

## LOCAL RULES OF THE COURT OF CLAIMS OF OHIO

### Rule

- [1](#) [Scope; applicability; citation](#)
- [2](#) [Address; court hours](#)
- [3](#) [Fees; costs](#)
- [4](#) [Pleadings and motions](#)
- [4.1](#) [Immunity determinations](#)
- [4.2](#) [Discovery materials](#)
- [5](#) [Motion submitted to chief justice of the supreme court](#)
- [6](#) [Right to jury](#)
- [7](#) [Pretrial conference and procedure](#)
- [8](#) [Findings of fact and conclusions of law; judgments](#)
- [9](#) [\[Reserved\]](#)
- [10](#) [Records of the clerk](#)
- [11](#) [Recording of proceedings, disposition of exhibits and materials; videotaped testimony and evidence](#)
- [12](#) [Trial scheduling](#)
- [13](#) [Court files and papers](#)
- [14](#) [Trial procedures](#)
- [15](#) [Review of caseload](#)
- [16](#) [Assignments of awards of reparations](#)
- [17](#) [Attorneys not admitted to the practice of law in Ohio](#)
- [18](#) [Conditions for broadcasting and photographing court of claims proceedings](#)
- [19](#) [Substitution or withdrawal of trial counsel](#)
- [20](#) [Security plan](#)
- [21](#) [Records management and retention](#)
- [22](#) [Mediation](#)
- [23](#) [Victims of crime division assigned counsel appointments](#)
- [24](#) [Reparations appeals](#)
- [25](#) [Effective date](#)

## **LOCAL RULE 1. SCOPE; APPLICABILITY; CITATION**

**(A) Scope; Authority.** These rules, promulgated pursuant to Article IV, Section 5(B) of the Constitution of the State of Ohio, Civil Rule 83, and the Rules of the Court of Claims of Ohio, govern local practice and procedure in the Court of Claims.

**(B) Applicability.** These rules govern all proceedings in actions brought after they take effect, and all further proceedings in actions pending when they take effect, except to the extent that their application in a particular action pending when these rules take effect would not be feasible or would work injustice, in which event the former rules apply. These rules supersede the Local Rules of the Court of Claims of Ohio effective January 1, 1975, and as amended on June 14, 1977, October 26, 1978, December 19, 1978, January 1, 1983, May 2, 1983 and July 21, 1983.

**(C) Citation.** These rules shall be known as the Local Rules of the Court of Claims of Ohio and shall be cited as "L.C.C.R. \_."

**LOCAL RULE 2. ADDRESS; COURT HOURS**

**(A) Address.** The court of claims shall be located at the Capitol Square Office Building, Suite 1100, 65 East State Street, Columbus Ohio 43215. All correspondence shall be directed to the following mailing address: Court of Claims of Ohio, Capitol Square Office Building, Suite 1100, 65 East State Street, Columbus, Ohio 43215.

**(B) Court Hours.** The clerk's office of the court of claims shall be open from 8:30 A.M. to 5:00 P.M. Monday through Friday except for legal holidays. The clerk may adjust the hours of the clerk's office as necessary.

[Amended effective June 4, 1986.]

### **LOCAL RULE 3. FEES; COSTS**

(A) **Fees.** In civil actions, the fees charged shall be as provided in R.C. 2303.20.

(B) **Poverty Affidavit.** The clerk shall accept for filing all complaints accompanied by a poverty affidavit which states specific reasons for the inability to pay the filing fee. In an action in which a poverty affidavit has been filed, the clerk shall serve all process and pay the expense therefor from the funds of the court and tax such expenses as costs. The clerk or the court may at any time require additional information and a hearing, or both, to determine the validity of the poverty affidavit.

(C) **Copying Fee.** The Clerk shall charge a fee of seventy-five cents per page for all uncertified copies of pleadings, process, records, or files.

(D) **Witness Fees, Service of Subpoena.** Pursuant to R.C. 2743.06, in civil actions in the court of claims, the party at whose instance a witness is subpoenaed or a deposition is taken shall pay the witness fees and mileage, except that the state may not pay the fees to its own employees. The witness fees and mileage shall not be taxed as costs.

Where a party requests service upon a witness who resides outside the county in which the trial will be located, the request shall, pursuant to Civil Rule 45(C), be accompanied by a check made payable to the requested witness, in the amount of one day's witness fees plus mileage. The clerk shall enter the fact of the receipt of the check, along with the request for service of the subpoena, in the docket and shall forward the subpoena and check, to be served by the sheriff of the county in which the witness resides or where service is directed by the party.

(E) **Overpayment of Costs or Fees.** If any party, including a claimant for an award of reparations, or counsel for any party tenders payment for more than the cost or fee to be assessed, the clerk may cause the entire amount tendered to be deposited or may refuse and return the amount tendered. Refusal and return does not constitute waiver of the payment of the required fee or cost. If the amount tendered is deposited and the overpayment is two dollars or more, a refund for the excess amount shall be processed. No refund shall be made for any overpayment of fees or costs if the amount of the overpayment is less than two dollars.

## **LOCAL RULE 4. PLEADINGS AND MOTIONS**

**(A) Form of Pleadings and Motions; Copies of Complaint.** Because of filing and binding requirements, the top one and one-half inches of all pages of all papers shall be left blank.

All pleadings and motions shall be typewritten or printed on 8 1/2 by 11 paper, securely bound at the top.

Recognizing that R.C. 2743.02(E) and R.C. 2743.13 provide that the only defendant in this court is the state but that the complaint shall name as defendant each state department, board, office, commission, agency, institution, or other instrumentality whose actions are alleged as the basis for the complaint, the caption of every complaint shall state the name and address of each plaintiff and defendant. The plaintiff shall file a sufficient number of copies of the complaint to permit the clerk to retain one copy and to serve a copy of the complaint upon each named defendant and upon the attorney general.

The caption of every motion and pleading subsequent to the complaint shall include the number of the case, the name of the first party plaintiff and the first party defendant. Each paper filed shall be identified by title and shall bear the name, Supreme Court Registration Number, address and telephone number of trial counsel. Where a paper is filed by a party without counsel, the paper shall bear the party's name, address and telephone number.

**(B) Extension of Time.** All extensions of time shall be made by written motion which states the specific basis of the extension and which is supported by documentation and, if appropriate, affidavit. Motions for extension of time may be determined ex parte in accordance with Civil Rule 6(B)(1). Motions for extensions of time shall be accompanied by a proposed order which states the duration of the extension.

**(C) Submission and Hearing of Motions.** Unless otherwise ordered by the court, motions shall be determined without oral argument.

The movant shall serve and file with his motion a brief written statement of reasons in support of the motion and the authorities upon which he relies. If the motion requires the consideration of facts not appearing of record, the movant shall also serve and file copies of all the evidence which supports his motion.

Each party opposing the motion shall serve and file, within fourteen days after service upon him of movant's motion, a brief written statement of reasons in opposition to the motion and the authorities upon which he relies. If the motion requires the consideration of facts not appearing of record, he shall also serve and file copies of all evidence in opposition to the motion. Failure to file a written statement in opposition to the motion may be cause for the court to grant the motion as filed.

Reply briefs or additional briefs may be filed only upon a showing of the necessity therefor and with leave of court.

[Amended effective June 4, 1986; November 16, 1989.]

#### **LOCAL RULE 4.1 IMMUNITY DETERMINATION**

Any party shall file a motion requesting that the Court of Claims make a determination, as required by R.C. 2743.02(F), as to whether the officer or employee is entitled to personal immunity under R.C. 9.86 and whether the courts of common pleas have jurisdiction over the civil action. If no motion for this determination is made, the Court of Claims may sua sponte set this matter down for the R.C. 2743.02(F) hearing.

[Adopted effective March 31, 1993; amended effective November 27, 1995]

## **LOCAL RULE 4.2 DISCOVERY MATERIALS**

**(A) Filing of Discovery Materials.** Depositions, interrogatories, requests for production or inspection, requests for admissions, and any answers or responses thereto, shall not be filed by the clerk unless they meet the requirements of Civil Rule 5(D). Parties may, if they wish, file with the court a one-page notice of service or notice of deposition.

**(B) Interrogatories Submitted for Service With the Complaint.** The clerk shall remove and discard any interrogatories attached to the original copy of the complaint before it is placed in the case file.

**(C) Removal of Erroneously Filed Discovery Material.** When previously filed discovery material is found which does not comply with this rule or Civil Rule 5(D), the clerk shall, without further order of the court, (1) prepare a notice which describes the material to be removed, (2) file and serve the notice, and (3) after 21 days, discard any material which has not been claimed.

**(D) Motion for Relief.** If relief is sought concerning any discovery matter, copies of only those portions of discovery material which are relevant to the dispute shall be filed with the motion for relief.

[Adopted effective November 16, 1989; former Rule 4.1. renumbered as 4.2 effective March 31, 1993.]

**LOCAL RULE 5. MOTION SUBMITTED TO CHIEF JUSTICE OF THE SUPREME COURT**

**(A) Motion for Three-Judge Panel.**

**(1) Motion, When Filed, Contents.** Not later than ten days after a notice of trial is served in an action filed in or removed to the court of claims, the claimant or the state may file a written motion requesting the chief justice of the supreme court to assign, pursuant to R.C. 2743.03(C)(1), a panel of three judges to hear and determine the action. The motion shall be accompanied by a memorandum indicating the novel or complex issues of law or fact present in the action. Two copies of the motion and memorandum shall be filed with the clerk of the court of claims. The movant shall serve all other parties pursuant to Civil Rule 5.

**(2) Response to Motion, When Filed, Contents.** Each party opposing the motion may file and serve, within fourteen days after service of the motion, a memorandum opposing the motion which shall state all reasons for opposition and authorities upon which the party relies.

**(3) Duty of the Clerk.** After all responses, if any, are received or the time for response has elapsed, the clerk shall forward to the chief justice of the supreme court the motion and all memoranda. The clerk of the court of claims shall journalize the decision of the chief justice and serve copies upon all parties.

**(B) Motions for Change of Situs of Civil Action.**

**(1) Motion, When Filed, Contents.** Not later than ten days after a notice of trial is served in an action in the court of claims, any party may file a written motion requesting the chief justice of the supreme court to direct, pursuant to R.C. 2743.03(B) that the court sit in a county other than Franklin County. The motion shall be accompanied by a memorandum showing the substantial hardship which will result if the action is tried in Franklin County or why the interests of justice dictate that the situs be changed. Two copies of the motion and memorandum shall be filed with the clerk of the court claims. The movant shall serve a copy of the motion and memorandum on all other parties pursuant to Civil Rule 5.

**(2) Response to Motion, When Filed, Contents.** Each party opposing the motion may file and serve within fourteen days after service of the motion a memorandum opposing the motion, which shall state all reasons for the opposition and authorities upon which the party relies.

**(3) Duty of Clerk.** After all responses, if any, are received or the time for response has elapsed, the clerk shall forward to the chief justice of the supreme court the motion and all memoranda. The clerk of the court of claims shall journalize the decision of the chief justice and serve copies upon all parties.

**(C) Request for Referees.**

**(1) Motion, When Filed, Contents.** Not later than ten days after a notice of trial has been served in an action filed in the court of claims pursuant to R.C. 153.12(C) either the state or a contractor may request that, pursuant to R.C. 2743.03(C)(3), the chief justice of the supreme court appoint a referee or a panel of referees. The request shall be accompanied by a memorandum which shows that the requesting party is entitled to the appointment of a referee or a panel of referees pursuant to R.C. 153.12(C) and 2743.03(C)(3). Two copies of the motion and memorandum shall be filed with the clerk of the court of claims. The movant shall serve all other parties pursuant to Civil Rule 5.

**(2) Response to Motion, When Filed, Contents.** Each party opposing the motion may file and serve, within fourteen days after service of the motion, a memorandum opposing the motion, which shall state all reasons for the opposition and authorities upon which the party relies.

**(3) Duty of Clerk.** After all responses are received or the time for response has elapsed, the clerk shall forward to the chief justice of the supreme court the motion and all memoranda. The clerk of the court of claims shall journalize the decision of the chief justice and serve copies upon all parties.

**(D) Hearing on Motion to Chief Justice.** Motions submitted to the chief justice pursuant to section (A), (B) or (C) of this rule shall be determined without an oral hearing unless a hearing is ordered by the chief justice. Unless ordered by the chief justice, no reply brief on behalf of the movant shall be filed.

**(E) Affidavits of Bias and Prejudice.** Affidavits of bias and prejudice filed against judges of the court of claims shall be processed in accordance with R.C. 2701.03.

**LOCAL RULE 6. RIGHT TO JURY**

**(A) Right to Jury Trial Under R.C. 2743.11.** Pursuant to R.C. 2743.11, a party who has filed a claim against the state is not entitled to a jury trial, but parties retain their right to jury trial in claims against parties other than the state.

**(B) Jury Demand in Removed Actions.** Removal of actions to the court of claims does not extend the time for jury demand specified in Civil Rule 38.

## **LOCAL RULE 7. PRETRIAL CONFERENCE AND PROCEDURE**

**(A) Pretrial Conference.** In accordance with Civil Rule 16, after a case is at issue, the court may, on its own motion or at the request of a party, fix a date and place for a formal pretrial conference, and may also fix a date and place for one or more informal pretrial status conferences.

**(B) Pretrial Statement.** Not less than seven days prior to the date of the formal pretrial conference, all trial attorneys shall file with the clerk and serve upon all other trial attorneys appearing in the action, a pretrial statement which:

- (1) Informs the court in detail of the factual and legal issues which the case presents;
- (2) Sets forth the party's position on legal issues, including any significant evidentiary questions, and the authorities in support thereof;
- (3) Includes a list of all witnesses expected to testify.
- (4) Includes a list of all exhibits which are to be introduced in evidence.

**(C) Conference Procedure.** Trial attorneys shall be prepared and present at the pretrial conference and shall have full authorization to negotiate a settlement from the parties they represent. Upon the request of a trial attorney or upon its own motion, the court may order the parties or their respective sureties, indemnitors or insurers to be present at the pretrial conference.

**(D) Pretrial Order.** The court may, and at the request of a party shall, prepare, or cause to be prepared, a written order which recites the action taken at the pretrial conference. The court shall enter the order and submit copies to the trial attorneys. The order, subject to Civil Rule 60(A), shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

**(E) Expert Witnesses.** Each trial attorney shall exchange with all other trial attorneys, in advance of the trial, written reports of medical and expert witnesses expected to testify. The parties shall submit expert reports in accordance with the schedule established by the court. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established by the court.

A party may not call an expert witness to testify unless a written report has been procured from said witness. It is the trial attorney's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each such report adequately sets forth the expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty days prior to trial. The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his report.

All experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the court and opposing counsel of the name and address of the expert, the subject of the expert's expertise together with his qualifications and a detailed summary of his testimony. In the event the expert witness is a treating physician, the court shall have the discretion to determine whether the hospital and/or office records of that physician's treatment which have been produced satisfy the requirements of a written report. The court shall have the power to nevertheless exclude testimony of the expert if good cause is not demonstrated.

If the court finds that good cause exists for the non-production of an expert's report, the court shall assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, by motions, the court determines such payment would result in manifest injustice. These costs may include the expert's fee, the court reporter's charges and travel costs.

If the court finds that good cause exists for the non-production of a report from a treating physician, the court shall assess costs of the discovery deposition of the physician equally between the plaintiff and the party or parties seeking discovery of the expert. These costs may include the physician's fee, the court reporter's charges and travel costs.

**(F) Failure to Comply.** The sanctions stated in Civil Rule 37(B)(2) may be assessed for failure to timely comply with this rule.

[Amended effective June 4, 1986; November 16, 1989.]

**LOCAL RULE 8. FINDINGS OF FACT AND CONCLUSIONS OF LAW;  
JUDGMENTS**

**(A) Preparation of Findings.** The court may require the prevailing party to submit proposed findings of fact and conclusions of law.

**(B) Judgment of the Court.** The court shall transmit its written judgment to the clerk for entry, and the clerk shall, simultaneously with the entry of judgment, send copies of the judgment by certified mail to the attorney general, the claimant and the named defendants.

**LOCAL RULE 9. [RESERVED]**

[Reserved effective November 16, 1989.]

**LOCAL RULE 10. RECORDS OF THE CLERK**

The clerk of the court of claims shall prepare and maintain the following books:

- (1) A general appearance docket;
- (2) A receipt book;
- (3) A journal book.

In addition, the clerk shall keep a direct and reverse index to the appearance docket.

**LOCAL RULE 11. RECORDING OF PROCEEDINGS, DISPOSITION OF EXHIBITS AND MATERIALS; VIDEOTAPED TESTIMONY AND EVIDENCE**

**(A) Reporting and Recording Services.** The clerk shall appoint a court reporter or enter into a contract on behalf of the court for court reporting services including recording of proceedings pursuant to subdivision (B).

**(B) Methods of Recording.** Proceedings before the court may be recorded by stenographic means, by phonographic means, by photographic means, by the use of audio electronic devices, or by the use of video recording systems. The clerk may order the use of any method of recording authorized by this rule.

**(C) Payment.** The party ordering a transcript of proceedings, or a copy thereof, shall pay the court reporter or reporting service the expense of such service. The reporter or the court reporting service shall not prepare transcripts of proceedings or copies thereof until satisfactory payment arrangements have been made.

**(D) Custody; Disposition of Recordings.** Electronically recorded transcripts of proceedings shall be retained by the clerk at the conclusion of the trial or hearing. Electronically recorded transcripts of proceedings shall be maintained by the clerk until the case is finally determined. The clerk, upon order by the court, may dispose of an electronically recorded transcript of proceedings or may cause the recording medium to be erased so that it may be reused after the expiration of three years from the conclusion of all proceedings in the action or claim.

**(E) Inspection of Electronically Recorded Transcripts of Proceedings.** In lieu of requesting a copy of an electronically recorded transcript of proceedings, or a portion thereof, a party may view or hear the transcript of proceedings on file with the clerk.

**(F) Disposition of Exhibits and Materials.** Except as provided by these rules, models, diagrams, depositions, photographs, x-rays, and other exhibits and materials filed in an action in the court or offered in evidence are not considered pleadings and, unless otherwise ordered by the court, shall be withdrawn by the parties within six months after conclusion of all proceedings in the action. Upon order by the court, the clerk may dispose of all models, diagrams, depositions, photographs, x-rays and other exhibits and materials not withdrawn by the parties within the six month period provided by this rule.

**(G) Videotaped Testimony and Depositions.** If videotaped testimony or videotaped depositions are used, the parties shall comply with the provisions of Rule 12 of the Rules of Superintendence for Courts of Common Pleas. If a trial or hearing in the action is to be held at a location other than the address stated in Rule 2 of these rules or if a motion to change the situs of the trial or hearing is pending, the party intending to use a videotape shall disclose that fact when contacting the clerk's office to determine the appropriate videotape format.

## **LOCAL RULE 12. TRIAL SCHEDULING**

**(A) Sequence of Assignments.** Trial assignments, when practical, will be made based on date of filing.

**(B) Advancement for Trial.** A motion may be addressed to the court to advance a case for trial stating the reasons therefor.

**(C) Delay of Trial.** When trial or hearing assignments are made they will contain a date limitation for requesting vacation and reassignment, with related instructions. A request for reassignment submitted thereafter will ordinarily not be granted absent an emergency which could not be anticipated. No party to a claim or action shall be granted a vacation and reassignment without a written motion stating the reasons for the request, which motion shall be served upon all other parties according to Civil Rule 5. The motion shall indicate at least two alternative dates upon which all the parties and counsel would be available for trial or hearing. Unless counsel submit agreed dates when the case can be tried, if a vacation is granted a reassignment may be indefinitely postponed and the case may be dismissed for want of prosecution. The granting of a continuance is a matter within the discretion of the court or referee.

**(D) Conflict of Trial Assignment Dates.** When a continuance of a trial is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in another court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial shall have priority over civil cases assigned for trial.

**LOCAL RULE 13. COURT FILES AND PAPERS**

Court papers, files of the court or parts thereof shall not be removed from the custody of the clerk without the consent of the clerk.

## **LOCAL RULE 14. TRIAL PROCEDURES**

**(A) Engaged Counsel.** If a particular attorney has such a number of actions pending in the court of claims that the disposition of the actions is unduly delayed, the trial judge may require the attorney to provide a substitute trial attorney. If the original attorney fails to provide a substitute trial attorney, the trial judge may remove him as counsel in the action.

**(B) Examination of Witnesses.** At a trial or hearing where witnesses are called, only one attorney for each party may examine or cross-examine a witness unless otherwise permitted by the trial judge or referee.

## **LOCAL RULE 15. REVIEW OF CASELOAD**

**(A) Review of Pending Cases.** The clerk of the court of claims shall from time to time review all causes pending in the court. In causes in which no proceedings have been undertaken within six months of the date of commencement, the clerk may give written notice to all counsel of record, or to a party if he has no counsel of record, that the cause will be dismissed at a time certain unless before that time has expired good cause is shown that the cause should remain pending.

**(B) Review of Newly Filed Complaints.** The clerk of the court of claims shall review newly filed complaints to determine whether: a complaint inappropriately designates a defendant state department, board, office, commission, agency, institution, or other instrumentality; a complaint names as defendant a nonstate party over which the court of claims has no jurisdiction; or a complaint contains some ambiguity or other aberration. If any of these appear on a complaint, then the clerk, prior to the issuance of summons, shall refer the complaint for review and, if necessary, for the issuance of an appropriate order. No unnecessary delay in processing complaints shall ensue due to this process. This process is intended to reduce confusion, time, and expense in maintaining the court's case index, appearance docket, case files, and issuance of papers. The ultimate responsibility for correctly designating an appropriate defendant and filing a complaint which is free from error or ambiguity remains with the party filing the complaint. The failure of the clerk, deputy clerk, or court to act under this rule does not alter that responsibility.

**(C) Information Concerning Cases, Claims Based on Essentially the Same Facts.** Upon the filing of an original complaint, the clerk shall serve, by ordinary mail, a request for information about connected cases or claims (hereafter referred to as "request for information") upon the plaintiff's attorney or upon the plaintiff where plaintiff has no attorney. This division (C) does not apply to actions which must be determined administratively in accordance with R.C. 2743.10. The request for information shall, inter alia, require the plaintiff to state whether a case, claim, application, etc., based on essentially the same facts as the complaint or petition for removal filed in the court of claims, is pending in any court or any bureau, board, commission or agency. The clerk shall draft the request for information form and all necessary instructions for such form.

The plaintiff's attorney or the plaintiff shall complete the request for information form and file it with the court within twenty-eight days after the date the form was mailed by the clerk. The plaintiff's attorney or the plaintiff shall serve a copy of the completed form upon the attorney general and all other parties pursuant to Civil Rule 5. All other parties have the continuing duty to immediately inform the court in writing where the information stated in a request for information form is incorrect or incomplete and where there is a change in the status of the case, claim, application, etc., noted in a request for information form, or an additional case, claim,

application, etc., based on essentially the same facts as the complaint or petition for removal filed in the court of claims, is filed with any court or any bureau, board, commission or agency. The sanctions stated in Civil Rule 37(B)(2) may be assessed for failure to timely comply with this rule.

[Amended effective November 16, 1989.]

## **LOCAL RULE 16. ASSIGNMENTS OF AWARDS OF REPARATIONS**

Assignments of awards of reparations in claims based on criminally injurious conduct which occurred prior to March 18, 1983 shall not be recognized by a single commissioner, a panel of commissioners, or the court. Assignments of awards of reparations in claims based upon criminally injurious conduct which occurred on or after March 18, 1983 shall be recognized only as provided by R.C. 2743.66.

**LOCAL RULE 17. ATTORNEYS NOT ADMITTED TO THE PRACTICE OF LAW IN OHIO**

**(A) Nonresident Attorney, Request for Leave to Represent Applicant for Award of Reparations, Contents of Request.** A nonresident attorney who is not admitted to the practice of law in Ohio may request leave to represent an applicant for an award of reparations before the court of claims.

The request must be made at the earliest opportunity in the proceedings. The request shall certify that the attorney is admitted to the practice of law in the highest court of another state or in the District of Columbia and that the attorney is not a resident of this state. The request must be cosigned by an attorney admitted to the practice of law in this state and registered under Rule VI of the Rules for the Government of the Bar of Ohio.

**(B) Duty of Court Upon Filing of Request.** A judge of the court of claims may grant or deny the request, and may reconsider and deny a request which was granted at an earlier stage in the proceedings. An attorney, who is a resident of this state, not admitted to the practice of law in this state or not registered under Rule VI of the Rules for the Government of the Bar of Ohio, shall not be granted leave under this rule.

**(C) Duty of Resident Attorney; Service of Papers; Attorney Fees.** Where leave has been granted under this rule, the attorney at law of this state shall examine and cosign all motions, pleadings and other papers prepared by the nonresident attorney. The nonresident attorney shall not appear at oral hearings in the absence of the attorney at law of this state.

Service of orders, motions, pleadings and any other papers upon the nonresident attorney shall be upon the attorney at law of this state.

Any award of attorney fees pursuant to R.C. 2743.65(A) shall be made payable only to the attorney at law of this state.

**(D) Failure to Comply, Claim Not Affected.** The filing and processing of an applicant's claim for reparations shall not be affected or prejudiced by the failure of a nonresident attorney to comply with this rule.

**LOCAL RULE 18. CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT OF CLAIMS PROCEEDINGS**

**(A) Permission for Broadcasting, Recording by Electronic Means or Photographing.** Except as supplemented by this rule, the provisions of Rule 11 of the Rules of Superintendence for Courts of Common Pleas shall be applicable to requests for permission to broadcast, record by electronic means or photograph proceedings in the court of claims.

**(B) Administration.**

**(1) Requests for Permission, When and Where Filed.** Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing to the clerk as far in advance as reasonably practical, but in no event later than one work day prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge. Request forms may be obtained from the clerk's office.

**(2) Duty of Clerk Upon Receipt; Duty of Court.** The clerk shall immediately inform the trial judge of the request. The trial judge shall grant the request in writing consistent with Canon 3(A)(7) of the Code of Judicial Conduct, Superintendence Rule 11, and this local rule. Written permission shall be made a part of the record of the proceeding.

**(C) Pooling.** Arrangements shall be made between or among media for pooling equipment and personnel authorized by this rule to cover the court sessions. Such arrangements are to be made outside the courtroom and without imposing on the trial judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session. In the event disputes arise between or among media representatives, the trial judge may exclude all contesting representatives from the proceeding.

**(D) Equipment and Personnel.**

**(1) Television, Videotape or Movie Equipment and Personnel.** Not more than one portable camera (television, videotape or movie), operated by not more than one in-court camera person, shall be permitted without authorization of the trial judge.

**(2) Photographic Equipment and Personnel.** Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the trial judge.

**(3) Radio Equipment.** Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the trial judge.

**(4) Audio Tape Equipment.** If audio arrangements cannot be reasonably made in advance, the trial judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session. Audio portable tape recorders may not be used without prior permission of the trial judge.

**(E) Light and Sound Criteria.**

**(1) Distracting Equipment.** Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.

**(2) Artificial Light.** No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the trial judge may permit modification.

**(3) Audio Pickup.** Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by the trial judge in advance of any session.

**(F) Location of Equipment and Personnel.**

**(1) Location of Equipment.** Court of Claims trials to be heard in Franklin County where media coverage is requested pursuant to this rule shall, to the extent possible, be held in Court Room 1 of the Court of Claims. In the event that the subject trial is a jury trial, one television camera shall be positioned on a tripod in the northwest corner of the court room, but shall not interfere with the jury's access to the jury room. If the subject trial is not a jury trial, one television camera shall be positioned on a tripod in the southeast corner of the jury box. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.

**(2) Conduct of Operators.** The television, broadcast and still camera operators shall position themselves in a location in the courtroom as directed by the trial judge, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by any camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, but only to leave or enter the courtroom.

**(3) Time for Placing or Removing Equipment.** Television cameras, microphones and taping equipment shall not be placed in, moved about or removed from the courtroom except prior to commencement or after adjournment of the session (the trial judge has not gavelled the proceeding to order or adjournment), or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during a recess.

**(G) Miscellaneous.** Proper courtroom decorum shall be maintained by all media pool participants. All media representatives shall be properly attired, in a manner that reflects positively upon the journalistic profession.

**(H) Limitations.**

**(1) Audio Pickup of Conferences.** There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, cocounsel, or the trial judge and counsel.

**(2) Jurors; Witnesses.** The photographing, filming, videotaping, televising or recording of any juror shall not be permitted. The trial judge shall inform victims and witnesses of their right to object to being photographed, filmed, videotaped, televised or recorded and shall prohibit the photographing, filming, videotaping, televising or recording of any victim or witness who does object.

**(I) Revocation of Permission.** Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the Rules of Superintendence of the Supreme Court, or this Rule, the trial judge may revoke the permission to broadcast, photograph or record the trial or hearing.

**LOCAL RULES 19 TO 24. [RESERVED]**

## **LOCAL RULE 25. EFFECTIVE DATE**

**(A) Effective Date of Rules.** These rules shall take effect on January 1, 1984. These rules govern all proceedings in actions brought after they take effect, and all further proceedings in actions pending when they take effect, except to the extent that their application in a particular action pending when these rules take effect would not be feasible or would work injustice, in which event the former rules apply. These rules supersede the Local Rules of the Court of Claims of Ohio effective January 1, 1975, and as amended on June 14, 1977, October 26, 1978, December 19, 1978, January 1, 1983, May 2, 1983 and July 21, 1983.

**(B) Effective Date of Amendments.** The amendments to these rules journalized on June 4, 1986, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

**(C) Effective Date of Amendments.** The amendments to these rules journalized on November 16, 1989, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

[Amended effective June 4, 1986; November 16, 1989.]