

## LOCAL RULE 8.1

## COURT APPOINTMENTS

- (A) Persons appointed by the Court pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the Court, shall be selected from lists maintained by the Court.
- (B) Appointments will be made from such lists taking into consideration the qualifications, skill, expertise and case load of the appointee in addition to the type, complexity and requirements of the case.
- (C) Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees.
- (D) The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.
- (E) Guardian Ad Litem.
  - (1) Qualifications.

A guardian ad litem shall be an attorney who is not associated with an attorney of record for the proceeding in which the guardian ad litem has been appointed.
  - (2) Appointment.
    - (a) A guardian ad litem will be appointed upon motion of the necessity for appointment.
    - (b) Upon application and entry, a fee based on a reasonable hourly rate for time expended shall be paid from the ward's or decedent's estate, or paid out of the indigent guardianship fund.

### **Sup. R. 8 Court Appointments.**

- (A) As used in this rule:
  - (1) "Appointment" means the selection by a court of any person or entity designated pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the court to represent, act on behalf or in the interests of another, or perform any services in a court proceeding.
  - (2) "Appointee" means any person, other than a court employee, receiving a court appointment who is selected by the court. "Appointee" does not include a person or entity who is selected by someone other than the court.
- (B) Each court or division of a court shall adopt a local rule of court governing appointments made by the court or division. The local rule shall include all of the following:

- (1) A procedure for selecting appointees from a list maintained by the court or division of persons qualified to serve in the capacity designated by the court or division. The procedure shall ensure an equitable distribution of appointments among all persons on the appointment list. The court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The court or division may maintain separate lists for different types of appointments.
  - (2) A procedure by which all appointments made by the court or division are reviewed periodically to ensure the equitable distribution of appointments among persons on each list maintained by the court or division.
  - (3) The manner of compensation and rate at which persons appointed will be compensated for services provided as a result of the appointment, including, if applicable, a fee schedule.
- (C) The local rule required by division (B) of this rule may include qualifications established by the court or division for inclusion on the appointment list, the process by which persons are added to or removed from the appointment list, and other provisions considered appropriate by the court or division.
- (D) If a party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee promptly shall notify that party or person of the appointment and the applicable fee schedule. The court or division shall require the appointee to file with the court or division and serve upon any party or other person required to pay all or a portion of the fees itemized fee and expense statements on a regular basis as determined by the court or division. If the party or other person required to pay all or a portion of the fees claims that the fees are excessive or unreasonable, the burden of proving the reasonableness of the fees is on the appointee.