

Local Rules

RULES OF THE COURT OF CLAIMS:

RULE 1. Scope; Applicability; Citation

(A) **Scope; Applicability.** These rules, promulgated pursuant to Article IV, Section 5(B) of the Constitution of the State of Ohio, and those Civil Rules not clearly inapplicable to the special statutory procedure set forth in R.C. Chapter 2743, govern practice and procedure in the Court of Claims, other than where clearly inapplicable to proceedings brought under R.C. 2743.75.

(B) **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.”

RULE 2. Address; Court hours

(A) **Address.** The Court of Claims shall be located at the Thomas J. Moyer Ohio Judicial Center, 65 South Front Street, Third Floor, Columbus, Ohio 43215. All correspondence shall be directed to the following address: Court of Claims of Ohio, Thomas J. Moyer Ohio Judicial Center, 65 South Front Street, Third Floor, Columbus, Ohio 43215.

(B) **Court hours.** The clerk’s office of the Court of Claims shall be open from 8:00 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.

RULE 3. Fees; Costs

(A) **Fees.** In civil actions, the fees charged shall be as provided in R.C. 2303.20 and R.C. 2743.75(D)(1). The clerk, except as provided in subdivision (B), shall not accept a claim for filing including claims removed to the Court of Claims, unless such filing is accompanied by the filing fee prescribed by the court.

(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 expenses 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 to determine the validity of the poverty affidavit.

(C) **Copying fee.** The clerk may charge a fee of ten cents per page for 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 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(B), 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 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.

RULE 4. Pleadings and motions

(A) Form of pleadings and motions; Copies of complaint.

(1) Except for documents that are filed electronically, as provided in subdivision(A)(2), all pleadings and motions shall be typewritten or printed on 8 ½ by 11 paper, securely bound at the top. Because of filing and binding requirements, the top one and one-half inches of all pages of all papers shall be left blank.

The caption of every complaint shall state the name and address of each plaintiff and defendant. Except as provided in R.C. 2743.75, the only defendant in this court is the state but, pursuant to R.C. 2743.02(E) and R.C. 2743.13, the caption shall also 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 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, mailing addresses, e-mail and telephone number of trial counsel. Where a paper is filed by a party without counsel, the paper shall bear the party's name, mailing and e-mail addresses and telephone number. Any non-conforming filings may be rejected by the clerk.

(2) Electronic Filing of Court Documents

(a) The Administrative Rules Regarding Electronic Filing in the Court of Claims, as amended from time to time, governs practice and procedures to be followed regarding the filing of court documents.

(b) All documents filed electronically shall conform substantially to the requirements of these Rules and the most current version of the Court's Administrative Rules Regarding Electronic Filing. The filing party or, if represented, counsel, shall be responsible for determining the most current version of the Administrative Rules and complying with it. Any non-conforming filings may be rejected by the clerk.

(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 extension of time shall be accompanied by a proposed order which states the duration of the extension.

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

The movant shall serve and file with the motion a brief written statement of reasons in support of the motion and the authorities upon which the movant 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 movant's motion.

Each party opposing the motion shall serve and file, within fourteen days after service of the movant's motion, a brief written statement of reasons in opposition to the motion and the authorities upon which the party relies. If the motion requires the consideration of facts not appearing of record, the party shall also serve and file copies of all evidence in opposition to the motion. Reply briefs or additional briefs may be filed only upon a showing of the necessity therefor and with leave of court.

(D) **Motion for summary judgment; Date of non-oral hearing.** All motions for summary judgment filed pursuant to Civil Rule 56 are hereby set for a non-oral hearing date on the twenty-eighth day following the filing of the motion for summary judgment. Motions shall be deemed submitted to the court for non-oral hearing on that date. Any party seeking to change the hearing date must do so by entry signed by the court.

(E) **Page limitations.** Supporting, opposing, or memorandum briefs shall not exceed fifteen pages in length, exclusive of attachments. Reply briefs shall not exceed seven pages in length, exclusive of attachments. Applications for leave to file a long brief shall be by motion that sets forth the unusual and extraordinary circumstances which necessitate the filing of a long brief.

(F) **Report of the Special Master.** The special master shall submit to the court a report and recommendation on the merits of the case not later than seven business days from the latter of, 1) the date the public office or person responsible for public records files the response or motion to dismiss, or both, or 2) the last date of receipt of any additional information or documentation from the parties as required by the special master under R.C. 2743.75(E)(3)(c).

RULE 4.1. Immunity determinations

Any party may 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 the matter down for the R.C. 2743.02(F) hearing.

Pursuant to R.C. 2743.02(F), the officer or employee may participate in the immunity determination hearing before the Court of Claims to determine whether the officer or employee is entitled to personal immunity under R.C. 9.86. Notice of the immunity

determination hearing shall be provided to the officer or employee in the manner ordered by the court.

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 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 upon the parties, and (3) after twenty-one 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.

RULE 4.3. Procedure for removal and remand

(A) **Petition for removal.** A party who serves a counterclaim against the state or makes the state a third-party defendant in an action commenced in a court other than the Court of Claims shall file a petition for removal in the Court of Claims. The petition shall state the basis for removal, be accompanied by a copy of all process, pleadings, and other papers served upon the petitioner and shall be signed in accordance with Civil Rule 11.

(B) **Time for filing petition.** A petition for removal based on a counterclaim shall be filed within twenty-eight days after service of the counterclaim of the petitioner. A petition for removal based on third-party practice shall be filed within twenty-eight days after filing of the third-party complaint.

(C) **Notice to parties.** Within seven days after filing a petition for removal, the petitioner shall serve a copy of the petition upon all parties and the attorney general of this state, and shall file a copy of the petition with the clerk of the court in which the action was originally brought.

(D) **Adjudication and remand.** The Court of Claims shall adjudicate all claims removed, except that the Court of Claims may remand a claim to the court in which the claim originated upon a finding that the removal petition does not justify removal or upon a finding that the state is no longer a party.

RULE 5. Motion submitted to the 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) **Responses 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) Motion 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 of Claims. The movant shall serve a copy of the motion and memorandum on all other parties pursuant to Civil Rule 5.

(2) **Responses 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 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.

(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(B), any party 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(B) and R.C. 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) **Responses 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 the clerk.** After all responses, if any, are received or the time for the 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.

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.

(C) **Selection of jurors.** In an action in the Court of Claims where one of the parties is entitled to a jury, the clerk of the Court of Claims, upon motion of the party or the clerk's own motion, shall request the jury commissioner of the court of common pleas of the county in which the action is to be tried to provide a panel of prospective jurors. The jury commissioner shall, pursuant to the request, provide such a panel at the time and place designated by the clerk of the Court of Claims. The trial judge or the clerk of the Court of Claims may order the trial jury to be selected outside the courtroom, and the trial judge may set the procedure for the examination of prospective jurors.

RULE 7. Administrative determination of claims by the clerk; Duties of claimant, defendant, and clerk

(A) **Initiation of administrative determinations.** A claim against the state which may be determined administratively pursuant to R.C. 2743.10 shall be filed on a complaint form provided by the clerk of the Court of Claims. The clerk shall retain the original complaint form and send copies of the complaint form to the state department, board, office, commission, agency, institution, or other instrumentalities named as defendant in the complaint form.

The defendant shall investigate the claim and file three copies of a completed Court of Claims investigation form with the clerk. The investigation form and attachments shall be filed with the clerk within sixty days of receipt of the claim by the defendant.

Within the sixty day period, the attorney general or the attorney for the state agency, by written motion, may request an extension of time for filing the investigation report, provided reasons for the extension are set forth. If an extension is granted, the clerk shall set a date for the filing of the investigation report.

The clerk shall retain one copy of the investigation report and forward copies to the attorney general or the attorney for the state agency and the claimant. The clerk shall notify the claimant that within twenty-one days after receipt of the report, the claimant may in writing respond to the investigation report. Within the twenty-one day period, the claimant, by written motion, may request an extension of time in which to respond to the investigation report, provided that a reason is set forth for the extension. If an extension is granted, the clerk shall set a date for the filing of the response to the investigation report.

(B) **Power of the clerk.** In administrative determinations, the clerk or deputy clerk has the same power as a judge of the Court of Claims to regulate all proceedings. The clerk or deputy clerk may, among other things, require the production of evidence, rule upon motions, determine admissibility and probative value of evidence, and require submission of briefs or memoranda.

(C) **Administrative determination process.** Administrative determinations shall be made upon the form complaint, attachments to the form complaint, the investigation report, attachments to the investigation report, claimant's written response to the investigation report, and such other material that the clerk deems to have probative value.

(D) **Evidence in administrative determinations.** The Rules of Evidence do not apply in administrative determinations, but all evidence presented shall have such probative value as satisfies the clerk.

(E) **Discovery.** Discovery procedures shall not be initiated in administrative determinations without the permission of the clerk.

(F) **Determination of the clerk.** The clerk's determination shall be in writing and include findings of fact and conclusions of law. The clerk shall, simultaneously with the entry of the determination, serve copies of the determination upon the attorney general, the claimant, and any named defendant.

(G) **Appeal of determination.**

(1) **Determination of the clerk final.** The determination of the clerk is final unless a motion for court review is filed within thirty days of the entry of the determination. A motion for court review filed before entry of such determination shall be treated as filed after such entry and on the day thereof.

(2) **Motion for court review.** A motion for court review shall be in writing, specify the determination or part thereof to be reviewed, state with particularity the errors complained of and include a memorandum which sets forth movant's argument and supporting legal authorities.

(3) **Service of motion for court review.** A motion for court review shall be served pursuant to Civil Rule 5(B).

(4) **Reply memorandum.** A reply memorandum may be served and filed by the responding party within fourteen days after service of the motion for court review.

(5) **Hearing on motion for court review.** Upon the filing of a motion for court review, the clerk shall submit the entire file of the claim to the court who shall review the clerk's determination.

(6) **Court review.** Upon review of the clerk's determination, the court shall confirm the clerk's determination and enter judgment thereon or, if there is substantial error, vacate the clerk's determination and, pursuant to R.C. 2743.12, draft and journalize the court's own judgment.

RULE 8. Pretrial conference and procedure

(A) **Pretrial conference; Case management conference.** In accordance with Civil Rule 16, 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 one or more informal pretrial status conferences. The court may also, on its own motion or at the request of a party, fix a date and place for an early case management conference at which the parties shall be prepared to establish a binding case management schedule.

(B) **Pretrial statement.** Not less than seven days prior to the date of the formal pretrial conference, all parties shall file with the clerk and serve upon all other parties 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 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 parties. 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.** All parties shall exchange with all other parties, in advance of the trial, written reports of expert witnesses expected to testify. The parties shall submit expert reports in accordance with 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 party's responsibility to take reasonable measures, including the procurement of supplemental reports, to ensure 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 the expert's 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 the expert's report.

All experts must submit reports. If a party is unable to obtain a written report from an expert, the party must demonstrate that a good faith effort was made to obtain the report and must advise the court and the opposing party of the name and address of the expert, the subject of the expert's expertise together with the expert's qualifications and a detailed summary of the expert's 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 noncomplying 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)(1) may be assessed for failure to timely comply with this rule.

RULE 9. Settlement of claims filed in the Court of Claims

(A) **Settlement of claims.** Pursuant to R.C. 2743.15, a claimant and the state may execute an agreement to settle a claim filed in the Court of Claims. A settlement agreement shall be signed by the claimant and the director or other administrative chief, or the governing body, of any department, board, office, commission, agency, institution, or other instrumentality of the state named as defendant in the action. The settlement agreement shall be approved by the attorney general and filed with the clerk for review by the court.

(B) **Review by the court.** The court shall review the settlement agreement. If the court concurs with the terms of the settlement agreement, it shall approve and journalize the agreement. If the settlement agreement is not approved, the court may require the claimant and the state to reconsider the agreement. If the court does not approve the reconsidered agreement, the court shall assign the claim for trial.

RULE 10. Records of the clerk

The clerk shall prepare and maintain the following electronic records:

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.

RULE 11. Recording of proceedings; Disposition of exhibits and materials; Recorded 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 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 visual recording systems. The clerk may order the use of any method of recording authorized by this rule.

(C) **Payment.** The party ordering the 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 the 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 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) **Video recorded testimony and depositions.** If video recorded testimony or video recorded depositions are used, the parties shall comply with the provisions of Rule 13 of the Rules of Superintendence for the Courts of Ohio. 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 video recording shall disclose that fact when contacting the clerk's office to determine the appropriate format.

(G) **Disposition of Materials Submitted Under Seal.** Case materials ordered restricted from public access or information in materials ordered redacted shall not be available for public access and shall be maintained separately in the case file, pursuant to Sup. R. 45. Such materials shall be maintained in a sealed envelope with a copy of the court order restricting access affixed to the envelope.

RULE 12. Trial scheduling

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

(B) **Change of trial date.** Any motion to modify the trial date shall be in writing. The motion will not be granted unless it is supported by a showing of good cause. A certificate of service shall be filed with the motion which shall be served upon all parties

pursuant to Civil Rule 5. The court may sua sponte change the trial date upon reasonable notice to all parties.

(C) **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.

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.

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 court may require the attorney to provide a substitute trial attorney. If the original attorney fails to provide a substitute trial attorney, the court may remove the attorney from 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 court.

RULE 15. Review of caseload

(A) **Review of pending cases.** The clerk 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 court may give written notice to all counsel of record, or to a party who is not represented by counsel, 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 shall review newly filed complaints to determine whether a state defendant is correctly identified or a complaint names as defendant a non-state party over which the Court of Claims has no jurisdiction. The clerk may, prior to the issuance of summons, refer the complaint to a judge of the Court of Claims for review and, if necessary, for the issuance of an appropriate order. No unnecessary delay in processing complaints shall ensue due to this process. 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 a request for

information about connected cases 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, among other things, 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 opposing counsel 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 if an additional case, claim, is filed with any court, bureau, board, commission or agency. The sanctions stated in Civil Rule 37(B)(1) may be assessed for failure to timely comply with this rule.

RULE 16. Reserved

RULE 17. Admission of out-of-state attorneys

(A) **Nonresident attorney.** An attorney not licensed to practice in Ohio who currently is licensed to practice in any other state or the District of Columbia may, in the discretion of the court, be permitted to represent parties in any litigation pending or to be filed in this court after completion of all of the following conditions:

(1) Filing a written certificate of *pro hac vice* registration from The Supreme Court of Ohio pursuant to Section 2(A)(3) of Rule XII, of the Rules for the Government of the Bar;

(2) Be sponsored in writing by an attorney licensed to practice law in Ohio. The sponsoring attorney, or another attorney licensed to practice in Ohio, shall be co-counsel with the attorney admitted *pro hac vice*.

(B) **Duty of resident attorney; service of papers.** The sponsoring attorney shall submit the motion and certification of an entry granting the motion.

(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.

(D) Scheduling for a continuance of any trial or hearing date shall not be permitted solely because of the unavailability of or inconvenience to out-of-state counsel.

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 12 of the Rules of Superintendence for the Courts of Ohio 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 practicable, but in no event later than one work day prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the court. 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 court of the request. The court shall grant the request in writing consistent with Superintendence Rule 12, and this 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 shall be made outside the courtroom and in such a manner that does not require the court 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 court may exclude all contesting representatives from the proceedings.

(D) **Equipment and personnel.**

(1) Not more than one portable camera (television, digital, or movie), operated by not more than one in-court camera person, shall be permitted without authorization of the court.

(2) 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 court.

(3) Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the court.

(4) If audio arrangements cannot be reasonably made in advance, the court may permit one audio recording session at the bench which will be activated prior to commencement of the courtroom session.

(5) Visible audio recording equipment may not be used by the media without prior permission of the court.

(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 court 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 systems exist in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by the court, in advance of any session.

(F) **Location of equipment and personnel.**

(1) One television camera shall be positioned on a tripod in the rear of each courtroom, and shall remain fixed in that position. Digital recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in the rear of the courtroom.

(2) The television, broadcast, and still-camera operators shall position themselves in a location in the courtroom, 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 television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

(3) Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess.

(G) **Miscellaneous.** Proper courtroom decorum shall be maintained by all media pool participants.

(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, co-counsel, or the court and counsel.

(2) **Jurors; witnesses.** The photographing, filming, digital recording, televising or recording of any juror shall not be permitted. The court shall inform victims and witnesses of their right to object to being photographed, filmed, digitally recorded, 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 court, the Rules of Superintendence of the courts of Ohio, or this rule, the court may revoke the permission to broadcast, photograph or record the trial or hearing.

RULE 19. Substitution or withdrawal of trial counsel

The substitution or withdrawal of trial counsel shall be permitted only:

(1) Upon filing with the court, with service on all other parties, a notice of substitution of trial counsel signed by withdrawing trial counsel, the client and substitute trial counsel. The client's signature is not required if trial counsel is a member of the same

law office as substitute trial counsel and if it is affirmatively stated that the substitution is made with the client's knowledge and consent, or

(2) Upon written application served upon the client, showing good cause for substitution or withdrawal of trial counsel. Unless otherwise ordered, trial counsel shall not be permitted to withdraw from an action at any time later than twenty days in advance of trial or the setting of a hearing on any motion for judgment or dismissal. Substitution of trial counsel shall not in and of itself be sufficient cause for the granting of a postponement of any trial or hearing.

RULE 20. Enforcement of money judgments

Money judgments against the state which shall include all departments, offices, bureaus, commissions, boards, agencies, institutions or instrumentalities, may be enforced only through the procedure established by R.C. 2743.19. Other money judgments in the Court of Claims against parties other than the state shall be enforced pursuant to Civil Rule 69. The Court of Claims shall not enforce money judgments against parties other than the state. Upon written request of a party, the clerk shall issue a certificate of judgment which may be enforced pursuant to law in other courts.

RULE 21. Records management and retention

(A) Applicability.

(1) This rule is intended to provide minimum standards for the production, maintenance, preservation, and destruction of records within the court and to authorize alternative electronic methods and techniques.

(2) This rule shall be interpreted to allow for technological enhancements that improve the efficiency of the court and simplify the production, maintenance, preservation, and destruction of court records.

(B) Definitions. As used in this rule:

(1) "Administrative record" means a record not related to cases of the court that documents the administrative, fiscal, personnel, or management functions of the court.

(2) "Case file" means the compendium of original documents filed in an action or proceeding in the court, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

(3) "Docket" means the official summary of the proceedings in a case that is maintained by the clerk of the court and contains basic information regarding the case, including the case number and case type, the parties to the case, the attorneys of record, and the chronological list of all documents filed in the case, action taken by the court, and writs and processes issued in the case.

(4) "Index" means a reference record used to locate journal, docket, and case file records.

(5) "Journal" means a verbatim record of every order or judgment of the court.

(6) "OHC" means the Ohio History Connection, State Archives Division.

(7) “Record” means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the court that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the court.

(C) **Combined records.** Notwithstanding any other provision of the law, the court may combine indexes, dockets, journals, and case files provided that the combination contains the components of the indexes, dockets, journals, and case files as defined in this rule. The court may replace any paper bound books with an electronic medium or microfilm in accordance with this rule.

(D) **Allowable record media.**

(1) The court may create, maintain, receive, record, copy, or preserve a record on traditional paper media, electronic media, including text or digital images, or microfilm, including computer output to microfilm.

(2) The court may create, maintain, receive, record, copy, or preserve a record using any nationally accepted records and information management process, including photography, microfilm, and electronic data processing as an alternative to paper. The process may be used in regard to the original or a copy of a record if the process produces an accurate record or copy and the process complies with American National Standards Institute (“ANSI”) standards and guidelines or, in the event that ANSI standards cease to exist, other nationally accepted records and information management process standards.

(a) If the court creates, maintains, receives, records, copies, or preserves a record using a records and information management process in accordance with division (D)(2) of this rule and the record is required to be retained in accordance with the schedules set forth in this rule, the court shall cause a back-up copy of the record to be made at periodic and reasonable times to insure the security and continued availability of the information. If this rule requires the record to be retained permanently, the back-up copy shall be stored in a different location than the record it secures.

(b) Records shall be maintained in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by an alternative records and information management process in accordance with division (D)(2) of this rule, shall be provided.

(c) In accordance with applicable law and purchasing requirements, the court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by division (D)(2) of this rule.

(d) Paper media may be destroyed after it is converted to other approved media in accordance with division (D) of this rule.

(E) **Destruction of records.**

(1) Subject to the notification and transfer requirement of division (E)(2) and (3) of this rule, a record and any back-up copy of a record produced in accordance with division (D)(2) of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in this rule.

(2) If this rule sets forth a retention period greater than three years for a record, the court shall notify the OHC in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record.

(3) After submitting a written notice in accordance with division (E)(2) of this rule, the court shall, upon request of the OHC, cause the record described in the notice to be transferred to the OHC, or to an institution or agency that meets the criteria of the OHC, in the media format designated by the OHC.

(F) **Exhibits, depositions, or transcripts.** At the conclusion of litigation, including times for direct appeal, the court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:

(1) The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification;

(2) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;

(3) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts;

(4) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (F)(1) of this rule.

(G) **Other records.** Any record that is not listed in this rule but is listed in a general retention schedule established pursuant to section 149.331 of the Revised Code may be retained for the period of time set by the general retention schedule and then destroyed.

(H) **Extension of retention period for individual case files.** The court may order the retention period for an individual case file extended beyond the period specified in this rule.

(I) **Retention schedule for the administrative records of the court.** The following retention schedule shall apply for the administrative records of the court:

(1) **Administrative journal.** Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

(2) **Annual reports.** Two copies of each annual report shall be retained permanently.

(3) **Bank records.** Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(4) **Cash books.** Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(5) **Copies and duplicates.** Copies and duplicates that are used for informational purposes and for which the official record is located elsewhere may be destroyed in the

normal course of business as soon as they are considered to be of no value by the person holding the copies and duplicates.

(6) **Correspondence and general office records.** Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

(7) **Drafts and informal notes.** Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes.

(8) **Employment applications for posted positions.** Employment applications for posted or advertised positions shall be retained for two years.

(9) **Employee benefit and leave records.** Employee benefit and leave records, including court office copies of life and medical insurance records, shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(10) **Employee history and discipline records.** Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.

(11) **Fiscal records.** Fiscal records, including copies of transactional budgeting and purchasing documents, shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(12) **Payroll records.** Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(13) **Publications received.** Publications received by the court may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications.

(14) **Receipt records.** Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the auditor of state, whichever is later.

(15) **Requests for proposals, bids, and resulting contracts.** Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

(J) **Required Records.**

(1) The court shall maintain an index, docket, journal, and case files in accordance with this rule.

(2) Upon the filing of any paper or electronic entry permitted by the court, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month, and year of the filing.

(K) **Retention schedule for the index, docket, and journal.** The index, docket, and journal of the court shall be retained permanently.

(L) **Retention schedule for case files.**

(1) **Civil actions.** All case files of civil actions shall be retained for three years after dismissal or final order.

(2) Claims for reparations.

(a) Case files of claims for reparations filed on behalf of a minor victim shall be retained for at least three years after the minor reaches the age of majority.

(b) Case files of claims for reparations filed with respect to deceased victims shall be retained for at least twenty-two years after the date of the death of the victim.

(c) All other case files of claims for reparations shall be retained for six years after the last court award or order.

(3) Court and clerk notes, drafts, and research. Court and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

RULE 22. Mediation

(A) Referral

(1) The Court of Claims may, sua sponte or on motion by a party, refer to mediation any civil case that the Court of Claims deems appropriate. The mediator may conduct mediation conferences at which the parties shall explore settling the case, simplifying the issues, and expediting the procedure, and may consider any other matter that might aid in resolving the case.

(B) Stay of Proceedings

(1) Unless otherwise provided by court order, referral of a case for mediation does not stay filing deadlines in an action.

(2) The mediator shall have the authority to return cases to the regular docket if the parties are not making progress in resolving their case. Entries lifting stays, including entries returning cases to the regular docket, shall set forth when filings will be due. If no stay of the filing schedule is in effect, or if a stay has been lifted, parties must file documents when such filings are due, and the Court of Claims will dismiss cases for want of prosecution or take other action if the parties do not file documents timely.

(C) Discovery.

Mediation shall not stay discovery, which may continue throughout the mediation process in accordance with the Rules of Civil Procedure.

(D) Attendance

(1) If a case is referred for mediation, the attorney for each party shall attend the initial mediation conference. Each party to the case, or the representative of each party who has full settlement authority, and the attorney for each party shall attend all subsequent mediation conferences, unless excused by the mediator. If a party or its representative is excused from a mediation conference, the party or its representative must provide its attorney authority beyond initial mediation positions, and the party or its representative must be available for consultation during the course of the mediation.

(2) If a party or an attorney fails to attend the mediation conference without being excused, the Court of Claims may assess the party or the attorney reasonable expenses caused by the failure, including reasonable attorney fees or all or a part of the

expenses of the other party. The Court of Claims may also dismiss the action, strike documents filed by the offending party, or impose any other appropriate penalty.

(E) Continuances

A request for a continuance of the mediation conference must be directed to the Court of Claims (or for cases referred to the Dispute Resolution Section of the Supreme Court of Ohio, to the Dispute Resolution Section of the Supreme Court of Ohio) and must be submitted in writing, stating good cause for a continuance.

(F) Settlement

If a claimant and the state execute an agreement to settle a claim filed in the Court of Claims, such agreement is subject to L.C.C.R. 9 of the Rules of the Court of Claims.

(G) Privileges and Confidentiality

(1) General

The provisions of the Uniform Mediation Act set out in R.C. 2710 et seq., apply to all mediations in the Court of Claims. The definitions contained in R.C. 2710.01 apply to Court of Claims mediation. The privileges contained in R.C. 2710.03 and the exceptions contained in R.C. 2710.05 apply to mediation communications. The privileges may be waived under R.C. 2710.04. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. The Court of Claims may impose penalties for any improper disclosures made in violation of this rule.

(2) Exceptions

All mediation communications are confidential with the following exceptions:

- (1) Parties may share all mediation communications with their attorneys,
- (2) Attorneys may share all mediation communications with the parties,
- (3) The mediator may inform the Court of Claims or report to the proper authorities certain information, including the following:
 - (a) Allegations of abuse or neglect of a child;
 - (b) Certain threats of harm to other people or oneself;
 - (c) Statements made during the mediation process to plan or hide an ongoing crime;
 - (d) Statements made during the mediation process that reveal a felony.

RULE 23. Reserved

RULE 24. Reparations appeals

(A) Appeals from decisions of the attorney general.

(1) An appeal pursuant to R.C. 2743.61(B) shall be taken by filing a notice of appeal with the clerk within the time allowed under R.C. 2743.61. The Attorney General shall provide a notice of appeal form to the claimant, along with a copy of the final decision.

(2) The clerk shall serve a copy of the notice of appeal upon the attorney general. The clerk shall note on the copy of the notice of appeal the date on which it was filed.

(3) If a party attempts to file a notice of appeal by delivering it to the attorney general instead of the Court of Claims, the attorney general shall forward the notice of appeal to the clerk within three days and the date of filing of the appeal shall, in the interests of justice, be deemed to be not later than the date the notice was received by the attorney general.

(4) Pursuant to R.C. 2743.61(B), the attorney general shall file the record with the clerk within fourteen days after the appeal is filed. The appeal shall be heard within ninety days of receiving a fully completed notice of appeal form.

(5) A notice of appeal filed prior to the final decision of the attorney general shall be treated as filed immediately after such final decision.

(6) All correspondence filed by a self-represented applicant within the thirty day appeal period as provided in 2743.61(B) shall be forwarded to the clerk for review. The clerk or the clerk's designee shall review the correspondence to determine whether it was the applicant's intent to appeal the final decision of the attorney general. The interests of justice require the review to construe the filing in a light most favorable to the benefit of the applicant.

(7) If the clerk determines that the self-represented applicant's intent was to file an appeal from the final decision of the attorney general, the attorney general will be promptly notified and be required to transmit the record to the clerk within fourteen days. The appeal shall be heard within ninety days of receiving the record from the attorney general.

(B) Objections and appeals from decisions and orders of the magistrate.

(1) A party may file written objections to a magistrate decision within fourteen days of the filing of the decision, whether or not the judge has adopted the decision during that fourteen-day period as permitted by Civ.R. 53 (D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. A party shall not assign as error on appeal the judge's adoption of any factual findings or legal conclusion, whether or not specifically designated as finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to the factual finding or legal conclusion within fourteen days of the filing of the magistrate's decision, as required by Civ.R. 53(D)(3)(b).

(2) The clerk shall serve notice of the filing of an objection by forwarding a copy to counsel of record of each party other than the objecting party, or if a party is not represented by counsel, to the party at the party's last known address. The clerk shall

note on each copy served, the date on which the objection was filed. The clerk shall make a record of the parties served, the date served, and the means of service.

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.

(D) **Effective date of amendments.** The amendments to these rules journalized on June 5, 1992, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(E) **Effective date of amendments.** The amendments to these rules journalized on March 31, 1993, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(F) **Effective date of amendments.** The amendments to these rules journalized on June 22, 1995, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(G) **Effective date of amendments.** The amendments to these rules journalized on August 10, 1995, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(H) **Effective date of amendments.** The amendments to these rules journalized on November 27, 1995, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(I) **Effective date of amendments.** The amendments to these rules journalized on July 11, 1997, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(J) **Effective date of amendments.** The amendments to these rules journalized on August 15, 1997, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(K) **Effective date of amendments.** The amendments to these rules journalized on October 1, 1998, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(L) **Effective date of amendments.** The amendments to these rules journalized on June 28, 2000, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(M) **Effective date of amendments.** The amendments to these rules journalized on April 12, 2001, shall be effective on April 30, 2001, and shall govern all proceedings taken on and after the effective date.

(N) **Effective date of amendments.** The amendments to these rules journalized on May 2, 2002, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(O) **Effective date of amendments.** The amendments to these rules journalized on May 12, 2004, shall be effective on that date and shall govern all proceedings taken on and after the effective date.

(P) **Effective date of amendments.** The amendments to these rules journalized on March 11, 2005, shall be effective on March 11, 2005, and shall govern all proceedings taken on and after the effective date.

(Q) **Effective date of amendments.** The amendments to these rules journalized on October 18, 2007, shall be effective on October 18, 2007, and shall govern all proceedings taken on and after the effective date.

(R) **Effective date of amendments.** The amendments to these rules journalized on August 22, 2011, shall be effective on August 22, 2011, and shall govern all proceedings taken on and after the effective date.

(S) **Effective date of rules.** These rules shall take effect on January 5, 2018. 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 all prior Local Rules of the Court of Claims of Ohio.