

DANIEL M. HARRIGAN
2008 MAR 28 AM 8:52
IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO
SUMMIT COUNTY
CLERK OF COURTS

IN RE:)
RULES OF PRACTICE AND PROCEDURE OF)
THE COURT OF COMMON PLEAS - GENERAL)
DIVISION - ADOPTION OF LOCAL)
RULE 7.06 (B) POVERTY AFFIDAVIT)
_____)

MISC. NO. 325

COURT RULES

ORDER

IT IS HEREBY ORDERED AND DECREED THAT THE JUDGES OF THE
SUMMIT COUNTY COURT OF COMMON PLEAS - GENERAL DIVISION, HEREBY
ADOPT A MODIFICATION OF THE RULES OF PRACTICE AND PROCEDURE OF THE
COURT OF COMMON PLEAS - GENERAL DIVISION OF SUMMIT COUNTY
ADDRESSING POVERTY AFFIDAVITS BY INCLUDING A NEW SECTION TO LOCAL
RULE 7.06 TO BE DESIGNATED 7.06(B) POVERTY AFFIDAVIT AS FOLLOWS:

7.06(B) POVERTY AFFIDAVIT

If the party initiating a civil action believes that he/she is unable to pay the costs of filing a complaint in a civil action, a counterclaim and/or a third-party claim, then such person shall submit a Poverty Affidavit on the form prescribed by the Court requesting to have such charges waived. If an attorney for the party is to be counsel of record, then that attorney shall complete the attorney's portion of the Affidavit.

The completed Affidavit shall be submitted to the Clerk of Courts, who shall conditionally accept the complaint, counterclaim or third-party claim, and submit the Affidavit to the assigned trial court for approval. The assigned trial court, in the space provided on the form, shall provide a brief written acknowledgement that the court is presently satisfied with the veracity of the Affidavit

and return the form the Clerk of Courts, who shall process the filing without charge. If disapproved, the court shall conduct a hearing and schedule the same by separate order.

Once the case is assigned to a trial court, the trial judge may, at any time in the proceedings, make further inquiry into the sufficiency or credibility of the Affidavit, or otherwise hold a hearing on the party's ability to pay the cost as referred to above. Should the trial court find that the Affidavit lacks credibility or veracity, the court may order the party filing such Affidavit to forthwith pay all such cost waived initially by the filing of the Affidavit, and if not done, then enter adverse judgment as to that party up to and including dismissal with prejudice.

THIS RULE SHALL BE EFFECTIVE THE 1ST DAY OF MAY, 2008, AND THE SAME IS ORDERED SPREAD UPON THE JOURNAL OF THIS COURT.

IT IS SO ORDERED.



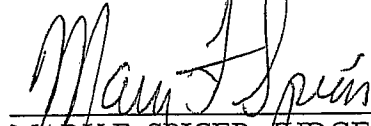
ELINORE MARSH STORMER
ADMINISTRATIVE JUDGE



PAUL J. GALLAGHER
PRESIDING JUDGE



PATRICIA A. COSGROVE, JUDGE



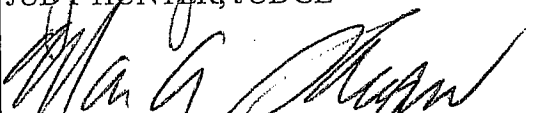
MARY F. SPICER, JUDGE



JUDY HUNTER, JUDGE



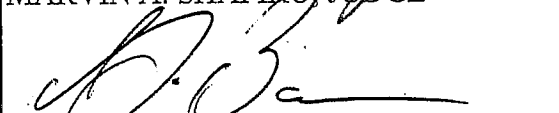
THOMAS A. TEODOSIO, JUDGE



MARVIN A. SHAPIRO, JUDGE



BRENDA BURNHAM UNRUH, JUDGE



Andrew J. Bauer
Court Executive Officer