

## RULE 11. Pleadings and Other Papers

(A) Pleadings and other papers shall be printed on 8 ½ x 11-inch paper. All pleadings and other papers for General Division 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. Filing is effectuated when the Clerk of Courts file-stamps a document and docket it in a case. The electronic version of documents, whether filed through e-filing or received by the Clerk of Courts in paper format and subsequently scanned into electronic format, constitutes the official record in the case.

**(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

(1) A party may only check ONE type of civil case on the classification form;

(2) Whether the present complaint reflects a previously filed and dismissed case and, if so, the original case number and originally assigned judge’s name.

(b) 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:

(a) Counsel Retained;

(b) Co-counsel retained;

(c) Counsel appointed.

- (4) Whenever an attorney has a change in official mailing address, that attorney shall complete and file a new attorney notification form.
- (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. Original papers shall not be withdrawn from the file.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 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 Sup. R. 12 €. 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 (B) (2), the Court's Mental Health Liaison or other designee shall file an affidavit as a ministerial function in the Probate Court certifying the appropriate finding or findings of this Court. The Mental Health Liaison shall send to the Probate Court copies of all written reports of the defendant's mental condition that were prepared pursuant to Section 2945.371 of the Revised Code. Upon first appearance at the court and;
  - (2) In any case where the Court has appointed an examiner pursuant to Revised Code Section 2945.37 et seq, said examiner shall transmit reports to the Mental Health Liaison or other designee of the Court. The Mental Health Liaison Court Administrator shall further deliver the original report to the clerk for filing. The clerk shall maintain such reports separately, whether in paper or electronic format, in a manner that preserves the confidentiality of the report(s). 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 Court of Appeals has said confidential evaluation reports. Such evaluation reports shall only be released upon order of the judge that requested the report or the Administrative Judge.
- (I)** In order to provide remote public access to Court records the Hamilton County Clerk or Courts publishes certain court records on the Clerk's website [www.courtclerk.org](http://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) Judgment s, 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 protection 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;
  - (j) 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 achieved 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 the role of the judiciary;
- (c)** Promotion of governmental accountability;
- (d)** Public safety;
- (e)** Risk of injury to individuals;
- (f)** Protection of propriety business information;
- (g)** Protection of individual privacy rights and interests;
- (h)** Possible reluctance to use the Court to resolve disputes;
- (i)** The most effective use of Court and Clerk of Court staff;
- (j)** Service to the Community;
- (k)** 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 deal 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 this 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, 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 find 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).

**Effective: (March 1, 2023)**