

**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.

1-30-04

RULE 95 - ATTORNEY'S FEES IN SUITS FOR PARTITION OF REAL ESTATE

95.01 The attorneys for plaintiffs in an action in this Court for the partition of real estate pursuant to R.C. Sections 5307.01 to 5307.25 who have rendered complete services in connection with partition litigation shall be allowed and receive in full compensation for all ordinary services a fee (as "counsel fee") in accordance with the provisions of R.C. Section 5307.25 for the first \$5,000 of the value, as determined in the action, of the real estate, at the rate of 8 percent; all above the sum, and not exceeding \$10,000, at the rate of 6 percent; all above that sum, and not exceeding \$15,000, at the rate of 4 percent; and all above \$15,000 at the rate of 2 percent, with a minimum allowance of \$50.

95.02 In the event an allowance for actual and necessary expenses, additional compensation, or compensation for extraordinary services, is sought by such attorney, or attorneys, in a partition action, (over and above the "counsel fee" contemplated in Loc. R. 95.01) the request for an allowance must be made in person to the Trial Judge before allowance, be considered and fixed by the Court en banc in an amount the Court considers just and reasonable for actual and necessary expenses, and for extraordinary services.