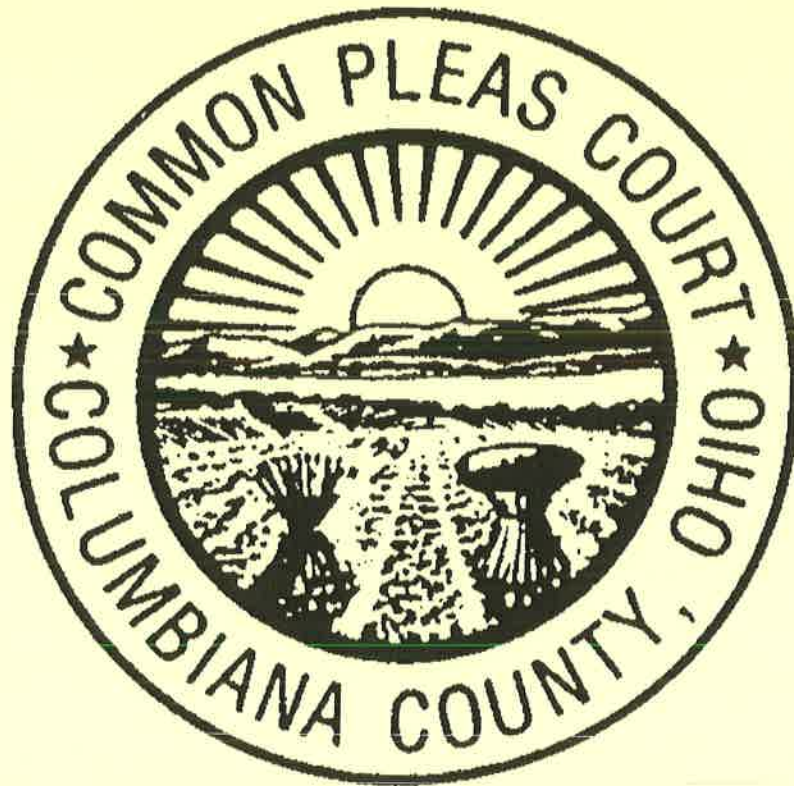


**COLUMBIANA COUNTY, OHIO
COURT OF COMMON PLEAS
PROBATE DIVISION**

THOMAS M. BARONZZI, JUDGE



**RULES OF COURT
EFFECTIVE FEBRUARY 1, 2024**

COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO
PROBATE/JUVENILE DIVISION
PROBATE COURT RULES

FEB - 1 2024

THOMAS M. BARONZZI
JUDGE

IN RE:)
COUNTY LOCAL PROBATE RULES) **CASE NO. 2024 MM 00001**
OF THE PROBATE COURT OF)
COLUMBIANA COUNTY, OHIO) **JUDGMENT ENTRY**

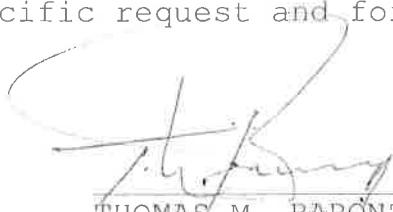
The following rules have been promulgated by the Columbiana County Court of Common Pleas, Probate Division, pursuant to Article IV, Section 5(B), of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for Courts of Common Pleas. They are adopted to provide for the efficient and expeditious management of business before this Court.

These rules become effective February 1, 2024 hereby amending the prior Columbiana County Probate Court local rules, and are subject to review and amendment, as necessary.

These rules are intended to provide for the management of proceedings and other functions of the Court and to supplement and complement the Ohio Rules of Probate Procedure, the Ohio Rules of Civil Procedure, the Rule of Superintendence for the Courts of Ohio and controlling statutes.

These rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules and statutes. They shall be interpreted so as to promote just and expeditious determinations.

The judge or magistrate presiding over a hearing may permit exception from a rule upon specific request and for good cause shown.



THOMAS M. BARONZZI
JUDGE

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COPIES OF RULES OF COURT WILL BE MADE AVAILABLE IN PRINT AT PROBATE COURT OR ARE AVAILABLE ON THE COLUMBIANA COUNTY LAW LIBRARY WEBSITE www.columbianacountylawlibrary.org

COMPLIANCE WITH OTHER RULES

RULE 1.1

The following Rules are intended to supplement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio and any controlling statutes.

Unless otherwise stated, all filings shall comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Columbiana County, Ohio which are also applicable to this Court. To the extent that rules may be in conflict, the Local Probate Rule shall prevail.

COURT APPOINTMENTS

RULE 2.1

Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, public guardians, special master commissioners or magistrates, investigators, guardians ad litem, arbitrators, mediators, public guardians, and trustees for suit, may be selected from lists maintained by the Court.

Appointments will be made from the lists taking into consideration the qualifications, skill, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.

Court appointees will be paid a reasonable fee with consideration given to the factors contained in DR-2-106 of the Code of Professional Responsibility, the Ohio Revised Code and the Local Rules of Court relating to fees.

The Court may require background checks within its discretion or to comply with other rules or statutes, bonding, liability

insurance coverage, or service contracts of any appointee as a condition of his or her appointment.

The Court may order the parties to submit an advance deposit of costs to compensate professional or other appointees.

RULE 2.2

Upon application and for good cause shown, the Court may appoint a special master commissioner for the limited purpose of making funeral arrangements for unclaimed bodies and to investigate and determine whether a decedent owned any assets and to determine if any next of kin survive the decedent.

RECORDING OF PROCEEDINGS

RULE 3.1

The Court will make a digital recording of formal court proceedings that shall serve as the record of the Court. Parties or other interested persons who desire to have a transcript of the proceedings shall request the transcript in writing from the court reporter and are required to make a deposit in an amount as determined by the court. The requesting party shall pay the full cost of the transcription upon completion.

CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS

RULE 4.1

No radio or television transmission, voice or video recording device, other than a device used by the judge or a court reporter making a recording in a proceeding, or the making or taking of pictures shall be permitted without the prior express consent of the Court and pursuant to Sup.R.12.

RULE 4.2

All persons appearing in the court facilities shall turn off all cell phones prior to entering. The use of cell phones, for any purpose, by non-court personnel is prohibited without prior authorization of the court. Any violation of this rule will result in the phone being confiscated by

court security. A confiscated phone may be picked up at the court security desk at the close of the business day. No photographs shall be taken at any time without prior authorization of the court.

STANDARD PROBATE FORMS

RULE 5.1 Filings before the Court shall be in conformity with Standard Probate Forms prescribed by the Rules of Superintendence of the Courts of Ohio, if a standard form has been prescribed. If a standard form has not been prescribed, the form used shall be in conformity with the Ohio Civil Rules or other form prescribed by these Rules of Court.

HOURS OF THE COURT

RULE 6.1 The Court and its offices will be open for the transaction of business from 8:00 a.m. to 4:00 p.m. daily, except Saturday, Sunday, and legal holidays, unless otherwise determined by the Court. Applications for marriage licenses are by appointment only.

EXAMINATION OF PROBATE RECORDS

RULE 7.1 Court records shall not be removed from the Court, unless authorized by judgment entry.

RULE 7.2 Copies of open records may be obtained at the cost per page set by the Court.

RULE 7.3 Records of the court that, pursuant to ORC 149.43 (effective 4/7/23), as excluded from the definition of "Public Records" or otherwise are exempted from public access as "confidential" by separate rule or statutes may not be examined or copied.

Any person found to be accessing confidential records, removing original court records from the court, or intentionally or negligently causing damages to court records, will be subject to direct contempt of court findings and sanctions and

will be denied further access to court records.

RULE 7.4

For purposes of maintaining the efficient operation of the Court and protecting court records, the use of copying equipment brought into the Court for purposes of duplicating court documents may be reasonably limited by the Court.

FILINGS AND JUDGMENT ENTRIES

RULE 8.1

An applicant shall include the applicant's residence and mailing addresses and telephone number on papers, pleadings, and other documents, as required by the Court.

DURING THE PENDENCY OF ANY CASE AND UNTIL ALL COURT COSTS ARE PAID IN FULL, EACH PARTY SHALL KEEP THE COURT ADVISED IN WRITING OF THEIR CURRENT RESIDENCE AND MAILING ADDRESS AND ANY TELEPHONE NUMBER.

RULE 8.2

Ohio Supreme Court Registration Numbers assigned to attorneys representing all parties to proceedings and the attorney's e-mail address, shall be included on papers, pleadings, and other documents, as required by the Court. All filings must be signed by the individual attorney as the attorney of record for a party and not as a legal entity. A person who is not the attorney of record shall not sign on behalf of the attorney of record.

RULE 8.3

Papers, pleadings, and other documents that are incomplete, or not of sufficient quality to be imaged may be refused for filing, or, if filed, may be stricken from the files. In the event of a dispute regarding filings made via U.S. mail or other postal carrier, the Court may require filing in person to a deputy clerk. All briefs and memoranda of law shall comply with the Supreme Court Rules for Reporting of Opinions unless otherwise ordered by the Court. Copies of all opinions previously referred to as "unpublished" that are not

posted on the Ohio Supreme Court website under rule 3 of the Supreme Court Rules for Reporting of Opinions shall be attached as appendices unless otherwise ordered by the Court.

RULE 8.4

Upon the filing of any legal action that affects an estate, a trust, or a guardianship, the fiduciary shall file a notice of litigation with the Court. The notice may conform to the form attached as Appendix A.

ELECTRONIC FILING OF DOCUMENTS

RULE 9.1

Electronic transmission to the court (FAX or E-MAIL) of pleadings, motions, and other papers shall not constitute filing, except as follows:

At such time as the Columbiana County Probate Court is able to accept such filings, documents subsequent to the initial pleading may be filed with the Probate Court by electronic means, subject to the following provisions: (This rule will be modified to comply with the Supreme Court Filing Standards when the mechanism to accept such filings is completed.)

Pursuant to Civil Rule 5, the Court, in its discretion, may allow facsimile and electronic filings during regular business hours of the Court as set forth in Local Rule 6.1. Any documents received after regular business hours shall be deemed filed the following business day. All pleadings filed electronically (i.e. fax or email) are subject to the following:

- (A) A document filed by facsimile or electronically shall be accepted as the effective original and shall be filed by the party or their attorney of record. All risks of transmission shall be borne by the sender.

(B) All filings by facsimile shall be accomplished by a cover page that states all of the following information:

- a. The date of transmission;
- b. The name, telephone number, and facsimile number of the person transmitting the document;
- c. The Case Number and caption of the case in which the document is to be filed;
- d. The title of the document to be filed; and
- e. The number of pages being transmitted.

(C) Any signature on documents transmitted by facsimile or electronically shall be considered that of the attorney or party that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court may order the filing stricken.

(D) The filing date of any documents transmitted by facsimile or electronically during regular business hours shall be the time and date the document was received by the probate court's facsimile machine or court computer. Any documents received after regular business hours shall be deemed filed the following business day. Technological difficulties will not excuse late filings.

(E) Any document filed by facsimile or electronically that requires a filing fee may be rejected unless the filer/sender has complied with the mechanism established by the Court for payment of filing fees.

(F) The Court does not have access to a designated fax line at this time to accept facsimile pleadings. A dedicated email address for the Court to accept emailed pleadings will be provided upon request. Filings faxed to any other number or emailed **to a specific court staff member** will not be accepted unless otherwise authorized by the Court.

(G) Papers, pleadings and other documents that are incomplete may be refused for filing or if filed, may be stricken.

(H) The following pleadings will not be accepted electronically by the Court:

a. Initial Estate pleadings with a *Last Will and Testament* including Estates with *Codicil(s)*.

(I) A *Judgment Entry* or decision issued by the Judge or Magistrate may be signed manually or with an electronic signature. Electronic transmission of a document with an electronic signature by the Judge or Magistrate sent in compliance with the procedures adopted by this Court shall be accepted as a filing of the document for all purposes of the *Ohio Rules of Civil Procedure*, the *Ohio Rules of Superintendence*, and the *Local Rules* of this Court.

ADDITIONAL SECTIONS TO BE ADDED WHEN E-FILING IS ESTABLISHED.

ENTER APPEARANCE AS ATTORNEY OF RECORD

RULE 10.1

Parties receiving a notice of hearing shall provide a copy of the notice to their attorney so that he or she can enter an appearance and receive notification of future hearings.

REIMBURSEMENT OF EXPENSES

RULE 11.1

Any request for reimbursement of costs or other expenses shall be supported by receipts, vouchers or other proof unless otherwise ordered by the Court.

DEPOSIT FOR COURT COSTS

RULE 12.1

The amounts set forth by the Court shall be deposited with the Court upon the filing of the respective actions and proceedings. Schedule of the current court

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costs will be available at the Probate Court or may be available on the Columbiana County Law Library website at www.columbianacountylawlibrary.com

RULE 12.2

The Court may order the parties to submit an advance deposit of costs for professional or other fees.

Upon the filing of a demand for a jury trial, the party making the demand shall file an advance deposit for costs for juror fees in the amount of \$500.00 or such other amount as the Court may determine. The Court may order additional deposit of costs for multiple plaintiffs or defendants. Failure to make timely deposit of juror fees shall serve as a waiver of jury demand.

RULE 12.3

Papers, pleadings, and other documents may be refused for filing, or, if filed, may be stricken for failure to make deposits, or to pay court costs, except for good cause shown.

RULE 12.4

No appointment shall be made if there is a failure of the fiduciary or the fiduciary's attorney to pay court costs. Failure of the fiduciary or the fiduciary's attorney to make additional deposits, or to pay court costs, shall be cause for removal.

RULE 12.5

For the purpose of procuring and maintaining computerized legal research services, an additional fee shall be assessed and collected as costs in each estate, guardianship, trust, minor settlement, civil action, correction of birth record, registration of birth, change of name, or adoption in such amount as the court shall periodically determine by separate order.

RULE 12.6

A member of the United States Armed Services who died while serving in a combat zone or as a result of wounds, disease, or injury incurred while serving in a combat zone shall be exempt the following fees as prescribed in R.C. 2101.16:

1. Any fee for or associated with the filing of the decedent's will for probate;
2. Any fee for any services rendered by the probate court associated with the administration of decedent's estate;
3. Any fee for relieving decedent's estate from administration under R.C. 2113.03;
4. Any fee for granting an order for summary release from administration under R.C. 2113.031.

RULE 12.7

The Clerk of the Probate Court may charge a reasonable fee in each action or proceeding filed, including full administrations of estates, trusts, guardianships, conservatorships, civil actions, wrongful death actions, change of name, and adoption proceedings, for the purpose of the resolution of disputes within the jurisdiction of the Probate Court.

RULE 12.8

The Clerk of the Probate Court may charge a fee in such amount as is charged by the Department of Vital Statistics in the State of birth for each certified copy of a birth record ordered in an adoption or correction of birth record for the issuance of a replacement or corrected birth certificate pursuant to R.C. 3109.14, 3705.24(A) and (B), and 3705.242.

WILLS

RULE 13.1

If a will confers a power to nominate an executor as described in R.C. 2107.65, the application to probate the will shall include a concise statement setting forth the item number of the will that confers the power, and the name(s) of the holder(s) of the power.

APPRAISERS

RULE 14.1 An appraiser must be experienced in appraising property in Columbiana County, Ohio, and shall not be a member of the family, business associate, or client of the fiduciary, the fiduciary's attorney, or other person interested in the estate. Appraiser must be previously approved by the Court. Upon request, court staff will verify whether an appraiser has been pre-approved. If the appraiser is not on the court's list, a letter outlining the appraiser's qualifications signed by the appraiser is required.

Rule 14.2 Upon application and good cause shown, the Court may authorize the fiduciary by order to use the County Auditor's tax value for real property in an estate in lieu of an appraisal.

INVENTORY

RULE 15.1 Except for good cause shown, the costs of citations shall be deducted from the fiduciary's compensation.

RULE 15.2 Except for good cause shown, estate assets shall not be sold, transferred, or distributed until the inventory or inventory and appraisal has been filed and approved by judgment entry.

RULE 15.3 All applications for authority to administer estate, application for appointment for guardian, or trustee shall be accompanied by a bond, except for qualifying applicants for whom bond is waived by will, in the amount required by law unless the applicant files a motion and the Court approves waiver of the above bond pending the filing of the inventory.

If said motion is granted, bond shall be filed at the time of the filing of the inventory. A motion to continue the waiver of bond may be filed if: a) the assets of the trust, estate or guardianship have been

placed in a restricted account with the Court's approval, with no withdrawals unless authorized by the Court; b) for other good cause demonstrated to the satisfaction of the Court.

Inventory containing assets that have been appraised shall be filed with an original signature of the appraiser.

CHANGE OF NAME

RULE 16.1 The Court, in its discretion, may deny an application for change of name to the following individuals:

- 1) An individual who is in arrears for any child support payment, or
- 2) A Sexual Predator/Offender as defined in the Ohio Revised Code.

CLAIMS AGAINST ESTATES

RULE 17.1 The amount set forth by the Court shall be deposited with the Court upon the filing of a claim pursuant to R.C. 2117.06. A copy of the schedule of court costs will be available at the Probate Court or may be available on the Columbiana County Law Library website at www.columbianacountylawlibrary.org

RULE 17.2 All fiduciaries shall apply to the Court for authority to compromise or settle any claim on behalf of the estate, including but not limited to personal injury claims of the decedent.

RULE 17.3 Any electronic transfer of settlement funds shall be preceded by a written consent of the fiduciary filed with the Court. Payment of any settlement funds pursuant to electronic transfer is at the risk of the insurance company until funds are distributed pursuant to judgment entry.

RULE 17.4 Application for reimbursement of fiduciary must include an itemization of reimbursed expenses supported by vouchers.

Applications for reimbursement of \$500.00 or more will be set for hearing unless the court receives an affidavit from attorney for the estate confirming the estate is solvent and all heirs of the estate have executed a written waiver of hearing.

APPLICATION TO SELL PERSONALTY

RULE 18.1 The affidavit and report required by R.C. 2109.45 and 2113.42 shall include a statement that the property was not purchased by the fiduciary, by a member of the fiduciary's family, or by an agent of the fiduciary.

ACCOUNTS

RULE 19.1 Except for good cause shown, the costs of citations shall be deducted from the fiduciary's compensation.

RULE 19.2 If a fiduciary is delinquent in filing an account, and no extension of time for filing has been granted, the Court may refuse to appoint the fiduciary to another office of trust.

RULE 19.3 Final Account: Every fiduciary shall render a final account for each estate within six (6) months of the date of appointment of the fiduciary pursuant to Ohio Revised Code Section 2109.301(B)(1) unless extended by the Court.

Periodic Account: Every fiduciary shall render an account for each trust or guardianship every two years on the anniversary of the appointment of the fiduciary, unless otherwise ordered by the Court.

RULE 19.4 A Trustee shall provide a copy of his or her account to all parties interested in the Trustee's account.

RULE 19.5 A Trustee shall file a current list of the names and addresses of all persons interested in the trust and the interest of

each party in the trust with the Trustee's account.

LAND SALES

RULE 20.1 The affidavits required by Sup. R. 65 (A) shall include a statement that the property was not purchased by the complainant, by a member of the complainant's family, or by an agent of the complainant.

RULE 20.2 In all actions to sell real estate, the application to the Court to allow a real estate commission, required by R.C. 2127.28, shall state the specific amount of the commission requested.

RULE 20.3 Upon the filing of a complaint to sell real property (O.R.C. 2127), pursuant to Sup.R. 65 a preliminary title search report shall be filed which sets forth the complete legal description of the property, a copy of the last recorded instrument of conveyance and a complete statement of all liens and exceptions of record.

GUARDIANSHIPS

RULE 21.1 Except for good cause shown, an application for the appointment of a guardian shall contain the name of one proposed ward and shall be heard separately from any other application.

RULE 21.2 Except for good cause shown, the hearing on the application for the appointment of a guardian shall be attended by the applicant and the proposed ward.

RULE 21.3 Each guardian shall file an annual report (which includes guardian's annual care plan for the Ward and certificate of completion of annual educational requirements) with the Court containing the information required by the Court. No guardian shall change the residential placement of a ward without prior application to and approval of the Court.

The application shall state the reason for relocating the ward and any recommendation for relocation made by health providers. In the event the ward is relocated outside the State of Ohio, guardian shall file for transfer of jurisdiction to the appropriate venue within sixty (60) days of the Court's approval of relocation.

RULE 21.4

All guardians appointed by this court as guardians of the person of a ward shall have face to face contact with the ward not less than every thirty (30) days from the date of appointment to verify ward is receiving appropriate care and protection.

RULE 21.5

An application for the appointment of a guardian of a minor shall not be filed if the only reason for the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Court of the Court of Common Pleas. No guardian of the person of a minor may create a power of attorney pursuant to R.C. 3109.52 transferring the guardian's rights and responsibilities without specific authority of the Court.

RULE 21.6

In addition to these rules, all guardians who are seeking appointment or receive appointment by this court shall comply with Rule 66 of the Supreme Court Rules of Superintendence for the Courts of Ohio. Applicants and guardian's may file to be excused from one or more of the requirements of Supreme Court Rule 66 by separate written motion supported by a statement claiming good cause for the waiver. The court in its discretion upon review of the request for waiver may waive one or more of the Supreme Court Rule 66 requirements.

RULE 21.7

Guardianship assets shall not be expended until a written application has been heard by the Court and allowed by judgment entry.

RULE 21.8 Before a guardian is appointed, the Court may require a criminal background check of the applicant(s) which shall be performed by the Columbiana County Educational Service Center. Upon order of the Court, each applicant shall sign a Consent to Criminal Background Check and appear at the Columbiana County Educational Service Center for the background check within five days of filing of the consent. In addition, the Consent shall authorize the court investigator appointed by the Probate Court to perform a criminal background check of local law enforcement agencies.

RULE 21.9 Medical and psychological reports are confidential and there shall be no access to these reports without prior order of the court. Expert Evaluation reports shall be filed every two years on or before the anniversary date of the appointment of guardian.

RULE 21.10 All guardians of the estate of a ward are required to retain and maintain an attorney licensed to practice law in the State of Ohio, to assist and advise them regarding their duties.

RULE 21.11 All guardians of the estate are required to deposit the ward's funds in a guardianship account in banking facilities that provide check imaging or canceled checks. Unless otherwise ordered by the Court, the guardianship account shall be maintained in an institution within the boundaries of Columbiana County, Ohio. All assets shall remain in the State of Ohio unless otherwise authorized by judgment entry.

RULE 21.12 Guardians of the estate are not permitted to use ATM machines or debit cards for guardianship accounts.

EMERGENCY GUARDIANSHIPS

RULE 21.13 The Court has developed forms and procedures for initiation of emergency

guardianships pursuant to ORC 2111.02 and ~~Rule~~ 66.03(A) of the Rules of Superintendence of the Courts of Ohio. The Outline of Procedures and Application for Emergency Guardianship are attached as Appendix A & B.

Orders of Emergency Guardianship are extraordinary orders of relief which may only be granted in emergency situations.

Emergency Guardianships may only be granted upon Applications demonstrating to the Court's satisfaction, that an imminent threat of serious harm to the ward's person or estate exists if emergency orders are not granted.

Emergency Guardianship orders generally terminate after 72 hours by operation of law. Upon review hearing and a finding of good cause demonstrated by the Emergency Guardian, the Emergency Guardianship orders may be continued for up to thirty days from the date of the review hearing. In the event general orders of continued guardianship are necessary, then a separate Application For Guardianship (Standard Probate Forms 17.0), should be filed without delay so that service of the Application, and an investigation may be completed and hearing scheduled on the Application prior to the expiration of the Emergency Orders.

Caution: The Court upon expiration of an initial Emergency Guardianship, will only consider a second emergency filing upon the Applicant's demonstrations that general orders of guardianship have been applied for but could not be obtained prior to expiration of the initial emergency orders.

GUARDIANSHIP COMMENTS AND COMPLAINTS PROCEDURES

RULE 22.1

Any person who has personal knowledge or information which reasonably creates concern for the safety, security or welfare of a ward's person or estate, or the performance of a guardian with respect to

his or her guardianship responsibilities,
may submit Comments or Complaints to the
Probate Court.

All Comments and Complaints shall be
submitted in writing and mailed or hand
delivered to the Probate Court at 105 S.
Market Street, Lisbon, Ohio 44432.

The Court will designate one or more
deputy clerks to receive, review and stamp
all Comments or Complaints noting the date
received.

Upon receipt of a Comment or Complaint,
the deputy court clerk shall note receipt in
the guardianship file and mail a copy to the
Guardian(s).

The Comment or Complaint shall be
brought to the Probate Judge or Magistrate
for review within four (4) days of receipt
and also mailed or delivered to the
guardian.

Upon review the Judge or Magistrate
will make a determination as to whether a
formal response, hearing or further
investigation is warranted.

In the event a hearing is deemed
appropriate, the court will provide notice
of hearing by entry of the Court, to the
Guardian, the Ward, the Complainant or
Commenter, and next of kin of the Ward who
are entitled to notice of the guardianship
proceedings.

Upon disposition of the Complaint or
Comment a copy of the Complaint or Comment,
with a written record of the Court's
disposition shall be maintained in the
Court's guardianship file. Notice of
Disposition will be mailed to the guardian
and complainant upon completion of
investigation.

**ESTATES OF MINORS OF NOT MORE THAN TWENTY-FIVE
THOUSAND DOLLARS**

RULE 23.1 Upon the opening of a court-ordered account under \$25,000 ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

RULE 23.2 Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 23.3 Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

SETTLEMENT OF INJURY CLAIMS OF MINORS

RULE 24.1 An application shall be accompanied by a current statement of the examining physician as provided in Sup.R.68(B). The presence of the injured minor shall be required at the hearing as provided in Sup.R.68(C) except for good cause shown.

RULE 24.2 Upon the opening of a court-ordered account ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall be made on Standard Probate Form 22.3 and shall contain the information required by the Court.

RULE 24.3 Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 24.4 Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS

RULE 25.1 A guardian shall not settle the claim of an adult ward without application to and approval by the Court of the settlement.

RULE 25.2 Funds deposited into restricted accounts shall not be released until a written application has been heard by the Court and allowed by judgment entry. All interest and principal shall be impounded.

RULE 25.3 Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 25.4 The verification of receipt and deposit from the bank filed with the Court shall be on Standard Probate Form 22.3 and shall contain the information required by the Court.

COUNSEL FEES

RULE 26.1 The allowance of counsel fees as part of the expense for administering a decedent's estate, a trust, or a guardianship shall be based upon the actual services performed by the attorney, and the reasonable value of the services.

- Attorney fees paid pursuant to a fully executed Certificate of Termination as provided for in Revised Code 2109.30 do not require Court approval.
- (B) Where the attorney on application to the Court prior to or during estate administration requests a fixed fee, the Court, if it deems it appropriate, will then fix a reasonable fee for legal services beneficial to the administration of the estate. Pursuant to Superintendence Rule 71(D), "The Court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given."
- (C) Counsel fees for the administration of a decedent's estate and in connection with Trusts and Guardianships shall be reasonable and beneficial to the matter. The application for fees shall be in writing setting forth details supporting the calculations on which requested fees are based. See Appendix D, E, F and H.
- (D) Counsel fees for the administration of estates, trusts, and guardianships, as set forth in the Appendix, may serve as a guide in determining fees to be charged for legal services of an ordinary nature rendered for a fiduciary in any such matter. In the case of legal services rendered of an extraordinary nature, counsel are directed to apply to the Court for the allowance of extraordinary fees. Counsel should include with said application for extraordinary fees time records and a detailed statement of services performed. The accompanying consent or approval of the fiduciary is also helpful.
- (E) Such guides, however, are not to be considered nor represented to clients as schedules of minimum or maximum fees to be charged. The primary responsibility concerning the

establishment of fees in a particular matter rests between counsel and the fiduciary and/or beneficiaries involved. The Court's role is limited to passing on the reasonableness of the compensation.

- (F) Where the attorney, law partner or firm associate is appointed as fiduciary, guardian, or trustee, the total administration fees for any period may not exceed the total of either the counsel or fiduciary fees, as selected by counsel, plus one-half of the other fee. Pursuant to Superintendence Rule 71(B), "Attorney fees for the administration of estate shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon application and for good cause shown." This Court hereby requires that Final Account be filed not later than sixty (60) days following Court approval of attorney fees.
- (G) If disparity or injustice result due to application of any percentages set forth in the Appendix, such disparity or injustice may be reviewed on the Court's own motion; upon the filing of exceptions to any account; or upon timely motion filed by any interested party.
- (H) Counsel are advised to maintain accurate records of work completed and time spent on all matters.
- (I) Counsel fees in guardianships and trusts may be based upon lump sum approved by Court, hourly rate reviewed and approved, or counsel may use as guidelines for the computation of fees in guardianships and trusts the guidelines provided for guardian's compensation and individual trustee's compensation set forth in Local Rules 29.1 and 30.1, respectively. Minimal fees of \$250.00 for securing the appointment of a guardian and \$100.00 for preparing a two-year accounting report in the case of non-indigent

guardianships are considered reasonable in MOST CASES. Please consult Appendix D and F for sample entries and computations to be submitted when requesting approval of counsel fees in guardianships and trusts.

- (J) Counsel fees shall not be paid by the fiduciary until a written application has been approved by judgment entry.
- (K) Interested parties may waive notice of hearing and sign written consents to applications for approval of counsel fees.
- (L) Prior to a fiduciary entering into a contingent fee contract with an attorney for any legal services, an application for authority to enter into the contract shall be filed with and approved by the Court. The application may conform to the form attached as Appendix G. Otherwise, counsel fees may be determined on a quantum meruit basis.
- (M) At the time of entering into a contingent fee agreement, if there is a fee splitting agreement, the fee split and the identity of all lawyers participating must be disclosed in writing. Counsel shall file with the Court a copy of any fee splitting agreement.

EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS

- RULE 27.1
- (A) An application for allowance of executor's or administrator's commissions for ordinary services rendered in the complete administration of a decedent's estate may conform to the computation form attached as Appendix I.
 - (B) The Court may set a hearing on an application for allowance of executor's or administrator's commissions, and if a hearing is scheduled, notice shall be given to all parties affected by the payment of commissions, unless otherwise ordered by the Court.

(C) Interested parties may waive notice of hearing and sign written consents to applications for approval of executor's or administrator's commissions.

RULE 27.2

The itemized statement for extraordinary services required by Sup. R. 72 (A) shall itemize the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

RULE 27.3

Executor's and administrator's commissions of an ordinary or extraordinary nature shall not be paid from the decedent's estate until a written application has been approved by judgment entry.

COMMISSIONERS

RULE 28.1

All rules governing Executors and Administrators except those regarding fiduciary commissions shall govern commissioners unless otherwise provided by law or order of the Court.

GUARDIAN'S COMPENSATION

RULE 29.1

Unless otherwise provided by law, or ordered by the Court, a guardian may charge an annual fee for ordinary services in accordance with the schedule of compensation set forth on Appendix J.

RULE 29.2

(A) An application for allowance of guardian's compensation for ordinary services rendered in the administration of each separate guardianship estate may conform to the computation form attached as Appendix J.

(B) An application for allowance of guardian's compensation shall be submitted to the Court for approval with the guardian's account.

- (C) Interested parties may waive notice of hearing and sign written consents to applications for approval of guardian's compensation.

RULE 29.3

Where there is a claim for extraordinary services or fees of a guardian of a person, the application shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

RULE 29.4

Guardian's compensation of an ordinary or extraordinary nature shall not be paid from the ward's estate until the application has been approved by judgment entry.

TRUSTEE'S COMPENSATION

RULE 30.1

(A) CORPORATE TRUSTEES

- (1) Except where the instrument creating the trust makes provisions for compensation, a corporation functioning as testamentary trustee may charge fees on the same basis as it charges for living trusts.
- (2) Fee schedules are to be furnished to the Court on the 1st business day of January of each year and whenever a change in fees is made within any calendar year.
- (3) A separate schedule containing computation figures providing a basis for the corporate trustee's compensation shall be set forth in the trustee's account as a condition for its approval.
- (4) The corporate trustee may charge its applicable "sweep fee" for the management of money market funds within testamentary trust accounts.

(5) Corporate Trustees may, at their option, elect to use the Individual Trustee's compensation schedule set forth below.

(B) INDIVIDUAL TRUSTEES

(1) Except where the instrument creating the trust makes provisions for compensation, an individual functioning as testamentary trustee may charge as follows (See Appendix K):

(a) Principal Fee. A fee of \$2.00 per 1M of the principal's market value held by the trustee.

(b) Income Fee. A fee of six and one-half percent (6.5%) of the total income for the accounting period.

(c) Principal Distribution Fee. A fee of one percent (1%) of the principal distributed during the accounting period.

RULE 30.2

Trustee's compensation of an ordinary or extraordinary nature shall not be paid from the trust estate until the application has been approved by judgment entry.

MOTIONS AND HEARINGS

RULE 31.1

(A) All motions and responses shall be submitted in writing, accompanied by a memorandum on the related law, **AND SHALL INCLUDE A PROPOSED JUDGMENT ENTRY.**

(B) The Court may rule on all motions based on the pleadings, without a hearing, unless a hearing is scheduled by the Court or granted by the Court upon the request of a party.

NOTICES

RULE 32.1

All notices to persons of interest in a case shall be pursuant to Rule 73 of the

Rules of Civil Procedure or applicable statute.

TAX PROCEEDINGS

(FOR DECEDENTS DYING ON OR BEFORE JANUARY 1, 2013)

- RULE 33.1
- (A) All estate tax filings in the Court shall conform to the requirements of Chapter 5731 of the Revised Code.
 - (B) The Ohio estate tax return should be filed with the Court no sooner than three (3) months from the date of the appointment of the fiduciary.
 - (C) Each attorney, or other person filing an estate tax return, shall also prepare and deliver to the Court the Ohio Estate and additional tax return filing notice (Estate Tax Form 5) together with Certificate of Estate Tax Payment and Real Property Disclosure (Estate Tax Form 22).

RELEASE FROM ADMINISTRATION

- RULE 34.1
- (A) Pursuant to R.C. 2113.03(B), upon filing of an Application To Relieve Estate From Administration, counsel shall effect service upon spouse, heirs and next of kin by certified mail, return receipt requested unless waivers from the spouse, heirs and next of kin are filed with the application. Pursuant to Civil Rule 73, counsel shall file an affidavit of proof of service upon all parties served by certified mail, with return receipt cards attached to the affidavit. If service fails due to notice being refused or unclaimed, the envelope that was refused or unclaimed shall be attached to the affidavit and then service shall be effected by certificate of mailing upon that person and service by certificate of mailing shall be indicated in the affidavit. In the event certified mail service or

waiver is not obtained, then notice by publication as provided in R.C. 2113.03 shall be required unless found unnecessary by judgment entry (See Appendix L). The Court will request deposit of costs with the Application in such amount as is necessary to effect service as required by statute.

- (B) An appraiser's report as provided in R.C. 2113.03 shall be required unless found unnecessary by judgment entry.
- (C) Upon filing of an Application For Summary Release From Administration pursuant to Ohio Revised Code Section 2113.031, all persons listed on the receipt for payment of funeral expenses must join in the application or file their written consent to transfer of estate assets to one or more of the persons who paid the funeral bill.
- (D) The Court may require verification of payment of claims in the order of priority outlined in R.C. 2117.25.

ADOPTIONS

RULE 35.1

- (A) To maintain the confidentiality of adoption records, each adoption petition shall contain the name of one person proposed for adoption.
- (B) The adoption petition shall allege the grounds upon which the Court may find that the consent of a person required to consent to the adoption is not necessary. The adoption petition shall also allege the circumstances under which the person proposed for adoption was placed with the petitioner.
- (C) Each person consenting to an adoption shall sign a separate consent to adopt form which shall be filed with the Court. Except for good cause shown, a consent shall not be signed more than

90 days before filing the petition for adoption.

- (D) A petitioner's account form shall be filed in each adoption proceeding. For good cause shown, the Court may waive some account filings in the adoption proceeding. No fee or retainer shall be taken without prior approval of the Court.
- (E) All persons entitled to notice of an Adoption hearing shall be served with notice in accordance with the Rules of Civil Procedure even though those persons have signed and filed a written consent to adopt form.
- (F) Except for good cause shown, service by publication in accordance with the Rules of Civil Procedure shall be made on any person entitled to notice whose address is unknown. An affidavit stating the efforts that were made to determine an address for the person and a request for service by publication are required, together with an additional deposit of \$400.00 toward costs of publication.
- (G) The petitioner or the petitioner's attorney shall provide the Court with written instruction for service or an affidavit that service was properly made when any question arises regarding service.
- (H) A petition for adoption of a child born to an unwed mother, must include copies of proof of legal or administrative determinations of parentage. If no determination of parentage has been pursued, then, a certified copy of search results of the Ohio Putative Father Registry from the Department of Job and Family Services shall be filed with the Petition.

- (I) If there is a pending proceeding in a juvenile court for determination of parentage regarding the child to be adopted as named in the Petition, then the probate court will not proceed on a petition for adoption until the matter is concluded in that juvenile court.
- (J) Upon the filing of a petition, the petitioner shall disclose to the Court in writing whether the petitioner owes any back due child support and whether any back due child support is owed by the birth parents for the proposed adoptee.

GUARDIAN AD LITEM

RULE 36.1

- (A) A guardian ad litem may be an attorney who is not associated with an attorney of record for the proceeding in which the guardian ad litem has been appointed.
- (B) A guardian ad litem may be appointed upon the motion of either party or on the Court's own motion.
- (C) The Court may order a guardian ad litem appointed at any time that it deems necessary and essential to protect the interest of a minor child, to represent an incompetent person or incapacitated adult.
- (D) The guardian ad litem shall be selected and appointed solely by the Court in accordance with the qualifications and guidelines established by this Court.
- (E) Unless otherwise provided, it is the responsibility of each party involved to timely contact the guardian ad litem and to provide the guardian ad litem with information relating to the case.
- (F) Unless otherwise ordered by the Court, upon application and entry, guardian ad litem fees shall be based on a

reasonable hourly rate for time expended. Fees may be charged as a court cost. The Court may require an advance deposit for costs.

- (G) All applications for the allowance of guardian ad litem fees shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.
- (H) Unless otherwise directed by the Court, the guardian ad litem shall prepare a guardian ad litem report and deliver the report to the Court with notice to the parties. The guardian ad litem report shall be confidential. There shall be no access without prior application to and approval by the Court.

REGISTRATION OF PARALEGALS

RULE 37.1

- (A) Paralegals that perform services in matters before this Court must be registered with the Court. The Court recognizes two categories of paralegals: "employee paralegals" who are employed exclusively by one law firm and only perform services for that firm as an employee, and "independent paralegals" who operate as independent contract paralegals offering services to more than one firm.
- (B) Registration shall be on the form attached as Appendix M for employee paralegals or Appendix N for independent paralegals.
- (C) Employee paralegals need only register one time unless they no longer work for the single firm they are registered with as an employee. The registration form must identify the firm and shall be signed by an attorney of the firm stating that the paralegal services

will be supervised by the attorney of that law firm. The attorney and paralegal shall sign the registration form attesting that the paralegal is qualified through education, training, or work experience to assist an attorney in matters before this Court and this work will be supervised by an attorney who will be held responsible for the work. The law firm shall notify the Court when the paralegal registered with the Court leaves the exclusive employment of the law firm.

- (D) Independent paralegals shall be registered for each case in which the independent paralegal is performing services, identifying the case name, case number and supervising attorney. The supervising attorney and the independent paralegal shall sign the registration attesting that the paralegal is qualified through education, training, or work experience to assist the supervising attorney in matters that will be filed in this Court, and will be supervised by an attorney who will be held responsible for the work.
- (E) Fee statements filed with the Court shall itemize paralegal work separately from services performed by an attorney.
- (F) A paralegal shall not sign any document for the fiduciary, applicant, or supervising attorney.
- (G) Failure to comply with this rule may result in the disallowance of fees and such other action as the Court may deem appropriate.

ESTATES WITH LITIGATION

- RULE 38.1 (A) In estates involving litigation, a final and distributive account shall be filed as soon as all assets have been administered and shall indicate that

the estate must remain open for litigation purposes.

- (B) Upon the filing of a final and distributive account which indicates that an estate must remain open for litigation purposes only, no subsequent accounts shall be required. Yearly status reports shall be filed by litigation counsel.
- (C) In estates opened for litigation purposes only, where there are no assets to administer, a motion to waive the inventory and accountings pending receipt of funds into the estate may be filed. Yearly status reports shall be filed by litigation counsel and served on all beneficiaries or next of kin.
- (D) In an estate where litigation is anticipated or pending, litigation counsel shall file a notice of appearance and file an annual status report of the litigation. When any litigation has commenced, a notice of litigation form shall be filed (See Appendix C).

RULE 38.2

- (A) In actions for the transfer of structured settlement payments under R.C. 2323.58 *et seq.* a copy of the annuity and related assignments shall be filed with the application for transfer.
- (B) The Court shall grant a transfer of structured settlement payment applications only upon the showing of a compelling reason or circumstance which was not anticipated when the settlement was initially negotiated and agreed upon.

PRO HAC VICE

RULE 39.1

An attorney, not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state,

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District of Columbia, the Commonwealth of Puerto Rico, or territories of the United States may, in the discretion of the Probate Judge, be permitted to represent a party or parties in any matter pending or to be filed in this county after completion of all of the following conditions.

- A) The applicant attorney shall be sponsored in writing by an attorney licensed to practice law in the State of Ohio. A motion shall be filed by the Ohio licensed attorney at least seven days prior to the proceeding certifying such applicants' compliance with this rule and the Rules for Government to the Bar;
- B) The applicant attorney shall certify in writing that he or she is on active status and in good standing to practice law and is not under any disability. Applicant shall further certify in writing that he or she has familiarized himself or herself with local court rules and will familiarize himself or herself with the appropriate Civil Rules, Rules of Evidence, and the Code of Professional Responsibility;
- C) The sponsoring attorney shall submit with the motion and certification, an entry authorizing approval of the motion;
- D) The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.

The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out of state counsel.

COMPLIANCE

RULE 40.1

The Court may, in its discretion, appoint an attorney and other person(s), answerable to the Court, who shall investigate the circumstances surrounding any failure or apparent failure of a fiduciary or the fiduciary's attorney to comply with the laws, the Rules of Superintendence, or these rules. The appointee(s) shall file a written report with the Court. The compensation for the appointee(s) performing these services shall be fixed by the Court, according to the circumstances of each case, and shall be taxed as costs or charged to the fiduciary.

SUPERVISION OF ESTATES, TRUSTS, AND GUARDIANSHIPS

RULE 41.1

Certificate of service of notice of probate of will:

(A) Fiduciaries appointed to administer estates of decedents who have died testate on or after January 1, 2002 are required to file certificate of service of notice of probate of will with waivers or certified cards attached, within sixty days of their appointment or be subject to removal proceedings.

(1) If the certificate is not filed within sixty days, a citation is sent to the fiduciary setting a status conference and indicating that removal may occur if the certificate is not filed prior to the date scheduled for status conference.

(2) If the certificate is filed, the Court records the filing and advances the system to the next statutory filing requirement.

- (3) If the fiduciary fails to file the certificate within the required time period, the fiduciary may be removed and a successor fiduciary appointed.
- (4) Extensions of time for filing the certificate may be granted for good cause shown by judgment entry.

RULE 41.2 Notice to File Inventory in Estates, Trusts
or Guardianships

(A) Notice must be timely sent to the fiduciary to file the inventory.

- (1) If the inventory is not filed within sixty days, a citation is sent to the fiduciary setting a status conference and indicating that removal may occur if an inventory is not filed prior to the date scheduled for status conference.
- (2) If the inventory is filed, the Court records the filing and advances the system to the next statutory filing requirement.
- (3) If the fiduciary fails to file the inventory timely, the fiduciary may be removed and a successor appointed.
- (4) Extensions of time for filing inventories may be granted for good cause shown by judgment entry.
- (5) The late filing of any notice, inventory or account does not delay subsequent filing deadlines.

RULE 41.3

Surviving Spouse's Right of Election

"After the initial appointment of an administrator or executor of the estate, the probate court shall issue a citation to the surviving spouse, if any is living at the time of the issuance of the citation, to elect whether to exercise the surviving spouse's rights under Chapter 2106 of the Revised Code, including, after the probate of the will, the right to elect to take under the will or under section 2105.06 of the Revised Code." R.C. 2106.01

RULE 41.4

Accounting by the Fiduciary

- (A) If an account is not filed within six months of the appointment of fiduciary, a citation is sent to the fiduciary scheduling a status conference and indicating that removal may occur if an account is not filed prior to the date of the scheduled status conference.
- (B) If the account is not filed, the fiduciary may be removed and a successor fiduciary appointed.
- (C) When a final account is filed and approved, the estate, trust, or guardianship is removed from the system, and the case documents may be microfilmed or digitally stored and disposed.
- (D) Extensions of time for filing accounts may be granted for good cause shown by judgment entry.

RULE 41.5

The Court may require verification of births, deaths or marriages to be filed into the court record.

RULE 41.6

All fiduciaries shall deposit assets in a fiduciary account in banking facilities that provide check imaging or canceled checks. Unless otherwise ordered by the Court, the Fiduciary account shall be maintained in an institution within the

boundaries of Columbiana County, Ohio. All assets shall remain in the state of Ohio unless otherwise authorized by judgment entry.

RULE 41.7 Fiduciaries are not permitted to use ATM machines or debit cards for estate accounts.

CASE MANAGEMENT OF ADVERSARY PROCEEDINGS

RULE 42.1 Adversary proceedings, as used in this rule, shall include the following actions: Will Contest; Declaratory Judgment; Determination of Heirs; Construction of Will; Complaint for Accounting; Antenuptial Agreement; Concealment of Assets; Land Sales; Complaint to Purchase; Complaint for Judgment Entry Declaring Will Valid; Presumption of Death; Appropriations; and Objections to Inventories and Accounts.

(A) A pre-trial conference should be set thirty days after the answer date. Counsel shall be present and prepared to report on the following:

1. Whether all necessary parties have been joined and served with process;
2. Whether answers, counterclaims and/or crossclaims have been filed;
3. Issue(s) to be litigated;
4. Whether trial is to bench or jury;
5. Anticipated length of trial;
6. Whether settlement negotiations have taken place;
7. Status of discovery
8. Whether trial subpoenas are expected;

Counsel shall bring their trial schedules and/or calendars and be prepared to schedule the following:

1. Trial date;
 2. Discovery cut-off;
 3. Identification of expert witnesses and production of report;
 4. Deadline for filing of pretrial motions and replies;
 5. Deadline for witness lists to be exchanged and filed with the Court;
 6. Deadline for exhibits to be exchanged and filed with the Court;
 7. Deadline for filing objections to exhibits;
 8. Deadline for filing of stipulations.
- (B) Notice of the pre-trial conference shall be given to all attorneys of record by mail at least fourteen days prior to pre-trial.
- (C) All requests for continuances of the pre-trial conference shall be by motion. The motion shall indicate whether counsel agrees or opposes the continuance. Counsel shall notify their respective clients and witnesses to any change in the date and time of any trial or pretrial.
- (D) Failure to appear for the pretrial conference or failure to comply with this local rule in any manner, may result in the imposition of sanctions including, but not limited to, monetary sanctions.
- (E) At the conclusion of the pre-trial conference, the Court shall prepare a pre-trial order setting forth:
- (1) Discovery deadline date;
 - (2) Exchange of witness list deadline date;
 - (3) Pleading and briefing schedules;
 - (4) A trial date.

(F) If a party is represented by multiple counsel, a designation of lead and/or trial counsel shall be filed in the record.

RULE 42.2 Counsel shall provide the Court with copies of all exhibits offered to be admitted to the record.

MEDIATION

RULE 42.3 A. Uniform Mediation Act and Definitions

The R.C. 2710 "Uniform Medication Act" (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently used definitions include:

- (1) "Mediation" means any process in which a neutral third party helps the parties communicate and negotiate with each other to help them reach a voluntary agreement regarding their dispute.
- (2) "Mediator" means an individual who conducts a mediation.
- (3) "Mediation Communication" means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (4) "Nonparty participant" means a person other than a party or mediator that participated in a mediation.

B. Cases eligible for Mediation

The court has discretion to encourage parties to use mediation in any civil action

filed in this court and within the jurisdiction of this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

C. Confidentiality

Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D) submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

D. Counsel shall be present at mediation unless waived by the party

Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a "Waiver of Counsel at Mediation" form prior to participation in mediation. Waivers may be rescinded at any time.

E. Referrals to Mediation

The Judge or Magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.

F. Notification of Mediation

The mediator shall file a notice to the court that a mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.

G. Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup. R. 16.23 and adopted pursuant to Sup. R.16.22 governing mediators and mediation.

H. Mediator Selection and Assignment

The following methods may be used to determine the mediator for the case:

- (1) The court may assign a court mediator to mediate.
- (2) The court may randomly assign a mediator to the case from the court's roster of approved mediators, if any.
- (3) Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case.
- (4) Parties may select a mediator from the court roster, if any.

- (5) Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education and training requirements set forth in section (G) above.

I. Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

J. Party/Nonparty Participation

Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve

the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

K. Termination

If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

L. Stay of Proceedings

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or the court order.

Only the following document may be filed while a mediation stay is in effect:

- (1) Motion to lift the mediation stay;
- (2) Response to a motion to lift mediation stay;
- (3) Motion or Stipulation to Dismiss the case;
- (4) Notice related to counsel

M. Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, the request shall be made to the mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

N. Fees and Costs

The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally, unless otherwise ordered by the Court. The court may waive fees and costs for an indigent party. Mediation shall not be ordered where a party is indigent unless the mediation is available at no costs to the party.

O. Attendance; Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

P. Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback regarding the performance of mediators receiving referrals from the court

JURY MANAGEMENT PLAN

RULE 43.1 OPPORTUNITY FOR SERVICE

The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in this jurisdiction.

RULE 43.2 JURY SOURCE LIST

- A. The jury source list shall be obtained from the Board of Elections' list of registered voters.
- B. The Columbiana County jury commissioners appointed by the Columbiana County Court of Common Pleas shall select the electors in accordance with the rules of practice of that court. The jury source list shall be representative and inclusive of the adult population of Columbiana County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate corrective action.

RULE 43.3 RANDOM SELECTION PROCEDURES

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each

and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner as set forth in the Rules of Practice of the Columbiana County Court of Common Pleas.

RULE 43.4

ELIGIBILITY FOR SERVICE

- A. All persons are eligible for jury service except those who:
 - 1. Are less than 18 years of age.
 - 2. Are not citizens of the United States.
 - 3. Are not residents of Columbiana County.
 - 4. Are not able to communicate in the English language.
 - 5. Have been convicted of a felony and not had their civil right restored.

- B. The Columbiana County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in Rules of Practice of the Columbiana County Court of Common Pleas General Division.

RULE 43.5

TERM OF AND AVAILABILITY OF JURY SERVICE

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

- B. Jurors for probate court cases are to report to the Juvenile Court facility located at 260 W. Lincoln Way, Lisbon, Ohio.

- C. The probate judge's staff or the juvenile court administrator shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

RULE 43.6

EXEMPTION, EXCUSE AND DEFERRAL

- A. There shall be no automatic excuses or exemptions with the exception of statutory exemptions set forth in the Ohio Revised Code.
- B. Persons who no longer reside in Columbiana County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.
- C. The term of juror service is to be determined by the Columbiana County jury commissioner.
- D. The term of service shall be at a minimum sufficient to complete the trial in probate court in which the juror is impaneled.
- E. The probate court judge presiding over the trial has the discretion to grant excuses or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

RULE 43.7

VOIR DIRE

- A. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which jury selection is to begin.
- C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

- D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with purpose of voir dire process.
- E. In all cases the voir dire process shall be held on the record.

RULE 43.8 REMOVAL OF THE JURY PANEL FOR CAUSE

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

RULE 43.9 PEREMPTORY CHALLENGES

Rules determining procedure for peremptory challenges shall be in accordance with the Ohio Rules of Civil and Criminal Procedure adopted by the Supreme Court of Ohio and applicable statutory authority.

RULE 43.10 ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility for administration of the jury system is vested in the court and the jury commissioner.
- B. All procedures concerning jury selection and service shall be governed by applicable Ohio rules as promulgated by the various courts.
- C. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

RULE 43.11 NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the Rules of Practice of the Columbiana County Court of Common Pleas General Division and are administered by the jury commissioner.

RULE 43.12 MONITORING THE JURY SYSTEM

The jury commissioner shall collect and analyze information regarding the performance of the jury system as is set forth in the Rules of Practice of the Columbiana County Court of Common Pleas General Division.

RULE 43.13 JUROR USE

- A. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.
- B. The jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

RULE 43.14 JURY FACILITIES

- A. The court shall provide an adequate and suitable environment for jurors.
- B. Jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the court.
- C. To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel, and the public.

RULE 43.15 JUROR COMPENSATION

- A. Persons called for jury service shall receive compensation as established by the Columbiana County commissioners pursuant to R.C. 2313.34.
- B. Such fees shall be paid promptly.

- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

RULE 43.16

JUROR ORIENTATION AND INSTRUCTION

- A. The jury commissioner's office shall conduct a juror orientation program that is:
 - 1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, and
 - 2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.
- B. The court shall provide some form of orientation or instructions to persons called for service upon first appearance in the court and upon reporting the courtroom for voir dire.
- C. The trial judge should:
 - 1. Give preliminary instructions to all prospective jurors.
 - 2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedure including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
 - 3. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations.

These instructions should be made available to the jurors during deliberations.

4. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.
5. Use written instructions when feasible.
6. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
7. Before dismissing a jury at the conclusion of a case, the trial judge should:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain the rights regarding inquiries from counsel or the press;
 - c. Either advise them that they are discharged from service or specify where they must report; and,
 - d. Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

RULE 43.17

JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

RULE 43.18

JURY DELIBERATION

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.
- B. The judge should instruct the jury concerning appropriate procedures during deliberations.
- C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required.
- D. Training should be provided to personnel who escort and assist jurors during deliberations.

RULE 43.19

SEQUESTRATION OF JURORS

- A. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.
- B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.
- C. The judge's courtroom staff and the juvenile court administrator shall have the responsibility to provide for the safety and comfort of the jurors.
- D. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.
- E. Training shall be provided to court personnel who escort and assist sequestered jurors.

INVOLUNTARY COMMITMENT FOR MENTAL HEALTH TREATMENT

- Rule 44.1 (A) Upon the filing of any Affidavit of Mental Illness requesting involuntary commitment, the Affiant shall file with the Court a 4-page Case History of Mental Illness or Mental Deficiency (See Appendix O), and a prescreening report performed by a licensed psychiatrist, licensed physician, or licensed clinical psychologist.
- (B) In the event the assistance of the Columbiana County Sheriff, or local police, is necessary to transport a patient, the Affiant shall provide the Court with a completed Special Pickup Information Form. (See Appendix P)

IT IS SO ORDERED.



THOMAS M. BARONZZI
Probate Judge

PROCEDURE FOR ASSESSMENT OF NEED FOR
GUARDIANSHIP
AND INITIATION OF EMERGENCY GUARDIANSHIP

These procedures are intended to be followed in the Columbiana County Probate Court for obtaining the following orders:

1. Professional Assessment of Incapacitated Persons, or
 2. Release of medical records and other information of incapacitated persons who are unable or unwilling to voluntarily execute a release of information, or
 3. Establishment of Emergency Guardianships.
- I. An Application for Assessment of Need of Guardianship/For Emergency Guardianship (standard local court form) may be filed by any interested person or agency who believes that a person in Columbiana County is:
1. an incapacitated person, and
 2. a resident of the county, and
 3. whose person or estate is imminently and seriously threatened by reason of the incapacity, and
 - 4, there are no alternatives such as durable powers of attorney, available to alleviate the threat of harm available.
- II. A fully completed and Notarized Affidavit of Information For Guardianship Assessment (standard local court form) and a Report of Expert Evaluation (if available) (standard probate form) must also be filed with the Application.

III. The court will review the Application, Affidavit and Report of Expert Evaluation, and upon determining that there is probable cause to believe a guardianship is necessary, will issue ex parte orders for guardianship, expert evaluation or release of medical or other information.

If the court grants emergency orders, then the court will set a review hearing within 72 hours.

If an evaluation does not support probable cause for emergency orders, then the court will give notice to the Applicant that a standard Application For Appointment of Guardian (Standard Probate Form 17.0), needs to be filed.

IV. Upon the granting of an ex parte emergency order, the order will expire after 72 hours pursuant to ORC 2111.02. The emergency guardian shall immediately personally serve the ward with a copy of the temporary order after it is granted and return a written verification of service for filing with the Court. (use standard verification of service Form 17.4).

V. After review hearing, if good cause is shown for continuation of the emergency order, then the order shall be continued for up to an additional 30 days.

If the emergency orders are continued, then an investigation of guardianship will be ordered and the proposed guardian will be directed to file an Application For Appointment of Guardian (Standard Probate Form 59:8/17/23

17.0). Applications for Appointment of Guardian of the Estate shall be filed by an attorney representing the applicant.

The court will schedule a hearing on the Application of Guardianship on or before the expiration of the 30 day extension order. The court will send notice to all parties of interest adequately disclosed in the Affidavit for Assessment. ~~*It shall be~~ the responsibility of the Applicant or the Applicant's attorney to determine and serve any additional persons of interest who are entitled to notice of hearing, and to provide the court with proof of service on or before the full guardianship hearing.

The court appointed investigator will serve the ward with notice of hearing and return to the court proof of service with the investigative report.

VI. The court will hold a formal evidentiary hearing on the Application for Appointment of Guardian and make appropriate orders.

EMERGENCY GUARDIANSHIP INSTRUCTIONS - APPENDIX A

**COURT OF COMMON PLEAS
PROBATE COURT
COLUMBIANA COUNTY, OHIO**

In the matter of: _____ An Alleged Incompetent Person/Minor)))))))	Case No. _____ GDINC _____ JUDGE: THOMAS M. BARONZZI Application For Assessment of Need for Guardianship/ For Emergency Guardianship
---	---------------------------------	---

Now comes _____ and pursuant to

ORC 2111.041 and ORC 2111.02, petitions this court for orders of assessment of the need for Guardianship and/or to grant an emergency order of guardianship of

the person, the estate, the person and estate of:

Name: _____

Residence Address: _____
(or legal settlement) (must include County)

And further upon assessment and hearing, finding probable cause for guardianship to appoint:

Name: _____

Residence Address: _____
(a resident of Columbiana County, Ohio)

as emergency guardian of _____.

The Applicant attaches hereto an Affidavit of Information for Guardianship Assessment and incorporates herein by reference the averments and requested orders of the Affidavit as if fully rewritten.

Respectfully Submitted,

Applicant

**IN THE COURT OF COMMON PLEAS
PROBATE COURT
COLUMBIANA COUNTY
STATE OF OHIO
JUDGE THOMAS M. BARONZZI**

**AFFIDVIT OF INFORMATION
FOR GUARDIANSHIP ASSESSMENT**

Now comes _____ Affiant, and being first
duly sworn deposes and states of his or her own personal knowledge and
belief, the following:

1. Affiant believes there is a probable cause to believe that:

Name: _____
(residence address)

Date of birth _____

Phone _____

is an incapacitated person, (hereinafter referred to as "Incapacitated
Person" or "IP")

2. The IP: is a resident of Columbiana County, Ohio.

is found incapacitated in Columbiana County.
explain:

is not a resident of Columbiana County.
County and state of residence is:

3. The nature and extent of the person's incapacity is as follows:
4. I am aware of the following facts that indicate that the IP requires the assistance of a guardian:
5. The IP's person is/ is not, in imminent danger of serious impairment of his or her physical health or safety unless immediate action is taken. (check one)
6. The IP's estate is/ is not, in imminent danger of serious damage or loss unless immediate action is taken. (check one)
7. The IP is: living in a private residence
 a client at a nursing facility
 a patient in a hospital or mental health facility
 has no known permanent residence
8. The IP is: my friend
 my client or patient
name of agency or office: _____
 my relative. Relationship: _____

9. Medical or other evidence of the IP's incapacity:

- is supported by medical and/or mental health evaluation records and/or determination of mental retardation or developmental disability from diagnosis within the past 90 days.

Name of doctor(s) or qualified mental health practitioner(s) or BDD evaluator(s), address and date of evaluation or diagnosis:

(attach supplemental page if needed)

- Is accessible by reason of voluntary written release of information provided by the IP>
*Attach Report of Expert Evaluation.
- Is not accessible due to the IP's inability or unwillingness to voluntarily execute a written release of necessary records, and requires court order for release of necessary records and information from the above listed IP's providers.
- requires court order for current evaluation for:
 - oMedical/physical incapacity
 - omental or emotional incapacity
 - odetermination of mental retardation

10. The IP has previously executed:

- written durable POA for medical decisions
- written durable POA for business/other decisions
- no powers of attorney known to the Affiant.
(submit any POA with this Affidavit)

11. The Affiant upon exercise of reasonable diligence has determined that the IP has the following living relatives:

(include: spouse, children, parents, siblings, and other relatives and also any other persons who have expressed an interest in assisting the IP, or have been recently assisting the IP)

x/w	Name	Relationship	Address	Phone

An "X" in the far left column next to the name of any listed person indicates his/her willingness to serve as guardian (those person's SSN and dob are listed below his or her name.) A "W" next to any person indicates he or she has indicated a waiver of interest to serve as guardian.

12. The IP owns the following assets:

I swear or affirm that the information provided in this Affidavit is true and complete to the best of my personal knowledge and belief.

Date: _____

Affiant

Notary

State of Ohio)
Columbiana County)

_____ personally appeared before me at

_____ on the ____ day of _____,

20__ and acknowledged by swearing or affirming that he or she is at least 18 years of age, under no legal disability, that the information of his/her affidavit is true and complete and made of his/her personal knowledge and belief.

Notary Public

EMERGENCY GUARDIANSHIP APPLICATION - APPENDIX B

IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
COLUMBIANA COUNTY, OHIO

IN THE MATTER OF) CASE NO. _____
)
) NOTICE OF LITIGATION

The undersigned ~~represents to the~~ Court that this matter is involved in litigation, being:

Case No. _____
Name of Court _____
Title of Case _____
Nature of Case _____
Date Filed _____

The estate is Plaintiff Defendant

Estate litigation counsel: Name _____ Ohio Supreme Court No. _____

First Name _____
Address _____

Telephone Number _____
Facsimile Number _____
E-mail _____

The undersigned further represents that the Court will be notified within 30 days of the conclusion of the litigation, including Civ.R.41 dismissals, and that a Status of Litigation Report will be filed yearly.

Attorney Signature

Fiduciary Signature

Attorney typed name and Ohio Registration Number

Fiduciary Typed Name

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone Number

Telephone Number

NOTICE OF LITIGATION – APPENDIX C

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

ESTATE OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY COUNSEL FEES FOR AN ESTATE

_____, Attorney at Law, states that it was necessary for the fiduciary to employ counsel to properly administer the within estate. The fee agreement between the fiduciary and counsel was based on one of the following indicated methods:

- _____ Court fee guideline (calculation attached);
- _____ Hourly rate (attached brief summary of hours & rate)
- _____ Other (explain): _____

The undersigned states that the reasonable value of professional legal services in this matter as \$ _____ and, with the consent of the fiduciary, requests approval of the Court directing payment in full from estate assets simultaneously with the filing of the final account.

APPROVED:

Fiduciary signature

Attorney signature

COUNSEL FEES – ESTATE - APPENDIX D

**IN THE COURT OF COMMON PLEAS
 PROBATE DIVISION
 COLUMBIANA COUNTY, OHIO**

ESTATE OF _____

CASE NO. _____

ESTATE COUNSEL FEE GUIDELINE

The Court hereby adopts as a guideline only the following percentage calculations based on the following definition of "Gross Estate."

The meaning of "Gross Estate" shall be the highest dollar value of (1) Inventory; (2) Ohio Estate Tax Determination; (e) Federal Estate Tax Determination; (4) the Account or Accounts. (Note: Gross Estate shall not include insurance proceeds payable to a named beneficiary, but shall include not less than one-half of all co-owned or survivorship accounts or property in decedent's name payable on death to another person. Where the Federal Estate Tax Return is used as a criterion, the attorney shall file with the Court a brief statement indicating the total assets appearing on the Federal Estate Tax Return.)

In the determination of the attorney's fee, the following percentages were applied to the "Gross Estate" which was determined to be: (Circle the one used)

(1)	Inventory	Value _____
(2)	Ohio Estate Tax Determination	Value _____
(3)	Federal Estate Tax Determination	Value _____
(4)	Account or Accounts	Value _____
	6% of the first \$50,000.00	\$ _____
	4% of the next \$50,000.00	\$ _____
	3% of the next \$300,000.00	\$ _____
	2% of the balance	\$ _____
	Total fee requested	\$ _____

 Fiduciary's Signature

 Attorney's signature

 Fiduciary's typed name

 Attorney's typed name

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

ESTATE OF _____

CASE NO. _____

JUDGMENT ENTRY

COUNSEL FEES FOR AN ESTATE

The Court finds that proper administration of said estate required the Fiduciary or Commissioner to employ _____, as Estate Counsel, and that the dollar amount of legal services provided \$ _____, constitutes reasonable attorney fees, subject to exceptions.

WHEREFORE, the Fiduciary is hereby authorized to make such payment out of this Estate's assets. The actual filing of the Final Accounting shall occur not later than sixty (60) days from the filing of this Order.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Fiduciary's signature

Attorney's signature

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

ESTATE OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY ATTORNEY FEES
(RELEASE FROM ADMINISTRATION)

_____, Commissioner, states that it was necessary for the Commissioner to employ counsel in this Release From Administration. The Release From Administration has been completed subject to the filing of the Report of Distribution and the legal services provided were beneficial to the Estate. In the determination of the Attorney's fee, the following percentages were applied to the "Gross Estate" which was determined to be:

GROSS ESTATE:	_____
6% ON THE FIRST \$3,000.00	_____
5% ON SECOND \$3,000.00	_____
4% ON THIRD \$3,000.00	_____
3% ON FOURTH \$3,000.00	_____
2% ON ALL ABOVE \$12,000.00	_____
TOTAL	_____

The said attorney and Commissioner believe that the reasonable value of the attorney's fees for services in this Release From Administration is \$_____.

WHEREFORE, it is prayed that the Court allow the sum of \$_____

As the reasonable value of said attorney's fees for services and that the Commissioner be authorized to make said payment out of the assets of the Estate.

Attorney's signature

Commissioner's signature

COUNSEL FEES – RELEASE FROM ADMINISTRATION - APPENDIX E

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

ESTATE OF _____

CASE NO. _____

COUNSEL FEES FOR A RELEASE OF ADMINISTRATION

The Court finds that proper administration of said estate required the Commissioner to employ _____, as Estate Counsel, and that the dollar amount of legal services provided \$ _____, constitutes reasonable attorney fees, subject to exceptions.

WHEREFORE, the Commissioner is hereby authorized to make such payment out of this Estate's assets. The actual filing of the Report of Distribution shall occur not later than sixty (60) days from the filing of this Order.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Commissioner's signature

Attorney's signature

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY
COUNSEL FEES - GUARDIANSHIP

Now comes _____ Guardian, who states that it was necessary for the guardian to employ counsel to properly administer the guardianship.. The fees requested for the period of _____ to _____ are calculated as follows:

ORDINARY FEES

- I. Total Income During Period (\$ _____) X 6% \$ _____
- II. Principal Fee of \$4 per thousand (.004) of the first \$200,000 of market value \$ _____
- \$1.50 per thousand (.0015) of market value over \$200,000.00 \$ _____

TOTAL ORDINARY FEES \$ _____

EXTRAORDINARY FEES

- III. Extraordinary Fees (Itemize and attach time records) \$ _____

TOTAL I, II, AND III \$ _____

TOTAL FEE REQUESTED \$ _____

Attorney's signature

Guardian's signature

COUNSEL FEES-GUARDIANSHIP-.APPENDIX F

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

JUDGMENT ENTRY - COUNSEL FEES

The Court finds that proper administration of the guardianship required the Guardian to employ _____, as Guardianship Counsel, and that the dollar amount of legal services provided \$ _____ constitutes reasonable attorney fees.

WHEREFORE, the Guardian is hereby authorized to make such payment out of the Guardianship assets.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Guardian's signature

Attorney's signature

**IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
COLUMBIANA COUNTY, OHIO**

IN THE MATTER OF _____) CASE NO. _____
) _____
) _____

APPLICATION TO ENTER INTO CONTINGENT FEE CONTRACT

The undersigned applies to the Court for authority to enter into the contingent fee contract attached as Exhibit A with:

Attorney: _____

Address: _____

Telephone: _____

The undersigned represents that legal services are necessary as a result of the following described matter:

The undersign further represents that no fees will be paid until reviewed by the Court and allowed by judgment entry.

Date

Signature of Fiduciary Title

Type or Print Name

**APPLICATION TO ENTER INTO CONTINGENT FEE CONTRACT –
APPENDIX G**

IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
COLUMBIANA COUNTY, OHIO

IN THE MATTER OF)
)
)
_____)

CASE NO. _____

**ENTRY APPROVING APPLICATION TO ENTER
INTO CONTINGENT FEE CONTRACT**

Upon application of the Fiduciary and for good cause shown, the Fiduciary is hereby authorized to enter into contingent fee contract as submitted to the Court on _____ . No fees shall be paid until reviewed by the Court and allowed by further Judgment Entry.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

IN THE MATTER OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY COUNSEL FEES - TRUST

Now comes _____ Trustee, who states that it was necessary for the Trustee to employ counsel to properly administer the trust. The fees requested for the period of _____ to _____ are calculated as follows:

ORDINARY FEES

- | | | |
|------|---|----------|
| I. | Principal Fee = \$2.00 per \$1,000 of principal's market value _____ =
\$2.00 X \$ _____ | \$ _____ |
| II. | Income fee = 6.5% of total income during Accounting period _____ =
6.5% X \$ _____ | \$ _____ |
| III. | Principal distribution fee - 1% of principal distributed _____
= 1% X \$ _____ | \$ _____ |

TOTAL FEES COMPUTED FROM ABOVE \$ _____

TOTAL FEES REQUESTED \$ _____

Attorney's signature

Trustee's signature

COUNSEL FEES - TRUST - APPENDIX H

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

IN THE MATTER OF _____

CASE NO. _____

JUDGMENT ENTRY - COUNSEL FEES - TRUST

The Court finds that proper administration of the trust required the Trustee to employ _____, as Trust Counsel, and that the dollar amount of legal services provided \$ _____ constitutes reasonable attorney fees.

WHEREFORE, the Trustee is hereby authorized to make such payment out of the Trust assets.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Trustee's signature

Attorney's signature

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

ESTATE OF _____

CASE NO. _____

**APPLICATION FOR AUTHORITY TO PAY
EXECUTOR'S/ADMINISTRATOR'S COMMISSION**

Now comes _____ the Fiduciary in the above-captioned estate, and requests authority to pay Executor's/Administrator's commission pursuant to Ohio Revised Code Section 2113.35, calculated as follows:

I.	Personal Estate		
	0 to \$100,000	@ 4%	_____
	\$100,001 to \$400,000	@ 3%	_____
	\$400,001 to _____	@ 2%	_____
	Total	-----	\$ _____
II.	Real Estate (Not sold in Estate)		
	Value from Ohio Estate Tax Return of _____	@ 1%	\$ _____
III.	Non-Probate Assets (Except Joint & Survivorship)		
	Value from Ohio Estate Tax Return of _____	@ 1%	\$ _____
IV.	Summary		
	A. Total Commission Requested (Per I, II, and III)		\$ _____
	B. Less Commissions previously approved by the Court		\$ _____
	C. Balance of Commission requested from Estate		\$ _____

Note:

- A. Commissions will not be allowed when there is a delinquency in filing an account.
- B. Commissions will be shared equally between co-fiduciaries, unless the will provides otherwise.
- C. Commissions may be reduced when citations have been issued and when extraordinary attorney fees have been granted.
- D. Commissions shall not be paid until allowed by judgment entry.

Date: _____

Fiduciary's signature

EXECUTOR'S/ADMINISTRATOR'S COMMISSION - APPENDIX I

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

ESTATE OF _____

CASE NO. _____

JUDGMENT ENTRY

EXECUTOR'S/ADMINISTRATOR'S COMMISSION

Upon application of the Fiduciary and for good cause shown, the Fiduciary is authorized to pay Executor's/Administrator's fees in the sum of \$ _____.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Fiduciary's signature

Attorney's signature

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY GUARDIAN FEES

Now comes _____ Guardian, and requests authority to pay Guardian's fees calculated for the period of _____ to _____ as follows:

	<u>ORDINARY FEES</u>	
I.	Total Income During Period (\$ _____) X 6%	\$ _____
II.	Principal Fee of \$4 per thousand (.004) of the first \$200,000 of market value	\$ _____
	\$1.50 per thousand (.0015) of market value over \$200,000.00	\$ _____
	TOTAL ORDINARY FEES	\$ _____

	<u>EXTRAORDINARY FEES</u>	
III.	Extraordinary Fees (Itemize and attach time records)	\$ _____

TOTAL I, II, AND III	\$ _____
TOTAL FEE REQUESTED	\$ _____

Attorney's signature

Guardian's signature

LIMITATIONS ON COMPENSATION -- COMPENSATION WILL NOT BE ALLOWED FOR:

1. Investment of funds and reinvestments of assets shall not be considered money or property originally received or income or expenditures.
2. Final distribution of unexpended balances to a ward at the closing of a guardianship or to a successor guardian
3. Compensation will not be allowed when there is a delinquency in filing an account.
4. Compensation will be shared equally between co-guardians.
5. Compensation may be reduced when citations have been issued and when extraordinary attorneys fees have been granted.
6. Compensation shall not be paid until allowed by judgment entry.
- 7.

GUARDIAN'S COMPENSATION - APPENDIX J

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

JUDGMENT ENTRY - GUARDIAN'S FEES

The Court approves and orders paid reasonable compensation to the Guardian in the sum of \$ _____ and orders the same paid from the assets of the Guardianship.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Guardian's signature

Attorney's signature

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO**

IN THE MATTER OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO PAY TRUSTEE'S FEES

Now comes _____ Trustee, and requests authority to pay

Trustee's fees calculated for the period of _____ to

_____ as follows:

- | | | |
|------|--|----------|
| I. | Principal Fee = \$2.00 per \$1,000 of
principal's market value _____ =
\$2.00 X \$ _____ | \$ _____ |
| II. | Income fee = 6.5% of total income during
Accounting period _____ =
6.5% X \$ _____ | \$ _____ |
| III. | Principal distribution fee – 1% of
principal distributed _____
= 1% X \$ _____ | \$ _____ |

TOTAL FEES COMPUTED FROM ABOVE \$ _____

TOTAL FEES REQUESTED \$ _____

LIMITATIONS ON COMPENSATION: COMPENSATION SHALL NOT BE ALLOWED FOR:

1. Investment of funds and reinvestment of assets shall not be considered money or property originally received, or income, or expenditures.
2. Final distribution of unexpended balances to a beneficiary at the closing of a trust, or to a successor trustee.
3. Compensation will not be allowed when there is a delinquency in filing an account.
4. Compensation will be shared equally between co-trustees.
5. Compensation may be reduced when citations have been issued and when extraordinary attorney fees have been granted.
6. Compensation shall not be paid until allowed by judgment entry.

Attorney's signature

Trustee's signature

TRUSTEE'S FEES - APPENDIX K

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO

IN THE MATTER OF _____

CASE NO. _____

JUDGMENT ENTRY - TRUSTEE'S FEES

The Court approves and orders paid reasonable compensation to the Trustee in the sum of \$ _____ and orders the same paid from the assets of the Trust.

Date: _____

THOMAS M. BARONZZI
PROBATE JUDGE

APPROVED:

Trustee's signature

Attorney's signature

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
COLUMBIANA COUNTY, OHIO
THOMAS M. BARONZZI, JUDGE

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION TO DISPENSE WITH PUBLICATION OF NOTICE

The undersigned hereby makes application to the Court to dispense with publication of notice of the Application To Relieve Estate From Administration. Applicant states that all debts of the decedent have been or will be paid, and creditors of the estate will not be prejudiced.

Attorney for Applicant

Applicant

Typed or printed name

Typed or printed name

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone number

Telephone number

Registration number

JUDGMENT ENTRY

Based upon the representations in the above application, the Court finds that publication of notice of the Application To Relieve The Estate From Administration is unnecessary and can be dispensed with.

So ordered.

THOMAS M. BARONZZI
PROBATE JUDGE

APPLICATION TO DISPENSE WITH PUBLICATION OF NOTICE - APPENDIX L

85:8/17/23

PROBATE COURT OF COLUMBIANA COUNTY, OHIO
THOMAS M. BARONZZI, JUDGE

IN RE: Paralegal Registration of _____

CASE NO. _____

PARALEGAL REGISTRATION: EMPLOYEE
(FOR USE BY A PARALEGAL EMPLOYED EXCLUSIVELY BY ONE LAW FIRM)
[LOCAL RULE 75.6]

The Law Firm of _____
Registers _____ a paralegal employed by
the Firm, who

Will be assisting on matters filed in this Court.

The Law Firm and the paralegal certify that:

1. The paralegal is qualified through education, training, or employment experience to assist the Firm in legal matters in this Court.
2. The attorney from the Firm will supervise and be responsible for all services of the paralegal.
3. Paralegal services and fees shall be itemized separately in fee statements filed with the Court, and;
4. The Firm shall notify the Court when the registered paralegal leaves the exclusive employment of the Firm.

Signature of attorney

Signature of Paralegal

Typed or printed name

Typed or printed name

Address of Attorney

Employment address of paralegal

Telephone number

Telephone number

Attorney registration number

Paralegal registration number

PARALEGAL REGISTRATION: EMPLOYEE - APPENDIX M

PROBATE COURT OF COLUMBIANA COUNTY, OHIO
THOMAS M. BARONZZI, JUDGE

IN RE: Paralegal Registration
of: _____

CASE NO. _____

PARALEGAL REGISTRATION: INDEPENDENT
(FOR USE BY AN INDEPENDENT PARALEGAL)
[LOCAL RULE 75.6]

The undersigned attorney of record registers _____
_____ a paralegal who will be assisting in the
matter of _____
Case No. _____ in this Court.

The attorney and the paralegal certify that:

5. The paralegal is qualified through education, training,
or employment experience to assist the attorney in legal
matters in this Court.
6. The attorney will supervise and be responsible for all
services of the paralegal, and;
7. Paralegal services and fees shall be itemized separately
in both fee statements and accountings filed with the
Court.

Signature of attorney

Signature of Paralegal

Typed or printed name

Typed or printed name

Address of Attorney

Employment address of paralegal

Telephone number

Telephone number

Attorney registration number

Paralegal registration number

PARALEGAL REGISTRATION: INDEPENDENT - APPENDIX N

CASE HISTORY OF MENTAL ILLNESS OR MENTAL DEFICIENCY
(This information MUST accompany Affidavit of Mental Illness)

This form to be completed by the person making application for admission or by any other interested competent person.

1. Full name of patient _____ SSN: _____
2. Age ____ Born: Month _____ Day _____ Year _____ Place _____
3. Race ____ Sex ____ ~~Single~~-Married-Widowed-Divorced-Separated ____ Religion _____
4. Patient now resides at _____
(Street) (City) (County) (State)
And has lived at this address for a period of _____
5. Previous place of abode _____
(Street) (City) (County) (State)
Length of residence at previous place of abode _____
6. If not known to be a legal resident of Ohio, give place of legal settlement _____
7. Occupation _____ When and where last employed _____
8. Education: None _____ Common School _____ High School _____ College _____
9. If patient is of foreign birth, give date and port of entry into United States _____
10. If of foreign birth, is patient naturalized? _____ When? _____
11. Who will supply clothing? _____
12. Who is responsible for cost of hospitalization? _____
13. Name and address in full of person to whom correspondence is to be directed _____
Relationship _____
14. Guardian: Name _____ Address _____
15. Name and address of family physician _____
16. Is patient an honorably discharged soldier, sailor, marine, army or navy nurse (male or female) or is Patient a widow, widower, or other legal dependent of a deceased soldier, sailor, marine or nurse of any War in which the United States has engaged?

17. If so, state date of induction into active service of such ex-service man or woman; and date military or naval rank, and organization at time of his or her discharge; and if a dependent, state the name of the deceased ex-service man or woman upon whom such dependency is claimed;

FAMILY HISTORY

1. Father's name _____ Birthplace _____ Naturalized? _____
2. Birth date _____ Legal residence _____
3. Present address: _____
4. Present state of health _____
5. If deceased, give age and cause of death _____
6. Occupation of father _____ Education _____
7. Mother's maiden name _____ Birthplace _____ Naturalized? _____
8. Birth date _____ Legal residence _____
9. Present address _____
10. Present state of health _____
11. If deceased, give age and cause of death _____
12. Occupation of mother _____ Education _____
13. Were father and mother related by blood? _____ If so, in what degree? _____
14. Wife's maiden name _____ Birth place _____ Naturalized? _____
15. Present address _____
16. Names and ages of children _____

17. Which of patient's parents, grandparents, brothers, sisters, uncles or aunts, if any (give name), ever had the following habits or diseases: mental illness, nervousness, nervous breakdown, hysteria, epilepsy, spasm, convulsions, fainting spells, sunstroke, paralysis, mental retardation, tuberculoses, syphilis, cancer, drug addiction, alcoholic addiction or any other diseases? _____

18. Give name of any relative who is or who has been confined in a public or private institution (mental and nervous, correctional, county home, children's home etc.), place and date.

19. Other pertinent facts in family history _____

HISTORY OF MENTAL ILLNESS DEFICIENCY

20. How long have you known this person? _____
21. Have you known this person intimately? _____
22. When was the first sign of mental illness observed by you? _____
23. What was the first sign of mental illness observed by you? (Explain fully) _____

24. Was the present attack gradual or sudden in its onset? _____
25. State what leads you to believe this person is mentally ill _____

26. Has person shown any antisocial behavior? _____

27. Was this person previously stable and well-adjusted? _____

28. Number of previous attacks of mental disorder _____

29. Has this person been a patient in any hospital, private or public, for the mentally ill or any other institution? _____ Where and how long? _____
30. Has this person suffered serious physical injury? (particularly to head) _____
31. If so, give particulars _____

32. Has this person suffered any serious illness? _____ State when and of what nature, and name and address of physician or hospital _____

33. Has this person ever had any surgical operations? _____ State when and of what nature, and name and address of physician or hospital _____

34. Has this person suffered any great mental shock or strain? _____

35. Has this person required feeding, seclusion or restraint? _____ If so, explain fully _____

36. Has this person been addicted to the use of alcohol or drugs? _____ If so, explain fully _____

37. (Answer Yes or No) Is person paralytic? _____ Bedridden? _____ Untidy? _____
Violent? _____ Destructive? _____ Excited _____ ? Depressed? _____
Homicidal? _____ Suicidal? _____

38. If any of the above are true describe _____

39. Is there any physical defect or deformity? _____

40. Has person ever suffered from syphilis? _____

41. Is person epileptic? _____ Was person mentally ill in childhood? _____

The above information furnished by _____

Address _____ who is a

_____ of the patient. This information is believed to be true to the
(Relationship to patient)

best of his or her knowledge.

(Signature)

**CASE HISTORY OF MENTAL ILLNESS OR MENTAL DEFICIENCY --
APPENDIX O**

PROBATE COURT OF COLUMBIANA COUNTY, OHIO
THOMAS M. BARONZZI, JUDGE

IN THE MATTER OF _____
CASE NO. _____

SPECIAL PICKUP INFORMATION

Age: _____ Race: _____

Height: _____ Eyes (color): _____

Weight: _____ Hair (color): _____

S.S.N.: _____ D.O.B.: _____

Location of Patient: _____

Transport to: _____

	Yes, explain below	No	Unknown
Weapons available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Likely to resist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handicapped?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Past history of mental illness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Past criminal record?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Possible dangerous situation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contagious disease?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Health Officer/Pre-screener: _____ Telephone No.: _____

Other: _____

Date

Signature

SPECIAL PICK UP INFORMATION – APPENDIX P

92:8/17/23