

RULE 11: Pleadings and other papers

(A) Pleadings and other papers shall be typewritten or printed on 8 1/2 x 11 inch paper. All pleadings and others papers for General Division civil cases assigned an "A" case number classification SHALL be filed electronically in accordance with Local Rule 34 unless the party is proceeding pro se. Depositions, administrative records, trial transcripts and other large, multi-page filings are exempted from this requirement.

(B) Civil: Case Classification and Attorney Notification Forms. Criminal: Counsel retained, co-counsel retained and counsel appointed.

1. No complaint in a civil case shall be accepted for filing unless accompanied by a completed classification form. The trial attorney must indicate on this form the following information:

a. The classification of the case being filed.

A party may only check ONE type of civil case on the classification form. Whether the present complaint reflects a previously filed and dismissed case and, if so, the original case number and originally assigned judge's name.

Trial attorney name (printed) and Supreme Court number.

2. Whenever an attorney makes the first appearance in a civil case, that attorney shall complete an attorney notification form.

3. Whenever an attorney makes a first appearance in a criminal case, that attorney shall complete one of the following entries:

Counsel retained

Co-counsel retained

Counsel appointed

4. Whenever an attorney has a change in official mailing address, that attorney shall complete and file a new attorney notification form.

5. The Clerk of Courts shall furnish such forms at the Issue Desk in the form approved by the Joint Session. (Amended June 1, 1999)

(C) All pleadings and other papers shall be identified by a title which shall contain the name and party designation of the person filing it, the nature of the pleading or paper, the identification number of the attorney, and the assigned judge's name. For General Division civil cases assigned an "A" case number classification, no paper copies of the filing(s) need be provided by the party to the Clerk of Courts. Clerk of Courts personnel will provide assistance for parties proceeding pro se.

Originals of papers or pleadings in this Court shall not be withdrawn from the file. (Amended January 1, 1983)

(D) A transcript of proceedings which has been filed with the Clerk of Courts, or exhibits in any pending case, shall not be taken from the custody of the Clerk of Courts or the official shorthand

reporter, without written consent of the judge to whom the case is assigned, or the Presiding Judge.

(E) Unless otherwise ordered by the trial judge, all exhibits offered and admitted into evidence in the trial of a cause shall be kept in the custody of the official shorthand reporter for one year after the making of a final order in such cause. If no appeal has been taken within such time, the official shorthand reporter shall notify the trial attorney offering such exhibits to present an entry authorizing the withdrawal of them. If no such entry is presented, the official shorthand reporter, with the consent of the trial judge, may make such disposition of exhibits in the reporter's possession as is warranted. By entry, the trial judge, after hearing, may order an accurate photograph or photographs substituted for a physical exhibit. Such exhibit shall then be returned to the offering party. If a final order has been made on appeal, and no further proceedings have been had within one year from the date of such final order, the Clerk of Courts, with the consent of the trial judge, may make such disposition of exhibits as is ordered by the Court. With respect to videotape depositions, the Clerk of Courts shall release the original recording and the edited recording to the owner of the videotape upon Order of the Court pursuant to Superintendence Rule 12(E). Should the owner fail to claim said videotape deposition within thirty days of notice of a Court Order of Release, the Clerk of Courts may dispose of such tape in the manner deemed proper. Notice of the Order of Release shall be by ordinary mail to the last known owner of the videotape recording. (Amended July 1, 1990)

(F) When any court paper, file or page from the books of any public official is offered in evidence, a photocopy thereof shall be furnished forthwith by the party offering the same, and the original returned to the lawful custodian thereof. Photocopies of any other document may, with the trial judge's approval, be substituted for the originals as exhibits.

(G) Application for transcripts on appeal or if otherwise ordered of criminal or civil matters by counsel of record shall be only for that portion of the record necessary to illustrate the error(s) claimed or as may be required. The official shorthand reporter shall transcribe only as much of the proceedings as specifically ordered in writing by counsel of record. Counsel so making the request shall also advise on the same day all opposing counsel of that written request to the reporter of those positions ordered.

(H) Mental Capacity. 1) In case a person is found incompetent to stand trial under provisions of Revised Code 2945.38(C), the Court Administrator is designated to file an affidavit as a ministerial function in the Probate Court certifying the appropriate finding or findings of this Court. In the absence of the Court Administrator the Assistant Court Administrator for the Common Pleas General Division is designated for this purpose. (Amended September 17, 1982)

2. The Clerk of Courts shall notify the Court Administrator within 24 hours of the filing of such findings by any judge of this Court.

3. In any case where the court has appointed an examiner pursuant to Revised Code Section 2945.37 et seq, said examiner shall transmit said report to the Court Administrator of this Court. The Court Administrator shall distribute copies of said report to the assigned judge, the appropriate prosecutor, and defense counsel, as required by the statute and the Court Administrator shall further deliver the original report to the clerk for filing. The clerk shall maintain said reports in a separate place under lock and key and shall keep such reports in a

confidential fashion except as ordered by a judge of a Court of Common Pleas, or upon the request of a party to the proceedings or their legal counsel, or at the request of the Court of Appeals. The receipt of this filing shall be clearly entered in the clerk's journal, and in the event of an appeal, an appropriate document should be reflected in the transcript of the dockets, records and journal entries that the Clerk of the Court of Appeals has said confidential evaluation reports under lock and key with instructions as to where the Appellate Court may obtain them in the same manner as exhibits in an appellate case. (Amended December 15, 1986)

(I) Any motion or other paper filed with the Court, other than those which are required to contain a certificate of service by counsel pursuant to Ohio Civil Rule 5 shall contain a statement by counsel filing same indicating whether there is opposing counsel, whether opposing counsel has been informed of the filing, and whether there is objection to the actions sought. (Amended September 17, 1982)

(J) In accordance with Superintendence Rule 12(C) the official videotape format for the General Division of the Common Pleas Court is VHS 1/2 inch video cassette format at a tape speed of 1-6/16 I.P.S. (standard play). In addition to the requirements of Rule Superintendence 12, a written transcript of the deposition shall be filed when the video tape is filed, unless waived by the Court. Additionally, all video tapes shall be labeled to identify the overall length (in hours and minutes) of the video tape.

Playback equipment is maintained by this Court and is available for use at trial upon application at least twenty-four hours in advance to the Court Administrator and may be operated by an employee of this Court. Nothing in this Rule shall be construed to deny either party the ability to contract individually with a private court reporting firm, for the use of their equipment and/or personnel. However, where private firms are used no portion of such fee will be borne by the Court. (Amended effective August 1, 1991).

(K) In order to provide remote public access to Court records the Hamilton County Clerk of Courts publishes certain court records on the Clerk's web site www.courtclerk.org.

1. The Clerk of Courts may provide remote public access over the internet to the following classes and formats of court records:

- a. Litigant/Party indexes to civil and criminal cases filed with the court searchable by party name, judge, date filed or case number.
- b. Register of actions or dockets showing a list of what documents have been filed in a case.
- c. Calendars of cases scheduled before the various courts or judges, searchable by case no., party, attorney, judge, or room and time.
- d. Judgments, orders, or decrees in a case searchable by party or case number.
- e. Liens affecting title to real estate.
- f. Images of documents filed in a case not otherwise excluded from remote public access by this rule, court order, or upon request of the parties in accordance with paragraph 4 or 5 below.

2. The Clerk of Courts shall not provide remote public access over the internet to the following classes and formats of court records:

- a. Trial exhibits,
- b. Transcripts of court proceedings or Grand Jury proceedings
- c. Jury venires, questionnaires, seating charts, or verdict forms.
- d. Traffic Tickets, Criminal Warrants, Criminal Affidavits, Police referral records, or any other document routinely containing social security numbers.
- e. Criminal bond records that contain personal and financial information regarding the surety.
- f. Applications for Civil protections orders that are pending and the index thereto, until a final order is granted.
- g. Domestic Relations filings other than the complaint, answer and decree.
- h. Domestic Relations Family Files.
- i. Search Warrants and Applications for telephone subscriber information and affidavits in support thereof.

Unless sealed in accordance with paragraph 5 below, such documents shall be available only at a Court facility or pursuant to paragraph 3 below.

3. As technology allows, the Clerk should provide secure remote access to Court Records that are otherwise available only at a Court facility pursuant to paragraph 4 below, over the Internet to Court authorized individuals, parties, counsel, Court officers and staff. Unless sealed in accordance with paragraph 5 below, documents and records excluded from remote public access over the internet shall be imaged and available on the Court Management System (CMS) and at the office of the Clerk according to the access policies of the Clerk of Courts.

4. Upon motion of a party, a person with interest in the court record, or on the court's own motion, an assigned judge may order that all or certain records pertaining to an assigned case shall not be published on or shall be removed from the official web site. In limiting the remote public access to a record the court should use the least restrictive means that achieves the purposes of the access policy and the needs of the requester. Unless such record is subject to non-disclosure under some exception to the public record law or is sealed in accordance with paragraph (5) herein, there shall be an obvious notation on the official web site that said document or information has been withheld and is available in the official records of the Court. In deciding such a motion the Court shall consider the following factors:

- a. The need to maximize accessibility to court records,
- b. Support for the role of the judiciary,
- c. Promotion of governmental accountability,
- d. Public safety,
- f. Risk of injury to individuals,

- g. Protection of individual privacy rights and interests,
- h. Protection of proprietary business information,
- i. Possible reluctance to use the court to resolve disputes,
- j. The most effective use of court and clerk of court staff,
- k. Service to the Community
- l. The possible burden on the ongoing business of the judiciary.

5. Any party may apply to the Court by a motion pursuant to Criminal Rule 16 or Civil Rule 26 or otherwise in accordance with common law for the sealing of all or any part of an official Court file. Such request shall be by written motion. Any order to seal all or part of a Court public record shall be by journal entry. Such journal entry shall include in its caption either (1) Order to Seal Entire Record or (2) Order to Seal Document. Where the journal entry directs the Clerk to seal a Court file the Clerk shall keep said records safely and allow no access to said records except by written Court order. Where an entire file is sealed, the index and case number only shall be available on the Court Management System (CMS) and may be published for remote access and shall otherwise state that the record is held under seal pursuant to Court order with reference to this rule. Otherwise, any file, record or document ordered sealed shall not be published by the Clerk on the Internet. Nothing herein shall interfere with the Clerk's appropriate expungement of records pursuant to Revised Code Section 2953.31 et seq. or 2953.51 et seq.

6. The Clerk of Courts does not review the contents of and is not responsible for the contents of any record or document filed in that office that is provided for remote public access over the internet. The Clerk of Courts is not responsible for the use, misuse or theft of any information that is provided for remote access over the internet.

a. Parties and counsel should expect that documents or records filed with the Clerk of Courts and not excluded from remote public access in paragraph 2 above will be made available for remote public access over the internet. Parties and counsel are encouraged to avoid unnecessarily memorializing in court filings, social security numbers, full birth dates, bank or other financial account numbers, names of minor children or other personal information which might contribute to identity theft. If a date of birth or an account number must be referenced, it is ordinarily appropriate to use only the year, or the last four digits of the account. If names of minor children must be referenced it is appropriate to use the child's initials, or a generic abbreviation such as "CV" for "child victim".

b. Where a party finds it necessary to file an otherwise proper document containing personal identifying information which may implicate privacy or security concerns the party should request limited access to that document or record pursuant to paragraph 4 or 5 above.

(Effective January 1, 2012)