setting forth:
 - a. Date of transmission;
 - b. Name, address, e-mail address, and telephone number of the sender;
 - c. Case number and caption of the case in which the document is to be filed;
 - d. Title of the document(s) to be filed; and

- e. Number of pages being transmitted.
4. **E-Mail:** The e-mail address available for receiving filings for the Court is probatecourt@pikecounty.oh.gov. This e-mail address is available twenty-four (24) hours per day seven (7) days per week. E-mails sent to any other address are not covered by or permitted under this Local Rule and will not be considered filed. All email filings shall state the Case Number and Case Caption in the subject line.
 5. **Facsimile:** The telephone number of the facsimile machine available for receiving fax filings for the Court is **740-941-3086**. Transmissions sent to any other location are not covered by nor permitted under this Local Rule. Faxes may be sent only during normal business hours.
 6. **Document Restrictions:** A facsimile or e-mail transmission may contain more than one document but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as part of a single filing for purposes of this rule.
 7. **Fees:** There are no specific costs related to Electronic Filings except to the extent that the filings are taxed as costs to any case. **Filings in excess of ten pages shall be assessed a copying charge at the rate of ten cents per page.** It is the sender's responsibility to ensure that there are sufficient funds deposited with the Court with which to satisfy the cost relating to the filing.
 8. **Filing: Acceptance or Rejection.** The Court is authorized to reject any electronic filing if it fails to comply with any of the requirements of this rule. The Court shall notify sender of said rejection.
 9. **Date and Time:** For purposes of this rule electronically transmitted documents may be received during the regular business hours of the Court. **Any documents received after 3 p.m. on a regular business day shall be filed and docketed the following business day. Any documents received on weekends or other legal holidays shall be filed and docketed the next business day.**

10. **Signatures:** Any signature on documents transmitted by facsimile or e-mail shall be considered as that of the attorney or other person that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court may order the filing stricken. Any electronic filings shall contain a signature and must be followed by the printed name of the person signing the source document.
11. **Verification of Receipt for e-mail filings:** The Court shall send a delivery receipt. Once the document has been filed the Court shall confirm said filing via email by returning to sender the time-stamped documents.
12. **Verification of Receipt for facsimile filings:** Parties submitting filings by fax must contact a court clerk and confirm that transmission was received. Proof of transmission forms from the fax machine are not sufficient to confirm receipt.

COMMENT:

E-mail Filings Under Civil Rule 5(E), pleadings, motions, applications, and other filings may be filed with the Court by e-mail transmission subject to conditions in the rule. This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court does not assume any new or additional responsibilities, obligations or liabilities by virtue of this Local Rule, except as expressly provided in this Rule. The sender assumes all responsibilities, obligations and liabilities for using this method of filing. This Local Rule pertains only to the method of filing and does not override, alter, amend, revoke or otherwise change any Local Rule or Civil Rule respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

RULE 57.7: Schedule for Filings

The time schedule established by law for filing of papers, pleadings, inventories and appraisals, accountings, etc. will be strictly applied and followed in all cases, unless extended by court order upon the timely filing of motion and memoranda.

If any case becomes delinquent for any such filing as required by law, the court shall first notify the attorney of record of such delinquency in writing and the distribution of notice shall be docketed in the case.

If the delinquency is not cured within a reasonable time, not to exceed a month, the court shall send a second notice of delinquency to the attorney of record and the fiduciary whom he represents of such delinquency, and the mailing of such notice shall be docketed in the case.

If the delinquency is still not resolved within a reasonable time of the second notice, not to exceed a month, the court may cite both the fiduciary and attorney into court to explain their failure and to determine a date certain on which such filings shall be made. The court specifically reserves unto itself the right to remove the fiduciary and his attorney for failure to timely file said pleadings, etc., as required by law and further to limit the practice of any attorney who becomes delinquent on filings, etc. In addition, there will be a \$5.00 fee assessed to court costs for each citation issued.

Further, the court at its discretion may grant an extension of time to file such pleadings, etc., upon receipt of an appropriate application which sets forth the reason an extension is desired.

No account will be accepted for filing until the inventory on which such accounting is based has been formally approved.

RULE 57.8: Relieving Estates from Administration

When an application to relieve an estate from administration has been filed, at least five (5) days notice in writing of the hearing on the application shall be given to the surviving spouse and the heirs at law unless said notices are waived or found unnecessary.

In cases of estates entitled to be relieved from administration, where there is a will, such will shall be presented for probate. If the will is admitted to probate, an application for an order relieving the estate from administration may be filed in lieu of the appointment of the executor named in the will. If probate of the will is denied, an application for an order relieving the estate from administration may be granted and distribution made under the laws of intestate succession. Where no heirs are known to the applicant, the court shall set the application for hearing not less than three (3) weeks from the date of such filing and shall require publication.

Where administration of the estate has commenced, the entry relieving the estate from administration shall contain the words "The filing of a final account is dispensed with and the fiduciary and surety, if any, are hereby discharged."

RULE 58.1: Court Costs*Amended 8/1/18*

A deposit in the amounts set forth below shall be required upon filing of the following actions and proceedings and may be changed from time to time by the Court.

The current court cost deposits are as follows:

DECEDENT'S ESTATES

Full Administration (with or without a will)	\$250.00
Relieving from Administration (without will)	\$160.00
Relieving from Administration (with will)	\$175.00
Summary Release from Administration	\$104.00*
Wrongful Death	\$200.00
(Each subsequent Application)	\$ 55.00
Authenticated Copies	\$ 20.00 plus \$1/page
Ohio Estate Tax Return Only - \$17.00 OETR Part 1 (Form 22)	\$ 5.00
Reopening an estate administration (full or relieving)	\$ 50.00

WILLS

Will Preservation	\$ 25.00
Will Deposit	\$ 25.00

ADOPTIONS

Petition for Adoption – court costs	\$150.00
Home study fee to Pike County Children's Services	\$300.00(step-parent)
Home study fee to Pike County Children's Services	\$500.00 (all others)
(if multiple children, \$100.00 for each additional child)	
New birth certificate (Ohio)	\$ 21.50

GUARDIANSHIPS

Application for Guardianship (Incompetent or Minor)	\$200.00
Investigator's Fees to Phyllis Amlin-Snyder	\$ 60.00

MISCELLANEOUS

Applications to Expend Funds (each)	\$ 10.00
Civil Proceedings	\$100.00
Correction of Birth	\$ 32.00
Delayed Registration of Birth	\$ 34.00
Marriage License	\$ 50.00
Minor Settlements	\$120.00
Name Change	\$124.00
Trust	\$150.00
Copies (per page with a \$1.00 minimum charge)	\$.10
Certified Copies	

*The filing fee for a summary release does not include the costs to file any other additional forms. A 9.C is required for each motor vehicle and will be subject to additional court costs of \$7.00 per form. Applications for Certificate of Transfer and each Certificate of Transfer shall be an additional \$16.00 per each CT filed. Any other additional forms not usually filed with summary releases may be subject to additional fees. The filing or probating of a will with the summary release will incur additional costs. Please check with the deputy clerk for these costs *before* you file your paperwork.

Applications accompanied by an affidavit of the applicant of inability to prepay or give security for court costs shall be accepted without the necessity of such deposit as a condition for filing provided that the applicant shall exert diligent efforts to make funds available from the probate estate for the security deposit and pay the deposit into court as soon as possible.

In any civil proceedings, costs and fees must be paid in full upon completion of such proceedings. The court reserves the right not to accept motions to reopen cases if the original court costs are not paid.

RULE 59.1 Wills

With respect to the opening of safety deposit boxes for the purpose of removing the will therefrom and inventorying the contents of said box, the court may authorize any appropriate person to remove the will from said box and transport the same to the office of the Probate Court for safekeeping purposes.

RULE 60.1: Failure to Apply for Administration

If a person entitled to administer the estate of an intestate fails without good cause to apply for letters of administration for three (3) months after the death of the intestate his right to priority shall be deemed lost and the court on the motion of any interested party, after the issuance of a citation as provided by Section 2113.06, Revised Code, may commit the administration of said estate to any one of the persons next in order, or, if there are none such, then to some other suitable person.

RULE 60.2: Bonds and Sureties

1. Neither a practicing attorney nor his wife shall be permitted to become surety on the bond of any fiduciary to be appointed by this court in excess of One hundred (\$100.00) dollars.

2. Private sureties, other than a registered bonding or insurance company, will be permitted for any administrator or executor who resides in Pike County, or in a county adjoining Pike County.

3. In any individual matter, the combined value of the Ohio real estate of the private or personal sureties must be equal to double the amount guaranteed. The following standards will be used in determining the value of said real estate:

For real estate located in the State of Ohio, the appraised value thereof as determined by the County Auditor of the county in which said real estate is located. Proof must be submitted to the court of valuation.

4. Private sureties will not be accepted for any trustee to be appointed by this court, nor for the guardian of an incompetent person, nor the guardian of a minor when by virtue of the age of said minor or minors at the time the guardianship becomes operative it appears that said guardianship will last for a period in excess of five (5) years.

RULE 60.3: Attorneys of Record

The application for the appointment of a fiduciary shall contain the name, address and telephone and facsimile number of the attorney, if any, representing the fiduciary. If such attorney shall resign, the attorney and the fiduciary shall notify the court, and the fiduciary shall submit the information required for the successor attorney. Such information shall be in writing. In any instance where an attorney files an application to withdraw as counsel representing a fiduciary, it will be necessary that the matter be set for hearing and that the fiduciary be notified and be present at the hearing, unless notice and hearing is dispensed with by the court.

RULE 60.4: Attorney's Approval on Instruments Filed

Each judgment entry presented to this court for filing for and on behalf of any fiduciary, acting by virtue of an appointment by this court, shall have endorsed thereon the approval of the attorney at law designated by such fiduciary to represent him in matters relating to the trust, in the following form:

Approved:

Attorney for Fiduciary, Registration Number
Address
Telephone and Facsimile Number

Such endorsement shall constitute a representation to the court that the same was prepared by and/or examined by the attorney. If such attorney's endorsement is lacking, the same shall be refused and denied filing in this court.

**RULE 61.1: Appointment and Compensation of Appraisers in
Estates and Land Sale Proceedings**

a. When required by law there will be one suitable and disinterested appraiser.

b. Compensation:

Executors or administrators without special application to the court may allow to the appraiser, a compensation for his services, a reasonable amount agreed upon between the fiduciary and the appraiser.

c. Consideration in Determining Fees:

In agreeing upon the amount of compensation, executors or administrators and the appraiser shall take into consideration the amount of time and work reasonably required in appraising the assets of the estate as well as the type and character of the property appraised.

d. Expert Appraisers:

If, by reason of the special and unusual character of the property to be appraised, the fiduciary is of the opinion that the appraisal requires the services of persons expert in the evaluation of such property, such expert opinion may be secured and reasonable compensation paid therefore subject to the approval of the court.

e. Land Sale:

In land sale proceeding the appraiser or appraisers appointed by the court may be compensated for their services in the same manner as provided for estate appraisers, provided that the amount to be paid each appraiser shall be set forth in the entry of distribution and be subject to the approval of the court.

f. Waiver of Fee:

An appraiser may waive all or any part of the compensation to which he may be entitled under this Rule.

g. Application to Court for Allowance:

Where questions arise in the interpretation of this Rule, or the amount of compensation cannot be agreed upon, the fiduciary shall file an application for allowance of compensation to each appraiser

RULE 61.2: Appraisals

- a) For any real estate that is used as the decedent's personal residence, the fiduciary may use the property's fair market value as determined by the County Auditor. Written evidence of the Auditor's value shall be filed with the court.
- b) For any other real estate of the estate with a combined value of \$100,000.00 fair market value or less as determined by the County Auditor, the fiduciary may use the properties' fair market value as determined by the County Auditor. Written evidence of the Auditor's value shall be filed with the court.
- c) All other real estate shall be appraised by a qualified appraiser.
- d) A qualified appraiser shall include:
 - i) licensed real estate brokers, licensed appraisers and licensed auctioneers
 - ii) Any other person approved by the court
- e) The court may maintain a list of all qualified appraisers under 61.1(d)(ii)

RULE 66.1: Requirements for Minor Guardianships

The following local rule applies to Guardianship of Minors:

1. A copy of the minor's birth certificate shall be filed with the Application for Appointment.
2. The applicant shall file with the Application an affidavit disclosing the information that is required by Section 3109.27 of the Revised Code.
3. The guardianship of a minor shall not be issued if it is determined that another Court has jurisdiction over custody of the minor.
4. Minors, who are not United States citizens or resident aliens, are determined not to be residents or have legal settlement as set forth in Revised Code Section 2111.02(A).
5. If the Court determines that the guardianship process is being used to circumvent a proper custody proceeding or for other improper purposes, an application for appointment of a guardian for a minor will not be approved.
6. Applications to terminate a guardianship of a minor, other than as an operation of law, require notice to all persons designated in Ohio Revised Code Section 2111.04 and any other individual who received actual notice of the original appointment of the guardian.

RULE 66.2: Requirements for All Guardianships

The following Local Rule applies to all guardianships:

1. All applicants shall submit with the application a criminal history report from the Ohio Bureau of Criminal Investigation (BCI background check). Said report must be dated within one (1) year of the date that the application for guardianship is filed.
2. A guardian shall deposit with the Court any and all wills of the ward for safekeeping in accordance with Ohio Revised Code Section 2107.07.
3. A guardian shall inform the Court as to any change of address of the guardian or the ward. This notification must be made within thirty (30) days of the address change. Failure to notify the Court under this rule may result in the guardian being removed.
4. Costs, fees, and expenses shall be assessed as determined by Court order. The Court may require a reasonable cost deposit in the event of appointment of an attorney or guardian ad litem for the prospective ward pursuant to the cost deposit schedule adopted by separate Court order.
5. In addition to those entitled to notice of the hearing on an application for the appointment of an incompetent adult under Section 2111.04 of the Revised Code, the applicant shall disclose to the Court the names and addresses of all adult children of the proposed ward. For such adult children known to reside in this state, service of Notice of Hearing shall be made as provided by law, unless waived. For such adult children, who may reside outside of the state, service of notice of hearing may be regular U.S. mail, unless waived.

Rule 66.3: Emergency Guardianship Requirements

Pursuant to Section 2111.02, if an Emergency Guardianship or other order is being sought to prevent significant injury to the person or estate of a minor or incompetent, the person seeking such order or appointment shall comply with the following procedure:

1. File an Application for Appointment of Emergency Guardian.
2. File an Affidavit in Support of the Application set forth above, which should include, but not be limited to the following information: Information describing the imminent risk of significant injury to the person or property of the minor or incompetent; the nature or type of significant injuries that might result without Court order; a description and location of property that might suffer significant injury; the date the imminent risk was discovered by the applicant; the reasonable efforts that the applicant has taken to otherwise prevent significant injury without Court order.
3. File SPF 17.1A "Supplement for Emergency Guardian of Person".
4. Personally file with the Court the documents noted in 1, 2, and 3 of this Rule and remain available for a personal appearance before the Judge to respond to further Court inquiry.
5. Within thirty (30) days of the expiration of any emergency orders issued hereto, the emergency guardian shall submit a report to the Court stating any specific action taken to prevent substantial injury to the person or estate and accounting for the management of any assets of the minor or incompetent during such period of time. If a guardianship is commenced upon the expiration of the emergency orders, the Court may dispense with this report if the guardian provides such information in the Inventory of the ward's assets.

Rule 66.4: Comments or Complaints on Guardianships

1. Any comment or complaint regarding the performance of any guardian appointed by this Court shall be submitted in writing to the Court's deputy clerk.

2. Upon receipt of the comment or complaint, the deputy clerk shall forthwith send a copy of the comment or complaint by regular U.S. mail to the guardian who is the subject of the comment or complaint.

3. A copy of the comment or complaint shall be referred to the Judge for review to determine the action necessary to dispose of the comment or complaint, including but not limited to a referral to the prosecuting attorney or other agencies for further investigation or for further hearing by the Court. The Judge shall determine such course of action within seventy-two (72) hours of reference of the comment or complaint. If the Judge determines that a hearing is required to respond to the comment or complaint, such hearing shall be held within five (5) Court days of the Judge's determination. Notice of the hearing shall be provided to those entitled to Notice of the hearing shall be sent by regular U.S. mail to those identified in SPF 15.0 and such other interested persons as determined necessary by the Court, including the person submitting the comment or complaint, the guardian and the ward.

4. Upon making a final disposition of the comment or complaint, the Court shall prepare a written Final Disposition and provide a copy to the person making the comment or complaint and the guardian.

5. The Court shall maintain a separate record regarding the nature and disposition of comments or complaints concerning guardianships.

Rule 66.5: Guardian of Estate – Bonding

1. Pursuant to Ohio Revised Code Section 2109.04, an individual as guardian of the estate of a minor or incompetent is required to post bond with a penal sum in an amount that is fixed by the Probate Court. In the event that the guardian is unable to post bond, or deems it inexpedient to post bond, the guardian shall be required to secure the services of legal counsel for the purpose of filing a Motion for Deposit of Personal Property pursuant to Ohio Revised Code Section 2109.13. A Motion for Deposit of Personal property shall be granted only where the guardian is an attorney, or where the guardian is represented by legal counsel. Said representation shall continue a Verification of Receipt and Deposit (Probate Court Form 22.3) is filed with the Probate Court.

Rule 66.6: Exemption from Guardian Education Requirement

1. By application to the Court, this Court may issue an order exempting any guardian of the person and/or estate of a ward who is the spouse of the ward from the guardian education requirements of Rules 66.06 and 66.07 of the Rules of Superintendence.

2. By application to the Court, this Court may issue an order exempting any guardian of the person of a ward who is otherwise related to the ward by consanguinity or affinity from the guardian education requirements of Rules 66.06 and 66.07 of the Rules of Superintendence.

RULE 68.1: Settlement of Claims For Injuries to Minors

1. An application for settlement of a minor's claim that exceeds ten thousand dollars (\$10,000) shall be brought by the guardian of the estate. If the gross amount of the claim for injuries does not exceed ten thousand dollars (\$10,000), the application shall be brought by the parent(s) of the child or the person having custody of the child.

2. The application for settlement shall be set for hearing before the assigned judge. The applicant as well as the minor shall personally appear at the hearing unless otherwise waived by the Court.

3. An application for approval of settlement of claim for injuries to a minor shall be accompanied by a current statement of the examining physician with respect to the injuries sustained, the extent of the recovery, and the physician's prognosis. Said statement shall be dated within ninety (90) days of the filing of the application for approval. If the gross amount of the settlement for injuries does not exceed ten thousand dollars (\$10,000) then the requirement of a physician's statement is waived.

4. A copy of the proposed release of claims shall be attached to the application for approval of settlement of claims for injuries to a minor.

5. The Court has the discretion to order the delivery of the funds to the minor's parents or custodian.

RULE 68.2: Structured Settlements

If the parties involved in claims desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall also apply:

1. The application shall include an affidavit from an independent certified public accountant or other competent professional, specifying the present value of the settlement and the method by which that value was calculated.
2. If the settlement is to be funded by an annuity, the annuity shall be provided by an annuity carrier who meets or exceeds the following criteria:
 - a. The annuity carrier must be licensed to write annuities in Ohio and, if affiliated with the liability carrier or the person or entity paying the settlement, must be separately capitalized, licensed and regulated and must have a separate financial rating.
 - b. The annuity carrier must have a minimum of \$100,000,000.00 of capital and surplus, exclusive of any mandatory security valuation reserve.
 - c. The annuity carrier must have one of the following ratings from at least two of the following rating organizations:
 1. A.M. Best Company: A++, A+, or A.
 2. Moody's Investors Service (Financial Strength): Aaa, Aa1, or Aa2.
 3. Standard & Poor's Corporation (Claims Paying/Solvency): AAA or AA.
 4. Fitch Ratings: AAA, AA+, or AA.
 - d. In addition to the requirement of subsection (3) immediately above, an annuity insurer must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic-payment settlements will be provided and maintained.
 - e. A qualified insurer issuing an annuity contract pursuant to a qualified funding plan under these rules may not enter into an assumption reinsurance agreement for the annuity contract without the prior approval of the Court, the owner of the annuity contract and the claimant having the beneficial interest in the annuity contract. The Court will not approve assumption reinsurance unless the re-insurer is also qualified under these rules.

- f. The annuity insurance carrier and the broker procuring the policy shall each furnish the Court with an affidavit certifying that the carrier meets the criteria set forth in subsection (3) above as of the date of the settlement and that the qualification is not likely to change in the immediate future. The broker's affidavit shall state that the determination was made with due diligence based on rating information which was available or should have been available to an insurance broker in the structured settlement trade.
 - g. If the parties desire to place the annuity with a licensed insurer in Ohio that does not meet the above criteria, the Court may consider approving the same, but only if the annuity obligation is bonded by an independent insurance or bonding company, licensed in Ohio, in the full amount of the annuity obligation.
3. The application shall include a statement of the actual cost to the defendant of the settlement. The actual cost shall be used to fix and determine attorney's contingent fees.

RULE 68.3: Sale of Structured Settlement Payments

1. All applications for approval of sale of structured settlement payments shall be filed and set for hearing before the Judge.

2. The application shall include a statement of the income, living expenses, and other financial obligations of the person desiring to sell the structured settlement payments as well as a detailed statement as to how the sale proceeds will be applied and/or utilized by the applicant.

RULE 70.1: Settlement of Claims For Wrongful Death

1. All applications to settle claims for wrongful death shall be set for hearing. All interested parties to the distribution of the net proceeds of the settlement shall be listed by name, residence, and relationship to the decedent on the proposed entry approving settlement or distributing wrongful death proceeds.

2. The term "interested parties" who are subject to notice are those set forth in R.C. §2125.02.

3. A guardian ad litem may be appointed to represent the interests of any minor or incompetent persons who are potentially "interested parties".

4. When the Court is called upon to endorse an agreed entry of distribution or to adjust the shares of distribution, notice to or consents from those "interested parties" designated above shall be required.

5. The applicant is required to appear at the hearing regarding an application to approve a wrongful death settlement or proposed distribution. An applicant shall have 30 days following approval in which to file the report of distribution unless otherwise ordered by the Court.

6. A judge shall approve the report of distribution of the wrongful death proceeds only after appropriate vouchers are presented.

RULE 71.1: Counsel Fees.

A. Counsel fees for all matters before the court shall be set by the Probate Court and must be upon application made by the fiduciary and the attorney and upon judgment of the court. Neither compensation for a fiduciary nor an attorney shall be paid before a final account is prepared for filing except with court approval of any partial payment of such fees for good cause shown to the court. Fees may be based on the following:

- (1) Hourly rate
- (2) Time expended
- (3) Quantum merit
- (4) Contractual agreement

Attorney must provide written documentation and/or exhibits supporting the fee.

B. In instances where the fiduciary is the attorney, the court shall allow only one fee to be taken based upon application and the criteria set forth above.

C. Counsel fees in a land sale proceeding, or authority to mortgage real estate, instituted by a guardian shall be paid upon application to the court and based upon the criteria above.

D. Notice of the filing of any requests for payment of attorney fees shall be provide to the fiduciary and/or client unless the fee is approved by said fiduciary and or client.

RULE 71.2: Counsel Fees in Connection with Settlement of Claims for Wrongful Death, Conscious Pain and Suffering, Claims for Personal Injuries to Persons Under Guardianship, and Settlement of Personal Injuries to Minors Under RC 2111.18.

If the contingent fee agreement does not exceed 33 1/3% of the recovery, or 40% if an appeal is taken, no application for approval of the agreement need be filed and ratification of the contingent fee agreement may be done at the time of settlement. Should a proposed fee agreement exceed these amounts, prior to entering into any such contingent fee agreement, a fiduciary shall file an application with the Court for authority to enter into such fee agreement. A copy of the proposed fee agreement shall be attached to the application. All contingent fees are subject to review and approval by the Court at the time of settlement, notwithstanding the fact that the court previously approved a fiduciary's application for authority to enter into a contingent fee agreement.

RULE 73.1 Guardian's Compensation

1. Compensation for services as guardian of person and estate shall be allowed not more frequently than annually, upon application and entry, and shall be supported by calculations and documentation. The following schedule shall apply as a guideline, unless extraordinary compensation is requested:

- a. 3% of the total income; and 3% of the total expenditures where total expenditures are less than \$200,000, and 2% of the total expenditures that are equal to or greater than \$200,000.
- b. An annual fee of \$2.00 per \$1,000 of the fair market value of the principal.
- c. A guardian shall be permitted a minimum fee of \$500.
- d. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another; nor will an investment of funds of the final distribution of unexpended balances to a ward at the close of a guardianship be considered as expenditures.

2. For purposes of computing a guardian's compensation as herein provided, the fair market value of the principal shall be determined by the guardian as of the last day of the month the guardian is appointed and annually thereafter, or such other date the Court may approve upon application. The compensation so determined may be charged during the ensuing year. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.

3. Additional compensation, reimbursement for expenses incurred by a guardian, as well as, for compensation of a guardian of the person only may be fixed by the Court upon application. The Court may require that any application for compensation be set for hearing and that notice of the hearing be given to interested parties as ordered by the Court.

4. The compensation of co-guardians, including when separate parties are appointed as guardian of person and guardian of the estate shall not exceed the compensation that would be allowed to one guardian. In the event that the co-guardians cannot agree on the division of the compensation, the Court shall determine an equitable allocation of any guardian compensation awarded.

5. Compensation for services as guardian of an indigent ward may be paid from the Indigent Guardianship Fund in accordance with the Court's then standing procedural order.

6. Except for good cause shown, neither compensation for a guardian, nor fees to the attorney representing such guardian, will be allowed while such guardian is delinquent in filing an inventory, account, or Guardian's Report. The Court may deny or reduce compensation if there is such a delinquency or failure to faithfully discharge the duties of fiduciary.

RULE 74.1 Trustee Compensation

1. Except where the instrument creating the trust makes provision for compensation, the annual fee charged by a trustee appointed by this Court for ordinary services performed in connection with the administration of each separate trust estate shall not exceed the following:

2. An amount to be computed on the fair market value of the principal of the trust property in accordance with the following schedule.

- a. \$10.00 per \$1,000.00 on the first \$1,000,000.00.
- b. \$7.50 per \$1,000.00 on the next \$2,000,000.00.
- c. \$5.00 per \$1,000.00 on the next \$2,000,000.00.
- d. \$4.00 per \$1,000.00 on the balance.

3. The trustee may charge a minimum fee of \$500.00.

4. Such compensation shall be charged one-half to income and one-half to principal, unless otherwise provided in the instrument creating the trust or applicable law.

5. For the purpose of computing the trustee's compensation as herein provided, the fair market value of the principal of the trust property shall be determined by the trustee as of the last day of the month of the original receipt by the trustee of the trust property and annually thereafter, or such other date the Court may approve upon application. At the option of the trustee, fee valuations may be made on a monthly or quarterly basis, each valuation to be coordinated with the original annual valuation date as selected by the trustee. If this option is selected by the trustee, the trustee must continue to compute the fee on the monthly or quarterly valuation basis, unless approved by the Court upon application.

6. Additional compensation for extraordinary services may be allowed upon application. The Court may require that the application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 73(E). The notice shall contain a statement of amount of the compensation sought.

7. The compensation of co-trustees in the aggregate shall not exceed the compensation which would have been payable if only one trustee had been acting, except in the following instances:

- a. Where the instrument under which the co-trustees are acting provides otherwise; or
- b. Where all the interested parties have consented in writing to the amount of the co-trustees compensation, and the consent is endorsed on the trustees account or evidenced by separate instrument filed therewith.

8. A separate schedule of the computation of trustee's compensation shall be shown in the trustees account as a condition of its approval.

9. Except for good cause shown, neither compensation of a trustee nor fees to the counsel representing the trustee will be allowed while the trustee is delinquent in filing an account required by RC 2109.303.

10. Every corporate trustee shall provide the Court with a copy of its fee schedule by the 1st day of January of each year. Corporate trustee shall also immediately provide the court with a copy of any revisions made during the year.

Superintendence Rule 75

Local Rules

RULE 75.1: Self-Representation

This Rule applies to all persons who represent themselves in any probate matter in our Court without an attorney.

A. Right to Self-Represent

All persons desiring to represent themselves in any probate proceeding are permitted to do so unless otherwise instructed by the Court.

B. Application of Rules

In order to assure the fair and impartial administration of justice, the Court will hold self-represented persons to the same standards as apply to attorneys and persons represented by attorneys in probate proceedings. All applicable statutes, rules, regulations and policies apply equally to self-represented persons and to persons represented by attorneys.

C. Acknowledgement

All self-represented persons must sign and file a self-representation acknowledgement verifying that they understand their rights and responsibilities when engaging in a probate proceeding without legal representation. In particular, but without limitation, the acknowledgement will confirm the self-represented person's understanding that the Court and its deputy clerks are not permitted to provide any legal advice to any person under any circumstances. Self-represented persons must file the acknowledgement form with the initial filings.

D. Later representation

Self-represented persons may retain an attorney to represent them at any point during a probate proceeding. Upon receiving a notice of appearance from the attorney, the Court will grant accommodations that are reasonably necessary to enable the attorney to become familiar with the case, to the extent that the accommodations do not prejudice the rights of any other person or entity with an interest in the proceeding.

RULE 78.1: Case Management in Decedent's Estates, Guardianships and Trusts

1. A Certificate of Service of Notice of Probate of Will, Form 2.4, shall be filed no later than two months after the appointment of the fiduciary, unless the Court grants an extension of that time.

2. The guardian of an estate shall file an account at least once each year. The guardian of an incompetent adult shall file a Guardian's Report with the Court no later than two years after the date of the issuance of the Guardian's Letters of Appointment and biennially thereafter.

3. If an estate is not fully administered within two years, the judge will determine whether court intervention is necessary. If the Court schedules a status conference, the parties may participate telephonically with prior approval of the Court.

4. The trustee of a testamentary trust shall file an account with the Court no later than two years after the date of the issuance of the Trustee's Letters of Authority and biennially thereafter. A list of the current beneficiaries of the trust shall be filed with the account.

5. The fiduciary shall sign all applications, including a continuance to extend the time for filing an inventory, account, or Guardian's Report.

6. Upon citation to the attorney of record for a fiduciary who is delinquent in filing an inventory, account, or Guardian's Report, the Court may bar the attorney from opening any new cases in any new proceeding until all delinquent pleadings are filed.

RULE 78.2: Case Management and Pre-Trial Procedure for Civil Actions

1. After service has been perfected on all parties, the Court may set a scheduling conference for the case.

2. A scheduling conference may be conducted in all civil cases, except land sale proceedings, and parties may participate by telephone with prior approval of the Court.

3. Notice of the scheduling conference shall be given to all counsel of record and pro se litigants by mail, facsimile, e-mail and/or by telephone by the Court not less than fourteen (14) days prior to the conference, unless otherwise ordered by the court. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

4. The following decisions shall be made at the scheduling conference and all counsel attending must have full authority to enter into a binding pretrial order.

- a. A discovery schedule shall be agreed upon by all parties and/or set by the Court for the completion of discovery.
- b. A date for exchange for expert witnesses shall be determined.
- c. A date for filing of all motions and pretrial statements which date shall not be later than seven (7) days before the formal pretrial.
- d. The date for the formal pretrial shall be set by the Court and shall be held approximately one week prior to the trial.
- e. A trial date will be set.

5. The following decisions shall be made at the formal pretrial and all counsel attending must have full authority to enter into a binding final pretrial order:

- a. Briefs on any legal issues shall be submitted.
- b. Proposed jury instructions shall be submitted.
- c. Proposed jury interrogatories shall be submitted.
- d. Clients shall be present or available by telephone.
- e. No motions shall be heard after the formal pretrial without leave of Court and without good cause being shown in writing.

6. The trial date shall not be changed nor shall the trial be continued without order of the Court and after the showing of good cause in writing.

RULE 78.3: Jury Management Plan

I. OPPORTUNITY FOR SERVICE.

The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in this jurisdiction.

II. JURY SOURCE LIST

1. The jury source list shall be obtained from the Board of Elections' list of registered voters.

2. The Pike County jury commissioners appointed by the Pike County Court of Common Pleas shall select the electors in accordance with the rules of practices of that court. The jury source list shall be representative and inclusive of the adult population of Pike County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate correction action.

III. RANDOM SELECTION PROCEDURES

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner as set forth in the Rules of Practice of the Pike County Court of Common Pleas.

IV. ELIGIBILITY FOR SERVICE

1. All persons are eligible for jury service except those who:
 - a. Are less than 18 years of age.
 - b. Are not citizens of the United States
 - c. Are not residents of Pike County
 - d. Are not able to communicate in the English language
 - e. Have been convicted of a felony and not had their civil rights restored.

2. The Pike County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in Rules of Practice of the Pike County Court of Common Pleas.

V. TERM OF AN AVAILABILITY OF JURY SERVICE

1. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

2. Jurors for probate court cases are to report to the jury commissioner's office in the Pike County Court of Common Pleas in accordance with the procedures of the jury commissioner.

3. The probate judge's staff shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

VI. EXEMPTION, EXCUSE AND DEFERRAL

1. There shall be no automatic excuses or exemptions with the exception of statutory exemptions as set forth in the Ohio Revised Code.

2. Persons who no longer reside in Pike County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.

3. The term of juror service is to be determined by the Pike County jury commissioner.

4. The term of service shall be at a minimum sufficient to complete the trial in juvenile court in which the juror is impaneled.

5. The probate court judge presiding over the trial has the discretion to grant excused or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

VII. VOIR DIRE

1. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.

2. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which jury selection is to begin.

3. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

4. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with purpose of voir dire process.

5. In all cases the voir dire process shall be held on the record.

VIII. REMOVAL OF THE JURY PANEL FOR CAUSE

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

IX. PEREMPTORY CHALLENGES

Rules determining procedure for peremptory challenges shall be in accord with the Ohio Rules of Civil and Criminal Procedure adopted by the Supreme Court of Ohio and applicable statutory authority.

X. ADMINISTRATION OF THE JURY SYSTEM

1. The responsibility for administration of the jury system is vested in the court and the jury commissioner.

2. All procedures concerning jury selection and service shall be governed by applicable Ohio rules as promulgated by the various courts.

3. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

XI. NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the Rules of Practice of the Pike County Court of Common Pleas and are administered by the chief deputy jury commissioner.

XII. MONITORING THE JURY SYSTEM

The chief deputy jury commissioner shall collect and analyze information regarding the performance of the jury system as is set forth in the Rules of Practice of the Pike County Court of Common Pleas.

XIII. JUROR USE

1. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.
2. The chief deputy jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

XIV. JURY FACILITIES

1. The Court shall provide an adequate and suitable environment for jurors.
2. Jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the court.
3. To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel and the public.

XV. JUROR COMPENSATION

1. Persons called for jury service shall receive compensation as established by the Pike County Commissioners pursuant to R.C. 2313.34.
2. Such fees shall be paid promptly.

3. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

XVI. JUROR ORIENTATION AND INSTRUCTION

1. The jury commissioner's office shall conduct a juror orientation program that is:

- a. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, and
- b. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

2. The court shall provide some form of orientation or instructions to persons called for service upon first appearance in the court and upon reporting to the courtroom for voir dire.

3. The trial judge should:

- a. Give preliminary instructions to all prospective jurors.
- b. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
- c. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be following during deliberations, and on the appropriate method for reporting the results of its deliberations. The instructions should be made available to the jurors during deliberations.
- d. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.
- e. Use written instructions when feasible.
- f. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
- g. Before dismissing a jury at the conclusion of a case, the trial

judge should:

- (1). Release the jurors from their duty of confidentiality;
- (2). Explain their rights regarding inquiries from counsel or the press;
- (3). Either advise them that they are discharged from service or specify where they must report; and,
- (4). Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

XVIII. JURY DELIBERATION

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.

2. The judge should instruct the jury concerning appropriate procedures during deliberations.

3. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required.

4. Training should be provided to personnel who escort and assist jurors during deliberations.

XIX. SEQUESTRATION OF JURORS

1. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.

2. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.

3. The judge's courtroom staff and the juvenile court administrator shall have the responsibility to provide for the safety and comfort of the jurors.

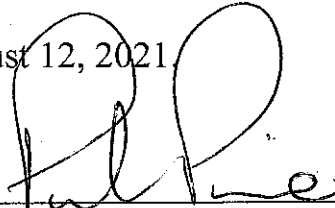
4. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.

5. Training shall be provided to court personnel who escort and assist sequestered jurors.

IMPLEMENTATION, EFFECTIVE DATE, AND RESERVATIONS

The court reserves the right to deviate from these rules by court order in any case. Such court order shall operate as a local court rule for purposes of that case and that case only.

These Rules shall be effective August 12, 2021.

A handwritten signature in black ink, appearing to read 'Paul Price', written over a horizontal line.

PAUL PRICE

Judge, Court of Common Pleas
Probate Division of Pike County

PROBATE COURT OF PIKE COUNTY, OHIO
Paul Price, Judge

ELECTRONIC COVER PAGE

Case Caption: _____

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Attorney

Attorney's Typed or Printed Name

Address

City State Zip

Telephone Number (include area code)

Attorney's e-mail address

Attorney Registration No. _____