

MEMBERS OF THE BAR:

The Common Pleas Court has adopted changes to Local Rules 3.1, 3.2, and 3.3 which are effective July 5, 2017. It has also adopted two new rules, 4.4 and 20.5, effective the same date. A copy of the new rules is attached.

While the new rules are self-explanatory, I would like to highlight a couple of provisions.

Rule 3.2 now requires a top or head margin of not less than two inches only on the first page of any pleading. This will allow the Clerk to affix the file stamp without obscuring the case number. The Clerk will continue to accept pleadings with a lesser top margin for a reasonable time period to accommodate the adjustment by the Bar.

Rule 4.4 will provide a consistent method to amend any pleading that is required by rule or statute. It will be followed forthwith.

Rule 20.5 is required by the Ohio Supreme Court. Candidly, circumstances giving rise to the enforcement of this rule will not be that frequent in our Court.

Please send any comments to the Court Administrator, Gary Scalf, at gscalf@clermontcountyohio.gov.

Thank you for your attention to these changes.

Richard P. Ferenc
Administrative Judge

FILED

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BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS
CLERMONT COUNTY, OH

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

**IN RE: MODIFICATIONS AND
ADDITIONS TO LOCAL RULES**

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CASE NO. 2017-MISC-_____

**ENTRY ADOPTING CHANGES TO
LOCAL RULES**

Pursuant to Civ. R. 83, the following Local Rules of Practice in the General Division of the Clermont County Common Pleas Court are adopted. These Rules shall be effective immediately upon the journalization of this Entry.

3.1.

Any attorney seeking to appear in any matter in the general division of the Clermont County Common Pleas Court shall be admitted to the practice of law in Ohio by the Ohio Supreme Court. An out-of-state attorney not admitted to practice in this state may seek admission, Pro Hac Vice, only as permitted by the Ohio Supreme Court and in accordance with Gov. Bar R. XII.

3.2

All pleadings, entries and other documents filed in any matter pending in the Clermont County Common Pleas Court, shall be filed flat, on 8-1/2" by 11" white paper, with no backing and with a head or top margin on the first page only, of not less than two inches. In addition to the original, sufficient copies shall be filed with the Clerk for service, as may be required. Surplus copies will be discarded by the Clerk.

3.3

No civil action shall be accepted for filing unless accompanied by the Court's Case Classification Form, which clearly identifies the nature of the action being filed and the designation of the trial attorney filing the action or the pro se party filing the action.

Local Rule 4.4

In a civil action, any motion, which seeks leave of court to amend a complaint, an answer, counter-claim, cross-claim, third-party complaint, third-party answer, third-party counter claim, third-party cross-claim or intervene in an action under Civ. R. 24, shall append to any such motion a copy of the proposed pleading. A copy of the motion and proposed pleading appended thereto shall be provided to the assigned judge, through the Clerk of Courts, for review. No pleading, which the civil rules or a statute require leave of court to file, may be accepted by the Clerk for filing without an appropriate order signed by the assigned judge granting the party leave to file such a pleading.

20.5. Physical Restraints on Children

(A) Consistent with Sup.R.5.01 there is a presumption that physical restraints on a child shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

- (1) That the child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
- (2) There is a significant risk the child will flee the courtroom.

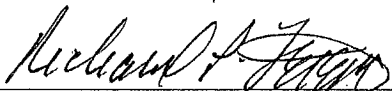
(B) Any party, as defined in Juv.R.2(Y), shall be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

(C) If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

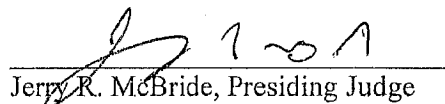
(D) In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and serenity of court facilities.

(E) A child for purposes of this rule shall be as defined in R.C. 2152.02(C)(1)-(4).

IT IS SO ORDERED.



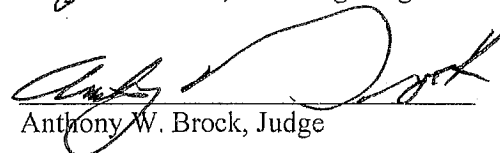
Richard P. Ferenc, Administrative Judge



Jerry R. McBride, Presiding Judge



Victor M. Haddad, Judge



Anthony W. Brock, Judge