

**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 105 MANDATORY MEDIATION**

**105.01 Reference to Mediation**

A. The following cases, upon completion of necessary pleadings or motions, may be referred by the Trial Judge to a Court Magistrate for a mandatory mediation conference:

1. All cases, regardless of the amount in controversy, in which the chances of settlement would be improved with mediation;
2. All cases involving replevin, attachment before judgment, garnishment before judgment, forcible entry and detainer, and motions for relief from judgment after cognovit and default judgments;
3. All cases in which all parties consent to mediation;
4. All cases as to which a continuance of the trial date becomes necessary due to the unavailability of the Trial Judge.

B. In all cases under Loc. R. 105.01(A)(1) and (3), the Trial Judge and/or the Magistrate shall set the mediation conference at the earliest practical date in light of the pleadings, appearances by counsel for all parties, and other facts and circumstances.

**105.02 Notification of Conference.** A reference to mediation shall be by "Notice of Conference" which shall set the time and place of the conference. A mediation conference may be set immediately prior to a scheduled hearing on a preliminary motion. If the preliminary motion is referred to a Magistrate, the mediation conference need not be set before the same Magistrate to whom the motion has been referred.

**105.03 Settlement of Case.** At the mediation conference the Magistrate shall try to settle the entire case. The Magistrate may schedule, recess, or continue the conference; order monies held in trust by the Clerk; conduct a view of the scene, if applicable; issue orders; and exercise such powers as are necessary and proper for the mediation of cases. The Magistrate may note for the file the results of the mediation without filing a specific order or decision.

**105.04 Statements of Evidence.** Statements made during a mediation conference are subject to Evid. R. 408.