

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

**Comments requested:** The Supreme Court of Ohio will accept public comments until January 2, 2020 on the following proposed amendments to the Ohio Rules of Civil Procedure (4, 4.1, 4.7, 16, 26, 53, 73, and Proposed Civil Form), the Ohio Rules of Criminal Procedure (19 and 46), the Ohio Rules of Evidence (601, proposed 810, and 902), Ohio Rules of Appellate Procedure (3, 19, and 21), and the Ohio Rules of Juvenile Procedure (4 and 42). The Court is also seeking public comment on changes to the Model Uniform Traffic Ticket, found in the Ohio Traffic Rules.

**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, Legislative Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or [LegPol@sc.ohio.gov](mailto:LegPol@sc.ohio.gov) and received no later than January 2, 2020. 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 January 2, 2020.

**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.

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 May 1 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**

### **(Amendments following the First Round of Public Comment in RED)**

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

##### *- Waiver of Service* **(Civ.R. 4, 4.1, and 4.7)**

The Commission recommends this series of amendments in order to implement a waiver of service provision, as is used in the Federal Rules. Under this scheme, defendants who voluntarily waive service will be given an extended time to file an answer. Waiver of service does *not* waive any objection to jurisdiction or venue. Parties that refuse to waive service without good cause will be held responsible for paying the costs of obtaining service.

As noted above, a similar system is utilized in the federal system and a majority of states utilize some type of incentivized waiver system. The proposal for the Ohio rules does limit this process to civil actions filed in Common Pleas Court.

##### *- Discovery* **(Civ.R. 16 and 26)**

The Commission recommends this series of amendments in order to bring the Ohio rules for discovery closer in line with the corresponding federal rules. These proposals would require, among other things, a scheduling order for discovery and other pre-trial matters. A discovery *conference* with the court, however, would still be permissive. Civ.R. 16 contains a list of possible items that could be addressed by the scheduling order.

The proposal to amend Civ.R. 26 follows many of the same themes, and adopts the federal rule concept of “proportionality.” This concept would allow a trial court to consider the breadth and scope of the civil case in making determinations as to the type and quantity of discovery that would be appropriate.

The proposed amendment also includes a requirement that the parties hold a discovery conference between the parties, file a discovery plan with the court, and disclose certain information without requiring any request for discovery. The proposal specifically requires the disclosure of documents obtained by way of public records request.

**Following the first round of public comment, a few minor changes were made to Civ.R. 26, including changing the term “treating physician” to “healthcare provider.”**

*- Magistrates Jury Trials*  
**(Civ.R. 53)**

The Commission recommends amendments to Civ.R. 53 so as to clarify how a jury trial conducted by a magistrate is to proceed. Specifically, the amendment directs a trial judge to file a final judgment in accordance with the legal findings of the magistrate and the factual findings of the jury, in accordance with Civ.R. 58. The amendment also specifies that all of the magistrate's legal rulings cannot be objected to and taken before the judge. Furthermore, the rule specifies that any post-trial motions will be decided by the magistrate.

This amendment would only come into play when parties unanimously consent to a magistrate conducting a jury trial, as provided under current Civ.R. 53(C)(1)(c).

*- Fixed Cross-Reference*  
**(Civ.R. 73)**

The Commission recommends a small corrective amendment to Civ.R. 73, as the rule previously made reference to Civ.R.3(B). In 2019, Civ.R. 3 was amended and the referenced subsection is now Civ.R. 3(C). This amendment reflects that change.

*- Civil Indigency Form*  
**(Proposed Form)**

The Commission proposes a form to be added to the Civil Rules. This form is in response to the General Assembly amending R.C. 2323.311 in March 2019. At that time, the statute was amended so as to allow indigent civil litigants the ability to petition a court for the waiver of filing fee deposits. The legislation requested that the Supreme Court create a form so as to allow civil litigants the ability to petition the court for this relief. The new statute also laid out various financial benchmarks which are found in the proposed form.

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

*- Pretrial Release and Detention*  
**(Crim.R. 46)**

The Commission proposes this series of amendments in relation to the setting of bail in criminal cases. The most prominent features of these amendments include a requirement that a court utilize the least restrictive bond conditions and least amount of monetary bail to secure the defendant's appearance, and an expanded non-exclusive list of bond conditions.

Additionally, the amendment makes clear that a bond schedule is to be used for the sole purpose of securing a release before an initial appearance, and is not to be considered by a trial court during a bond hearing.

Finally, these amendments also make small amendments that require a judge review bail at arraignment should the defendant still be in custody at that time.

Following the first round of public comment, some amendments were made to Crim.R. 46. First, it removed the term “solely” from Crim.R. 46(B), in regards to financial conditions of bail relating “solely” to risk of non-appearance. Second, language was clarified to make clear that bond can be raised should the need arise. Finally, language was added to specify that a court may consider the results of validated risk assessment tools, should those results be provided to the court.

*- Duties of Criminal Magistrates*  
**(Crim.R. 19)**

The Commission proposes these amendments to allow magistrates to take pleas in criminal cases up to fourth and fifth degree felonies. The rule currently allows magistrates to take pleas, but only in misdemeanor cases.

The Commission, at the request of the Ohio Judicial Conference, also recommends language that would allow magistrates to conduct proceedings in Supreme Court certified specialized dockets, but only when authorized by and in accordance with the existing Specialized Docket Standards.

This specific proposed language was recommended by the Supreme Court’s Commission on Specialized Dockets. The intent of the language is to allow a magistrate to assist in managing specialized dockets, but only to the extent approved by the Commission on Specialized Dockets and, ultimately, the Supreme Court.

### **3. OHIO RULES OF EVIDENCE**

*- Competency*  
**(Evid.R. 601)**

The Commission recommends amendments to Evid.R. 601 so as to change the standard for competency for children under ten years of age. Under the current rule, a child under such an age is presumed to lack competency to testify. This amendment would specify that all persons are competent to testify unless the Court determines they are not.

This amendment would bring Ohio in line with the majority of other states in regards to competence to testify.

*- Residual Hearsay Exception*  
**(Evid.R. 810)**

The Commission recommends the creation of Evid.R. 810 so as to create a residual hearsay exception, as is found in the Federal rules. This exception, which is modeled after the federal rule that will go into effect in December 2019, would allow a court to consider hearsay evidence if it is

supported by sufficient guarantees of trustworthiness. The rule would also require notice be given to the opposing party as to use of the evidence in question.

*- Self-Authentication of Business Records and Electronic Records*  
**(Evid.R. 902)**

The Commission recommends amendments to Evid.R. 902 to align with the Federal rules in regards to authentication of business records. Under the current rule, business records must be authenticated by custodians of the records. This often times requires live testimony from such custodians, including employees of cell-phone companies to authenticate call records. Under these amendments, records could be authenticated by sworn statement or certification.

**4. OHIO RULES OF APPELLATE PROCEDURE**

*- Filing of Cross-Appeals*  
**(App.R. 3)**

The Commission recommends amendments to App.R. 3 so as to clarify that notices of cross-appeals need to be filed with the clerk of the trial court. This is intended to prevent confusion and an appellee from accidentally missing a filing deadline for such a cross-appeal.

*- Applying Word Limits on Appellate Briefs*  
**(App.R. 19)**

The Commission recommends amendments to App.R. 19 so as to move away from requiring page limits on briefs, and move into placing word limits on briefs. The proposed amendments are intended to eliminate concerns of utilizing odd fonts or spacing in order to fit an appellate brief into an allotted page length. Utilizing word limitations would allow for uniform length of a brief, in that regard.

*Following public comment, changes were made that would allow appellate courts to make local rules that allow for page limits to be considered. This is in response to comments that some appellate courts do not yet accept e-filing, making it difficult to ascertain word counts.*

*- Oral Argument Time Limitations*  
**(App.R. 21)**

The Commission recommends amendments to App.R. 21 so as to restrict standard oral argument time from thirty minutes to fifteen minutes. The amendments also specify that parties on the same side of an issue are to split the fifteen minutes amongst themselves as they agree, and each party does not get a separate fifteen minutes.

This proposal was made by the Ohio Association for Court Administrators and mirrors what is already common practice among Ohio's appellate courts.

## 5. OHIO JUVENILE RULES

### - *Appointment of Guardian ad Litem* (Juv.R. 4)

The Commission recommends this series of amendments in regards to the appointment of guardians ad litem. This proposal was submitted by the Juvenile Law and Procedure Committee of the Ohio Judicial Conference. The amendment would clarify that should the child's wishes come into conflict with a guardian ad litem's duty to adhere to the child's best interest, then a new attorney would be appointed for the child. The current rule allows for the appointment of a new guardian ad litem.

Following public comment, changes were made that would clarify not have to automatically appoint an attorney for a child in an abuse case, leaving such an appointment to the discretion of the trial court.

### - *Consent to Marry* (Juv.R. 42)

The Commission recommends this series of amendments to Juv.R. 42 in order to comply with the recently amended statute. In April 2019, various amendments to R.C. 3101.01 in relation to a minor seeking consent to enter into marriage. The amendments to this rule are in response to that legislation.

## 6. MODEL UNIFORM TRAFFIC TICKET

### - *Redesign*

The Commission recommends a redesign of the Model Uniform Traffic Ticket ("MUTT") as found in the Ohio Traffic Rules. Some of these recommendations come from a recent task force related to the issuance of warrants in Ohio. This task force was convened by Governor DeWine. A small number of other additions were also made, such as language that would allow a driver to "opt in" to receiving text notifications of upcoming court dates and a checkbox that indicates the existence of audio-visual evidence of the traffic stop were also included.

The version of the MUTT submitted for a second round of public comment are the same in substance as the amendments that went out for public comment previously. They have been reformatted so as to be printed on the hard-copy, carbon-copy version of the MUTT.



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**RULE 4.1. Process: Methods of Service**

All methods of service within this state, except service by publication as provided in Civ.R. 4.4(A), are described in this rule. Methods of out-of-state service and for service in a foreign country are described in Civ.R. 4.3 and 4.5. Provisions for waiver of service are described in Civ.R. 4.7.

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

**Proposed Staff Note (July 2020)**

Civ.R. 4.1 is amended to include a reference to the specific provisions for waiver of service of summons provided for in Civ.R. 4.7.

32 **RULE 4.7. Process: Waiving Service**

33  
34 **(A) Requesting a Waiver.** An individual, corporation, partnership, or association that  
35 is subject to service under Civ.R. 4 through 4.6 has a duty to avoid unnecessary expenses of serving  
36 the summons. The plaintiff may notify such a defendant that an action has been commenced and  
37 request that the defendant waive service of a summons. The notice and request must:

38  
39 (1) be in writing and be addressed as required by Civ.R. 4.2;

40  
41 (2) name the court where the complaint was filed;

42  
43 (3) be accompanied by a copy of the complaint, two copies of the waiver form  
44 appended to this Rule 4.7, and a prepaid means for returning the form;

45  
46 (4) inform the defendant, using the form appended to this Rule 4.7, of the  
47 consequences of waiving and not waiving service;

48  
49 (5) state the date when the request is sent;

50  
51 (6) give the defendant a reasonable time of at least twenty-eight days after the  
52 request was sent—or at least sixty days if sent to the defendant outside of the United  
53 States—to return the waiver; and

54  
55 (7) be sent by first-class mail or other reliable means.

56  
57 **(B) Limited to Courts of Common Pleas.** The waiver of service provisions in this  
58 rule are limited to civil actions filed in the Courts of Common Pleas.

59  
60 **(C) Failure to Waive.** If a defendant over which the court has personal jurisdiction  
61 fails, without good cause, to sign and return a waiver requested by a plaintiff, then the court must  
62 impose on the defendant:

63  
64 (1) the expenses later incurred in making service; and

65  
66 (2) the reasonable expenses, including attorney's fees, of any motion required  
67 to collect those service expenses.

68  
69 **(D) Time to Answer After a Waiver.** A defendant who, before being served with  
70 process, timely returns a waiver need not serve an answer to the complaint until sixty days after  
71 the request was sent—or until ninety days after it was sent to the defendant in a foreign country.

72  
73 **(E) Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is  
74 not required and these rules apply as if a summons and complaint had been served at the time of  
75 filing the waiver.

76

77 (F) Jurisdiction and Venue Not Waived. Waiving service of a summons does not  
78 waive any objection to jurisdiction or to venue.  
79

80 **[Form] RULE 4.7 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS.**

81  
82 (Caption)  
83

84 To (name the defendant or — if the defendant is a corporation, partnership, or association  
85 — name an officer or agent authorized to receive service):  
86

87 WHY ARE YOU GETTING THIS?  
88

89 A lawsuit has been filed against you, or the entity you represent, in this court under the  
90 number shown above. A copy of the complaint is attached.  
91

92 This is not a summons, or an official notice from the court. It is a request that, to avoid  
93 expenses, you waive formal service of a summons by signing and returning the enclosed  
94 waiver. To avoid these expenses, you must return the signed waiver within (give at least  
95 28 days or at least 60 days if the defendant is outside the United States) from the date  
96 shown below, which is the date this notice was sent. Two copies of the waiver form are  
97 enclosed, along with a stamped, self-addressed envelope or other prepaid means for  
98 returning one copy. You may keep the other copy.  
99

100 WHAT HAPPENS NEXT?  
101

102 If you return the signed waiver, I will file it with the court. The action will then proceed as  
103 if you had been served on the date the waiver is filed, but no summons will be served on  
104 you and you will have 60 days from the date this notice is sent (see the date below) to  
105 answer the complaint (or 90 days if this notice is sent to you outside the United States).  
106

107 If you do not return the signed waiver within the time indicated, I will arrange to have the  
108 summons and complaint served on you. And I will ask the court to require you, or the entity  
109 you represent, to pay the expenses of making service.  
110

111 Please read the enclosed statement about the duty to avoid unnecessary expenses.  
112

113 I certify that this request is being sent to you on the date below.  
114

115 Date: \_\_\_\_\_  
116

117 (Signature of the attorney or unrepresented party)  
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119 \_\_\_\_\_  
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121 (Printed name)  
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(Address)

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(E-mail address)

\_\_\_\_\_  
(Telephone number)

**[Form] RULE 4.7 WAIVER OF THE SERVICE OF SUMMONS.**

(Caption)

To (name the plaintiff's attorney or the unrepresented plaintiff):

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from \_\_\_\_\_, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

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

(Signature of the attorney or unrepresented party)

\_\_\_\_\_  
(Printed name)

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(Address)

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(E-mail address)

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(Telephone number)

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(Attach the following)

**DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS**

Rule 4.7 of the Ohio Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is subject to the court’s personal jurisdiction and who fails to return a signed waiver of service requested by a plaintiff will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**Proposed Staff Notes (July 2020)**

Rule 4.7 is based on the federal rule permitting waiver of service. Paragraph (A) states what the present rule implies: the defendant has a duty to avoid costs associated with the service of a summons not needed to inform the defendant regarding the commencement of an action. The text of the rule also sets forth the requirements for a Notice and Request for Waiver sufficient to put the cost-shifting provision in place. These requirements are illustrated in the forms appended to the rule. Pursuant to Rule 4(D), only those persons who are identified in Rule 4.2 and who are eighteen years of age or older and not under a disability may waive service.

216 Paragraph (A)(7) permits the use of alternatives to the United States mails in sending the Notice  
217 and Request. While private messenger services or electronic communications may be more expensive than  
218 the mail, they may be equally reliable and on occasion more convenient to the parties. Especially with  
219 respect to transmissions to foreign countries, alternative means may be desirable, for in some countries  
220 facsimile transmission or electronic mail are the most efficient and economical means of communication. If  
221 electronic means such as facsimile transmission or electronic mail are employed, the sender should  
222 maintain a record of the transmission to assure proof of transmission if receipt is denied, but a party  
223 receiving such a transmission has a duty to cooperate and cannot avoid liability for the resulting cost of  
224 formal service if the transmission is prevented at the point of receipt.

225  
226 A defendant failing to comply with a request for waiver shall be given an opportunity to show good  
227 cause for the failure, which is the case under paragraph (B), but sufficient cause should be rare. It is not a  
228 good cause for failure to waive service that the claim is unjust or that the court lacks jurisdiction. Sufficient  
229 cause not to shift the cost of service would exist, however, if the defendant did not receive the request or  
230 was insufficiently literate in English to understand it. It should be noted that the provisions for shifting the  
231 cost of service apply only if the defendant is subject to the court's personal jurisdiction.

232  
233 Paragraph (B) is a cost-shifting provision. The costs that may be imposed on the defendant could  
234 include, for example, the cost of the time of a process server required to make contact with a defendant  
235 residing in a guarded apartment house or residential development. The paragraph is explicit that the costs  
236 of enforcing the cost-shifting provision are themselves recoverable from a defendant who fails to return the  
237 waiver. In the absence of such a provision, the purpose of the rule would be frustrated by the cost of its  
238 enforcement, which is likely to be high in relation to the small benefit secured by the plaintiff.

239  
240 Paragraph (C) extends the time for answer if, before being served with process, the defendant  
241 waives formal service. The extension is intended to serve as an inducement to waive service and to assure  
242 that a defendant will not gain any delay by declining to waive service and thereby causing the additional  
243 time needed to effect service. By waiving service, a defendant is not called upon to respond to the complaint  
244 until 60 days from the date the notice was sent to it—90 days if the notice was sent to a foreign country—  
245 rather than within the 28-day period from date of service specified in Rule 12.

246  
247 Paragraph (D) clarifies the effective date of service when service is waived. The device of  
248 requested waiver of service is not suitable if a limitations period which is about to expire is not tolled by  
249 filing the action. Unless there is ample time, the plaintiff should proceed directly to the formal methods for  
250 service identified in Rules 4-4.6.

251  
252 The procedure of requesting waiver of service should also not be used if the time for service under  
253 Rule 4(E) will expire before the date on which the waiver must be returned. The court could refuse a request  
254 for additional time unless the plaintiff can demonstrate good cause as to why service was not made within  
255 that period. It may be noted that the presumptive time limit for service under Rule 4(E) does not apply to  
256 out-of-state service or service in a foreign country.

257  
258 Paragraph (E) of Rule 4.7 is explicit that a timely waiver of service of a summons does not prejudice  
259 the right of a defendant to object by means of a motion authorized by Rule 12(B) to the absence of  
260 jurisdiction, or to assert improper venue under Rule 12(B)(3). The only issues eliminated are those involving  
261 the sufficiency of the summons or the sufficiency of the method by which it is served.

262

263  
264 **RULE 16. Pretrial Procedure**  
265

266 (A) Purposes of a Pretrial Conference. In any action, the court may order the  
267 attorneys and any unrepresented parties to appear for one or more pretrial conferences for  
268 such purposes as:

- 269
- 270 (1) expediting disposition of the action;
  - 271
  - 272 (2) establishing early and continuing control so that the case will not be protracted  
273 because of lack of management;
  - 274
  - 275 (3) discouraging wasteful pretrial activities;
  - 276
  - 277 (4) improving the quality of the trial through more thorough preparation; and (5)  
278 facilitating settlement.
  - 279

280 Attorneys, their clients, and unrepresented parties shall endeavor in good faith to agree on  
281 all the schedules contemplated by this rule and courts shall consider such agreements in the  
282 establishment of any such schedule.

283

284 (B) Scheduling.

285

286 (1) Scheduling Order. Except for matters listed in Civ. R. 1(C), the court shall issue a  
287 scheduling order:

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- 289 (a) after receiving the parties' report under Civ. R. 26(F);
  - 290
  - 291 (b) after consulting with the parties' attorneys and any unrepresented parties at a  
292 scheduling conference; or
  - 293
  - 294 (c) sua sponte by the court.
  - 295

296 (2) Time to Issue. The court shall issue the scheduling order as soon as practicable, but  
297 unless the court finds good cause for delay, the court shall issue it within the earlier of 90  
298 days after any defendant has been served with the complaint or 60 days after any defendant  
299 has responded to the complaint.

300

301 (3) Contents. The scheduling order may:

- 302
- 303 (a) limit the time to join other parties, amend the pleadings, complete  
304 discovery, and file motions;
  - 305
  - 306 (b) modify the timing of disclosures under Civ. R. 26(A);
  - 307
  - 308 (c) modify the extent of discovery;
  - 309

310 (d) provide for disclosure, discovery, or preservation of electronically stored  
311 information;

312  
313 (e) direct that before moving for an order relating to discovery, the movant must  
314 request a conference with the court;

315  
316 (f) set dates for pretrial conferences and for trial; and (g) include other  
317 appropriate matters.

318  
319 (2) Modifying a Schedule. A schedule may be modified only for good cause and with  
320 the court's consent.

321 (C) **Attendance and Matters for Consideration at a Pretrial Conference.**

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323  
324 (1) Attendance. A represented party must authorize at least one of its attorneys to make  
325 stipulations and admissions about all matters that can reasonably be anticipated for  
326 discussion at a pretrial conference. If appropriate, the court may require that a party or its  
327 representative be present or reasonably available by other means to consider possible  
328 settlement.

329  
330 (2) Matters for Consideration. At any pretrial conference, the court shall consider and  
331 take appropriate action on the following matters:

332  
333 (a) The possibility of settlement of the action;

334  
335 (b) The simplification of the issues;

336  
337 (c) Itemizations of expenses and special damages;

338  
339 (d) The necessity of amendments to the pleadings;

340  
341 (e) The exchange of medical reports and hospital records (The production by any party  
342 of medical reports, medical records, hospital records does not constitute a waiver of the  
343 privilege granted under section 2317.02 of the Revised Code.);

344  
345 (f) The number of expert witnesses;

346  
347 (g) The preservation of electronically stored information and other information held by  
348 the parties or third parties;

349  
350 (h) The timing, methods of search and production, and the limitations, if any, to be  
351 applied to the discovery of documents and electronically stored information;

352  
353 (i) Disclosure and the exchange of documents obtained through public records  
354 requests;

355

356 (j) Any agreements or decisions on the sharing or shifting of costs pursuant to Rule  
357 26(C)(2);  
358  
359 (k) The adoption of any agreements by the parties for asserting claims of privilege or  
360 for protecting designated materials after production;  
361  
362 (l) The imposition of sanctions as authorized by Civ. R. 37;  
363  
364 (m) The possibility of obtaining:  
365  
366 (i) Admissions of fact;  
367  
368 (ii) Agreements on admissibility of documents and other evidence to avoid  
369 unnecessary testimony or other proof during trial.  
370  
371 (n) Disposing of pending motions;  
372  
373 (o) Determination of the applicable deadline for disposition of the case pursuant to Sup.  
374 R. 39 and 42, and a timetable for:  
375  
376 (i) initial disclosures of known and reasonably available non-privileged, non-work  
377 product documents and things that support or contradict the specifically pleaded claims and  
378 defenses,  
379  
380 (ii) joining parties,  
381  
382 (iii) amending the pleadings,  
383  
384 (iv) mediation or other alternative dispute resolution requested by parties,  
385  
386 (v) exchanging lists of lay witnesses, expert witnesses and reports, and exhibits  
387 for trial,  
388  
389 (vi) completing discovery,  
390  
391 (vii) filing of motions, responses, replies and decisions,  
392  
393 (viii) further case management conferences, and  
394  
395 (ix) a trial date, preferably one agreed-upon by the parties.  
396  
397 (p) Facilitating in other ways, the just, speedy, and inexpensive disposition of the action.  
398  
399 (D) **Pretrial Orders.** After any conference under this rule, the court should issue an  
400 order reciting the action taken. This order controls the course of the action unless the court modifies  
401 it.

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(E) **Final Pretrial Conference and Orders.** The court may hold a final pretrial conference to formulate a trial plan, including a plan to facilitate the admission of evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice.

~~In any action, the court may schedule one or more conferences before trial to accomplish the following objectives:~~

- ~~(1) The possibility of settlement of the action;~~
- ~~(2) The simplification of the issues;~~
- ~~(3) Itemizations of expenses and special damages;~~
- ~~(4) The necessity of amendments to the pleadings;~~
- ~~(5) The exchange of reports of expert witnesses expected to be called by each party;~~
- ~~(6) The exchange of medical reports and hospital records;~~
- ~~(7) The number of expert witnesses;~~
- ~~(8) The timing, methods of search and production, and the limitations, if any, to be applied to the discovery of documents and electronically stored information;~~
- ~~(9) The adoption of any agreements by the parties for asserting claims of privilege or for protecting designated materials after production;~~
- ~~(10) The imposition of sanctions as authorized by Civ. R. 37;~~
- ~~(11) The possibility of obtaining:
  - ~~(a) Admissions of fact;~~
  - ~~(b) Agreements on admissibility of documents and other evidence to avoid unnecessary testimony or other proof during trial.~~~~
- ~~(12) Other matters which may aid in the disposition of the action.~~

~~The production by any party of medical reports or hospital records does not constitute a waiver of the privilege granted under section 2317.02 of the Revised Code.~~

~~The court may, and on the request of either party shall, make a written order that recites~~

448 ~~the action taken at the conference. The court shall enter the order and submit copies to the~~  
449 ~~parties. Unless modified, the order shall control the subsequent course of action.~~

450  
451 ~~Upon reasonable notice to the parties, the court may require that parties, or their~~  
452 ~~representatives or insurers, attend a conference or participate in other pretrial proceedings.~~

453  
454  
455 **Proposed Staff Note (2020 Amendment)**

456  
457 Civ. R. 16 has been amended to bring the Ohio rule closer to the federal rule, while still allowing  
458 for Ohio courts to decide whether to hold a scheduling conference. Civ. R. 16(A) lists several  
459 purposes for why a scheduling conference may be held. In addition, the last paragraph of Civ. R.  
460 16(A) provides that parties will attempt to agree on the schedules contemplated by Civ. R. 16, and  
461 courts will endeavor to respect the agreements of the parties. This paragraph is consistent with the  
462 concept of shared responsibility among parties and courts in Civ. R. 1.

463  
464 Similar to the prior version of Civ. R. 16, Civ. R. 16(A) still provides that holding a scheduling  
465 conference is permissive, not mandatory. However, Civ. R. 16(B) requires that in all cases, except  
466 those set forth in Civ. R. 1(C), a scheduling order must be issued by the court. The purpose of this  
467 requirement is to promote greater consistency, predictability, and transparency for attorneys, parties,  
468 and unrepresented parties in courts across Ohio.

469  
470 Civ. R. 16(B)(1) clarifies that a scheduling order must be issued after the court receives the  
471 parties' Civ. R. 26(F) report or after the court holds a scheduling conference. If no report is submitted  
472 or the court does not hold a scheduling conference, the court must issue the scheduling order sua  
473 sponte.

474  
475 Civ. R. 16(B)(2) specifies the timing requirements by which a scheduling order must be issued,  
476 based on the date that any defendant has been served with the complaint or that any defendant has  
477 responded to the complaint. This subsection does not require a court to wait for all defendants to be  
478 served with the complaint or respond to the complaint before entering a scheduling order.

479  
480 Civ. R. 16(B)(3) lists potential content that a court may include in a scheduling order.

481  
482 Civ. R. 16(C) describes a variety of items that a court may address at a scheduling conference,  
483 including a timetable to address deadlines for discovery and various disclosures, dispositive motions,  
484 and trial. Many of the items now listed in Civ. R. 16(C) were included in the prior version of Civ. R.  
485 16.

486  
487 Civ. R. 16(E) and (F) are identical to these same subsections in the federal rule.  
488

489           **RULE 26. General Provisions Governing Discovery**  
490

491           **(A) Policy; discovery methods.** It is the policy of these rules (1) to preserve the right of  
492 attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to  
493 prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects  
494 of such cases and (2) to prevent an attorney from taking undue advantage of an adversary's industry  
495 or efforts.  
496

497           Parties may obtain discovery by one or more of the following methods: deposition upon  
498 oral examination or written questions; written interrogatories; production of documents,  
499 electronically stored information, or things or permission to enter upon land or other property, for  
500 inspection and other purposes; physical and mental examinations; and requests for admission.  
501 Unless the court orders otherwise, the frequency of use of these methods is not limited.  
502

503           **(B) Scope of discovery.** Unless otherwise ordered by the court in accordance with these  
504 rules, the scope of discovery is as follows:  
505

506           (1) In General. ~~Parties may obtain discovery regarding any matter, not privileged, which~~  
507 ~~is relevant to the subject matter involved in the pending action, whether it relates to the claim or~~  
508 ~~defense of the party seeking discovery or to the claim or defense of any other party, including the~~  
509 ~~existence, description, nature, custody, condition and location of any books, documents,~~  
510 ~~electronically stored information, or other tangible things and the identity and location of persons~~  
511 ~~having knowledge of any discoverable matter. It is not ground for objection that the information~~  
512 ~~sought will be inadmissible at the trial if the information sought appears reasonably calculated to~~  
513 ~~lead to the discovery of admissible evidence. Unless otherwise limited by court order, the scope~~  
514 ~~of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that~~  
515 ~~is relevant to any party's claim or defense and proportional to the needs of the case, considering~~  
516 ~~the importance of the issues at stake in the action, the amount in controversy, the parties' relative~~  
517 ~~access to relevant information, the parties' access to resources, the importance of the discovery in~~  
518 ~~resolving the issues, and whether the burden or expense of the proposed discovery outweighs its~~  
519 ~~likely benefit. Information within this scope of discovery need not be admissible in evidence to be~~  
520 ~~discoverable.~~  
521

522           (2) Insurance agreements. A party may obtain discovery of the existence and contents of  
523 any insurance agreement under which any person carrying on an insurance business may be liable  
524 to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse  
525 for payments made to satisfy the judgment. Information concerning the insurance agreement is not  
526 by reason of disclosure subject to comment or admissible in evidence at trial.  
527

528           (3) Initial Disclosure by a Party.  
529

530           (a) Without awaiting a discovery request, a party must provide to the other parties,  
531 except as exempted by Civ. R. 26(B)(3)(b) or as otherwise stipulated, or ordered by the court:  
532

533           (i) the name and, if known, the address and telephone number of each  
534 individual likely to have discoverable information - along with the subjects of that

535 information - that the disclosing party may use to support its claims or defenses,  
536 unless the use would be solely for impeachment;

537  
538 (ii) a copy - or a description by category and location - of all documents,  
539 electronically stored information, and tangible things that the disclosing party has  
540 in its possession, custody, or control and may use to support its claims or defenses,  
541 unless the use would be solely for impeachment;

542  
543 (iii) a computation of each category of damages claimed by the disclosing  
544 party—who must also make available for inspection and copying as under Civ. R.  
545 34 the documents or other evidentiary material, unless privileged or protected from  
546 disclosure, on which each computation is based, including materials bearing on the  
547 nature and extent of injuries suffered; and

548  
549 (iv) for inspection and copying as under Civ. R. 34, any insurance agreement  
550 under which an insurance business may be liable to satisfy all or part of a possible  
551 judgment in the action or to indemnify or reimburse for payments made to satisfy  
552 the judgment.

553  
554 (b) The following proceedings are exempt from initial disclosure:

555  
556 (i) an action for review on an administrative record;

557  
558 (ii) an action brought without an attorney by a person in the custody of the  
559 United States, a state, or a state subdivision;

560  
561 (iii) an action to enforce or quash an administrative summons or subpoena;

562  
563 (iv) a proceeding ancillary to a proceeding in another court; and

564  
565 (v) an action to enforce an arbitration award.

566  
567 (c) A party must make the initial disclosures no later than the parties' first pre-trial or  
568 case management conference, unless a different time is set by stipulation or court order, or unless  
569 a party objects. In ruling on the objection, the court must determine what disclosures, if any, are  
570 to be made and must set the time for disclosure.

571  
572 (d) A party that is first served or otherwise joined after the first pre-trial or case  
573 management conference must make the initial disclosures within 30 days after being served or  
574 joined, unless a different time is set by stipulation or court order.

575  
576 (e) A party must make its initial disclosures based on the information then reasonably  
577 available to it. A party is not excused from making its disclosures because it has not fully  
578 investigated the case or because it challenges the sufficiency of another party's disclosures or  
579 because another party has not made its disclosures.

580

581           ~~(3)~~(4) Trial preparation: materials. Subject to the provisions of subdivision (B)(6) of this  
582 rule, a party may obtain discovery of documents, electronically stored information and tangible  
583 things prepared in anticipation of litigation or for trial by or for another party or by or for that other  
584 party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only  
585 upon a showing of good cause therefor. A statement concerning the action or its subject matter  
586 previously given by the party seeking the statement may be obtained without showing good cause.  
587 A statement of a party is (a) a written statement signed or otherwise adopted or approved by the  
588 party, or (b) a stenographic, mechanical, electrical, or other recording, or a transcription thereof,  
589 which is a substantially verbatim recital of an oral statement which was made by the party and  
590 contemporaneously recorded.

591  
592           (5) Specific Limitations on Electronically Stored Information. A party need not  
593 provide discovery of electronically stored information from sources that the party identifies as not  
594 reasonably accessible because of undue burden or cost. On motion to compel discovery or for a  
595 protective order, the party from whom discovery is sought must show that the information is not  
596 reasonably accessible because of undue burden or cost. If that showing is made, the court may  
597 nonetheless order discovery from such sources if the requesting party shows good cause,  
598 considering the limitations of Rule 26(B)(6). The court may specify conditions for the discovery.  
599

600           ~~(4)~~(6) Limitations on Frequency and Extent.

601  
602           (a) When Permitted. By order, the court may limit the number of depositions, requests  
603 under Rule 36, and interrogatories or the length of depositions.

604  
605           (b) When Required. On motion or on its own, the court must limit the frequency or  
606 extent of discovery otherwise allowed by these rules or by local rule if it determines that:

607  
608           (i) the discovery sought is unreasonably cumulative or duplicative, or can be  
609 obtained from some other source that is more convenient, less burdensome, or less  
610 expensive;

611  
612           (ii) the party seeking discovery has had ample opportunity to obtain the information by  
613 discovery in the action; or

614  
615           (iii) the proposed discovery is outside the scope permitted by Rule 26(B)(1).  
616

617           ~~(4) Electronically stored information.~~ A party need not provide discovery of electronically  
618 ~~stored information when the production imposes undue burden or expense. On motion to compel~~  
619 ~~discovery or for a protective order, the party from whom electronically stored information is sought~~  
620 ~~must show that the information is not reasonably accessible because of undue burden or expense.~~  
621 ~~If a showing of undue burden or expense is made, the court may nonetheless order production of~~  
622 ~~electronically stored information if the requesting party shows good cause. The court shall consider~~  
623 ~~the following factors when determining if good cause exists:~~

624  
625           (a) ~~whether the discovery sought is unreasonably cumulative or duplicative;~~  
626

627 (b) whether the information sought can be obtained from some other source that is  
628 less burdensome, or less expensive;

629  
630 (c) whether the party seeking discovery has had ample opportunity by discovery in  
631 the action to obtain the information sought; and

632  
633 (d) whether the burden or expense of the proposed discovery outweighs the likely  
634 benefit, taking into account the relative importance in the case of the issues on which electronic  
635 discovery is sought, the amount in controversy, the parties' resources, and the importance of the  
636 proposed discovery in resolving the issues.

637  
638 (c) In ordering production of electronically stored information, the court may specify the  
639 format, extent, timing, allocation of expenses and other conditions for the discovery of the  
640 electronically stored information.

641  
642 (5)(7) Trial preparation: experts. **Disclosure of Expert Testimony.**

643 (a) ~~Subject to the provisions of division (B)(5)(b) of this rule and Civ.R. 35(B), a party~~  
644 ~~may discover facts known or opinions held by an expert retained or specially employed by another~~  
645 ~~party in anticipation of litigation or preparation for trial only upon a showing that the party seeking~~  
646 ~~discovery is unable without undue hardship to obtain facts and opinions on the same subject by~~  
647 ~~other means or upon a showing of other exceptional circumstances indicating that denial of~~  
648 ~~discovery would cause manifest injustice.~~

649  
650 (b) ~~As an alternative or in addition to obtaining discovery under division (B)(5)(a) of this~~  
651 ~~rule, a party by means of interrogatories may require any other party (i) to identify each person~~  
652 ~~whom the other party expects to call as an expert witness at trial, and (ii) to state the subject~~  
653 ~~matter on which the expert is expected to testify. Thereafter, any party may discover from the~~  
654 ~~expert or the other party facts known or opinions held by the expert which are relevant to the~~  
655 ~~stated subject matter. Discovery of the expert's opinions and the grounds therefor is restricted to~~  
656 ~~those previously given to the other party or those to be given on direct examination at trial.~~

657  
658 (a) A party must disclose to the other parties the identity of any witness it may use at trial  
659 to present evidence under Ohio Rule of Evidence 702, 703, or 705.

660  
661 (b) The reports of expert witnesses expected to be called by each party shall be exchanged  
662 with all other parties. The parties shall submit expert reports and ~~curriculum vitae~~ ~~curricula vitae~~  
663 in accordance with the time schedule established by the Court. The party with the burden of proof  
664 as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter,  
665 the responding party shall submit opposing expert reports within the schedule established by the  
666 Court.

667  
668 (c) Other than under subsection (d), a party may not call an expert witness to testify unless  
669 a written report has been procured from the witness and provided to opposing counsel. The report  
670 of an expert must disclose a complete statement of all opinions and the basis and reasons for them  
671 as to each matter on which the expert will testify. It must also state the compensation for the  
672 expert's study or testimony. Unless good cause is shown, all reports and, if applicable,

673 supplemental reports must be supplied no later than thirty (30) days prior to trial. An expert will  
674 not be permitted to testify or provide opinions on matters not disclosed in his or her report.

675  
676 (d) ~~Treating Physicians Healthcare Providers.~~ A ~~treating physician witness who has~~  
677 provided medical, dental, optometric, chiropractic, or mental health care may testify as an expert  
678 and offer opinions as to matters addressed in the ~~treating physician's healthcare provider's~~ records.  
679 ~~Treating physicians' Healthcare providers'~~ records relevant to the case shall be provided to  
680 opposing counsel in lieu of an expert report in accordance with the time schedule established by  
681 the Court.

682  
683 (e) A party may take a discovery deposition of their opponent's expert witness only after  
684 the mutual exchange of reports has occurred unless the expert is a ~~treating physician healthcare~~  
685 provider permitted to testify as an expert under subsection (d). Upon good cause shown, additional  
686 time after submission of both sides' expert reports will be provided for these discovery depositions  
687 if requested by a party. If a party chooses not to hire an expert in opposition to an issue, that party  
688 will be permitted to take the discovery deposition of the proponent's expert.

689  
690 (~~e~~)(f) Drafts of any report provided by any expert, regardless of the form in which the draft  
691 is recorded, are protected by division (B)(4) of this rule.

692  
693 (~~d~~)(g) Communications between a party's attorney and any witness identified as an expert  
694 witness under division (~~B~~)(5)(~~b~~) (B)(7) of this rule regardless of the form of the communications,  
695 are protected by division (~~B~~)(3) (B)(4) of this rule except to the extent that the communications:

- 696  
697 (i) relate to compensation for the expert's study or testimony;  
698  
699 (ii) identify facts or data that the party's attorney provided and that the expert  
700 considered in forming the opinions to be expressed; or  
701  
702 (iii) identify assumptions that the party's attorney provided and that the expert  
703 relied on in forming the opinions to be expressed.  
704

705 (h) Expert Employed Only for Trial Preparation. Ordinarily, a party may not, by  
706 interrogatories or deposition, discover facts known or opinions held by an expert who has been  
707 retained or specially employed by another party in anticipation of litigation or to prepare for trial  
708 and who is not expected to be called as a witness at trial. But a party may do so only:

- 709  
710 (i) as provided in Rule 35(b); or  
711  
712 (ii) on showing exceptional circumstances under which it is impracticable for the  
713 party to obtain facts or opinions on the same subject by other means.

714  
715 (~~e~~)(iii) The court may require that the party seeking discovery under division (B)(7)  
716 of this rule shall pay the expert a reasonable fee for time spent in deposition  
717 responding to discovery, and, with respect to discovery permitted under division  
718 (B)(5)(a) of this rule, the court may require a party to pay another party a fair

719 ~~portion of the fees and expenses incurred by the latter party in obtaining facts~~  
720 ~~and opinions from the expert.~~

721  
722 ~~(6)~~(8) Claims of Privilege or Protection of Trial-Preparation Materials.  
723

724 (a) Information Withheld. When information subject to discovery is withheld on a claim  
725 that it is privileged or subject to protection as trial preparation materials, the claim shall be made  
726 expressly and shall be supported by a description of the nature of the documents, communications,  
727 or things not produced that is sufficient to enable the demanding party to contest the claim.  
728

729 (b) Information Produced. If information is produced in discovery that is subject to a  
730 claim of privilege or of protection as trial preparation material, the party making the claim may  
731 notify any party that received the information of the claim and the basis for it. After being notified,  
732 a receiving party must promptly return, sequester, or destroy the specified information and any  
733 copies within the party's possession, custody or control. A party may not use or disclose the  
734 information until the claim is resolved. A receiving party may promptly present the information to  
735 the court under seal for a determination of the claim of privilege or of protection as trial  
736 preparation material. If the receiving party disclosed the information before being notified, it must  
737 take reasonable steps to retrieve it. The producing party must preserve the information until the  
738 claim is resolved.  
739

740 (C) **Protective orders.** Upon motion by any party or by the person from whom  
741 discovery is sought, and for good cause shown, the court in which the action is pending may make  
742 any order that justice requires to protect a party or person from annoyance, embarrassment,  
743 oppression, or undue burden or expense, including one or more of the following: (1) that the  
744 discovery not be had; (2) that the discovery may be had only on specified terms and conditions,  
745 including a designation of the time or place or the allocation of expenses; (3) that the discovery  
746 may be had only by a method of discovery other than that selected by the party seeking discovery;  
747 (4) that certain matters not be inquired into or that the scope of the discovery be limited to certain  
748 matters; (5) that discovery be conducted with no one present except persons designated by the  
749 court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade  
750 secret or other confidential research, development, or commercial information not be disclosed or  
751 be disclosed only in a designated way; (8) that the parties simultaneously file specified documents  
752 or information enclosed in sealed envelopes to be opened as directed by the court.  
753

754 If the motion for a protective order is denied in whole or in part, the court, on terms and  
755 conditions as are just, may order that any party or person provide or permit discovery. The  
756 provisions of Civ. R. 37(A)(4) apply to the award of expenses incurred in relation to the motion.  
757

758 Before any person moves for a protective order under this rule, that person shall make a  
759 reasonable effort to resolve the matter through discussion with the attorney or unrepresented party  
760 seeking discovery. A motion for a protective order shall be accompanied by a statement reciting  
761 the effort made to resolve the matter in accordance with this paragraph.  
762

763 (D) **Sequence and timing of discovery.** Unless the court upon motion, for the  
764 convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of

765 discovery may be used in any sequence and the fact that a party is conducting discovery, whether  
766 by deposition or otherwise, shall not operate to delay any other party's discovery.

767  
768 **(E) Supplementation of responses.** A party who has responded to a request for  
769 discovery with a response that was complete when made is under no duty to supplement his  
770 response to include information thereafter acquired, except as follows:

771  
772 (1) A party is under a duty seasonably to supplement his response with respect to any  
773 question directly addressed to (a) the identity and location of person having knowledge of  
774 discoverable matters, and (b) the identity of each person expected to be called as an expert witness  
775 as trial and the subject matter on which he is expected to testify.

776  
777 (2) A party who knows or later learns that his response is incorrect is under a duty  
778 seasonably to correct the response.

779  
780 (3) A duty to supplement responses may be imposed by order of the court, agreement of  
781 the parties, or at any time prior to trial through requests for supplementation of prior responses.

782  
783 **(F) Conference of the Parties; Planning for Discovery.**

784  
785 (1) Conference Timing. Except those matters excepted under Civ. R. 1(C), or when the  
786 court orders otherwise, the attorneys and unrepresented parties shall confer as soon as  
787 practicable— and in any event no later than 21 days before a scheduling conference is to be held.

788  
789 (2) Conference Content; Parties' Responsibilities. In conferring, the parties must  
790 consider the nature and basis of their claims and defenses and the possibilities for promptly settling  
791 or resolving the case; make or arrange for the disclosures required by Civ. R. 26(A)(1); discuss  
792 any issues about preserving discoverable information; and develop a proposed discovery plan. The  
793 attorneys of record and all unrepresented parties that have appeared in the case are jointly  
794 responsible for arranging the conference, for attempting in good faith to agree on the proposed  
795 discovery plan, and for filing with the court within 14 days after the conference a written report  
796 outlining the plan. The court may order the parties or attorneys to attend the conference in person.

797  
798 (3) Discovery Plan. A discovery plan shall state the parties' views and proposals on:

799  
800 (a) what changes should be made in the timing, form, or requirement for disclosures  
801 under Civ. R. 26(A), including a statement of when initial disclosures were made or will be made;

802  
803 (b) agreed-upon deadlines for discovery and other items that may be included in a case  
804 schedule to be issued under Rule 16, any proposed modifications to a schedule already issued  
805 under Civ. R. 16, and compliance with Sup. R 39 and 42.

806  
807 (c) the subjects on which discovery may be needed, when discovery should be  
808 completed, and whether discovery should be conducted in phases or be limited to or focused on  
809 particular issues;

810

- 811           (d) any issues about disclosure, discovery, or preservation of electronically stored  
812 information, including the form or forms in which it should be produced;  
813
- 814           (e) disclosure and the exchange of documents obtained through public records  
815 requests;  
816
- 817           (f) any issues about claims of privilege or of protection as trial-preparation materials;  
818
- 819           (g) what changes should be made in the limitations on discovery imposed under these  
820 rules or by local rule, and what other limitations should be imposed;  
821
- 822           (h) any other orders that the court should issue under Civ. R. 26(C) or under Civ. R.  
823 16(B) and (C); and  
824
- 825           (i) any modifications required or to be requested under any scheduling order issued  
826 under Civ. R. 16.  
827

#### **Proposed Staff Notes (2020 Amendment)**

831           Civ. R. 26 has been amended to bring the Ohio rule closer to the federal rule in many respects.  
832

#### **Rule 26(B)(1)**

835           Civ. R. 26(B)(1) incorporates nearly identical language as the federal rule in Fed. R. Civ. P.  
836 26(b)(1), as amended in 2015. Civ. R. 26(B)(1) now includes language bearing on proportionality,  
837 which contemplates greater judicial involvement in the discovery process and thus acknowledges the  
838 reality that it cannot always operate on a self-regulating basis. The scope of available information,  
839 including the increase and pervasiveness of electronically stored information, has greatly increased  
840 both the potential cost of wide- ranging discovery and the potential for discovery to be used as an  
841 instrument for delay or oppression. The present amendment reflects the need for continuing and close  
842 judicial involvement in the cases that do not yield readily to the ideal of effective party management. It  
843 is expected that discovery will be effectively managed by the parties in many cases. But there will be  
844 important occasions for judicial management, both when the parties are legitimately unable to resolve  
845 important differences and when the parties fall short of effective, cooperative management on their  
846 own.  
847

848           This change does not place on the party seeking discovery the burden of addressing all  
849 proportionality considerations. Nor is the change intended to permit the opposing party to refuse  
850 discovery simply by making a boilerplate objection that it is not proportional. The parties and the court  
851 have a collective responsibility to consider the proportionality of all discovery and consider it in  
852 resolving discovery disputes.  
853

854           The parties may begin discovery without a full appreciation of the factors that bear on  
855 proportionality. A party requesting discovery, for example, may have little information about the burden  
856 or expense of responding. A party requested to provide discovery may have little information about  
857 the importance of the discovery in resolving the issues as understood by the requesting party. Many  
858 of these uncertainties should be addressed and reduced in the parties' Civ. R. 26(F) conference and  
859 in scheduling and pretrial conferences with the court. But if the parties continue to disagree, the  
860 discovery dispute could be brought before the court. A party claiming undue burden or expense  
861 ordinarily has far better information — perhaps the only information — with respect to that part of the  
862 determination. A party claiming that a request is important to resolve the issues should be able to

863 explain the ways in which the underlying information bears on the issues as that party understands  
864 them. The court's responsibility, using all the information provided by the parties, is to consider these  
865 and all the other factors in reaching a case-specific determination of the appropriate scope of  
866 discovery.

867  
868 With regard to the parties' relative access to relevant information, some cases involve what  
869 often is called "information asymmetry." One party — often an individual plaintiff — may have very  
870 little discoverable information. The other party may have vast amounts of information, including  
871 information that can be readily retrieved and information that is more difficult to retrieve. In practice  
872 these circumstances often mean that the burden of responding to discovery lies heavier on the party  
873 who has more information, and properly so.

874  
875 The former provision for discovery of relevant but inadmissible information that appears  
876 "reasonably calculated to lead to the discovery of admissible evidence" is also deleted. It is replaced  
877 by the direct statement that "Information within this scope of discovery need not be admissible in  
878 evidence to be discoverable." Discovery of nonprivileged information not admissible in evidence  
879 remains available so long as it is otherwise within the scope of discovery.

#### 880 881 **Rule 26(B)(3)**

882  
883 This provision has been added to include a requirement that parties, in most cases, exchange  
884 initial disclosures without awaiting discovery requests. The language of Civ. R. 26(B)(3) closely follows  
885 the federal rule. The purpose of the initial disclosure obligation is to accelerate the exchange of  
886 information about the case, consistent with Civ. R. 1 and 26(B)(1).

#### 887 888 **Rule 26(B)(5)**

889  
890 This subsection is revised to preserve the limitation on production of electronically stored  
891 information ("ESI") if it is from a source not reasonably accessible due to undue burden or cost. The court  
892 may still order production upon a showing of good cause. The amended rule eliminates the prior factors to  
893 be considered when determining if good cause exists and relies instead on the general concepts of  
894 proportionality contained in Rule 26.

#### 895 896 **Rule 26(B)(6)**

897  
898 Civ. R. 26(B)(6) has been added to clarify that courts have authority to modify the frequency  
899 and extent of discovery, including consideration that bear on proportionality to Civ. R. 26(B)(1). This  
900 language in Civ. R. 26(B)(6) is similar to the language in Fed. R. Civ. P. 26(b)(2)(A) and (C).

#### 901 902 **Rule 26(B)(7)**

903  
904 The Ohio Civil Rules had not previously required experts to provide a written report. The Local  
905 Rules of some counties required a written report while many others did not. Interrogatories directed to  
906 the subject matter on which an expert may testify have in practice shown to be an insufficient means  
907 to ascertain an opposing expert's opinions and the grounds upon which they are based. The absence  
908 of a written report frequently puts counsel in the position of having to bear the substantial time and  
909 expense of a deposition in order to learn the opinions of an opposing party's expert. Requiring a written  
910 report from experts setting forth all opinions and the basis and reasons for such opinions may, in many  
911 cases, obviate the need for a deposition, and will lessen the time and significant expense associated  
912 with expert discovery. So will permitting the deposition of experts only after the mutual exchange of  
913 expert reports. Further expense can be lessened by permitting ~~treating physicians~~ **healthcare**  
914 **providers** to testify as an expert as to matters addressed in medical records, without the necessity of  
915 writing a separate medical report, if such records are timely provided to opposing counsel. Subsection  
916 (B)(7)(h) is the same as Fed. R. Civ. P. 26(b)(4)(D) and protects facts and opinions held by an expert  
917 who is not expected to be called as a witness at trial.

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**Rule 26(F)**

The changes in the proposed rules are best highlighted and understood in contrast to the Federal Rules. The differences between proposed Ohio’s Civ.R. 26(F) and Fed. Civ.R. 26(F) are as follows:

1. Civ.R. 26(F)(1) – The Ohio Rule reads, “Except those matters excepted under Civ.R. 1(C)[...].” The Federal Rule reads, “Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B)[...].”

2. Civ.R. 26(F)(1) – The Ohio Rule states that “attorneys and unrepresented parties shall confer as soon as practicable[...].” The Federal Rule states that “the parties must confer as soon as practicable[...].”

3. Civ. R. 26(F)(1) – The Ohio Rule reads, at the end, “21 days before a scheduling conference is to be held.” The intent with this language of the proposed Ohio Rule is to simplify the setting of the scheduling conference and to give the court greater flexibility in setting that conference. The Federal Rule reads, at the end, “21 days before a scheduling conference is held or a scheduling order is due under Rule 16(b).”

4. Civ.R. 26(F)(2) – The Ohio Rule reads, at the end of the second to last sentence, “and for filing with the court[...].” The Federal Rule reads, at the end of the second of the second to last sentence, “and for submitting with the court[...].”

5. Civ.R. 26(F)(3) – The Ohio Rule uses the word “shall” and the Federal Rule uses the word “must.”

6. Civ.R. 26(F)(3)(e) – The Ohio Rule addresses public records disclosure as part of the discovery plan whereas the Federal Rule does not.

7. Civ.R. 26(F)(3)(f) – The Ohio Rule ends with “of protection as trial-preparation materials[...].” The Federal Rule (Fed. Civ.R. 26(F)(3)(D)) ends with “as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502[...].”

8. Civ.R. 26(F)(3)(b) and (i) – these subsections are not included in Fed. Civ.R. 26(F)(3).

9. Civ.R. 26(F)(4) – This subsection was removed from the proposed Ohio Rules, but it is included in the Federal Rules.

10. This amendment introduces to Ohio’s civil rules the concept of an early, mandatory conference among the attorneys and any unrepresented party, and requires the filing of a written report outlining the results of that conference. This amendment also requires that the discovery plan, to which counsel and the parties agree, be in compliance with the time limitations of Sup.R. 39 and 42.

965 **RULE 53. Magistrates.**

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

967  
968  
969 **(C) Authority.**

970  
971 (1) *Scope.* To assist courts of record and pursuant to reference under Civ. R. 53(D)(1),  
972 magistrates are authorized, subject to the terms of the relevant reference, to do any of the following:

973  
974 (a) Determine any motion in any case;

975  
976 (b) Conduct the trial of any case that will not be tried to a jury;

977  
978 (c) Upon unanimous written consent of the parties, preside over the trial of any  
979 case that will be tried to a jury;

980  
981 (d) Conduct proceedings upon application for the issuance of a temporary  
982 protection order as authorized by law;

983  
984 (e) Exercise any other authority specifically vested in magistrates by statute and  
985 consistent with this rule.

986  
987 (2) *Jury trials before magistrates.* Notwithstanding any other provision of these rules,  
988 in jury trials presided over by magistrates, the factual findings of the jury shall be conclusive as in  
989 any trial before a judge. All motions presented following the unanimous written consent of the  
990 parties, including those under Civ.R. 26, 37, 50, 51, 56, 59, 60, and 62, shall be heard and decided  
991 by the magistrate. No objections shall be entertained to the factual findings of a jury, or to the  
992 motion or legal rulings made by the magistrate except on appeal to the appropriate appellate court  
993 after entry of a final judgment or final appealable order. The trial judge to whom the matter was  
994 originally assigned before the parties consented to trial before a magistrate shall enter judgment  
995 consistent with the magistrate's journalized entry pursuant to Civ.R. 58, but shall not otherwise  
996 review the magistrate's rulings or a jury's factual findings in a jury trial before a magistrate.

997  
998 ~~(2)~~(3) *Regulation of proceedings.* In performing the responsibilities described in Civ. R.  
999 53(C)(1), magistrates are authorized, subject to the terms of the relevant reference, to regulate all  
1000 proceedings as if by the court and to do everything necessary for the efficient performance of those  
1001 responsibilities, including but not limited to, the following:

1002  
1003 (a) Issuing subpoenas for the attendance of witnesses and the production of  
1004 evidence;

1005  
1006 (b) Ruling upon the admissibility of evidence;

1007  
1008 (c) Putting witnesses under oath and examining them;

1009  
1010 (d) Calling the parties to the action and examining them under oath;

1011 (e) When necessary to obtain the presence of an alleged contemnor in cases  
1012 involving direct or indirect contempt of court, issuing an attachment for the alleged  
1013 contemnor and setting the type, amount, and any conditions of bail pursuant to Crim. R.  
1014 46;

1015  
1016 (f) Imposing, subject to Civ. R. 53(D)(8), appropriate sanctions for civil or  
1017 criminal contempt committed in the presence of the magistrate.  
1018

1019 **[Existing language unaffected by the amendments is omitted to conserve space]**

1020 **Proposed Staff Notes (July 2020)**

1021 **Division (C)(2)**

1022  
1023 A major improvement to federal practice in the last half century was the authorization given  
1024 magistrate judges to conduct civil jury trials. F.R.C.P. 73. Following the lead of the federal courts, Ohio  
1025 magistrates also now conduct civil jury trials with written consent of all parties as authorized by Civ.R.  
1026 53(C)(1)(c). Yet, as demonstrated in *Gilson v. American Institute of Alternative Medicine*, 10th Dist. Case  
1027 No. 15AP-548, 2016-Ohio-1324, ¶¶ 28-29, 103, Ohio procedure remains cumbersome after jury trials  
1028 conducted by magistrates, and may require the trial court to unnecessarily review factual findings of the  
1029 jury and certain interlocutory rulings of a magistrate. This is unnecessarily time consuming and costly.  
1030

1031  
1032  
1033 The amendment adds a new Division (C)(2) and renumbers the existing Division (C)(2) as Division  
1034 (C)(3). New Civ.R. 53(C)(2) streamlines the procedure following jury trials conducted by magistrates upon  
1035 unanimous consent of the parties, although still requiring the entry of judgment by the trial court. Factual  
1036 findings of the jury and the magistrate's interlocutory rulings preceding the entry of judgment, are no longer  
1037 required to undergo a cumbersome and expensive procedure for which essentially the first line of appeal  
1038 has been to the trial court, rather than directly to a court of appeals.

1039           **RULE 73.     Probate Division of the Court of Common Pleas**  
1040

1041           (A)     **Applicability.** These Rules of Civil Procedure shall apply to proceedings in the  
1042 probate division of the court of common pleas as indicated in this rule. Additionally, all of the  
1043 Rules of Civil Procedure, though not specifically mentioned in this rule, shall apply except to the  
1044 extent that by their nature they would be clearly inapplicable.  
1045

1046           (B)     **Venue.** Civ. R. ~~3(B)~~ 3(C) shall not apply to proceedings in the probate division of  
1047 the court of common pleas, which shall be venued as provided by law. Proceedings under Chapters  
1048 2101. through 2131. of the Revised Code, which may be venued in the general division or the  
1049 probate division of the court of common pleas, shall be venued in the probate division of the  
1050 appropriate court of common pleas.  
1051

1052           Proceedings that are improperly venued shall be transferred to a proper venue provided by  
1053 law and division (B) of this rule, and the court may assess costs, including reasonable attorney  
1054 fees, to the time of transfer against the party who commenced the action in an improper venue.  
1055

1056           **[Existing language unaffected by the amendments is omitted to conserve space]**

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**OHIO RULES OF CRIMINAL PROCEDURE**  
**(Amendments following the First Round of Public Comment in RED)**

**RULE 19. Magistrates**

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

**(C) Authority**

(1) *Scope.* To assist courts of record and pursuant to reference under Crim. R. 19(D)(1), magistrates are authorized, subject to the terms of the relevant reference, to do any of the following:

(a) Conduct initial appearances and preliminary hearings pursuant to Crim. R. 5.

(b) Conduct arraignments pursuant to Crim.R. 10.

(c) Receive pleas, in accordance with Crim.R. 11, only as follows:

(i) In felony and misdemeanor cases, accept and enter not guilty pleas.

(ii) In felony cases that contain only fourth and/or fifth degree felonies and in all misdemeanor cases, accept and enter guilty and no contest pleas, determine guilt or innocence, receive statements in explanation and in mitigation of sentence, and recommend a penalty to be imposed. If imprisonment is a possible penalty for the offense charged, the matter may be referred only with the unanimous consent of the parties, in writing or on the record in open court.

(d) Conduct pretrial conferences pursuant to Crim. R. 17.1.

(e) Conduct proceedings to establish bail pursuant to Crim. R. 46.

(f) Hear and decide the following motions:

(i) Any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is not a possible penalty.

(ii) Upon the unanimous consent of the parties in writing or on the record in open court, any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is a possibility.

(g) Conduct proceedings upon application for the issuance of a temporary protection order as authorized by law.

(h) Conduct the trial of any misdemeanor case that will not be tried to a jury. If the offense charged is an offense for which imprisonment is a possible penalty, the matter may be referred only with unanimous consent of the parties in writing or on the record in open court.

1102  
1103 (i) Conduct proceedings in Supreme Court certified dockets only when authorized and  
1104 only in accordance with the authority granted by the Specialized Docket Standards.

1105  
1106 ~~(j)~~(j) Exercise any other authority specifically vested in magistrates by statute and  
1107 consistent with this rule.

1108  
1109 (2) *Regulation of proceedings.* In performing the responsibilities described in Crim.  
1110 R. 19(C)(1), magistrates are authorized, subject to the terms of the relevant reference, to regulate  
1111 all proceedings as if by the court and to do everything necessary for the efficient performance of  
1112 those responsibilities, including but not limited to, the following:

1113  
1114 (a) Issuing subpoenas for the attendance of witnesses and the production of evidence;

1115  
1116 (b) Ruling upon the admissibility of evidence in misdemeanor cases in accordance with  
1117 division (C)(1)(f) of this rule;

1118  
1119 (c) Putting witnesses under oath and examining them;

1120  
1121 (d) When necessary to obtain the presence of an alleged contemnor in cases involving  
1122 direct or indirect contempt of court, issuing attachment for the alleged contemnor and setting the  
1123 type, amount, and any conditions of bail pursuant to Crim. R. 46;

1124  
1125 (e) Imposing, subject to Crim. R. 19(D)(8), appropriate sanctions for civil or criminal  
1126 contempt committed in the presence of the magistrate.

1127  
1128 **[Existing language unaffected by the amendments is omitted to conserve space]**

1129  
1130 **Proposed Staff Note (July 2020)**

1131  
1132 Crim.R. 19(C)

1133  
1134 The authority of Magistrates was increased by changes to (C)(1). This will allow more flexibility for courts  
1135 to utilize Magistrates and to promote judicial economy.

1136 **RULE 46. Bail Pretrial Release and Detention**

1137  
1138 (A) **Pretrial detention.** A defendant may be detained pretrial, pursuant to a motion by  
1139 the prosecutor or the court's own motion, in accordance with the standards and procedures set forth  
1140 in the Revised Code.

1141  
1142 (B) **Pretrial release.** Unless the court orders the defendant detained under division (A)  
1143 of this rule, the court shall release the defendant on the least restrictive conditions that, in the  
1144 discretion of the court, will reasonably assure the defendant's appearance in court, the protection  
1145 or safety of any person or the community, and that the defendant will not obstruct the criminal  
1146 justice process. If the court orders financial conditions of release, those financial conditions shall  
1147 be related solely to the defendant's risk of non-appearance. Any financial conditions shall be in an  
1148 amount and type which are least costly to the defendant while also sufficient to reasonably assure  
1149 the defendant's future appearance in court.

1150  
1151 (1) ~~Types and amounts of bail~~ **Financial conditions of release.** Any person who is  
1152 entitled to release ~~shall~~ may be released upon one or more of the following types of ~~bail~~ financial  
1153 conditions in the amount set by the court:

1154  
1155 (1a) ~~The personal recognizance of the accused or an~~ An unsecured bail bond;

1156  
1157 (2b) A bail bond secured by the deposit of ten percent of the amount of the bond in  
1158 cash. Ninety percent of the deposit shall be returned upon compliance with all conditions  
1159 of the bond;

1160  
1161 (3c) A surety bond, a bond secured by real estate or securities as allowed by law,  
1162 or the deposit of cash, at the option of the defendant.

1163  
1164 (B)(C)(2) **Non-financial Conditions conditions of release bail.** The court may  
1165 impose any of the following conditions of ~~bail~~ release:

1166  
1167 (a) ~~The personal recognizance of the accused;~~

1168  
1169 (b) Place the person in the custody of a designated person or organization  
1170 agreeing to supervise the person;

1171  
1172 (b)(c) ~~Place~~ Place restrictions on the travel, association, or place of abode of the person  
1173 during the period of release;

1174  
1175 (e)(d) ~~Place~~ Place the person under a house arrest, electronic monitoring, or work  
1176 release program;

1177  
1178 (d)(e) ~~Regulate or prohibit the person's contact with the victim;~~

1179

1180 ~~(e)(f)~~ Regulate the person's contact with witnesses or others associated with the  
1181 case upon proof of the likelihood that the person will threaten, harass, cause injury, or seek  
1182 to intimidate those persons;

1183  
1184 ~~(f)(g)~~ Require a person who is charged with an offense that is alcohol or drug  
1185 related, and who appears to need treatment, to attend treatment while on bail completion  
1186 of a drug and/or alcohol assessment and compliance with treatment recommendations, for  
1187 any person charged with an offense that is alcohol or drug related, or where alcohol or drug  
1188 influence or addiction appears to be a contributing factor in the offense, and who appears  
1189 based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in  
1190 need of treatment;

1191  
1192 ~~(g)(h)~~ Require compliance with alternatives to pretrial detention, including but not  
1193 limited to diversion programs, day reporting, or comparable alternatives, to ensure the  
1194 person's appearance at future court proceedings;

1195  
1196 ~~(h)(i)~~ Any other constitutional condition considered reasonably necessary to  
1197 reasonably assure ~~ensure~~ appearance or public safety.

1198  
1199 **(C) Factors.** In determining the types, amounts, and conditions of bail, the court shall  
1200 consider all relevant information, including but not limited to:

1201  
1202 (1) The nature and circumstances of the crime charged, and specifically whether the  
1203 defendant used or had access to a weapon;

1204  
1205 (2) The weight of the evidence against the defendant;

1206  
1207 (3) The confirmation of the defendant's identity;

1208  
1209 (4) The defendant's family ties, employment, financial resources, character, mental  
1210 condition, length of residence in the community, jurisdiction of residence, record of convictions,  
1211 record of appearance at court proceedings or of flight to avoid prosecution;

1212  
1213 (5) Whether the defendant is on probation, a community control sanction, parole, post-  
1214 release control, bail, or under a court protection order

1215  
1216 In addition, the court may consider the results of a validated risk assessment tool, if  
1217 provided to the court.

1218  
1219 **(D) Appearance pursuant to summons.** When summons has been issued and the  
1220 defendant has appeared pursuant to the summons, absent good cause, there is a presumption of  
1221 release on personal recognizance ~~a recognizance bond shall be the preferred type of bail.~~

1222  
1223 **(E) ~~Amendments~~ Continuation of Bail.** ~~A court, at any time, may order additional or~~  
1224 ~~different types, amounts, or conditions of bail. Unless modified by the judicial officer, or if~~  
1225 ~~application is made by a surety for discharge from a bond pursuant to R.C. 2937.40, conditions of~~

1226 ~~release shall continue until the return of a verdict or the entry of a guilty plea, and may continue~~  
1227 ~~thereafter pending sentence or disposition of the case on review.~~ When a judicial officer, either  
1228 on motion of a party or on the court's own motion, determines that the considerations set forth in  
1229 subsections (B) and (C) require a modification of the conditions of release, the judicial officer may  
1230 order additional or different types, amounts or conditions of bail, or may eliminate or lessen  
1231 conditions of bail determined to be no longer necessary. ~~Unless modified by the judicial officer,~~  
1232 ~~or if application is made by a surety for discharge from a bond pursuant to R.C. 2937.40, conditions~~  
1233 ~~of release shall continue until the return of a verdict or the entry of a guilty plea, and may continue~~  
1234 ~~thereafter pending sentence or disposition of the case on review.~~

1235  
1236 **(F) Information need not be admissible.** Information stated in or offered in connection  
1237 with any order entered pursuant to this rule need not conform to the rules pertaining to the  
1238 admissibility of evidence in a court of law. Statements or admissions of the defendant made at a  
1239 bail proceeding or in the course of compliance with a condition of bail shall not be received as  
1240 substantive evidence in the trial of the case.

1241  
1242 **(G) Bond schedule.**

1243  
1244 (1) In order to expedite the prompt release of a defendant prior to initial appearance,  
1245 ~~Each~~ each court shall establish a bail bond schedule covering all misdemeanors including traffic  
1246 offenses, either specifically, by type, by potential penalty, or by some other reasonable method of  
1247 classification. The court also may include requirements for release in consideration of divisions  
1248 (B) and (C)(5) of this rule. The sole purpose of a bail schedule is to allow for the consideration of  
1249 release prior to the defendant's initial appearance.

1250  
1251 (2) A bond schedule shall not be considered as "relevant information" under division  
1252 (D) of this rule.

1253  
1254 (3) Each municipal or county court shall, by rule, establish a method whereby a person  
1255 may make bail by use of a credit card. ~~No credit card transaction shall be permitted when a service~~  
1256 ~~charge is made against the court or clerk unless allowed by law.~~

1257  
1258 (4) Each court shall review its bail bond schedule ~~bi-annually~~ ~~biennially~~ by January 31  
1259 of each even numbered year, to ensure an appropriate bail bond schedule that does not result in the  
1260 unnecessary detention of defendants due to inability to pay.

1261  
1262 ~~**(H) Continuation of bonds.** Unless otherwise ordered by the court pursuant to division~~  
1263 ~~(E) of this rule, or if application is made by the surety for discharge, the same bond shall continue~~  
1264 ~~until the return of a verdict or the acceptance of a guilty plea. In the discretion of the court, the~~  
1265 ~~same bond may also continue pending sentence or disposition of the case on review. Any provision~~  
1266 ~~of a bond or similar instrument that is contrary to this rule is void.~~

1267  
1268 **(H) Review of Release Conditions.** A person who has been arrested, either pursuant  
1269 to a warrant or without a warrant, and who has not been released on bail, shall be brought before  
1270 a judicial officer for an initial bail hearing no later than the second court day following the arrest.  
1271 That bail hearing may be combined with the initial appearance provided for in Crim. R. 5(A).

1272  
1273 If, at the initial bail hearing before a judicial officer, the defendant was not represented by  
1274 counsel, and if the defendant has not yet been released on bail, a second bail hearing shall be held  
1275 on the second court day following the initial bail hearing. An indigent defendant shall be afforded  
1276 representation by appointed counsel at State's expense at this second bail hearing.  
1277

1278 **(I) Failure to appear; breach of conditions.** Any person who fails to appear before  
1279 any court as required is subject to the punishment provided by the law, and any bond ~~bail~~ given  
1280 for the person's release may be forfeited. If there is a breach of condition of release ~~bail~~, the court  
1281 may amend the bail.  
1282

1283 **(J) Justification of sureties.** Every surety, except a corporate surety licensed as  
1284 provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the  
1285 property that the surety proposes as security and the encumbrances on it, the number and amount  
1286 of other bonds and undertakings for bail entered into by the surety and remaining undischarged,  
1287 and all of the surety's other liabilities. The surety shall provide other evidence of financial  
1288 responsibility as the court or clerk may require. No bail bond shall be approved unless the surety  
1289 or sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the  
1290 amount of the bond. No licensed attorney at law shall be a surety.  
1291

1292  
1293 **Proposed Staff Note (July 2020)**  
1294

1295 **Crim.R. 46**  
1296

1297 Crim. R. 46 has been amended to improve efficiency in setting bail in an amount that effectively  
1298 ensures (1) the defendant's continued presence at future proceedings, (2) that future proceedings will not  
1299 be impeded by any effort to obstruct justice, and (3) the safety of any person as well as the community in  
1300 general. Crim. R. 46 continues to entrust to the judicial officer's sound discretion the setting of particular  
1301 conditions of release that will be imposed on a particular defendant in a particular case. At the same time,  
1302 the amendments seek to ensure that excessive money bails are not used as a means of simply denying a  
1303 defendant bail without benefit of a detention hearing prescribed by statute. See  
1304 R.C. 2937.222  
1305

1306 The title of Crim. R. 46 has been changed to recognize that pretrial detention is available under the  
1307 Revised Code in those cases where no conditions of release are reasonably available. Subsection (A) has  
1308 been added to that same effect.  
1309

1310 Subsection (B) recognizes that conditions of release include both financial and non-financial  
1311 conditions, either or both of which may be employed by the judicial officer in the exercise of the judicial  
1312 officer's discretion. Financial conditions should be the least costly to reasonably ensure the defendant's  
1313 presence at future proceedings; limiting financial conditions to ensuring against risk of flight is consistent  
1314 with subsection (I), which provides that bond can only be forfeited when a defendant fails to appear at a  
1315 future proceeding. The subsection's list of non-financial conditions is not exclusive, but identifies a number  
1316 of non-financial conditions already employed by courts in Ohio and elsewhere.  
1317

1318 Subsection (G) recognizes that a bond schedule is to be used for the sole purpose of securing a  
1319 release before an initial appearance, and is not to be considered by a judicial officer during a bond hearing.  
1320

1321 Subsection (H) has been amended to ensure that a person arrested who has not already been  
1322 released pursuant to posting a bond specified in a bond schedule or prescribed in an arrest warrant, will  
1323 appear before a judicial officer no later than the second court day after arrest. If the defendant's appearance

1324 at that time is without counsel, and if the defendant has not yet been released, then a second hearing, with  
1325 the opportunity for the defendant to be represented by counsel, must take place within two court days after  
1326 the initial court appearance.

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**OHIO RULES OF APPELLATE PROCEDURE**  
**(Amendments following the First Round of Public Comment in RED)**

**RULE 3. Appeals as of Right – How Taken**

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

**(C) Cross-Appeal**

**(1) ~~Cross~~ When notice of cross-appeal required.** ~~A person who~~ Whether or not an ~~appellee intends to defend a judgment or an order on~~ appellee intends to defend a judgment or an order on ~~against an appeal taken by an appellant, an~~ against an appeal taken by an appellant, an ~~appellee and who also seeks to change the judgment or order or, in the event the judgment or order~~ appellee and who also seeks to change the judgment or order or, in the event the judgment or order ~~is may be reversed or modified, an interlocutory ruling merged into the judgment or order, shall~~ is may be reversed or modified, an interlocutory ruling merged into the judgment or order, shall ~~file a notice of cross-appeal with the clerk of the trial court, and may also file a courtesy copy of~~ file a notice of cross-appeal with the clerk of the trial court, and may also file a courtesy copy of ~~the notice of cross-appeal with the clerk of the appellate court, within the time allowed by App.R.~~ the notice of cross-appeal with the clerk of the appellate court, within the time allowed by App.R. ~~4. The clerk of the trial court shall process the notice of cross-appeal in the same manner as the~~ 4. The clerk of the trial court shall process the notice of cross-appeal in the same manner as the ~~notice of appeal.~~ notice of appeal.

**(2) ~~Cross~~ When notice of cross-appeal not required; and cross-assignment of error** ~~not never required.~~ **not never required.** ~~A person who intends to defend a judgment or an order appealed by an~~ A person who intends to defend a judgment or an order appealed by an ~~appellant on a ground other than that relied on by the trial court but who does not seek to change~~ appellant on a ground other than that relied on by the trial court but who does not seek to change ~~the judgment or order is not required to file a notice of cross-appeal or to raise a cross-assignment~~ the judgment or order is not required to file a notice of cross-appeal or to raise a cross-assignment ~~of error.~~ of error.

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

1352           **RULE 19.     Form of Briefs and Other Papers**  
1353

1354           **(A)     Form of briefs.** Briefs may be typewritten or be produced by standard  
1355 typographic printing or by any duplicating or copying process which produces a clear black image  
1356 on white paper. Carbon copies of briefs may not be submitted without permission of the court,  
1357 except in behalf of parties allowed to proceed in forma pauperis. All printed matter must appear  
1358 in at least a twelve point type on opaque, unglazed paper. Briefs produced by standard typographic  
1359 process shall be bound in volumes having pages 6 1/8 by 9 1/4 inches and type matter 4 1/6 by 7  
1360 1/6 inches. Those produced by any other process shall be bound in volumes having pages not  
1361 exceeding 8 1/2 by 11 inches and type matter not exceeding 6 1/2 by 9 1/2 inches, with double  
1362 spacing between each line of text except quoted matter which shall be single spaced. Where  
1363 necessary, briefs may be of such size as required to utilize copies of pertinent documents.  
1364

1365           Without prior leave of court, no initial brief of appellant or cross-appellant and no answer  
1366 brief of appellee or cross-appellee shall ~~exceed thirty five pages in length~~ contain more than  
1367 15,300 words, and no reply brief shall ~~exceed fifteen pages in length~~ contain more than 6,500  
1368 words, exclusive of the cover page, the table of contents, table of cases, statutes and other  
1369 authorities cited, statement regarding oral argument, certificates of counsel, signature blocks,  
1370 certificate of service, and appendices, if any. A court of appeals, by local rule, may adopt ~~shorter~~  
1371 ~~or longer page~~ different word-count limitations, or page limitations, or both. In all proceedings  
1372 involving post-conviction review of a capital case, as defined in Crim.R. 42, there shall be no  
1373 ~~page limitations or word-count limitations~~. The signature of the attorney, or an unrepresented  
1374 party, constitutes a certification that the document filed complies with the applicable word-count  
1375 limitation. The person signing the document may rely on the word count of the word-processing  
1376 system used to prepare the document.  
1377

1378           The front covers of the briefs, if separately bound, shall contain: (1) the name of the court  
1379 and the number of the case; (2) the title of the case [see App. R. 11(A)]; (3) the nature of the  
1380 proceeding in the court (e.g., Appeal) and the name of the court below; (4) the title of the  
1381 document (e.g., Brief for Appellant); and (5) the names and addresses of counsel representing the  
1382 party on whose behalf the document is filed.  
1383

1384           **(B)     Form of other papers.** Applications for reconsideration shall be produced in a  
1385 manner prescribed by subdivision (A). Motions and other papers may be produced in a like  
1386 manner, or they may be typewritten upon opaque, unglazed paper 8 1/2 by 11 inches in size.  
1387 Lines of typewritten text shall be double spaced except quoted matter which shall be single  
1388 spaced. Consecutive sheets shall be attached at the left margin. Carbon copies may be used for  
1389 filing and service if they are legible.  
1390

1391           A motion or other paper addressed to the court shall contain a caption setting forth the  
1392 name of the court, the title of the case, the case number and a brief descriptive title indicating  
1393 the purpose of the paper.  
1394

1395 **RULE 21. Oral Argument**

1396

1397 **(A) Scheduling and requesting oral argument.** The court shall schedule oral argument  
1398 in all cases, whether or not requested by a party, unless the court has adopted a local rule requiring  
1399 a party to request oral argument. In the event of such a local rule, the court shall schedule oral  
1400 argument at the request of any of the parties. Such a request shall be in the form of the words  
1401 “ORAL ARGUMENT REQUESTED” displayed prominently on the cover page of the appellant’s  
1402 opening brief or the appellee’s brief; no separate motion or other filing is necessary to secure oral  
1403 argument. Notwithstanding any of the foregoing, the court is not required to schedule oral  
1404 argument, even if requested, if any of the parties is both incarcerated and proceeding pro se.

1405

1406 **(B) Notice of oral argument and of appellate panel.**

1407

1408 (1) The court shall advise all parties of the time and place at which oral argument will be  
1409 heard.

1410

1411 (2) No later than fourteen days prior to the date on which oral argument will be heard, the  
1412 court of appeals shall make available to the parties the names of the judges assigned to the three-  
1413 judge panel that will hear the case. If the case is submitted on briefs without oral argument, the  
1414 court of appeals shall make available to the parties the names of the judges assigned to the three-  
1415 judge panel that will hear the case no later than fourteen days prior to the date on which the case  
1416 is submitted to the panel. If the membership of the panel changes after the names of the judges are  
1417 made available to the parties pursuant to this rule, the court of appeals shall immediately make the  
1418 new membership of the panel available to the parties.

1419

1420 **(C) Time allowed for argument.** Unless otherwise ordered, each side will be allowed  
1421 ~~thirty fifteen~~ minutes for argument. Either sua sponte or upon motion, the court may vary the time  
1422 for oral argument permitted by this rule. Motions to vary the time for oral argument shall be filed  
1423 at least ~~seven~~ fourteen days before the date scheduled for oral argument. A party is not obliged to  
1424 use all of the time allowed, and the court may terminate the argument whenever in its judgment  
1425 further argument is unnecessary.

1426

1427 **(D) Order and content of argument.** The appellant is entitled to open and conclude the  
1428 argument, except in the case of a cross appeal. The opening argument shall include a fair statement  
1429 of the case. Counsel will not be permitted to read at length from briefs, records or authorities.

1430

1431 **(E) Cross and separate appeals.** A cross-appeal or separate appeal shall be argued with  
1432 the initial appeal at a single argument, unless the court otherwise directs. ~~If separate~~ Separate  
1433 appellants or appellees support the same argument, they shall share the thirty fifteen minutes  
1434 allowed to their side for argument unless pursuant to timely request the court grants additional  
1435 time. Separate parties supporting the same side of an appeal may agree to divide their time however  
1436 they choose.

1437

1438 **(F) Nonappearance of parties.** If the appellee fails to appear to present argument, the  
1439 court will hear argument on behalf of the appellant, if present. If the appellant fails to appear, the

1440 court may hear argument on behalf of the appellee, if ~~his~~ appellee's counsel is present. If neither  
1441 party appears, the case will be decided on the briefs unless the court shall otherwise order.  
1442

1443 **(G) Submission on briefs.** By agreement of the parties, a case may be submitted for  
1444 decision on the briefs, but the court may direct that the case be argued.  
1445

1446 **(H) Motions.** Oral argument will not be heard upon motions unless ordered by the court.  
1447

1448 **(I) Citation of Additional Authorities.** If counsel on oral argument intends to present  
1449 authorities not cited in the brief, counsel shall, at least five days prior to oral argument, present in  
1450 writing such authorities to the court and to opposing counsel, unless there is good cause for a later  
1451 presentment.

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**OHIO RULES OF JUVENILE PROCEDURE**  
**(Amendments following the First Round of Public Comment in RED)**

**RULE 4. Assistance of Counsel; Guardian Ad Litem**

(A) **Assistance of counsel.** Every party shall have the right to be represented by counsel and every child, parent, custodian, or other person in loco parentis the right to appointed counsel if indigent. These rights shall arise when a person becomes a party to a juvenile court proceeding. ~~When the complaint alleges that a child is an abused child, the court must appoint an attorney to represent the interests of the child.~~ This rule shall not be construed to provide for a right to appointed counsel in cases in which that right is not otherwise provided for by constitution or statute.

(B) **Guardian ad litem; when appointed.** The court shall appoint a guardian *ad litem* to protect the interests of a child or incompetent adult in a juvenile court proceeding when:

- (1) The child has no parents, guardian, or legal custodian;
- (2) The interests of the child and the interests of the parent may conflict;
- (3) The parent is under eighteen years of age or appears to be mentally incompetent;
- (4) The court believes that the parent of the child is not capable of representing the best interest of the child.
- (5) Any proceeding involves allegations of abuse or neglect, or dependency, voluntary surrender of permanent custody, or termination of parental rights as soon as possible after the commencement of such proceeding.
- (6) There is an agreement for the voluntary surrender of temporary custody that is made in accordance with section 5103.15 of the Revised Code, and thereafter there is a request for extension of the voluntary agreement.
- (7) The proceeding is a removal action.
- (8) Appointment is otherwise necessary to meet the requirements of a fair hearing.
- (9) If a court appoints a person who is not an attorney admitted to the practice of law in this state to be a guardian ad litem, the court may appoint an attorney admitted to the practice of law in this state to serve as attorney for the guardian ad litem, child, or ward.

(C) ~~**Guardian ad litem as counsel.**~~

~~(1) When the guardian ad litem is an attorney admitted to practice in this state, the guardian may also serve as counsel to the ward providing no conflict between the roles exist.~~

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~~(2) If a person is serving as guardian ad litem and as attorney for a ward and either that person or the court finds a conflict between the responsibilities of the role of attorney and that of guardian ad litem, the court shall appoint another person as guardian ad litem for the ward.~~

~~(3) If a court appoints a person who is not an attorney admitted to practice in this state to be a guardian ad litem, the court may appoint an attorney admitted to practice in this state to serve as attorney for the guardian ad litem.~~

If ~~an attorney a person~~ is serving as Guardian ad litem for a child or ward, and the court finds a conflict exists between the role of the Guardian ad litem and the interest or wishes of the child of the ward, the court shall appoint counsel for the child or ward.

**(D) Appearance of attorneys.** An attorney shall enter appearance by filing a written notice with the court or by appearing personally at a court hearing and informing the court of said representation.

**(E) Notice to guardian ad litem.** The guardian ad litem shall be given notice of all proceedings in the same manner as notice is given to other parties to the action.

**(F) Withdrawal of counsel or guardian ad litem.** An attorney or guardian ad litem may withdraw only with the consent of the court upon good cause shown.

**(G) Costs.** The court may fix compensation for the services of appointed counsel and guardians ad litem, tax the same as part of the costs and assess them against the child, the child's parents, custodian, or other person in loco parentis of such child.

1523 **RULE 42. Consent to Marry**

1524  
1525 **(A) ~~Application where parental consent not required~~ Application where Juvenile Court consent.**

1526 ~~When a minor desires to contract matrimony and has no parent, guardian, or custodian whose~~  
1527 ~~consent to the marriage is required by law, the minor shall file an application under oath in the~~  
1528 ~~county where the female resides requesting that the judge of the juvenile court give consent and~~  
1529 ~~approbation in the probate court for such marriage.~~

1530  
1531 (1) When two persons, both age seventeen, seek to be joined in marriage, both  
1532 persons shall file an application under oath requesting that the juvenile court give consent and  
1533 approbation in the probate court for such marriage.

1534  
1535 (2) When a person age seventeen desires to be joined in marriage to an adult who is  
1536 no more than four years older, the minor shall file an application under oath in the county where  
1537 the minor resides requesting that the juvenile court consent and approbation in the probate court  
1538 for such marriage.

1539  
1540 **(B) ~~Contents of application~~ Application where both persons are age seventeen.**  
1541 The application required by division (A)(1) of this rule shall contain all of the following:

1542  
1543 (1) The name, and address, and date of birth of the person for whom consent is sought  
1544 seeking consent;

1545  
1546 (2) ~~The age of the person for whom consent is sought~~ An affirmation that the person  
1547 seeking consent is age seventeen;

1548  
1549 (3) ~~The reason why consent of a parent is not required~~ The name and date of birth of  
1550 the other person to be joined in marriage;

1551  
1552 (4) ~~The name and address, if known, of the parent, where the minor alleges that parental~~  
1553 consent is unnecessary because the parent has neglected or abandoned the child for at least one  
1554 year immediately preceding the application An affirmation that the other person to be joined in  
1555 marriage is also seventeen.

1556  
1557 (5) An affirmation that the application is being filed in the juvenile court of the county  
1558 where the he/she resides, and that a similar application has not been filed in a juvenile court of  
1559 another county within the state;

1560  
1561 (6) An affirmation that the applicant is either:

1562  
1563 (a) A member of the armed services;

1564  
1565 (b) A employed and self-subsisting;

1566  
1567 (c) A independent from the care and control of his or her parent, guardian, or custodian.

1568

1569 (7) An affirmation that the applicant who is to marry is free from force or coercion;

1570

1571 (8) The name and address of a parent, legal guardian, or legal custodian of the person  
1572 seeking consent with whom the juvenile court shall consult, and;

1573

1574 (9) The Court should find by clear and convincing evidence that the intended marriage  
1575 and the emancipation is in the best interest of the applicant.

1576

1577 (C) Contents of Application application where only one person is age seventeen  
1578 ~~female pregnant or delivered of child born out of wedlock. Where a female is pregnant or~~  
1579 ~~delivered of a child born out of wedlock and the parents of such child seek to marry even though~~  
1580 ~~one or both of them is under the minimum age prescribed by law for persons who may contract~~  
1581 ~~marriage, such persons shall file an application under oath in the county where the female resides~~  
1582 ~~requesting that the judge of the juvenile court give consent in the probate court to such marriage.~~

1583

1584 The application required by division (A)(2) of this rule shall contain all of the following:

1585

1586 (1) The name, address, and date of birth of the person seeking consent;

1587

1588 (2) An affirmation that the person seeking consent is age seventeen;

1589

1590 (3) The name and date of birth of the other person to be joined in marriage;

1591

1592 (4) An affirmation that the other person to be joined in marriage is no more than four  
1593 years older than the person seeking consent;

1594

1595 (5) An affirmation that the application is being filed in the juvenile court of the county  
1596 where he or she resides, and that a similar application has not been filed in a juvenile court of  
1597 another county within the state;

1598

1599 (6) An affirmation that the applicant is either:

1600

1601 (a) A member of the armed services;

1602

1603 (b) Employed and self-subsisting;

1604

1605 (c) Independent from the care and control of his or her parent, guardian, or custodian.

1606

1607 (7) An affirmation that the applicant who is to marry is free from force or coercion;

1608

1609 (8) The name and address of a parent, legal guardian, or legal custodian of the person  
1610 seeking consent with whom the juvenile court shall consult, and;

1611

1612 (9) The Court should find by clear and convincing evidence that the intended marriage  
1613 and the emancipation is in the best interest of the applicant.

1614

1615           (D)    ~~Contents of application.~~ The application required by subdivision (C) shall  
1616 contain:

1617  
1618           (1)    ~~The name and address of the person or persons for whom consent is sought;~~

1619  
1620           (2)    ~~The age of such person;~~

1621  
1622           (3)    ~~An indication of whether the female is pregnant or has already been delivered;~~

1623  
1624           (4)    ~~An indication of whether or not any applicant under eighteen years of age is already~~  
1625 ~~a ward of the court; and~~

1626  
1627           (5)    ~~Any other facts which may assist the court in determining whether to consent to~~  
1628 ~~such marriage.~~

1629

1630           If pregnancy is asserted, a certificate from a physician verifying pregnancy shall be  
1631 attached to the application. If an illegitimate child has been delivered, the birth certificate of such  
1632 child shall be attached.

1633

1634           The consent to the granting of the application by each parent whose consent to the marriage  
1635 is required by law shall be indorsed on the application.

1636

1637           The Court shall appoint an attorney as guardian ad litem for each party to the intended  
1638 marriage who is seventeen years of age.

1639

1640           (E)    **Investigation Consultation.** Upon receipt of an application under subdivision (C),  
1641 the court shall set a date and time for hearing thereon at its earliest convenience and shall direct  
1642 that an inquiry be made as to the circumstances surrounding the applicants. The court shall consult

1643 with the parent, legal guardian or legal custodian of each person age seventeen seeking consent,  
1644 as well as the guardian ad litem appointed for each person age seventeen seeking consent. The

1645 purpose of this consultation is to determine if the intended marriage is in the best interests of each  
1646 person age seventeen and whether each person age seventeen has the capacity of a person of the

1647 age of eighteen years or more as described in R.C. 3109.01.

1648

1649           (F)    **Notice.** ~~If neglect or abandonment is alleged in an application under subdivision~~  
1650 ~~(A) and the address of the parent is known, the~~ The court shall cause notice of the date and time

1651 of hearing consultation to be served upon such given to the applicant, guardian ad litem, and parent,  
1652 legal guardian, or legal custodian of each person age seventeen seeking consent. All proceedings  
1653 shall be recorded.

1654

1655           (G)    **Judgment.** ~~If the court finds that the allegations stated in the application are true,~~  
1656 ~~and that the granting of the application is in the best interest of the applicants, the court shall grant~~  
1657 ~~the consent and shall make the applicant referred to in subdivision (C) a ward of the court.~~

1658  
1659           The court shall grant the consent to marry if the court finds:  
1660

- 1661           (1)    The information stated in the application is true;  
1662
- 1663           (2)    The party to the intended marriage, who is seventeen, decision to marry is free from  
1664 force or coercion;  
1665
- 1666           (3)    Granting of the application is in the best interest of each person age seventeen  
1667 seeking to be joined in marriage, and;  
1668
- 1669           (4)    Each person age seventeen has the capacity of a person of the age eighteen years or  
1670 older, as described in R.C. 3109.01.  
1671
- 1672           **(H) Certified copy.** A certified copy of the judgment entry shall be transmitted to the  
1673 probate court in the county where the application was filed or will be filed.  
1674
- 1675           **(I) Denial of application.** Upon denial of the application, the Clerk is instructed to  
1676 provide the applicant with the Notice of Appeal form and advise him or her of the right to an  
1677 appeal.

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**OHIO RULES OF EVIDENCE**  
**(Amendments following the First Round of Public Comment in RED)**

**RULE 601. General Rule of Competency**

Every person is competent to be a witness except:

(A) ~~Those of unsound mind, and children under ten years of age, who appear incapable of receiving just impressions of the facts and transactions respecting which they are examined, or of relating them truly.~~ **General rule.** Every person is competent to be a witness except as otherwise provided in these rules.

(B) **Disqualification of witness in general.** A person is disqualified to testify as a witness when the court determines that the person is:

(1) Incapable of expressing himself or herself concerning the matter as to be understood, either directly or through interpretation by one who can understand him or her; or,

(2) Incapable of understanding the duty of a witness to tell the truth.

~~(B)~~(C) A spouse testifying against the other spouse charged with a crime except when either of the following applies:

(1) a crime against the testifying spouse or a child of either spouse is charged;

(2) the testifying spouse elects to testify.

~~(C)~~(D) An officer, while on duty for the exclusive or main purpose of enforcing traffic laws, arresting or assisting in the arrest of a person charged with a traffic violation punishable as a misdemeanor where the officer at the time of the arrest was not using a properly marked motor vehicle as defined by statute or was not wearing a legally distinctive uniform as defined by statute.

~~(D)~~(E) A person giving expert testimony on the issue of liability in any medical claim, as defined in R.C. 2305.113, asserted in any civil action against a physician, podiatrist, or hospital arising out of the diagnosis, care, or treatment of any person by a physician or podiatrist, unless:

(1) The person testifying is licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery by the state medical board or by the licensing authority of any state;

(2) The person devotes at least one-half of his or her professional time to the active clinical practice in his or her field of licensure, or to its instruction in an accredited school and

(3) The person practices in the same or a substantially similar specialty as the defendant. The court shall not permit an expert in one medical specialty to testify against a health

1723 care provider in another medical specialty unless the expert shows both that the standards of care  
1724 and practice in the two specialties are similar and that the expert has substantial familiarity between  
1725 the specialties.

1726  
1727           If the person is certified in a specialty, the person must be certified by a board recognized  
1728 by the American board of medical specialties or the American board of osteopathic specialties in  
1729 a specialty having acknowledged expertise and training directly related to the particular health care  
1730 matter at issue.

1731  
1732           Nothing in this division shall be construed to limit the power of the trial court to adjudge  
1733 the testimony of any expert witness incompetent on any other ground, or to limit the power of the  
1734 trial court to allow the testimony of any other witness, on a matter unrelated to the liability issues  
1735 in the medical claim, when that testimony is relevant to the medical claim involved.

1736  
1737           This division shall not prohibit other medical professionals who otherwise are competent  
1738 to testify under these rules from giving expert testimony on the appropriate standard of care in  
1739 their own profession in any claim asserted in any civil action against a physician, podiatrist,  
1740 medical professional, or hospital arising out of the diagnosis, care, or treatment of any person.

1741  
1742           ~~(E)~~(F) As otherwise provided in these rules.

1743 **RULE 810. Residual Exception**

1744

1745 (A) **In General.** Under the following conditions, a hearsay statement is not excluded  
1746 by the rule against hearsay even if the statement is not admissible under a hearsay exception in  
1747 Rule 803 or 804:

1748

1749 (1) The statement is supported by sufficient guarantees of trustworthiness – after  
1750 considering the totality of circumstances under which it was made and evidence, if any,  
1751 corroborating the statement; and

1752

1753 (2) It is more probative on the point for which it is offered than any other evidence that  
1754 the proponent can obtain through reasonable efforts.

1755

1756 (B) **Notice.** The statement is admissible only if the proponent gives an adverse party  
1757 reasonable notice of the intent to offer the statement – including its substance and the declarant’s  
1758 name – so that the party has a fair opportunity to meet it. The notice must be provided in writing  
1759 before the trial or hearing – or in any form during the trial or hearing if the court, for good cause,  
1760 excuses a lack of earlier notice.

1761 **RULE 902. Self-Authentication**

1762

1763 Extrinsic evidence of authenticity as a condition precedent to admissibility is not required  
1764 with respect to the following:

1765

1766 (1) **Domestic public documents under seal.** A document bearing a seal purporting to  
1767 be that of the United States, or of any State, district, Commonwealth, territory, or insular  
1768 possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of  
1769 a political subdivision, department, officer, or agency thereof, and a signature purporting to be an  
1770 attestation or execution.

1771

1772 (2) **Domestic public documents not under seal.** A document purporting to bear the  
1773 signature in the official capacity of an officer or employee of any entity included in paragraph (1)  
1774 hereof, having no seal, if a public officer having a seal and having official duties in the district or  
1775 political subdivision of the officer or employee certifies under seal that the signer has the official  
1776 capacity and that the signature is genuine.

1777

1778 (3) **Foreign public documents.** A document purporting to be executed or attested in  
1779 the official capacity by a person authorized by the laws of a foreign country to make the execution  
1780 or attestation, and accompanied by a final certification as to the genuineness of the signature and  
1781 official position (a) of the executing or attesting person, or (b) of any foreign official whose  
1782 certificate of genuineness of signature and official position relates to the execution or attestation  
1783 or is in a chain of certificates of genuineness of signature and official position relating to the  
1784 execution or attestation. A final certification may be made by a secretary of embassy or legation,  
1785 consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or  
1786 consular official of the foreign country assigned or accredited to the United States. If reasonable  
1787 opportunity has been given to all parties to investigate the authenticity and accuracy of official  
1788 documents, the court may, for good cause shown, order that they be treated as presumptively  
1789 authentic without final certification or permit them to be evidenced by an attested summary with  
1790 or without final certification.

1791

1792 (4) **Certified copies of public records.** A copy of an official record or report or entry  
1793 therein, or of a document authorized by law to be recorded or filed and actually recorded or filed  
1794 in a public office, including data compilations in any form, certified as correct by the custodian or  
1795 other person authorized to make the certification, by certificate complying with paragraph (1), (2),  
1796 or (3) of this rule or complying with any law of a jurisdiction, state or federal, or rule prescribed  
1797 by the Supreme Court of Ohio.

1798

1799 (5) **Official publications.** Books, pamphlets, or other publications purporting to be  
1800 issued by public authority.

1801

1802 (6) **Newspapers and periodicals.** Printed materials purporting to be newspapers or  
1803 periodicals, including notices and advertisements contained therein.

1804

1805 (7) **Trade inscriptions and the like.** Inscriptions, signs, tags, or labels purporting to  
1806 have been affixed in the course of business and indicating ownership, control, or origin.

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**(8) Acknowledged documents.** Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

**(9) Commercial paper and related documents.** Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

**(10) Presumptions created by law.** Any signature, document, or other matter declared by any law of a jurisdiction, state or federal, to be presumptively or prima facie genuine or authentic.

**(11) Certified Domestic Records of a Regularly Conducted Activity.** The original or a copy of a domestic record that meets the requirements of Evid.R. 803(6), as shown by a certification of the custodian or another qualified person that complies with an Ohio statute or a rule prescribed by the Supreme Court of Ohio. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record —and must make the record and certification available for inspection — so that the party has a fair opportunity to challenge them.

**(12) Certified Foreign Records of a Regularly Conducted Activity.** In a civil case, the original or a copy of a foreign record that meets the requirements of Evid.R. 902(11), modified as follows: the certification, rather than complying with an Ohio statute or Supreme Court of Ohio rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Evid.R. 902(11).

**(13) Certified Records Generated by an Electronic Process or System.** A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Evid.R. 902(11) or (12). The proponent must also meet the notice requirements of Evid.R. 902(11).

**(14) Certified Data Copied from an Electronic Device, Storage Medium, or File.** Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Evid.R. 902(11) or (12). The proponent also must meet the notice requirements of Evid.R. 902(11).

IN \_\_\_\_\_  
 \_\_\_\_\_

	)	CASE NO.
	)	
Plaintiff,	)	JUDGE
	)	
vs.	)	
	)	<b><u>FINANCIAL DISCLOSURE / FEE-</u></b>
	)	<b><u>WAIVER AFFIDAVIT</u></b>
Defendant.	)	<b><u>AND ORDER</u></b>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information	
Applicant's First Name	Applicant's Last Name
Applicant's Date of Birth	Last 4 Digits of Applicant's SSN
Applicant's Address	

Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Public Benefits
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed <b>187.5%</b> of the federal poverty guidelines. Place an "X" next to any benefits you receive. Ohio Works First <sup>1</sup> : ___    SSI <sup>2</sup> : ___    Medicaid <sup>3</sup> : ___    Veterans Pension Benefit <sup>4</sup> : ___    SNAP / Food Stamps <sup>5</sup> : ___

Monthly Income			
I am <b>NOT</b> able to access my spouse's income <input type="checkbox"/>			
	Applicant	Spouse (If Living in Household)	Total Monthly Income
Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$
<b>TOTAL MONTHLY INCOME</b>			\$

Liquid Assets			
Type of Asset		Estimated Value	
Cash on Hand		\$	
Available Cash in Checking, Savings, Money Market Accounts		\$	
Stocks, Bonds, CDs		\$	
Other Liquid Assets		\$	
<b>Total Liquid Assets</b>		<b>\$</b>	
Monthly Expenses			
Column A		Column B	
Type of Expense	Amount	Type of Expense	Amount
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)	\$
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay	\$
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member	\$
Transportation / Gas	\$	Credit Card, Other Loans	\$
Phone	\$	Taxes Withheld or Owed	\$
Child Care	\$	Other (e.g. garnishments)	\$
<b>Total Column A Expenses</b>	<b>\$</b>	<b>Total Column B Expenses</b>	<b>\$</b>
<b>TOTAL MONTHLY EXPENSES (Column A + Column B)</b>			

I, \_\_\_\_\_, hereby certify that the information I have provided on  
 (Print Name)  
 this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs or fees in this case.

\_\_\_\_\_  
 Signature

**NOTARY PUBLIC:**

Sworn to before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 in \_\_\_\_\_ County, Ohio.

\_\_\_\_\_  
 Notary Public (Signature)

\_\_\_\_\_  
 Notary Public (Printed)  
 My Commission expires: \_\_\_\_\_

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so at no cost to the Applicant.

\_\_\_\_\_

**ORDER**

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant **IS** an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. **Pursuant to R.C. 2323.311(B)(3)**, upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.
  
- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is **NOT** an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. **Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of this action.**

**IT IS SO ORDERED**

---

Judge / Magistrate

---

Date

## APPENDIX

### 2019 FEDERAL POVERTY LIMIT (FPL)

Persons in family/household	100% Poverty	100% Poverty Monthly Gross Income	187.5% Poverty	187.5% Poverty Monthly Gross Income
1	\$12,490	\$1,040.83	\$23,419	<b>\$1,951.58</b>
2	\$16,910	\$1,409.17	\$31,706	<b>\$2,642.17</b>
3	\$21,330	\$1,777.50	\$39,994	<b>\$3,332.83</b>
4	\$25,750	\$2,145.83	\$48,281	<b>\$4,023.42</b>
5	\$30,170	\$2,514.17	\$56,569	<b>\$4,714.08</b>
6	\$34,590	\$2,882.50	\$64,856	<b>\$5,404.67</b>
7	\$39,010	\$3,250.83	\$73,144	<b>\$6,095.33</b>
8	\$43,430	\$3,619.17	\$81,431	<b>\$6,785.92</b>

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

<sup>1</sup>Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

<sup>2</sup>SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100)

<sup>3</sup>Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI):138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))

Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

<sup>4</sup>Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

<sup>5</sup>Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)

**To DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ COURT  
AT \_\_\_\_\_ COUNTY, OHIO  
 CITY  VILLAGE  TOWNSHIP

**PERSONAL APPEARANCE REQUIRED:**  Yes  No **If you fail to appear at this time and place you may be arrested or your license may be cancelled.**

TICKET# \_\_\_\_\_ CASE# \_\_\_\_\_ REFERENCE# \_\_\_\_\_  
NAME \_\_\_\_\_  
STREET, CITY \_\_\_\_\_  
COUNTY, STATE, ZIP \_\_\_\_\_  
PHONE# \_\_\_\_\_ TEXT/PHONE NOTIFICATION APPROVED?  Yes  No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; <b>REQUIRED</b> DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

**To DEFENDANT: COMPLAINT** ON \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ AT \_\_\_\_\_ Am/PM, YOU  
Operated/Passenger/Parked/Walked a  PASSENGER  MOTORCYCLE  BICYCLE  OTHER: \_\_\_\_\_  
 COMMERCIAL DOT# \_\_\_\_\_  >26,001 LBS.  <16 PASS. BUS  >16 PASS. BUS  HAZ. MAT.  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
UPON A PUBLIC HIGHWAY, NAMELY \_\_\_\_\_ DIRECTION \_\_\_\_\_  
AT/NEAR \_\_\_\_\_ (M.P. \_\_\_\_\_)  
IN THE \_\_\_\_\_ OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY #: \_\_\_\_\_ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	<b>SPEED:</b> _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OVI:</b> <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> <b>IN PHYSICAL CONTROL OF VEHICLE.</b> <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	<b>DRIVER LICENSE:</b> <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>SAFETY BELT:</b> FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OTHER OFFENSE:</b> _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS <b>REQUIRED</b> )		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

This summons served personally on the defendant on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____	COURT CODE	UNIT	POST	DISTRICT
ISSUING LAW ENFORCEMENT OFFICER _____ <input type="checkbox"/> SAME AS ABOVE				

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.  
OHP 0060 01/20 HP7 110-0060-00 [760-0807] **COURT RECORD**

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ( )

DEFENDANT'S ATTORNEY \_\_\_\_\_  
NAME / ADDRESS / TELEPHONE

IF JUVENILE, PARENTS' NAMES \_\_\_\_\_

PHONE# \_\_\_\_\_

GRADE: \_\_\_\_\_ SCHOOL \_\_\_\_\_

**DATE** \_\_\_\_\_ **COURT ACTION: ORDERS**  
**BAIL**

- No BAIL** - DEFENDANT CITED AND RELEASED.  
 **BAIL** IN THE AMOUNT OF \$ \_\_\_\_\_ SET BY JUDGE PURSUANT TO BAIL SCHEDULE.

**BOND AMOUNT** \_\_\_\_\_ **BOND TYPE**

- \$ \_\_\_\_\_  CASH  PERSONAL  10%  AAA/INSURANCE BOND  
 UNSECURED  SURETY  OL HELD  OTHER \_\_\_\_\_

DEPOSITOR: \_\_\_\_\_  
NAME / ADDRESS / TELEPHONE

- DEFENDANT RELEASED UPON EXECUTION OF BAIL, AS NOTED: \_\_\_\_\_ SEE BOND FORMS - RECEIVED BY: \_\_\_\_\_

**CONTINUANCE REQUESTER:** \_\_\_\_\_ **NEW DATE:** \_\_\_\_\_

**CONTINUANCE REASON:** \_\_\_\_\_

- DEFENDANT FAILED TO APPEAR  
 ORDER SUPPLEMENTAL SUMMONS TO NEW DATE  
 ORDER OPERATOR'S LICENSE FORFEITURE  BOND FORFEITURE  
 ORDER WARRANT: BOND AMOUNT \$ \_\_\_\_\_  
 SUMMONS ISSUED SERVED DATE: \_\_\_\_\_  
 WARRANT ISSUED EXECUTED DATE: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Judge/Magistrate **DATE**

**COURT ENTRY**

Defendant present with/without Counsel. All rights pursuant to Criminal Rules 10 & 11, Traffic Rules 8 & 10 explained.

	COUNT				
	SPEED	OVI	LICENSE	SEATBELT	
INITIAL PLEA					
TRIAL DATE					
FINDING					
FINE \$					
COSTS \$					
JAILTIME (DAYS)					
SUSPENDED					
FINES \$					
COSTS \$					
JAILTIME (DAYS)					

**ADDITIONAL ORDERS**

- If OVI conviction:** 72 hour program permitted in lieu of jail.  
 Defendant's License is **SUSPENDED** for \_\_\_\_\_ days / month(s) / year(s),  
 which shall commence \_\_\_\_\_ on and end on \_\_\_\_\_.  
 Defendant is granted **Limited Driving Privileges** as follows, effective: \_\_\_\_\_  
 \_\_\_\_\_  
 Defendant to pay fines on **Payment Program** - see separate entry.  
 If **WAIVERED**:  **MET** Requirements of Waiver  **PAID** Fines and Costs  **ACCEPTED** Guilty Plea(s)  
 **MADE** Guilty Finding(s). Imposed Fines and Costs noted below.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Judge/Magistrate **DATE**

FOR CLERK'S USE	COUNT				
	SPEED	OVI	LICENSE	SEATBELT	
FINES \$					
COSTS - LOCAL \$					
COSTS - STATE \$					
<b>TOTAL \$</b>					
RECEIPT #(s)					

- If **WAIVERED**: Guilty Plea(s), Waiver(s) and Payments made:  In Person  By Mail  
 Receipt supplied to defendant:  In Person  Check is receipt  By Mail via USPS FIRST CLASS LETTER  
 Waiver reviewed, found to be correct, and approved. RATE mail to Defendant's current address.  
 Financial Responsibility **PROOF SHOWN**  
 **NO** Financial Responsibility **PROOF**: Clerk to notify BMV  
 Financial Responsibility **PROOF NOT APPLICABLE**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Clerk / Violations Clerk / Deputy Clerk

**DATE** Abstract Mailed to BMV

**DATE** Mayor's Court Transfer/Notice of Appeal

TICKET# \_\_\_\_\_

**To DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ COURT  
AT \_\_\_\_\_ COUNTY, OHIO  
 CITY  VILLAGE  TOWNSHIP

PERSONAL APPEARANCE **REQUIRED:**  YES  NO **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# \_\_\_\_\_ CASE# \_\_\_\_\_ REFERENCE# \_\_\_\_\_  
NAME \_\_\_\_\_  
STREET, CITY \_\_\_\_\_  
COUNTY, STATE, ZIP \_\_\_\_\_  
PHONE# \_\_\_\_\_ TEXT/PHONE NOTIFICATION APPROVED?  YES  NO

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*	BIRTH DATE	ISSUE DATE	STATE
* IF NO OL/STATE ID; <b>REQUIRED</b> DOCUMENTATION ATTACHED: <input type="checkbox"/> YES			
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)	SS# (last 4 digits)
		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:	
SEX	HEIGHT	WEIGHT	EYES HAIR RACE FINANCIAL RESPONSIBILITY PROOF?
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

**To DEFENDANT: COMPLAINT** ON \_\_\_\_\_ AT \_\_\_\_\_ Am/PM, YOU  
Operated/Passenger/Parked/Walked a  PASSENGER  MOTORCYCLE  BICYCLE  OTHER: \_\_\_\_\_  
 COMMERCIAL DOT# \_\_\_\_\_  >26,001 LBS.  <16 PASS. BUS  >16 PASS. BUS  HAZ. MAT.  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
UPON A PUBLIC HIGHWAY, NAMELY \_\_\_\_\_ DIRECTION \_\_\_\_\_  
AT/NEAR \_\_\_\_\_ (M.P. \_\_\_\_\_)  
IN THE \_\_\_\_\_ OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY #: \_\_\_\_\_ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/> <b>SPEED:</b> _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>OVI:</b> <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs: # OF PRIOR OVIs _____ YEARS OF PRIOR OVIs _____	
<input type="checkbox"/> <b>DRIVER LICENSE:</b> <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>SAFETY BELT:</b> FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>OTHER OFFENSE:</b> _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS <b>REQUIRED</b> )	

COURT CASE \_\_\_\_\_ COURT NAME \_\_\_\_\_  
CASE # \_\_\_\_\_ FR SHOWN:  YES  NO FR SHOWN - BMV to process.  N/A

IF BOND FORFEITURE, DATE FORFEITED: _____	SPEED	OVI	LICENSE	CHILD RESTRAINT		
CONVICTION DATE: _____						
<b>MOVING VIOLATION?</b>	YES NO	YES NO	YES NO	NO	YES NO	YES NO
PLEA CODE						
POINTS ASSESSED						
BMV OFFENSE CODE						
IF AMENDED, OFFENSE CODE						
FATALITY						

**FOR BMV USE**

LICENSE SUSPENDED \_\_\_\_\_ days/months/years EFFECTIVE: \_\_\_\_\_ TO \_\_\_\_\_

SUSPENSION CLASS \_\_\_\_\_

MO - LIMITED DRIVING PRIVILEGES EFFECTIVE: \_\_\_\_\_ TO \_\_\_\_\_  
(SEE SEPARATE ENTRY) SUSPENSION IS ON COUNT: \_\_\_\_\_  FRA SUSPENSION

LICENSE FORFEITURE - SEE SEPARATE BMV FORM 2528

OL CONFISCATED - DATE SENT TO BMV: \_\_\_\_\_

OTHER INFORMATION - SEE REVERSE SIDE.

I hereby certify that the above statements are taken from the records of this Court.

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ( )

[CANARY paper]

Text appears for information only. This text is not printed.  
This page is not printed upon.

**To DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ COURT  
AT \_\_\_\_\_ COUNTY, OHIO

CITY  VILLAGE  TOWNSHIP

**PERSONAL APPEARANCE REQUIRED:**  Yes  No **If you fail to appear at this time and place you may be arrested or your license may be cancelled.**

TICKET# \_\_\_\_\_ CASE# \_\_\_\_\_ REFERENCE# \_\_\_\_\_  
NAME \_\_\_\_\_  
STREET, CITY \_\_\_\_\_  
COUNTY, STATE, ZIP \_\_\_\_\_  
PHONE# \_\_\_\_\_ TEXT/PHONE NOTIFICATION APPROVED?  Yes  No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*	BIRTH DATE	ISSUE DATE	STATE
* If NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES			
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)	SS# (last 4 digits)
		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:	
SEX	HEIGHT	WEIGHT	EYES HAIR RACE FINANCIAL RESPONSIBILITY PROOF?
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**To DEFENDANT: COMPLAINT ON** \_\_\_\_\_ **AT** \_\_\_\_\_ **Am/PM, YOU**  
Operated/Passenger/Parked/Walked a  PASSENGER  MOTORCYCLE  BICYCLE  OTHER: \_\_\_\_\_  
 COMMERCIAL DOT# \_\_\_\_\_  >26,001 LBS.  <16 PASS. BUS  >16 PASS. BUS  HAZ. MAT.  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
UPON A PUBLIC HIGHWAY, NAMELY \_\_\_\_\_ DIRECTION \_\_\_\_\_  
AT/NEAR \_\_\_\_\_ (M.P. \_\_\_\_\_)  
IN THE \_\_\_\_\_ OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY #: \_\_\_\_\_ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/> <b>SPEED:</b> _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>OVI:</b> <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs: # OF PRIOR OVIs _____ YEARS OF PRIOR OVIs _____	
<input type="checkbox"/> <b>DRIVER LICENSE:</b> <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>SAFETY BELT:</b> FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> <b>OTHER OFFENSE:</b> _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)	
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES _____	
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V	
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE	
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT	
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL	
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL	
CRASH REPORT # _____	
REMARKS: _____	
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____	

This summons served personally on the defendant on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____	COURT CODE	UNIT	POST	DISTRICT
ISSUING LAW ENFORCEMENT OFFICER _____ <input type="checkbox"/> SAME AS ABOVE				

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.  
OHP 0060 01/20 HP7 110-0060-00 [760-0807] **DEFENDANT'S COPY**

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ( )

**TO DEFENDANT: Read this material carefully.**

**Personal Appearance Required.**

If the officer marked this block on the face of the ticket, you must appear in court. Your **appearance in court is required** because the offenses cannot be processed by a traffic violations bureau.

**Failure to Appear and/or Pay:**

- The posting of bail or depositing your license as bond is to secure your appearance in court or the processing of the offenses through a traffic violations bureau. It is not a payment of fines or costs.
- If you do not appear at the time and place stated in the citation or if you do not timely process this citation through a traffic violations bureau, your license **may** be cancelled.
- Also, a warrant may be issued for your arrest, and you may be subject to additional criminal penalties.

These **offenses require court appearance** and may not be processed by a traffic violations bureau:

- Any indictable offense;
- Operating a vehicle under the influence of alcohol or any drug of abuse;
- Leave scene of accident;
- **Driving while under suspension or revocation of driver's or commercial driver's license when jail is a possible penalty [Tr.R. 13(B)(4)];**
- **Driving without being licensed to drive when jail is a possible penalty [Tr.R. 13(B)(5)];**
- A third moving traffic offense within 12 months;
- Passing a standing school bus;
- Willfully eluding or fleeing a police officer;
- Drag racing.

**Waiverable through traffic violations bureau.**

If you are charged with offenses other than those listed above, you may, at any time prior to arraignment, **plead guilty** to the offenses charged and dispose of the case without court appearance by:

- (1) appearing personally at the traffic violations bureau, signing the waiver printed below and paying the fines and costs, or
- (2) signing the waiver printed below and mailing it and a check, money order, or other approved payment for the total of the fines and costs to the traffic violations bureau at this traffic violations bureau address:

**INSURANCE WARNING**

**Under Ohio law** you are required to show proof of financial responsibility or insurance. If you did not do so at the time of receiving this ticket, **you must submit proof** of insurance when you appear in court on these offenses.

**If you do not submit the required proof:**

- your driver's license will be suspended and
- you may be subject to additional fees and insurance sanctions.

If you have any questions regarding the **proof filing**, you may call the traffic violations bureau at the telephone indicated.

For information regarding your **Duty To Appear** or the **Fines and Costs** amount(s), call:

Telephone Number(s) / Court Web Address

**CONTESTED CASE; COURT APPEARANCE REQUIRED**

If you desire to **contest the offenses** or if court **appearance is required**, you must appear at the time and place stated in the summons.

**NOTICE TO DEFENDANT UNDER AGE EIGHTEEN**

You **must appear** before the Juvenile Court at the time and place determined by that Court. The Juvenile Court will notify you when and where to appear. This ticket will be filed with the Juvenile Court, and may be used as a juvenile complaint.

Juvenile Court Address

For information regarding your **Duty to Appear** at Juvenile Court, call:

Telephone Number(s) / Juvenile Court Web Address

**GUILTY PLEAS, NO CONTEST PLEAS, WAIVER OF TRIAL, PAYMENT OF FINES AND COSTS**

I, the undersigned defendant, do hereby enter my written pleas of guilty to the offenses charged in this ticket. I realize that by signing these guilty pleas, I admit my guilt of the offenses charged and waive my right to contest the offenses in a trial before the court or jury. Further, I realize that a record of this plea will be sent to the Ohio Bureau of Motor Vehicles. I have not been convicted of, pleaded guilty to, or forfeited bond for two or more prior moving traffic offenses within the last 12 months. I plead guilty to the offense(s) charged.

FINES \$ \_\_\_\_\_

X

COSTS \$ \_\_\_\_\_

Defendant's Signature

TOTAL \$ \_\_\_\_\_

Address

TICKET# \_\_\_\_\_

**To DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ COURT  
AT \_\_\_\_\_ COUNTY, OHIO  
 CITY  VILLAGE  TOWNSHIP

**PERSONAL APPEARANCE REQUIRED:**  Yes  No **If you fail to appear at this time and place you may be arrested or your license may be cancelled.**

TICKET# \_\_\_\_\_ CASE# \_\_\_\_\_ REFERENCE# \_\_\_\_\_  
NAME \_\_\_\_\_  
STREET, CITY \_\_\_\_\_  
COUNTY, STATE, ZIP \_\_\_\_\_  
PHONE# \_\_\_\_\_ TEXT/PHONE NOTIFICATION APPROVED?  Yes  No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

**To DEFENDANT: COMPLAINT** ON \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ AT \_\_\_\_\_ Am/PM, YOU  
Operated/Passenger/Parked/Walked a  PASSENGER  MOTORCYCLE  BICYCLE  OTHER: \_\_\_\_\_  
 COMMERCIAL DOT# \_\_\_\_\_  >26,001 LBS.  <16 PASS. BUS  >16 PASS. BUS  HAZ. MAT.  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
UPON A PUBLIC HIGHWAY, NAMELY \_\_\_\_\_ DIRECTION \_\_\_\_\_  
AT/NEAR \_\_\_\_\_ (M.P. \_\_\_\_\_)  
IN THE \_\_\_\_\_ OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY #: \_\_\_\_\_ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	<b>SPEED:</b> _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OVI:</b> <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	<b>DRIVER LICENSE:</b> <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>SAFETY BELT:</b> FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OTHER OFFENSE:</b> _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES: _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

This summons served personally on the defendant on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____	COURT CODE	UNIT	POST	DISTRICT
ISSUING LAW ENFORCEMENT OFFICER _____ <input type="checkbox"/> SAME AS ABOVE				

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.  
OHP 0060 01/20 HP7 110-0060-00 [760-0807] **AGENCY RECORD**

CURRENT ADDRESS  
SIGNATURE X  
CO. RES.  
PHONE ( )



**To DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ COURT  
AT \_\_\_\_\_ COUNTY, OHIO  
 CITY  VILLAGE  TOWNSHIP

**PERSONAL APPEARANCE REQUIRED:**  Yes  No **If you fail to appear at this time and place you may be arrested or your license may be cancelled.**

TICKET# \_\_\_\_\_ CASE# \_\_\_\_\_ REFERENCE# \_\_\_\_\_  
NAME \_\_\_\_\_  
STREET, CITY \_\_\_\_\_  
COUNTY, STATE, ZIP \_\_\_\_\_  
PHONE# \_\_\_\_\_ TEXT/PHONE NOTIFICATION APPROVED?  Yes  No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

**To DEFENDANT: COMPLAINT ON** \_\_\_\_\_ **AT** \_\_\_\_\_ **Am/PM, YOU**  
Operated/Passenger/Parked/Walked a  PASSENGER  MOTORCYCLE  BICYCLE  OTHER: \_\_\_\_\_  
 COMMERCIAL DOT# \_\_\_\_\_  >26,001 LBS.  <16 PASS. BUS  >16 PASS. BUS  HAZ. MAT.  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
UPON A PUBLIC HIGHWAY, NAMELY \_\_\_\_\_ DIRECTION \_\_\_\_\_  
AT/NEAR \_\_\_\_\_ (M.P. \_\_\_\_\_)  
IN THE \_\_\_\_\_ OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY #: \_\_\_\_\_ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	<b>SPEED:</b> _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OVI:</b> <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	<b>DRIVER LICENSE:</b> <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>SAFETY BELT:</b> FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	<b>OTHER OFFENSE:</b> _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES: _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

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CHARGING LAW ENFORCEMENT OFFICER _____	COURT CODE	UNIT	POST	DISTRICT
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ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.  
OHP 0060 01/20 HP7 110-0060-00 [760-0807] **AGENCY RECORD**

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ( )

