

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 109. FACSIMILE FILING

109.01 For the convenience of persons filing documents with the Clerk of Courts, the Clerk shall accept for filing any document, other than those listed in Loc. R. 109.02, sent by facsimile transmission to the Clerk, provided that the person making the facsimile filing complies with all the requirements of Loc. R. 109.01-.09 and Loc. R. 108.

109.02 The following documents may not be sent by facsimile transmission to the Clerk for filing:

- A. any entry or other document that requires the signature of a Judge of this Court;
- B. any document in whole or part under seal;
- C. any will, codicil, bond or similar undertaking; or
- D. any document in excess of ten (10) pages (including supporting materials, but excluding the Cover Sheet).

109.03 The Clerk shall charge a facsimile filing fee of two dollars (\$2.00) per facsimile filing, plus twenty-five cents (.25) per transmitted page (excluding the Cover Sheet) and a charge of twenty-five cents (.25) per page for the making of service copies. Notwithstanding Loc. R. 109.02, a poverty affidavit may not be used to defer or excuse payment of the facsimile filing fee.

109.04 A completed Cover Sheet shall accompany each facsimile filing. The Cover Sheet shall be in the form adopted by Loc. R. 109.09. Each document sent by facsimile transmission shall constitute a separate facsimile, shall be transmitted separately, and shall have its own Cover Sheet in the form adopted by Loc. R. 109.09. The Clerk shall not file a pleading or paper sent by facsimile transmission to the Clerk without a fully completed Cover Sheet.

109.05 When the Clerk accepts as an original filing a document sent by facsimile transmission, the Clerk's Office shall so indicate on the Cover Sheet that accompanied the facsimile filing, and return to the sender confirmation, via fax, of the documents acceptance for filing. The Clerk shall be under no other duty to respond to persons attempting to file a document by facsimile. The Clerk's Office shall not verify receipt of a facsimile transmission by telephone.

109.06 Facsimile filings received by the Clerk's office before 5:00 P.M. of a regular workday shall be deemed filed as of that day, at the time printed by the Clerk's facsimile machine on the final page of the filing. Filings received after 5:00 P.M. shall be filed as if received at 8:00 A.M. on the next regular workday.

109.07 The person making the facsimile filing shall keep, for no less than five years, the original document sent by facsimile transmission to the Clerk, together with the copy of the Cover Sheet faxed by the Clerk's Office pursuant to Loc. R. 109.05. If the sender's facsimile machine generates a transmission record or confirmation record at the time the original document is sent by facsimile transmission to the Clerk, the person making the facsimile filing shall keep, for no less than five years, a copy of that transmission or confirmation record.

109.08 This Local Rule has been instituted solely as an accommodation to persons filing documents with the Clerk of Courts. The person making the facsimile filing shall bear all risk of transmitting a document by facsimile, including all risk of equipment failure.

109.09 The following Cover Sheet shall accompany all facsimile filings: