
Local Rules

1. WHO AM I LISTENING TO?

- a. Katherine Wolfe, Assistant Prosecuting Attorney, Franklin County, Special Victims Unit
- b. Attorney since November 2010
- c. Civil litigation for 6 years
- d. Criminal Defense
- e. Administrative Law
- f. Prosecutor since 2020
- g. kwolfe@franklincountyohio.gov
- h. Tethered by a defense attorney husband, 5 year old child, 2 cats, 2 dogs, and 3 fish.
- i. What I would be if not an attorney?

2. I'VE NEVER DONE THIS, WHERE DO I START?

- a. Obviously you need to know the elements of your case, who carries the burden of proof, and what that burden of proof is, but it is important to know the rules that will govern your cases.
- b. This will depend on the court you are in. Each court has their own rules in addition to the Ohio Rules of Civil Procedure, Criminal Procedure, and Evidence.
- c. Generally county and municipal courts will follow the state rules of civil procedure, but sometimes they like to change things, including but not limited to:
 - i. Deadlines
 - ii. Discovery procedures
 - iii. Trial and pretrial requirements
 - iv. Document formats
 - v. Motion Requirements
 - vi. Filing Rules

3. ALL COURTS AND COURT LEVELS HAVE THEIR OWN SETS OF RULES

- a. Mayor's Court
- b. Municipal Court
- c. Common Pleas Court
- d. Administrative Hearings
- e. Court of Claims
- f. Appellate Courts
- g. Circuit Courts
- h. Federal Courts (in Ohio, Northern and Southern Districts)
- i. Ohio Supreme Court
 - i. Keep in mind that some of these courts have different divisions: Criminal, Civil, Domestic, Juvenile, etc. You will want to look at both general rules and division specific rules.

- ii. The Ohio Supreme Court has a directory for each county or you can always go to the county's website:
 - 1. <https://www.supremecourt.ohio.gov/courts/judicial-system/ohio-trial-courts/>

4. WHY SHOULD I CARE?

- a. Yes it's tedious but not know could be disastrous to your case and pockets.
 - i. Hours of Operation
 - ii. Filing Requirements
 - 1. Format
 - a. Spacing of headings and lines
 - b. Some courts have strange requirements:
 - i. Akron Municipal: "The caption on all pleadings shall provide a blank space of approximately three inches (3") in diameter on the upper right portion of the pleadings for the Clerk's time-stamp imprint."
 - ii. Case designation sheets
 - 2. Form of Submission
 - a. E-filing-some courts require and you have to apply in advance to the day you need to file
 - b. Fax: Some only allow certain documents to be fax filed. Some allow it, but require an original to be mailed.
 - c. Even if you read the rule, it is always helpful to just call the clerk's office to see what they require.
 - d. Mail. Some courts will count the postage date, some will only count as filed upon receipt.
 - 3. Fees
 - a. Particularly in civil and appellate cases
 - b. Some courts will not allow online payments and although they may take e-filing or fax filing, it will not be accepted and filed until the payment is received via mail.
 - 4. Pre-trial Procedures
 - a. Most courts will have explanations of what to expect at a pretrial
 - b. Some require pretrial forms to be submitted ahead of time
 - 5. Deadlines
 - a. State rules provide for general deadlines, such as responses to motions, notices of defenses, expert reports, disclosure of evidence, etc.
 - b. Courts have the discretion to alter these deadlines, so don't ever think that you know the deadline. ALWAYS double check
 - 6. Court Appointed Attorneys

- a. For criminal cases, generally all courts have the same requirements, but you can apply with the Ohio State Public Defender to waive some of these requirements in certain circumstances. It is important to check with the court if they will still appoint if the waiver is provided.
- b. Courts throughout the state have different pay tables for court appointed work. It is important to know these rates and the process for submitting your bills.

7. Case Management

- a. Many courts have specific case management schedules. This often includes deadlines for exchange of discovery and deadlines for filing for summary judgment.
- b. If engaging in motion practice, some courts require oral hearings and some do not. If you want a hearing, you may have to request one.
- c. Some hearing require witness testimony, so subpoenas will need to be issued.

8. Trial procedures

- a. Some courts have different trial procedures, including disclosures that need to be made in advance of trial (sometimes up to three weeks).
- b. Courts may post these requirements in the rules, but if you are in a multi-judge court, they may be judge specific.
Always contact the court (bailiff if applicable) and try to reach out to other attorneys who are familiar with practicing in front of those judges!

5. IN PRACTICE

a. Civil

i. Plaintiff

- 1. Check costs for filing a complaint and how to pay them.
 - a. Make sure you are within statute of limitations to file your complaint.
 - b. Make sure it is in the correct format
 - c. Recognize your case classification
 - d. Franklin Example
 - i. <https://www.fccourts.org/173/Local-Rules>

2. Case Management Schedule

3. Deadlines

ii. Defendant

- 1. Correct format, response deadlines, etc.

b. Criminal

- i. This will apply primarily to defense since if you are a prosecutor, there are internal procedural requirements.
- ii. File notice of appearance
- iii. Request discovery
- iv. Keep track of tolling for speedy trial
- v. E-filing requirements
- vi. Appointment requirements
- vii. Indigency requirements
- viii. Fee structure

c. EVERYONE

- i. Format including spacing, page limitations, etc.
- ii. Deadlines
- iii. Trial Procedures
- iv. Specialized Dockets
 - 1. So many courts have specialized dockets now, especially criminal.
 - 2. It is important to be aware of what these are and the requirements.
 - 3. Some have different deadlines to apply (prior to arraignment, pretrial, etc.)
 - 4. Some are limited by a person's criminal history
 - 5. Some courts have specialized civil dockets (foreclosure, asbestos, etc.)
 - 6. Remember that at times your case can overlap different courts.
- v. Who is your judge
 - 1. The most important thing is know who your judge is and their preferences in every step of the case.
 - 2. Some judges have different forms for setting definite trials, different procedures for jury vs. bench trials.
 - 3. Get to know the attorneys who work in that court frequently and ask questions. Also become best friends with the bailiff.

6. APPEALS

- a. It is its own thing.
- b. Every district is different
- c. You will need to look at the county where you are originating the appeal from, and the district.
- d. Type of Docket (expedited?)
- e. Deadline for Appeal. Notice filed within 30 days of decision
- f. When appellate brief is due, often depends on transmission of record.
- g. How to file, costs and # of copies
- h. Format: Font, caption, # of pages.
- i. Waiver of Oral argument
- j. Pro tip: Reach out to the court reporter ahead of time. They need time to prepare the transcript and asking them how long they might need could determine when

you file the notice of appeal. It could help buy them some time to transmit the record, making them like you just a little bit more.

7. HOW CAN NOT KNOWING THE RULES TANK YOUR CASE OR YOUR POCKETS?

- a. Exclusion of evidence, including expert
- b. Waiver of defense
- c. Pissing off the judge
- d. Show cause/fines
- e. Can't get reimbursement
- f. Not submitting in proper format
- g. Not submitting timely
- h. Not being prepared for court and its procedures
 - i. My Experience:
 - 1. Driving last minute for filings
 - 2. Not requesting a hearing
 - 3. *Bumpus v. Lloyd Ward, et al.*, 2014 Ohio 267 (2014)
 - a. Was not prepared to argue a pending motion to dismiss at a pretrial because there was no official hearing set
 - b. Local Rules stated that all pending motions may be discussed
 - c. There is a long, convoluted appellate history that you can read, but ultimately had I read the local rules, I would have been prepared to argue.