

**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 41 - INITIAL STATUS CONFERENCE AND FINAL PRETRIAL

41.01. Initial Status Conference. An initial status conference shall be conducted at the date and time appearing in the Case Schedule, unless no date appears or the Trial Judge orders otherwise.

Status conferences shall be required in the following cases, unless no date appears in the Case Schedule or otherwise ordered by the Trial Judge:

1. Personal Injury (C);
2. Other Civil (H);
3. Professional Tort (A);
4. Products Liability (B).

Status conference will not be required in the following cases, unless otherwise ordered by the Trial Judge:

1. Foreclosure (E);
2. Administrative Appeals (F);
3. Workers' Compensation Appeals (D);
4. Cases already resolved by default judgment.

Any party may move, in writing, for a status conference. If the Trial Judge determines that the case warrants a status conference, the conference shall be approved and a date and time shall be set. Additional status conferences, especially in complex litigation, may be scheduled at the Trial Judge's discretion.

41.02 The status conference may be conducted by a Referee, an attorney/law clerk, or a bailiff at the Trial Judge's option, and may be by telephone conference call if previously approved. Parties and party representatives need not be present for the conference. It shall be the duty of all counsel to attend the status conference fully prepared and authorized to enter into a binding status conference order and to begin negotiation toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, default judgment, or other sanctions as the Trial Judge deems appropriate. At the status

conference, whether held by telephone conference call or in person, the discussion should include, but not be limited to:

1. Joinder of parties;
2. Third-party practice;
3. Amendment of the pleadings;
4. Issues concerning jurisdiction and venue;
5. Service of process;
6. Default judgment;
7. Motions under Civil Rules 12, 19 and 56;
8. Issues concerning the statute of limitations;
9. Proper classification and tracking assignment of
 - i. the case;
10. The need for alteration of the schedule of events on
 - ii. the track;
11. Use of arbitration, mediation, or other means of
 - iii. dispute resolution; and
12. Settlement.

The Trial Judge or other official at the request of any party shall, prepare or cause to be prepared, a written order reciting the action taken at the status conference, which shall be filed and served on all counsel. The order, subject to Civ. R. 16, shall control the subsequent course of action, unless later modified to prevent manifest injustice. Changes in the Case Schedule shall be accomplished pursuant to Loc. R. 39.04.

41.03 Final Pretrial Procedure

A final pretrial conference shall be held at the date and time specified in the Case Schedule, unless no date appears or the Trial Judge orders otherwise. Any party may move, in writing, for a final pretrial. If the Trial Judge determines that a case warrants a final pretrial, a date and time shall be set.

The Trial Judge, if available, shall conduct the pretrial. It shall be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. If the real party in interest is an insurance company, common carrier, corporation, or other legal entity, then the representative appearing must have full authority to negotiate the claim or claims to the full extent of plaintiff's demand. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Trial Judge deems appropriate.

41.04. Pretrial statements

In all cases, whether or not a final pretrial conference is held, all parties shall prepare and file a joint final pretrial statement. The joint final pretrial statement shall be filed on or before the date and time of the final pretrial conference. If no final pretrial conference is scheduled, the joint statement shall be filed no later than 14 days before trial.

The final statement shall include the following:

1. Identification of the chief trial counsel, who shall be fully authorized to act and negotiate on behalf of the party;
2. The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
3. A listing of all witnesses expected to testify;

4. A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
5. An itemization of all special damages to be claimed;
6. Exchange of hospital records and expert reports, if not previously exchanged or ordered by the Trial Judge;
7. A description of the trial procedure to be requested, including:
 - a. Whether the case is one where the issue of liability should be bifurcated;
 - b. Whether a jury view will be requested;
 - c. Whether a jury trial, if previously demanded, will now be waived;
 - d. The estimated number of days required for trial;
8. A statement of the status of settlement negotiations.

41.05. Final Pretrial Order

The Trial Judge may, and at the request of any party shall, prepare or cause to be prepared, a final written pretrial order reciting the action taken at the final pretrial conference, which shall be filed and served on all counsel. The final pretrial order may incorporate, modify, or adopt some or all of the language of the joint final pretrial statement. The order, subject to Civil Rule 16, shall control the subsequent course of action, unless modified at trial, to prevent manifest injustice. The pretrial order shall become part of the record of the case embracing all stipulations, admissions, and other matters. The Trial Judge shall determine at the time of the final pretrial conference whether trial briefs and/or proposed jury instructions should be submitted and fix a date for submission.

41.06. Enforcement

The Trial Judge shall have the power to impose sanctions for violations of this rule, including the failure of an attorney or party to appear on time without a valid excuse.