

**PROPOSED AMENDMENTS TO THE  
RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS**

**Comments requested:** The Supreme Court of Ohio will accept public comments until October 26, 2016, on the following proposed amendments to the Ohio Rules of Civil Procedure (4.2, 19.1, 30, 33, 34, 36, 62, and Civil Form 1), the Ohio Rules of Criminal Procedure (5, 6, 32.2, and proposed 42), the Ohio Rules of Evidence (103), the Ohio Rules of Appellate Procedure (11.1 and 19), and the Ohio Traffic Rules (16).

**Authority:** The proposed amendments are being considered by the Supreme Court pursuant to Article IV, Section 5(B) of the Ohio Constitution, as proposed by the Commission on the Rules of Practice and Procedure in Ohio Courts and pursuant to the document styled “Process for Amending the Rules of Practice and Procedure in Ohio Courts” as set forth on the following page.

**Purpose of Publication:** The Supreme Court has authorized the publication of the proposed amendments for public comment. The authorization for publication by the Court is neither an endorsement of, nor a declaration of intent to approve the proposed amendments. The purpose of the publication is to invite the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments.

**Comment Contact:** Comments on the proposed amendments must be submitted in writing to Jess Mosser, Policy Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or [Jesse.Mosser@sc.ohio.gov](mailto:Jesse.Mosser@sc.ohio.gov) and received no later than October 26, 2016. Please include your full name and regular mailing address in any comment submitted by e-mail. Copies of all comments submitted will be provided to each member of the Commission on the Rules of Practice and Procedure and each Justice of the Supreme Court.

**Comment Deadline:** Comments must be submitted no later than October 26, 2016.

**Staff Notes:** A Staff Note may follow a proposed amendment. Staff Notes are prepared by the Commission on the Rules of Practice and Procedure. Although the Supreme Court uses the Staff Notes during its consideration of proposed amendments, the Staff Notes are not adopted by the Supreme Court and are not a part of the rule. As such, the Staff Notes represent the views of the Commission on the Rules of Practice and Procedure and not necessarily those of the Supreme Court. The Staff Notes are not filed with the General Assembly, but are included when the proposed amendments are published for public comment and are made available to the appropriate committees of the General Assembly.

## **PROCESS FOR AMENDING THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS**

In 1968 the citizens of Ohio approved proposed amendments to Article IV of the Ohio Constitution granting the Supreme Court, among other duties, rule-making authority for the judicial branch of Ohio government. These amendments are widely known as the Modern Courts Amendment.

Pursuant to this rule-making authority, the Supreme Court has created the Commission on the Rules of Practice and Procedure (“Commission”). The Commission consists of nineteen members, including judges as nominated by the six judges’ associations, and members of the practicing bar appointed by the Supreme Court. The Commission reviews and recommends amendments to the Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, Rules of Juvenile Procedure, and Rules of Evidence.

In the fall of each year, the Commission submits to the Supreme Court proposed amendments to the rules of practice and procedure that it recommends take effect the following July 1. The Supreme Court then authorizes the publication of the rules for public comment. The authorization by the Court of the publication of the proposed amendments is neither an endorsement of, nor a declaration of, intent to approve the proposed amendments. It is an invitation to the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments. The public comments are reviewed by the Commission which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court. Pursuant to Article IV, Section 5(B) of the Ohio Constitution, if the proposed amendments are to take effect by July 1, the Supreme Court is required to file the proposed amendments with the General Assembly by January 15.

Once the proposed amendments are filed with the General Assembly they are published by the Supreme Court for a second round of public comment. The Court’s authorization of a second round of publication for public comment is neither an endorsement of, nor a declaration of intent to approve the proposed amendments. As with the first round of publication, it is an approval inviting the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effects of the proposed amendments. Once the second round of public comments is ended, the comments are reviewed by the Commission which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court for final consideration.

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Supreme Court has until April 30 of each year to accept all or any provision of the proposed amendments, and file with the General Assembly the amendments which the Court approves. The General Assembly has until June 30 to issue a concurrent resolution of disapproval for all or any portion of a

proposed amendment the Supreme Court has proposed. If a concurrent resolution of disapproval is not issued by that date, the proposed amendments become effective July 1.

Below is a summary of the proposed amendments. In addition to the substantive amendments, nonsubstantive grammar and gender-neutral language changes are made throughout any rule that is proposed for amendment.

## **SUMMARY**

### **1. OHIO RULES OF CIVIL PROCEDURE**

#### ***Civ.R. 4.2—Allowing Service Through Secretary of State in Certain Instances***

The Commission recommends amendments to Civ.R. 4.2 to allow for service to be made upon certain persons by serving the Secretary of State. These certain persons would be address confidentiality “program participants” as defined by the recently enacted R.C. 111.41 to 111.99. Program participants include victims of domestic violence and other persons who would be at risk of harm should their address be disclosed.

#### ***Civ.R. 19.1—Adding Adult Emancipated Child Loss of Consortium Cases to Compulsory Joinder List***

The Commission recommends the amendment of Civ.R. 19.1 so as to include adult emancipated children making claims for loss of consortium with an injured parent. Parties holding such a claim would be joined in any personal injury case involving injury to the parent.

#### ***Civ.R. 30(C)—Any Party May Examine Deponent, at Any Deposition***

The Commission recommends amendments to Civ.R. 30(C) which clarify that any party at a deposition may examine the deponent, regardless of who actually called the deposition. The proposed amendment also requires that the parties bear pro rata the recording and transcription costs of the deposition. The proposed amendment also strengthens language requiring that any objections be made in a nonargumentative and nonsuggestive manner.

#### ***Civ.R. 33, 34, and 36 —Eliminating the Service of Written Discovery at Same Time as Complaint***

The Commission recommends amendments to Civ.R. 33, 34, and 36 that would disallow the service of written discovery requests contemporaneous with service of the initial complaint. Under the current rules, a party may submit to a clerk’s office their complaint and any written discovery request to be served simultaneously. The proposed amendments would require that the initial complaint be served before any written discovery requests could be initiated.

#### ***Civ.R. 62—Allowing for Immediate Stay of Judgment***

The Commission recommends amendments to Civ.R. 62 to provide that a court may issue a stay of judgment – or stay of proceedings to enforce that judgment – upon a party’s motion any time after the judgment was issued. Under the current rule, a judgment cannot be stayed until a party files a motion for a new trial, judgment notwithstanding the verdict, or relief from judgment under Civ.R. 60(B). These amendments would allow the trial court to stay a judgment without a party having to prepare a full post-judgment motion.

#### ***Civil Form 1 —Summons***

The Commission recommends that the Civil Form summons be amended to include information about attorney referral services and legal aid. Furthermore, portions of the form were translated into multiple languages. This form is found below in both a “strikethrough” version that shows any removed language and a “clean” version that shows only the proposed amendments.

## **2. OHIO RULES OF CRIMINAL PROCEDURE**

### ***Crim.R. 5—Clarifying a Full Transcript is Unnecessary in Bindover to Common Pleas Court***

The Commission proposes an amendment to Crim.R. 5(B)(7) that would clarify that, in cases bound over from Municipal Court to Common Pleas Court, a verbatim written record of any proceedings is not required to be transmitted. This is done by replacing the term “transcript” with “record.” A staff note is also proposed to elaborate on the reason for the word change.

### ***Crim.R. 6—Reforming the Processes Used to Record Grand Jury Proceedings and Who May Access Those Records***

The Commission proposes amendments to Crim.R. 6 that would address various pieces of the grand jury system. First, the amendments would establish a new procedure for obtaining grand jury records. In the event that a grand jury does not return an indictment, any person may request that the records from that case be released. Should the court determine that request meets certain benchmarks set forth in the rule, a hearing will be held as to the release of the records. The prosecutor shall have the opportunity to be heard at this hearing, and it will be conducted in camera. At such a hearing, the court will consider various factors set forth by the rule.

Additionally, these amendments would further specify exactly which grand jury functions – such as testimony, questions, or legal advice to jurors – is considered part of the “grand jury record.” The amendments also clarify which office shall keep those records.

### ***Crim.R. 32.2—Allowing for Waiver of Presentence Investigation***

The Commission proposes an amendment to Crim.R. 32.2 that would allow the waiver of a presentence investigation upon the agreement of the defendant and the prosecutor before the



imposition of community control sanctions. The trial court would retain the ability to order a presentence investigation regardless of whether the parties agreed to waive. This amendment was proposed at the request of the General Assembly, which recently passed legislation allowing for such a waiver of the presentence investigation.

***Crim.R. 42—Post-Conviction Review of Capital Cases; Appointment of Experts***

The Commission recommends the creation of Crim.R. 42 to establish clear procedures for receiving and ruling upon motions for post-conviction relief in capital cases. This proposed rule makes clear the level of access parties would have to discovery materials in post-conviction capital cases.

The rule would also establish a new procedure for indigent defendants to request the appointment of experts in capital cases. The defendant would make the request for an expert – under seal and ex parte should they request as much – to the trial court. The trial court would then rule on the request and would be required to make specific written findings should they deny a request. Any appeal of an order related to appointed experts would be governed by App.R. 11.1, set forth below.

**3. OHIO RULES OF EVIDENCE**

***Evid.R. 103—No Need to Repeat Objection Once Court Rules on the Record***

The Commission recommends amendments to Evid.R. 103 to make explicitly clear that, once a court has ruled on an objection, on the record either before or after trial, that there no need to renew the objection for purposes of appeal.

**4. OHIO RULES OF APPELLATE PROCEDURE**

***App.R. 11.1—Accelerated Appeal of Order for Experts in Death Penalty Case***

The Commission presents proposed amendment to App.R. 11.1 that requires that any order appointing experts in a death penalty case, under the newly proposed Crim.R. 42, be placed on the appellate court's accelerated calendar. It also requires such an appeal, upon defense counsel's request, to be under seal and conducted ex parte.

***App.R. 19—No Page/Word Limits for Appeals of Post-Conviction Review in Death Penalty Cases***

The Commission presents proposed amendment to App.R. 19 that requires that no page limits or word counts be placed on briefs in proceedings for post-conviction review of a capital case, as defined in newly-proposed Crim.R. 42. Crim.R. 42 expressly excludes direct appeal to the Supreme Court from the definition of "post-conviction review of a capital case."

5. **OHIO TRAFFIC RULES**

*Traf.R. 16—Addressing Judicial Conduct of Mayors Operating Mayor’s Courts*

The Commission recommends amendment of Traf.R. 16 so as to remove reference to the Ohio Code of Judicial Conduct. Instead, the amendment would require that all mayors comply with Mayor’s Court Education and Procedure Rules 3(A)(1)(f) and 4(A)(1)(h). These are the specific rules that require ethics training for mayors who hear criminal cases in a mayor’s court.

1       **PROPOSED AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE**

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4                   **OHIO RULES OF CIVIL PROCEDURE**

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6       **RULE 4.2     Process: Who May be Served**

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8               **[Existing language unaffected by the amendments is omitted to conserve space]**

9               (O)     Upon any governmental entity not mentioned above by serving the person, officer,  
10       group or body responsible for the administration of that entity or by serving the appropriate legal  
11       officer, if any, representing the entity. Service upon any person who is a member of the "group"  
12       or "body" responsible for the administration of the entity shall be sufficient.

13               Service of process pursuant to Civ.R. 4 through 4.6, except service by publication as  
14       provided in Civ.R. 4.4(A), may be made upon an address confidentiality program participant, as  
15       defined by R.C. 111.41 to 111.99, by serving the Secretary of State.

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17                   **Proposed Staff Note (July 1, 2017 Amendment)**

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19               At the request made by the Legislature in Section 3 of H.B. No. 359, as introduced on  
20       October 6, 2015, the 2017 amendment adds a final paragraph to the rule to allow service of  
21       process to be made upon an address confidentiality program participant, as defined by R.C.  
22       111.41 to 111.99, by serving the Secretary of State as the program participant's agent.

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25       **RULE 19.1   Compulsory Joinder**

26               **(A)   Persons to be joined.** A person who is subject to service of process shall be  
27       joined as a party in the action, except as provided in division (B) of this rule, if the person has an  
28       interest in or a claim arising out of the following situations:

29               (1)     Personal injury or property damage to the person or property of the decedent  
30       which survives the decedent's death and a claim for wrongful death to the same decedent if  
31       caused by the same wrongful act;

32               (2)     Personal injury or property damage to a spouse and a claim of the other spouse for  
33       loss of consortium or expenses or property damage if caused by the same wrongful act;

34               (3)     Personal injury or property damage to a minor and a claim of the parent or  
35       guardian of the minor for loss of consortium or expenses or property damage if caused by the  
36       same wrongful act;

37               (4)     Personal injury or property damage to an employee or agent and a claim of the  
38       employer or principal for property damage if caused by the same wrongful act;

39           (5) Personal injury to a parent and a claim of an adult emancipated child of the parent  
40 for loss of parental consortium if caused by the same wrongful act.

41           If the person has not been so joined, the court, subject to division (B) of this rule, shall  
42 order that the person be made a party upon timely assertion of the defense of failure to join a  
43 party as provided in Civ.R. 12(B)(7). If the defense is not timely asserted, waiver is applicable as  
44 provided in Civ.R. 12(G) and (H). If the person should join as a plaintiff but refuses to do so, the  
45 person may be made a defendant, or, in a proper case, an involuntary plaintiff. In the event that  
46 such joinder causes the relief sought to exceed the jurisdiction of the court, the court shall certify  
47 the proceedings in the action to the court of common pleas.

48           **(B) Exception to compulsory joinder.** If a party to the action or a person described  
49 in s division (A) shows good cause why that person should not be joined, the court shall proceed  
50 without requiring joinder.

51           **(C) Pleading reasons for nonjoinder.** A pleading asserting a claim for relief shall  
52 state the names, if known to the pleader, of any persons as described in divisions (A)(1), (2), (3),  
53 or (4) of this rule who are not joined, and the reasons why they are not joined.

54           **(D) Exception of class actions.** This rule is subject to the provisions of ~~Rule~~ Civ.R.  
55 23.

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58                           **Proposed Staff Note (July 1, 2017 Amendment)**

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60           Civ.R. 19.1(A)(5). Claims of adult emancipated children for loss of parental consortium.  
61  
62           In *Rolf v. Tri State Motor Transit Co.*, 91 Ohio St.3d 380, 2001-Ohio-44, the Supreme Court of  
63 Ohio held that adult emancipated children may recover under Ohio law for the loss of parental  
64 consortium caused by injuries to a parent. The 2017 amendments add those claims to the claims  
65 enumerated under Civ.R. 19.1(A). The amendments also make other nonsubstantive changes.  
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68           **RULE 30. Depositions upon oral examination**

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70           **[Existing language unaffected by the amendments is omitted to conserve space]**

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72           **(C) Examination and cross-examination; record of examination; oath;**  
73 **objections; written questions.**

74           **(1) Examination and cross-examination.** Each party at the deposition may examine the  
75 deponent without regard to which party served notice or called the deposition, each party to bear  
76 pro rata the recording and transcription costs of that party's examination. In all other respects the  
77 examination and cross-examination of witnesses a deponent may proceed as permitted they  
78 would at the trial under the Ohio Rules of Evidence, except Evid.R. 103 and Evid.R. 615. The  
79 officer before whom the deposition is to be taken shall put the witness on oath or affirmation and

80 personally, or by someone acting under the officer's direction and in the officer's presence, shall  
81 record the testimony of the witness. The testimony shall be taken stenographically or recorded  
82 by any other means designated in accordance with division (B)(3) of this rule. If requested by  
83 one of the parties, the testimony shall be transcribed. After putting the deponent under oath or  
84 affirmation, the officer shall record the testimony by the method designated under Civ.R.  
85 30(B)(3). The testimony shall be recorded by the officer personally or by a person acting in the  
86 presence and under the direction of the officer.

87 (2) Objections. ~~All objections made~~ An objection made at the time of the examination  
88 ~~to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the~~  
89 ~~evidence presented, or to the conduct of any party, and any other objection to the proceedings,~~  
90 ~~whether to evidence, a party's conduct, to the officer's qualifications, to the manner of taking the~~  
91 ~~deposition, or to any other aspect of the deposition shall be noted by the officer upon the~~  
92 ~~deposition. Evidence objected to shall be taken subject to the objections on the record, but the~~  
93 ~~examination still proceeds, the testimony taken subject to any objection. An objection shall be~~  
94 ~~stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a~~  
95 ~~deponent not to answer only when necessary to preserve a privilege, to enforce a limitation~~  
96 ~~ordered by a court, or to present a motion under Civ.R. 30(D).~~

97 (3) Participating through written questions. ~~In lieu~~ Instead of participating in the oral  
98 examination, ~~parties~~ a party may serve written questions in a sealed envelope on the party taking  
99 noticing the deposition, and require him to transmit who must deliver them to the officer, who  
100 shall propound them to the witness. The officer must ask the deponent those questions and  
101 record the answers verbatim.

102 [Existing language unaffected by the amendments is omitted to conserve space]

103

104 **Staff Notes (July 1, 2017 Amendments)**

105  
106 Civ.R. 30(C). Examination and cross-examination; objections.

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108 The 2017 amendments adopt the 2007 stylistic changes to Fed.R.Civ.P. 30(c). In adopting those  
109 federal stylistic changes, the amendments also add provisions of the federal rule addressing the  
110 manner of making objections and the circumstances under which an instruction not to answer a  
111 question may be given. These additional provisions are consistent with the guidelines entitled:  
112 *Professionalism Dos and Don'ts: Depositions*, first published by the Ohio Supreme Court's  
113 Commission on Professionalism in 2012.

114  
115 The amendments also add an introductory sentence to Civ.R. 30(C), which specifies that each  
116 party at the deposition may examine the deponent without regard to which party served notice or  
117 called the deposition, each party to bear the recording and transcription costs of that party's  
118 examination. Although this introductory sentence is not found in the current federal rule, the  
119 provision is consistent with federal practice. See, *Powell v. Time Warner Cable, Inc.*, Case No.  
120 2:09-CV-00600 (S.D. Ohio Nov. 2, 2010) (order partially granting motion to compel); *Smith v.*  
121 *Logansport Community School*, 139 F.R.D. 637, 642 (N.D. Ind 1991).

122

123 **RULE 33. Interrogatories to Parties**

124 **(A) Availability; procedures for use.** Any party, without leave of court, may serve  
125 upon any other party up to forty written interrogatories to be answered by the party served. A  
126 party serving interrogatories shall serve the party with an electronic copy of the interrogatories.  
127 The electronic copy shall be reasonably useable for word processing and provided on computer  
128 disk, by electronic mail, or by other means agreed to by the parties. A party who is unable to  
129 provide an electronic copy of the interrogatories may seek leave of court to be relieved of this  
130 requirement. A party shall not propound more than forty interrogatories to any other party  
131 without leave of court. Upon motion, and for good cause shown, the court may extend the  
132 number of interrogatories that a party may serve upon another party. For purposes of this rule,  
133 any subpart propounded under an interrogatory shall be considered a separate interrogatory.

134 (1) If the party served is a public or private corporation or a partnership or  
135 association, the organization shall choose one or more of its proper employees, officers, or  
136 agents to answer the interrogatories, and the employee, officer, or agent shall furnish information  
137 as is known or available to the organization.

138 (2) Interrogatories, without leave of court, may be served upon the plaintiff after  
139 commencement of the action and upon any other party ~~with or~~ after service of the summons and  
140 complaint upon the party.

141 (3) Each interrogatory shall be answered separately and fully in writing under oath,  
142 unless it is objected to, in which event the reasons for objection shall be stated in lieu of an  
143 answer. The party upon whom the interrogatories have been served shall quote each  
144 interrogatory immediately preceding the corresponding answer or objection. When the number  
145 of interrogatories exceeds forty without leave of court, the party upon whom the interrogatories  
146 have been served need only answer or object to the first forty interrogatories. The answers are to  
147 be signed by the person making them, and the objections signed by the attorney making them.  
148 The party upon whom the interrogatories have been served shall serve a copy of the answers and  
149 objections within a period designated by the party submitting the interrogatories, not less than  
150 twenty-eight days after the service of the interrogatories or within such shorter or longer time as  
151 the court may allow.

152 **(B) Scope and use at trial.** Interrogatories may relate to any matters that can be  
153 inquired into under Civ. R. 26(B), and the answers may be used to the extent permitted by the  
154 rules of evidence.

155 The party calling for such examination shall not thereby be concluded but may rebut it by  
156 evidence.

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161  
162 **Proposed Staff Note (July 1, 2017 Amendments)**  
163

164 Civ.R. 33(A)(2). Service of interrogatories.  
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166 The rule is amended to permit service of interrogatories on parties other than the plaintiff  
167 only after service of the summons and complaint upon that party and to disallow service of  
168 interrogatories with service of the summons and complaint.  
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170  
171 **RULE 34. Producing documents, electronically stored information, and tangible things,**  
172 **or entering onto land, for inspection and other purposes.**  
173

174 (A) **Scope.** Subject to the scope of discovery provisions of Civ. R. 26(B), any party  
175 may serve on any other party a request to produce and permit the party making the request, or  
176 someone acting on the requesting party's behalf (1) to inspect and copy any designated  
177 documents or electronically stored information, including writings, drawings, graphs, charts,  
178 photographs, sound recordings, images, and other data or data compilations stored in any  
179 medium from which information can be obtained that are in the possession, custody, or control  
180 of the party upon whom the request is served; (2) to inspect and copy, test, or sample any  
181 tangible things that are in the possession, custody, or control of the party upon whom the request  
182 is served; (3) to enter upon designated land or other property in the possession or control of the  
183 party upon whom the request is served for the purpose of inspection and measuring, surveying,  
184 photographing, testing, or sampling the property or any designated object or operation on the  
185 property.

186 (B) **Procedure.** Without leave of court, the request may be served upon the plaintiff  
187 after commencement of the action and upon any other party ~~with or~~ after service of the summons  
188 and complaint upon that party. The request shall set forth the items to be inspected either by  
189 individual item or by category and describe each item and category with reasonable particularity.  
190 The request shall specify a reasonable time, place, and manner of making the inspection and  
191 performing the related acts. The request may specify the form or forms in which electronically  
192 stored information is to be produced, but may not require the production of the same information  
193 in more than one form.  
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195 [Existing language unaffected by the amendments is omitted to conserve space]  
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198 **Proposed Staff Note (July 1, 2017 Amendments)**  
199

200 Civ.R. 34(B). Service of requests for production.  
201

202 The rule is amended to permit service of requests for production on parties other than the  
203 plaintiff only after service of the summons and complaint upon that party and to disallow service  
204 of requests for production with service of the summons and complaint.  
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207 **RULE 36. Requests for Admission**

208 (A) **Availability; procedures for use.** A party may serve upon any other party a  
209 written request for the admission, for purposes of the pending action only, of the truth of any  
210 matters within the scope of Civ.R. 26(B) set forth in the request, that relate to statements or  
211 opinions of fact or of the application of law to fact, including the genuineness of any documents  
212 described in the request. Copies of documents shall be served with the request unless they have  
213 been or are otherwise furnished or made available for inspection and copying. The request may,  
214 without leave of court, be served upon the plaintiff after commencement of the action and upon  
215 any other party ~~with or~~ after service of the summons and complaint upon that party. A party  
216 serving a request for admission shall serve the party with an electronic copy of the request for  
217 admission. The electronic copy shall be reasonably useable for word processing and provided on  
218 computer disk, by electronic mail, or by other means agreed to by the parties. A party who is  
219 unable to provide an electronic copy of a request for admission may seek leave of court to be  
220 relieved of this requirement.

221 [Existing language unaffected by the amendments is omitted to conserve space]

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**Proposed Staff Note (July 1, 2017 Amendments)**

225

226 Civ.R. 36(A). Requests for admission.

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228 The rule is amended to permit service of requests for admission on parties other than the  
229 plaintiff only after service of the summons and complaint upon that party and to disallow service  
230 of requests for admission with service of the summons and complaint.

231

232

233 **RULE 62. Stay of Proceedings to Enforce a Judgment**

234 (A) **Stay on motion ~~for new trial or for~~ after judgment.** In its discretion and on  
235 such conditions for the security of the adverse party as are proper, the court may, upon motion  
236 made any time after judgment, stay the execution of ~~any that~~ judgment or stay any proceedings to  
237 enforce ~~the~~ judgment ~~pending the disposition of a motion until the time for moving~~ for a new  
238 trial under Civ.R. 59, or a motion moving for relief from a judgment or order ~~made pursuant to~~  
239 Rule under Civ.R. 60, or of a motion moving for judgment notwithstanding the verdict ~~made~~  
240 pursuant to Rule under Civ. R. 50, or filing a notice of appeal, and during the pendency of any  
241 motion under Civ.R. 50, Civ.R. 59, or Civ.R. 60.

242 (B) **Stay upon appeal.** When an appeal is taken the appellant may obtain a stay of  
243 execution of a judgment or any proceedings to enforce a judgment by giving an adequate  
244 supersedeas bond. The bond may be given at or after the time of filing the notice of appeal. The  
245 stay is effective when the supersedeas bond is approved by the court.



246

247           **(C) Stay in favor of the government.** When an appeal is taken by this state or  
248 political subdivision, or administrative agency of either, or by any officer thereof acting in his  
249 representative capacity and the operation or enforcement of the judgment is stayed, no bond,  
250 obligation or other security shall be required from the appellant.

251           **(D) Power of appellate court not limited.** The provisions in this rule do not limit  
252 any power of an appellate court or of a judge or justice thereof to stay proceedings during the  
253 pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency  
254 of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of  
255 the judgment subsequently to be entered.

256           **(E) Stay of judgment as to multiple claims or multiple parties.** When a court has  
257 ordered a final judgment under the conditions stated in Rule 54(B), the court may stay  
258 enforcement of that judgment until the entering of a subsequent judgment or judgments and may  
259 prescribe such conditions as are necessary to secure the benefit thereof to the party in whose  
260 favor the judgment is entered.

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262                                   **Proposed Staff Note (July 1, 2017 Amendments)**

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264           Civ.R. 62(A). Stay on motion after judgment.

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266           The rule is amended to allow a party to move to stay execution of judgment, or any  
267 proceedings to enforce the judgment, at any time after entry of judgment, including before any  
268 relief under Civ.R. 50, 59, or 60 is sought or an appeal is filed, as well as during the pendency of  
269 any motion seeking relief under Civ.R. 50, 59, or 60.

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273                                   **OHIO RULES OF CRIMINAL PROCEDURE**

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275           **RULE 5. Initial Appearance, Preliminary Hearing**

276                                   **[Existing language unaffected by the amendments is omitted to conserve space]**

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278           **(B) Preliminary hearing in felony cases; procedure.**

279           (1) In felony cases a defendant is entitled to a preliminary hearing unless waived in  
280 writing. If the defendant waives preliminary hearing, the judge or magistrate shall forthwith  
281 order the defendant bound over to the court of common pleas. Except upon good cause shown,  
282 any misdemeanor, other than a minor misdemeanor, arising from the same act or transaction  
283 involving a felony shall be bound over or transferred with the felony case. If the defendant does  
284 not waive the preliminary hearing, the judge or magistrate shall schedule a preliminary hearing  
285 within a reasonable time, but in any event no later than ten consecutive days following arrest or  
286 service of summons if the defendant is in custody and not later than fifteen consecutive days  
following arrest or service of summons if the defendant is not in custody. The preliminary

287 hearing shall not be held, however, if the defendant is indicted. With the consent of the  
288 defendant and upon a showing of good cause, taking into account the public interest in the  
289 prompt disposition of criminal cases, time limits specified in this division may be extended. In  
290 the absence of such consent by the defendant, time limits may be extended only as required by  
291 law, or upon a showing that extraordinary circumstances exist and that delay is indispensable to  
292 the interests of justice.

293 (2) At the preliminary hearing the prosecuting attorney may state orally the case for  
294 the state, and shall then proceed to examine witnesses and introduce exhibits for the state. The  
295 defendant and the judge or magistrate have full right of cross-examination, and the defendant has  
296 the right of inspection of exhibits prior to their introduction. The hearing shall be conducted  
297 under the rules of evidence prevailing in criminal trials generally.

298 (3) At the conclusion of the presentation of the state's case, defendant may move for  
299 discharge for failure of proof, and may offer evidence on the defendant's own behalf. If the  
300 defendant is not represented by counsel, the court shall advise the defendant, prior to the offering  
301 of evidence on behalf of the defendant:

302 (a) That any such evidence, if unfavorable to the defendant in any particular, may be  
303 used against the defendant at later trial.

304 (b) That the defendant may make a statement, not under oath, regarding the charge,  
305 for the purpose of explaining the facts in evidence.

306 (c) That the defendant may refuse to make any statement, and such refusal may not  
307 be used against the defendant at trial.

308 (d) That any statement the defendant makes may be used against the defendant at  
309 trial.

310 (4) Upon conclusion of all the evidence and the statement, if any, of the accused, the  
311 court shall do one of the following:

312 (a) Find that there is probable cause to believe the crime alleged or another felony has  
313 been committed and that the defendant committed it, and bind the defendant over to the court of  
314 common pleas of the county or any other county in which venue appears.

315 (b) Find that there is probable cause to believe that a misdemeanor was committed  
316 and that the defendant committed it, and retain the case for trial or order the defendant to appear  
317 for trial before an appropriate court.

318 (c) Order the accused discharged.

319 (d) Except upon good cause shown, any misdemeanor, other than a minor  
320 misdemeanor, arising from the same act or transaction involving a felony shall be bound over or  
321 transferred with the felony case.

(5) Any finding requiring the accused to stand trial on any charge shall be based solely on the presence of substantial credible evidence thereof. No appeal shall lie from such decision and the discharge of defendant shall not be a bar to further prosecution.

(6) In any case in which the defendant is ordered to appear for trial for any offense other than the one charged the court shall cause a complaint charging such offense to be filed.

(7) Upon the conclusion of the hearing and finding, the court or the clerk of such court, shall, within seven days, complete all notations of appearance, motions, pleas, and findings on the criminal docket of the court, and shall transmit a ~~transcript~~ record of the appearance docket entries, together with a copy of the original complaint and affidavits, if any, filed with the complaint, the journal or docket entry of reason for changes in the charge, if any, together with the order setting bail and the bail including any bail deposit, if any, filed, to the clerk of the court in which defendant is to appear. Such ~~transcript~~ record shall contain an itemized account of the costs accrued.

(8) A municipal or county court retains jurisdiction on a felony case following the preliminary hearing, or a waiver thereof, until such time as a ~~transcript~~ record of the appearance, docket entries, and other matters required for transmittal are filed with the clerk of the court in which the defendant is to appear.

#### **Proposed Staff Note (July 1, 2017 Amendments)**

##### **Crim. R. 5(B)(7)**

The term “record” has been substituted for the previous term “transcript” in describing the compilation of appearance docket entries that the court or clerk of courts shall transmit in connection with a felony bindover. This is not a substantive change. The previous term “transcript” was potentially confusing because it was not being used in the common parlance of a verbatim written record of the words actually spoken in court.

#### **RULE 6. The Grand Jury**

**(A) Summoning grand juries.** The judge of the court of common pleas for each county, or the administrative judge of the general division in a multi-judge court of common pleas or a judge designated by him, shall order one or more grand juries to be summoned at such times as the public interest requires. The grand jury shall consist of nine members, including the foreman, ~~plus not more than five~~ and a number of alternates as provided in division (G) of this rule.

##### **(B) Objections to grand jury and to grand jurors.**

**(1) Challenges.** The prosecuting attorney, or the attorney for a defendant who has been held to answer in the court of common pleas, may challenge the array of jurors or an individual juror on the ground that the grand jury or individual juror was not selected, drawn, or

361 summoned in accordance with the statutes of this state. Challenges shall be made before the  
362 administration of the oath to the jurors and shall be tried by the court.

363       **(2) Motion to dismiss.** A motion to dismiss the indictment may be based on  
364 objections to the array or on the lack of legal qualification of an individual juror, if not  
365 previously determined upon challenge. An indictment shall not be dismissed on the ground that  
366 one or more members of the grand jury were not legally qualified, if it appears from the record  
367 kept pursuant to subdivision (C) that seven or more jurors, after deducting the number not legally  
368 qualified, concurred in finding the indictment.

369       **(C) Foreman Foreperson and deputy foreman foreperson.** The court may appoint  
370 any qualified elector or one of the jurors to be ~~foreman~~ foreperson and one of the jurors to be  
371 deputy ~~foreman~~ foreperson. The foreperson shall be a member of the grand jury for all purposes,  
372 including voting. The ~~foreman~~ foreperson shall have power to administer oaths and affirmations  
373 and shall sign all indictments. ~~He~~ The foreperson or another juror designated by ~~him~~ the  
374 foreperson shall keep a record of the number of jurors concurring in the finding of every  
375 indictment and shall, upon the return of the indictment, file the record of concurrence with the  
376 clerk of court, but the for inclusion with the record of the proceedings filed pursuant to division  
377 (1)(2) of this rule. The record of concurrence shall not be made public except ~~on order of the~~  
378 court as provided in division (J) of this rule. During the absence or disqualification of the  
379 ~~foreman~~ foreperson, the deputy ~~foreman~~ foreperson shall act as ~~foreman~~ foreperson.

380       **(D) Who may be present.** The prosecuting attorney, the witness under examination,  
381 interpreters when needed, and, a court reporter or other person designated by the court for the  
382 purpose of taking the evidence, ~~a stenographer or operator of a recording device and preparing a~~  
383 record of the proceedings may be present while the grand jury is in session, but no person other  
384 than the jurors may be present while the grand jury is deliberating or voting.

385       **(E) Secrecy of proceedings and disclosure.** ~~Deliberations of the grand jury and the~~  
386 ~~vote of any grand juror shall not be disclosed. Disclosure of other matters occurring before the~~  
387 ~~grand jury may be made to the prosecuting attorney for use in the performance of his duties. A~~  
388 ~~grand juror, prosecuting attorney, interpreter, stenographer, operator of a recording device, or~~  
389 ~~typist who transcribes recorded testimony, may disclose matters occurring before the grand jury,~~  
390 ~~other than the deliberations of a grand jury or the vote of a grand juror, but may disclose such~~  
391 ~~matters only when so directed by the court preliminary to or in connection with a judicial~~  
392 ~~proceeding, or when permitted by the court at the request of the defendant upon a showing that~~  
393 ~~grounds may exist for a motion to dismiss the indictment because of matters occurring before the~~  
394 ~~grand jury. No grand juror, officer of the court, or other person shall disclose that an indictment~~  
395 ~~has been found against a person before such indictment is filed and the case docketed. The court~~  
396 ~~may direct that an indictment shall be kept secret until the defendant is in custody or has been~~  
397 ~~released pursuant to Rule 46. In that event the clerk shall seal the indictment, the indictment~~  
398 ~~shall not be docketed by name until after the apprehension of the accused, and no person shall~~  
399 ~~disclose the finding of the indictment except when necessary for the issuance of a warrant or~~  
400 ~~summons. No obligation of secrecy may be imposed upon any person except in accordance with~~  
401 ~~this rule.~~

402 **(F) Finding and return of indictment.** An indictment may be found only upon the  
403 concurrence of seven or more jurors. When so found the ~~foreman~~ foreperson or deputy ~~foreman~~  
404 foreperson shall sign the indictment as ~~foreman~~ foreperson or deputy ~~foreman~~ foreperson. The  
405 indictment shall be returned by the ~~foreman~~ foreperson or deputy ~~foreman~~ foreperson to a judge  
406 of the court of common pleas and filed with the clerk who shall endorse thereon the date of filing  
407 and enter each case upon the appearance and trial dockets. If the defendant is in custody or has  
408 been released pursuant to ~~Rule~~ Crim.R. 46 and seven jurors do not concur in finding an  
409 indictment, the ~~foreman~~ foreperson shall so report to the court forthwith.

410 **~~(G)~~(F) Discharge and excuse.** A grand jury shall serve until discharged by the court. A  
411 grand jury may serve for four months, but the court upon a showing of good cause by the  
412 prosecuting attorney may order a grand jury to serve more than four months but not more than  
413 nine months. The tenure and powers of a grand jury are not affected by the beginning or  
414 expiration of a term of court. At any time for cause shown the court may excuse a juror either  
415 temporarily or permanently, and in the latter event the court may impanel another eligible person  
416 in place of the juror excused.

417 **~~(H)~~(G) Alternate grand jurors.** The court may order that ~~not more than five grand~~  
418 jurors, in addition to the regular grand jury, be called, impaneled, and sit as alternate grand  
419 jurors. Unless provided otherwise by local court rule, the number of alternate jurors shall not  
420 exceed five. Alternate ~~grand~~ jurors, in the order in which they are called, shall replace ~~grand~~  
421 jurors who, prior to the time the grand jury votes on an indictment, are found to be unable or  
422 disqualified to perform their duties. Alternate ~~grand~~ jurors shall be drawn in the same manner,  
423 shall have the same qualifications, shall be subjected to the same examination and challenges,  
424 shall take the same oath, and shall have the same functions, powers, facilities, and privileges as  
425 the regular ~~grand~~ jurors. Alternate ~~grand~~ jurors may sit with the regular grand jury, but shall not  
426 be present when the grand jury deliberates and votes.

427 **(H) Secrecy of matters occurring before the grand jury.**

428 **(1) General.** Except as provided in divisions (H)(2) through (4) and (J)(1) through  
429 (3) of this rule, matters occurring before a grand jury shall not be disclosed.

430 **(2) Disclosure to prosecuting attorney.** Matters occurring before a grand jury, other  
431 than the deliberations of the grand jury and the vote of a juror, may be disclosed to the  
432 prosecuting attorney for use in the performance of the duties of the prosecuting attorney,  
433 provided the prosecuting attorney shall not disclose such matters unless ordered or directed  
434 otherwise by a court.

435 **(3) Disclosure by direction or permission of the court.** A grand juror, prosecuting  
436 attorney, interpreter, court reporter, operator of a recording device, or typist who transcribes  
437 recorded testimony may disclose matters occurring before the grand jury, other than the  
438 deliberations of the grand jury and the vote of a juror, when directed by the court in either of the  
439 following instances:

440 **(a) Preliminary to or in connection with a judicial proceeding:**

441 (b) At the request of the defendant upon a showing that grounds may exist for a  
442 motion to dismiss the indictment because of matters occurring before the grand jury.

443 (4) **Disclosure of indictment.** A juror, officer of the court, or other person shall not  
444 disclose that an indictment has been found against a person before the indictment is filed and the  
445 case docketed pursuant to division (E) of this rule. The court may direct that an indictment shall  
446 be kept secret until the defendant is in custody or has been released pursuant to Crim.R. 46. No  
447 obligation of secrecy may be imposed upon any person except in accordance with this rule.

448 (I) **Record of the Grand Jury Proceedings.**

449 (1) **Creation.**

450 (a) A court reporter or other person designated by the court shall prepare a record of  
451 the grand jury proceedings. The record shall consist of a recording of the proceedings prepared  
452 by stenographic means, phonographic means, photographic means, audio electronic recording  
453 devices, or video recording systems. The record shall include all of the following information:

454 (i) The name and number of the proceedings;

455 (ii) The charge to the grand jury;

456 (iii) The names of witnesses appearing before the grand jury;

457 (iv) Instructions given or statements made by the court and the prosecuting attorney;

458 (v) Each question asked of and response given by a witness;

459 (vi) Statements or questions made by a juror during the proceeding, provided the  
460 name or identity of the juror shall not be recorded.

461 (b) The record of the grand jury proceedings shall not include a recording of the  
462 deliberations of the grand jury, the vote of individual jurors, or the names of the jurors.

463 (2) **Filing.** The court reporter or other person designated by the court shall file the  
464 record of the grand jury proceedings under seal with the clerk of the court after the conclusion of  
465 the proceedings.

466 (J) **Release of the Record of Grand Jury Proceedings.**

467 (1) **Public access exemption.** The record of the grand jury proceedings shall be  
468 exempt from public access pursuant to Sup.R. 44 through 47 and not released, except as provided  
469 in divisions (J)(2) and (3) of this rule.

470 (2) **Release to prosecuting attorney.** A clerk of the court may release the record of  
471 the grand jury proceedings or portions thereof to the prosecuting attorney for use in the  
472 performance of the duties of the prosecuting attorney, provided the prosecuting attorney shall not  
473 release the record or portions thereof unless ordered or directed otherwise by a court.

474 (3) **Other release.**

475           (a) After the record of the grand jury proceedings in which a no-true bill was returned  
476 or the proceedings concluded without an indictment is filed with a clerk of the court pursuant to  
477 division (I)(2) of this rule, any person may file a written petition seeking the release of the record  
478 or portions thereof of the proceedings in which a no-true bill was returned or the proceedings  
479 concluded without an indictment. The petition shall state with particularity the reason for which  
480 it is made and how the presumption of secrecy is outweighed by the public interest in disclosure  
481 and transparency.

482           (b) If the prosecutor sought to indict two or more suspects in the grand jury  
483 proceedings for the same offense or offenses and at least one suspect is indicted, the court shall  
484 not consider the petition until the offense or offenses have been resolved by dismissal; plea,  
485 including a plea to a lesser offense; finding of guilt; or acquittal.

486           (c) If the court finds the petition does not meet the requirements of division (J)(3)(a)  
487 of this rule, the court shall deny the petition.

488           (d) If the court finds the petition meets the requirements of division (J)(3)(a) of this  
489 rule, the court shall schedule a hearing on the petition. The court shall notify the requestor and  
490 the prosecuting attorney. The court shall hold the hearing in camera so as to prevent unnecessary  
491 disclosure of a matter occurring before the grand jury.

492           (e) Following the hearing, the court may order release of the record or portions  
493 thereof if it finds by clear and convincing evidence that each of the following conditions are met:

494               (i) The presumption of secrecy is outweighed by the public interest in disclosure and  
495 transparency;

496               (ii) A significant number of members of the general public in the county in which the  
497 grand jury was drawn and impaneled are currently aware that a criminal investigation was  
498 conducted in connection with the subject matter of the grand jury proceedings;

499               (iii) A significant number of members of the general public in the county in which the  
500 grand jury was drawn and impaneled are currently aware of the identity of the suspect in the  
501 grand jury proceedings.

502           (f) Prior to releasing the record or portions thereof, the court shall give the  
503 prosecuting attorney a reasonable opportunity to request redaction of any information the release  
504 of which could do any of the following:

505               (i) Identify grand jurors;

506               (ii) Endanger the health, safety, or welfare of witnesses appearing before the grand  
507 jury, the members of the grand jury, other persons who are part of the proceedings, or other  
508 persons who may be endangered by the release of the record;

509               (iii) Compromise an ongoing criminal investigation or other criminal proceeding that  
510 is not yet public;

- (iv) Alert the suspect in a grand jury investigation of that investigation or the existence of an indictment not yet perfected;
- (v) Create a miscarriage of justice;
- (vi) Prejudice the right of a co-defendant to a fair trial.
- (g) The court may charge its actual costs, as defined by Sup.R. 44(A), incurred in releasing the record of the grand jury proceedings or portions thereof. The court may require a deposit of the estimated actual costs.

**RULE 32.2 Presentence Investigation**

~~It~~ Unless the defendant and the prosecutor in the case agree to waive the presentence investigation report, the court shall, in felony cases the court shall, and in misdemeanor cases the court may, order a presentence investigation and report before imposing community control sanctions or granting probation. The court may order a presentence investigation report notwithstanding the agreement to waive the report. In misdemeanor cases the court may order a presentence investigation before granting probation.

**RULE 42. Capital Cases and Post-Conviction Review of Capital Cases**

**(A) Definitions.** As used in this rule:

(1) “Capital cases” means all cases in which an indictment or count in an indictment charges the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in R.C. 2929.03(A).

(2) “Post-conviction review of a capital case” means any post-conviction proceedings reviewing the conviction or sentence in any case in which the death penalty has been imposed, other than direct appeal to the Supreme Court of Ohio.

**(B) General.**

(1) This rule shall apply to all capital cases and post-conviction review of a capital case.

(2) The clerk shall accept for filing, and the court shall rule on, any properly presented motion.

(3) In all proceedings involving a post-conviction review of a capital case, both of the following shall apply:

(a) The court shall state specifically why each claim was either denied or granted;



(b) There shall be no page limitations or word count limitations for the petition filed with the common pleas court.

(C) **Access file material.** In a capital case and post-conviction review of a capital case, the prosecuting attorney and the defense attorney shall, upon request, be given full and complete access to all documents, statements, writings, photographs, recordings, evidence, reports, or any other file material in possession of the state related to the case, provided materials not subject to disclosure pursuant to Crim.R. 16(J) shall not be subject to disclosure under this rule.

(D) **Pretrial and post-trial conferences.** In a capital case and post-conviction review of a capital case, the trial court shall conduct all pretrial and post-trial conferences on the record.

**(E) Experts.**

(1) The trial court is the appropriate authority for the appointment of experts for indigent defendants in all capital cases and in post-conviction review of a capital case.

(2) All decisions pertaining to the appointment of experts shall be made on the record at a pretrial conference. Upon request by defense counsel, the demand for the appointment of an expert shall be made in camera and ex parte, and the order concerning the appointment shall be under seal.

(3) Upon establishing counsels' respective compliance with discovery obligations, the trial court shall decide the issue of appointment of experts, including projected expert fees, the amount of time to be applied to the case, and incremental fees as the case progresses. The trial court shall make written findings as to the basis of any denial.

(4) The appeal of an order regarding appointment of experts shall be governed by App.R. 11.1.

**OHIO RULES OF EVIDENCE**

**Evid R. 103 Rulings on evidence**

**(A) Effect of erroneous ruling**

Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected; and

(1) **Objection.** In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

594           **(2) Offer of proof.** In case the ruling is one excluding evidence, the substance of the  
595 evidence was made known to the court by offer or was apparent from the context within which  
596 questions were asked. Offer of proof is not necessary if evidence is excluded during cross-  
597 examination.

598           Once the court rules definitely on the record, either before or at trial, a party need not  
599 renew an objection or offer of proof to preserve a claim of error for appeal.

600

601           **(B) Record of offer and ruling**

602           At the time of making the ruling, the court may add any other or further statement which  
603 shows the character of the evidence, the form in which it was offered, the objection made, and  
604 the ruling thereon. It may direct the making of an offer in question and answer form.

605           **(C) Hearing of jury**

606           In jury cases, proceedings shall be conducted, to the extent practicable, so as to prevent  
607 inadmissible evidence from being suggested to the jury by any means, such as making statements  
608 or offers of proof or asking questions in the hearing of the jury.

609           **(D) Plain error**

610           Nothing in this rule precludes taking notice of plain errors affecting substantial rights  
611 although they were not brought to the attention of the court.

612

613

614

**OHIO RULES OF APPELLATE PROCEDURE**

615

616 **RULE 11.1 Accelerated Calendar**

617

618           **(A) Applicability.** If a court of appeals has adopted an accelerated calendar by local  
619 rule, cases designated by its rule shall be placed on an accelerated calendar. The Ohio Rules of  
620 Appellate Procedure shall apply with the modifications or exceptions set forth in this rule.

621

622           The accelerated calendar is designed to provide a means to eliminate delay and  
623 unnecessary expense in effecting a just decision on appeal by the recognition that some cases do  
624 not require as extensive or time consuming procedure as others.

625

626           In all capital cases, as defined in Crim.R. 42, the appeal of an order regarding  
627 appointment of experts shall, upon request by defense counsel, be under seal and conducted ex  
628 parte and shall be handled pursuant to an accelerated calendar under this rule and local rules  
629 adopting an accelerated calendar.

630

631           **[Existing language unaffected by the amendments is omitted to conserve space]**

632

633

634 **RULE 19. Form of Briefs and Other Papers**

635  
636 (A) **Form of briefs.** Briefs may be typewritten or be produced by standard  
637 typographic printing or by any duplicating or copying process which produces a clear black  
638 image on white paper. Carbon copies of briefs may not be submitted without permission of the  
639 court, except in behalf of parties allowed to proceed in forma pauperis. All printed matter must  
640 appear in at least a twelve point type on opaque, unglazed paper. Briefs produced by standard  
641 typographic process shall be bound in volumes having pages 6 1/8 by 9 1/4 inches and type  
642 matter 4 1/6 by 7 1/6 inches. Those produced by any other process shall be bound in volumes  
643 having pages not exceeding 8 1/2 by 11 inches and type matter not exceeding 6 1/2 by 9 1/2  
644 inches, with double spacing between each line of text except quoted matter which shall be single  
645 spaced. Where necessary, briefs may be of such size as required to utilize copies of pertinent  
646 documents.

647  
648 Without prior leave of court, no initial brief of appellant or cross-appellant and no answer  
649 brief of appellee or cross-appellee shall exceed thirty-five pages in length, and no reply brief  
650 shall exceed fifteen pages in length, exclusive of the table of contents, table of cases, statutes and  
651 other authorities cited, and appendices, if any. A court of appeals, by local rule, may adopt  
652 shorter or longer page limitations. In all proceedings involving post-conviction review of a  
653 capital case, as defined in Crim.R. 42, there shall be no page limitations or word count  
654 limitations.

655  
656 The front covers of the briefs, if separately bound, shall contain: (1) the name of the  
657 court and the number of the case; (2) the title of the case [see App. R. 11(A) ]; (3) the nature of  
658 the proceeding in the court (e.g., Appeal) and the name of the court below; (4) the title of the  
659 document (e.g., Brief for Appellant); and (5) the names and addresses of counsel representing  
660 the party on whose behalf the document is filed.

661  
662 [Existing language unaffected by the amendments is omitted to conserve space]

663  
664  
665 **OHIO TRAFFIC RULES**

666  
667  
668 **RULE 16. Judicial Conduct**

669  
670 ~~The Code of Judicial Conduct as adopted by the Supreme Court applies to all judges and~~  
671 ~~mayors.~~

672  
673 It shall be the obligation of each mayor to conduct ~~his~~ court and ~~his~~ any professional and  
674 personal relationships in accordance with the same standards as are required of judges of courts  
675 of record. Mayors shall comply with Mayor's Court Education and Procedure Rules 3(A)(1)(f)  
676 and 4(A)(1)(h).

COURT OF COMMON PLEAS  
~~FRANKLIN~~ \_\_\_\_\_ COUNTY, OHIO

To the following named ~~defendants~~ defendant(s):

You have been named defendant(s) in a complaint filed in \_\_\_\_\_ County  
Court of Common Pleas, \_\_\_\_\_ County Court House, \_\_\_\_\_ Ohio 43215, by  
as a defendant in this Court. The Plaintiff(s) has filed a lawsuit against you. A copy of the  
Complaint is attached. The Plaintiff's attorney and that attorney's address are:

[illegible]

~~plaintiff(s). A copy of the complaint is attached hereto. The name and address of the plaintiff's attorney is \_\_\_\_\_~~

~~\_\_\_\_\_ You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint within twenty-eight days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the plaintiff's attorney.~~

~~\_\_\_\_\_ If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the complaint.~~

You must deliver to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) a written Answer to the Complaint within 28 days; Civil Rule 5 explains the ways that you may deliver the Answer ( <http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf> ). You must then file a copy of the Answer with this Court within three days after you serve it on the Plaintiff(s). If you fail to serve and file an Answer, the Court may enter judgment against you for the relief requested in the Complaint.

You may wish to hire an attorney to represent you. Because this is a civil suit, the Court cannot appoint an attorney for you. If you need help to find a lawyer, contact a local bar association and request assistance.

\_\_\_\_\_  
Clerk, Court of Common Pleas,  
\_\_\_\_\_  
County, Ohio

Date: \_\_\_\_\_

By Clerk: \_\_\_\_\_  
Deputy

\*\*\*Multilingual notice:

You have been named as a defendant in this Court. You must file an answer within 28 days; if you fail to answer, the Court may enter judgment against you for the relief stated in the Complaint. Seek assistance from both an interpreter and an attorney. Your inability to understand, write, or speak English will not be a defense to possible judgment against you.

## **1. Spanish (US)**

\*\*\*Aviso multilingüe:

Este Tribunal lo ha declarado como acusado. Debe presentar una respuesta en un plazo de 28 días. Si no contesta en dicho plazo, el Tribunal podrá dictar sentencia en su contra por el amparo que se detalla en la demanda. Solicite la ayuda de un intérprete y de un abogado. Su incapacidad para comprender, escribir o hablar inglés no se considerará como defensa ante una posible sentencia en su contra.

## **2. Somali**

\*\*\*Ogeysiis luqadda badan ah:

Waxaa lagu magacaabay sida eedeysane gudaha Maxkamadan. Waa in aad ku soo gudbisaa jawaab 28 maalmood gudahood; haddii aad ku guuldareysto jawaabta, Maxkamada laga yaabo in ay gasho xukun adiga kaa soo horjeedo ee ka nasashada lagu sheegay Cabashada. Raadi caawinta ka timid labadaba turjubaanka iyo qareenka. Karti la'aantaada aad ku fahmo, ku qoro, ama ku hadasho Af Ingiriisiga ma noqon doonto difaacida xukunkaaga suuralka ah ee adiga kugu lidka ah.

## **3. Russian**

\*\*\*Уведомление на разных языках:

Вы были названы в качестве ответчика в данном суде. Вы должны предоставить ответ в течение 28 дней; если Ваш ответ не будет получен, суд может вынести решение против Вас и удовлетворить содержащиеся в жалобе требования. Воспользуйтесь услугами переводчика и адвоката. Тот факт, что Вы не понимаете английскую речь и не можете читать и писать по-английски, не является препятствием для возможного вынесения судебного решения против Вас.

## **4. Arabic**

\*\*\*ملاحظة متعددة اللغات:

لقد تم اعتبارك مدعى عليه في هذه المحكمة. يجب أن تقدم ردًا خلال 28 يومًا؛ وإذا لم تقم بالرد، فقد تصدر المحكمة حكمًا ضحك بالتعويض المنصوص عليه في هذه الشكوى القضائية. اطلب المساعدة من مترجم فوري ومحام. فلن تُعد عدم قدرتك على فهم اللغة الإنجليزية أو كتابتها أو تحدثها دفاعًا لك أمام الحكم المحتمل ضحك.

**5. Chinese (Simplified)**

**\*\*\*多語版本通知：**

您在本法庭已被列为被告。您必须于

28

日内递交答辩状；如果没有递交答辩状，法庭会针对诉状中声明的补救措施对您作出不利判决。请向口译人员和律师寻求帮助。您无法理解、书写或说英语的情况不能作为对您可能作出不利判决的辩护理由。

**Note**

The caption above designates the particular paper as a "SUMMONS." The particular pleading or paper should contain an appropriate designation, thus: "COMPLAINT," "ANSWER," etc. A more specific designation in a caption is also appropriate, thus: "MOTION TO INTERVENE AS A DEFENDANT."

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**[Existing language unaffected by the amendments is omitted to conserve space]**

**FORM 1. CAPTION AND SUMMONS**

COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

|                          |   |                |
|--------------------------|---|----------------|
| _____                    | ) | Case No. _____ |
| <u>[Street Address]</u>  | ) | Judge _____    |
| <u>[City, State Zip]</u> | ) |                |
| Plaintiff                | ) |                |
| v.                       | ) | SUMMONS        |
| _____                    | ) |                |
| <u>[Street Address]</u>  | ) |                |
| <u>[City, State Zip]</u> | ) |                |
| Defendant                | ) |                |

To the following named defendant(s):

|             |                |
|-------------|----------------|
| Name: _____ | Address: _____ |
| _____       | _____          |
| _____       | _____          |
| _____       | _____          |

You have been named as a defendant in this Court. The Plaintiff(s) has filed a lawsuit against you. A copy of the Complaint is attached. The Plaintiff's attorney and that attorney's address are: \_\_\_\_\_

You must deliver to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) a written Answer to the Complaint within 28 days; Civil Rule 5 explains the ways that you may deliver the Answer (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>). You must then file a copy of the Answer with this Court within three days after you serve it on the Plaintiff(s). If you fail to serve and file an Answer, the Court may enter judgment against you for the relief requested in the Complaint.

You may wish to hire an attorney to represent you. Because this is a civil suit, the Court cannot appoint an attorney for you. If you need help to find a lawyer, contact a local bar association and request assistance.

Date: \_\_\_\_\_ Clerk: \_\_\_\_\_



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#### **\*\*\*Multilingual notice:**

You have been named as a defendant in this Court. You must file an answer within 28 days; if you fail to answer, the Court may enter judgment against you for the relief stated in the Complaint. Seek assistance from both an interpreter and an attorney. Your inability to understand, write, or speak English will not be a defense to possible judgment against you.

#### **1. Spanish (US)**

##### **\*\*\*Aviso multilingüe:**

Este Tribunal lo ha declarado como acusado. Debe presentar una respuesta en un plazo de 28 días. Si no contesta en dicho plazo, el Tribunal podrá dictar sentencia en su contra por el amparo que se detalla en la demanda. Solicite la ayuda de un intérprete y de un abogado. Su incapacidad para comprender, escribir o hablar inglés no se considerará como defensa ante una posible sentencia en su contra.

#### **2. Somali**

##### **\*\*\*Ogeysiis luqadda badan ah:**

Waxaa lagu magacaabay sida eedeysane gudaha Maxkamadan. Waa in aad ku soo gudbisaa jawaab 28 maalmood gudahood; haddii aad ku guuldareysto jawaabta, Maxkamada laga yaabo in ay gasho xukun adiga kaa soo horjeedo ee ka nasashada lagu sheegay Cabashada. Raadi caawinta ka timid labadaba turjubaanka iyo qareenka. Karti la'aantaada aad ku fahmo, ku qoro, ama ku hadasho Af Ingiriisiga ma noqon doonto difaacida xukunkaaga suuralka ah ee adiga kugu lidka ah.

### 3. Russian

\*\*\*Уведомление на разных языках:

Вы были названы в качестве ответчика в данном суде. Вы должны предоставить ответ в течение 28 дней; если Ваш ответ не будет получен, суд может вынести решение против Вас и удовлетворить содержащиеся в жалобе требования. Воспользуйтесь услугами переводчика и адвоката. Тот факт, что Вы не понимаете английскую речь и не можете читать и писать по-английски, не является препятствием для возможного вынесения судебного решения против Вас.

### 4. Arabic

\*\*\*ملاحظة متعددة اللغات:

لقد تم اعتبارك مدعى عليه في هذه المحكمة. يجب أن تقدم ردًا خلال 28 يومًا؛ وإذا لم تقم بالرد، فقد تصدر المحكمة حكمًا ضدك بالتعويض المنصوص عليه في هذه الشكوى القضائية. اطلب المساعدة من مترجم فوري ومحام. فلن تُعد عدم قدرتك على فهم اللغة الإنجليزية أو كتابتها أو تحدثها دفاعًا لك أمام الحكم المحتمل ضدك.

### 5. Chinese (Simplified)

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