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IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
PROBATE DIVISION
JUDGE JACK R. PUFFENBERGER

In The Matter of: * CASE NO. MISC-64385
Local Rules of Practice *
* JUDGMENT ENTRY
*

The Rules of Superintendence for the Court of Common Pleas, Probate Division are hereby amended and adopted in accordance with Rule 5 of the Rules of Superintendence for the Courts of Ohio, effective August 9, 2022 to include the following changes.

L. RULE 5.3

TECHNOLOGY PLAN

As required by Sup. R. 5(E) effective July 1, 2022, the court adopts the following technology plan for the purposes of ensuring the efficient and effective use of technology in the delivery of services of the court.

The intent of this rule is to promote uniformity in the practices and procedures related to the use of technology in cases where such appearances are permitted by these rules, court order, statutory or other rules of court.

Notwithstanding any other provisions of this rule, the judge may order a party's personal appearance in the court for any pretrial conference, hearing, or proceeding. For all proceedings, the court may require a party to appear in person, including at a pretrial conference, hearing, or proceeding in which a telephone or video appearance is otherwise permitted if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of a particular case.

A. Telephone Appearances.

The court on its own motion or upon the request of any party may in its discretion conduct pretrial conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties.

(1) If approved by the court, a party may appear by telephone at the pretrial conferences, hearings, and proceedings.

(2) Parties who wish to appear via telephone shall file a motion or request for remote hearing at least seven days prior to the scheduled hearing in nonemergency cases.

(3) All telephone appearances must be recorded and reported to the same extent as if the participants had appeared in person for the particular type of hearing conducted.

(4) The court will specify:

(a) The time and the person who will initiate the telephone call;

(b) Any other matter or requirement necessary to accomplish or facilitate the telephone proceeding.

(5) Upon convening a proceeding involving telephone appearance, the court shall proceed in the same manner in which it would proceed if the proceeding was in-person. proceeding.

(6) If at any time during a hearing, conference, or proceeding conducted by telephone the court determines that a personal appearance, including video conferencing, is necessary, the court may continue the matter and require a personal appearance.

B. Video Appearances

The court on its own motion or upon the request of any party may in its discretion conduct pretrial conferences, hearings, or proceedings by the use of a live two-way video and audio-conferencing platform with attorneys and unrepresented parties.

(1) If approved by the court, a party may appear by video at the pretrial conferences, hearings, and proceedings.

(2) Parties who wish to appear via video shall file a motion or request for remote hearing at least seven days prior to the scheduled hearing in nonemergency cases.

(3) All video appearances must be recorded and reported to the same extent as if the participants had appeared in person for the particular type of hearing conducted.

(4) The court may specify:

(a) The time and the link and or telephone number by which the individual can join the proceeding;

(b) Any other matter or requirement necessary to accomplish or facilitate the proceeding -- including the providing of email addresses or other links within sufficient time to enable the video appearance.

(5) Upon convening a proceeding involving a video appearance, the court shall proceed in the same manner as if the proceeding was being conducted in-person based on the type of proceeding.

(6) If at any time during a pretrial conference, hearing, or proceeding conducted by video-conferencing the court determines that a personal appearance, is necessary, the court may continue the matter and require a personal appearance.

C. Hybrid Appearances

The Court on its own motion or upon the request of any party may in its discretion conduct pre-trial conferences, hearings or proceedings by any combination of in-person, audio or video appearances if the court determines it is appropriate. The court will follow the above-stated procedures and guidelines depending on the medium used.

C. Electronic Filing and Acceptance of Electronic Signatures

The Lucas County Probate Court will accept fax-filings and e-mail filings as originals, including signatures; however, initial case filings must be originals with cash, check, or money order for costs. E-mail filings can be made by sending to info@lucasprobate.org. Fax-filings can be sent to 419-213-4764.

Accounts may be filed by fax, emailed or dropped off.

The court will offer on-line marriage applications only. The marriage license application and required procedures are available via the court website at www.lucas-co-probate-ct.org. Payments may be made via debit/credit cards. Assistance and/or accommodations will be made for those who are unable to complete the process electronically by calling 419-213-4361

D. Confidential Attorney-Client Communication

As necessary, provisions shall be made to preserve the confidentiality of attorney-client communications and privilege.

E. Technical Standards and Equipment

The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements in order to allow all participants, regardless of disability or other barriers, to participate in proceedings:

(1) All participants must be able to see and/or hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other method.

(3) The telephonic or audiovisual technology may be digitally recorded and may be transcribed at the request and cost of any party.

(4) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.

(5) Reasonable accommodations will be made for any disabled person wishing to appear remotely. Requests for these accommodations shall be included with the motion for remote appearance.

F. Use of other forms of technology not specifically addressed in this rule may be permitted upon the application of any party, approval of the court, and agreement of all parties deemed necessary to the proceeding by the judge.

G. Instructions on how to use an approved technology are available upon request.

L. RULE 78.10

BOND

A. All fiduciaries, except guardians of the person, shall post bond with the Court prior to appointment in compliance with R.C. 2109.04-2109.20 unless otherwise provided in a specific order of the Court. All bonds shall be issued by a reputable insurance or bonding company acceptable to the Court.

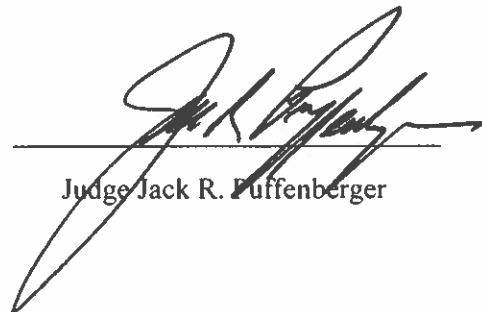
B. If the instrument nominating the fiduciary expressly dispenses with the giving of bond, the Court will appoint the fiduciary without bond unless the Court determines that the interest of the trust demands it. However even if bond is otherwise dispensed with, a bond in an amount pursuant RC 2109.04 will be required of any non-resident fiduciary. Alternatively, an attorney licensed in Ohio can agree to be co-signor on all estate accounts and ensure that all estate assets will remain within Lucas County.

C. Bond in the amount of double the inventoried value of any real estate is required to be posted with the Court at the time of filing of Form 11.0 or Form 11.1. The Court will not file Form 11.0 or Form 11.1 without the required bond.

D. If a Motion to Delay Bond is approved in any case, the fiduciary shall file the requisite amount of bond simultaneous with the Inventory, or the Inventory will not be accepted for filing.

IT IS THE ORDER OF THIS COURT THAT THESE AMENDMENTS TO THE LOCAL RULES ARE EFFECTIVE AUGUST 9, 2022.

8/9/22
Date


Judge Jack R. Puffenberger