

Cleveland Heights Municipal Court – Local Rules

These Local Rules of Court are being promulgated pursuant to Rule 18 of the Ohio Supreme Court Rules of Superintendence for Municipal Courts and County Courts and are effective 1/1/2011. The purpose of these local rules is to supplement the procedures set out in the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure and Ohio Revised Code to assist counsel and parties with cases pending in the Cleveland Heights Municipal Court.

GENERAL RULES OF COURT

RULE 1: HOURS OF COURT

Offices of the Court shall be open between the hours of 8:30 A.M. and 5:00 P. M., Monday through Friday. These times may be modified by special order of the Court. Holidays listed in Section 1.14 of the Ohio Revised Code will be observed. The Court shall be in session at such other times as the Judge shall prescribe to meet special situations.

RULE 2: COMPUTATION OF TIME

Any period of time prescribed or allowed by these rules shall be computed in accordance with the Ohio Rules of Civil Procedure or the Ohio Rules of Criminal Procedure as applicable.

RULE 3: DECORUM, CONDUCT AND CHILDCARE

- A. Upon the opening of any Court session, all persons in the courtroom shall stand except for those physically unable to do so. All persons in the courtroom shall conduct themselves with decorum and in such manner as to not interfere with the proper administration of the Court's business.
- B. All persons appearing before the Court shall appear in clean and appropriately covering attire.
- C. Anyone participating in Court proceedings as a litigant, witness or juror should make child care arrangements ahead of time. The Court has no facilities to accommodate children. Any child under the age of 12 who is visiting the Court must be accompanied and supervised by a responsible adult at all times.
- D. No smoking, eating, drinking or chewing of tobacco or gum is permitted in the courtroom.
- E. All cellular phones or beepers shall be turned off or silenced in the courtroom or in any hall, entryway or stairway.
- F. No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any hall, entryway or stairway, or otherwise interfere with or obstruct judicial activities or proceedings.
- G. No person shall act boisterously, raise their voices or act in a threatening manner towards any Court employee or other litigants in the courtroom.
- H. Counsel shall call these rules to the attention of clients and witnesses. Failure to comply with any aspect of this rule may result in appropriate sanctions by the Court, including continuance or dismissal of the matter before the Court, or a charge of contempt of court.

RULE 4: COURT AND FILING FEES

The Court has adopted a schedule of costs and filing fees in civil cases (Appendix A), as well as criminal and traffic cases (Appendix B), and may order amendment of the same from time to time.

RULE 5: EXAMINATION / WITHDRAWAL OF FILES

Pursuant to the Rules of Superintendence for the Courts of Ohio, full disclosure of all public record information shall be made available upon reasonable request. The Clerk of Court shall not permit original files of cases entered upon the docket of the Court to be taken from the custody of the Clerk except upon order of the Court. The Clerk of Court may charge its actual costs incurred in responding to a request for access to a Court record.

RULE 6: PROHIBITIONS ON EMPLOYEES

- A. Assistance to parties by employees of the Court shall be limited to furnishing the necessary forms where appropriate and any explanation as to their use. No legal advice shall be given.
- B. No employee of the Court shall at anytime, whether by request or otherwise, refer or direct any person to an attorney or to a bail bondsman.
- C. No employee shall accept or permit to be accepted on their behalf a gift, bequest or loan from any person likely to be engaged in a proceeding that ordinarily would come before the Court, from a person likely to do business with the Court or from any other person under circumstances that might reasonably be regarded as influencing or appearing to influence the performance of the employee's official duties.

RULE 7: REFERRALS OF CASES TO OTHER COURTS

Upon the filing of any action in this Court wherein any employee of the Court is involved as a party, the case shall be transmitted immediately to the Presiding Judge of the Supreme Court of Ohio, for assignment to another Judge.

RULE 8: ADDITIONS AND AMENDMENTS TO RULES

Additional rules and amendments to these rules may be promulgated from time to time and shall be effective with or without general publication when the Court is satisfied that reasonable opportunity for notice of such additional rule or amendment was provided and the additional rules or amendments have been filed with the Ohio Supreme Court in accordance with Ohio Civil and Criminal Rules.

RULE 9: PUBLICATION OF RULES OF COURT

The Clerk of Court shall order production of copies of these rules and any subsequent additions or amendments. Copies shall be made available at the cost of production.

RULE 10: PLEADINGS AND MOTIONS

- A. All Pleadings and Motions shall be legibly typewritten or printed on paper sized 8 1/2 inches by 11 inches. The caption of the complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the case number, the name of the first party plaintiff and the first party defendant on each side. For all subsequent pleadings in which new parties are joined, the name and the address, if known, of each new party shall be stated in the caption of such pleading. Every pleading, motion, brief or other paper filed in a case shall be identified by title, and shall bear the name of the individual attorney, the firm, if any, office address and telephone number of the attorney filing the same, or if there is no attorney, then the party filing the same.

- B. Failure to comply with the formal requirements as set out above may be grounds for striking the non-complying document from the Court's files.
- C. Documents/evidence submitted to the Court must have all personal identifiers including social security numbers, employee identification number, financial and credit card numbers redacted except as required by the nature of the proceedings.

RULE 11: PROOF OF SERVICE

All documents filed with the Court must be served on the opposing party/prosecutor in accordance with Ohio Civil and Criminal Rules. Failure to show proof of service shall be grounds for striking the document from the Court's record.

RULE 12: CONTINUANCES

- A. A Motion for Continuance must be filed at least five (5) working days in advance of the Court proceeding for which the continuance is sought and must be accompanied by the required filing fee (see Appendix A & B).
- B. Motions for Continuance should be supported with any relevant documentation. The Motion must specify the reason for the continuance and the amount of time requested. Where a continuance is requested because of a conflicting date in another Court, a copy of the other Court's notice must be attached.
- C. The Court in its discretion may continue any proceeding without a properly filed motion.

RULE 13: APPEARANCE & WITHDRAWAL OF COUNSEL

- A. Attorneys practicing before this Court shall designate their capacity as counsel on record on all pleadings, motions, petitions, etc. filed in this Court. All such documents shall bear, in addition to the signature of the counsel of record, counsel's name, office address and zip code, office telephone number and Ohio Supreme Court Certificate of Registration number. A law firm shall not be designated as the counsel of record. Upon the entry of appearance of counsel, all documents filed with the Court and all Court orders shall be served upon the designated counsel.
- B. Unless otherwise ordered, any attorney designated as Trial Attorney shall not be permitted to withdraw from an action less than five (5) days before trial.
- C. Withdrawal of counsel shall be permitted on a written motion filed with the Court. The motion must include: (1) the time and date of any pending proceedings; (2) the specific reasons for requesting withdrawal; (3) the name and address of new counsel, if any, and (4) proof of notification to the withdrawing attorney's client and the opposing party or his attorney.
- D. Pro Hac Vice: An attorney who is not admitted to practice law in the State of Ohio may not appear on behalf of another individual or entity in Court without permission of the Judge or Magistrate. The request for permission shall be in writing. It shall certify that the attorney is admitted to practice law in the highest Court of another state or in the District of Columbia and that the attorney is not a resident of this state. The request must be co-signed by an attorney registered and admitted to the practice of law in Ohio.

RULE 14: FILING

- A. This Court will allow filing in person, by mail and by facsimile transmission, through the clerk's office, of requests for continuances, motions, and other pleadings, not in excess of seven (7) pages. In civil cases, the court will not accept electronic filing of any document that must be accompanied by a fee. This Court may accept electronic filing in the future
- B. The words "Filed by Fax" must appear on any facsimile filed document. The facsimile if legible will be accepted as the original to be filed with the Court. The sender's original and fax confirmation slip will serve as proof of filing. No filed stamped copy of a facsimile transmitted document will be mailed to any party.
- C. The Court Fax machine will be online twenty-four (24) hours a day. A document will be considered received on the day transmitted if that transmission takes place Monday through Friday (except holidays) between the hours of 8:00 a.m. and 4:45 p.m. After 4:45 p.m., the next business day's filing date will be applicable.

RULE 15: ELECTRONIC RECORDS

All Cleveland Heights Municipal Court case records filed after January 1, 2011, will be retained in electronic media format, including text and digital images, as an alternative to a paper record. Paper media may be destroyed after it is imaged and saved to the electronic case record.

- A. Electronic records at present time will be limited to paper media received by the Court and imaged. Local Rules will be amended when the Court has upgraded electronic equipment with the capacity to receive electronic filings.
- B. Electronic signatures in case records will be limited to Court personnel. Procedures to authenticated signatures in electronic records are a two-step process. First the personnel must log in to court management system using a password and use a personal identifier for each signature recorded on a Court document.

RULE 16: COMPUTER DOCKET SEARCHES

The Court allows access to docketing information through the internet on its website at www.clevelandheightscourt.com. The information is available for review only. Generally the system will be available 24 hours a day with the exception of early morning hours when the system is being backed-up.

RULE 17: COURT SECURITY

- A. All persons entering the courtroom or lobby area must pass through the security gate check point and are subject to screening by a metal detector. Under no circumstances are persons allowed to have weapons or potential weapons in the Court's area or courtroom, with the exception of Court Security and Cleveland Heights Police Department personnel authorized to carry firearms or persons approved by the Judge.
- B. Whenever possible, all prisoners shall enter and leave the Courtroom only through the back hallway connected to the police department. Prisoners must be under the supervision of a Cleveland Heights Police Officer at all times.
- C. All persons shall follow the directives of the Cleveland Heights Municipal Court Security or Cleveland Heights Police Department Personnel in the event of an emergency situation or security incident.
- D. Persons refusing to follow any rules in this section shall be denied access to the building.

RULE 18: RECORDING OF PROCEEDINGS

- A. A record shall be made of traffic, criminal, civil and small claims proceedings by an electronic recording device. In the event a party desires recording by stenographic means, such party must arrange for the presence and advance payment of a Court reporter. A party may file a written motion requesting that such individual be named as the official reporter for the hearing.
- B. The Court shall maintain exclusive custody and control of the electronic recording tapes of proceedings.
- C. The Court will retain all tapes for a period as mandated by the Supreme Court of Ohio. At the expiration of such period, tapes will be recycled or destroyed except in the instance of an appeal in which event the subject tape(s) will be retained during the pendency of the appeal.
- D. A party may have a full or partial transcript prepared from the Court tape(s) by arranging for the presence and advance payment of a court reporter to prepare the same. The expense relating to the transcript shall be the responsibility of the requesting party.
- E. Unless otherwise ordered, the copy recorded electronically by the Court shall be the official Court record.

RULE 19: MEDIA

- A. For the purpose of these rules, the term “media recording” shall be understood to encompass broadcasting, televising, recording, or photographs. The term “trial” shall be understood to apply to any public hearing held by the Court.
- B. Application for media recording shall be made in writing to the Judge prior to the commencement of the trial. No special form of application will be required, but the application must specify the type of equipment to be used, and must identify and be signed by the applicant. The positioning of the cameras shall be at a location to be determined by the trial Judge.

C. Limitations

Any equipment which is non-portable shall be set up and ready for operation prior to the commencement of Court sessions. In no event will persons be permitted to move equipment within the courtroom during trial unless such equipment can be easily carried by a single person and without causing a distraction or disturbance. No photographic or electronic equipment may be used in the courtroom which causes distracting sound or light.

- 1) No media recording of proceedings in the Judge’s chambers or accesses shall be permitted except with the express permission of the Judge.
- 2) No media recording shall be permitted in jury deliberation rooms at any time during the course of the trial or after the case has been submitted to the jury. No pictures of jurors may be taken at any time.
- 3) Audio equipment shall be so controlled that it will not pick up conferences or conversations between counsel and client, between counsel and the Judge at the bench, or between counsel and official Court reporter as in the case of a proffer.
- 4) The Judge, counsel, and witness shall not address any remark to the media when the Court is in session. In all respects, the trial shall proceed in exactly the same manner as though there was no media recording in process.

- 5) No media recording shall be made of any document or exhibit before or after such document or exhibit is admitted into evidence, except those which are clearly visible to spectators, e.g., maps, charts, blackboards, etc.
- 6) The Judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Upon objection the media are prohibited from employing any means to record the victim or witness.

D. Sanctions

Upon failure to comply with the orders of the Judge or with the Superintendence Rules for Municipal Courts, the Judge may revoke any permission previously granted.

RULE 20: MEDIATION RULES

- A. The Court may offer mediation as an option for the parties. Mediation is always voluntary and while no one will be compelled to participate, it is strongly encouraged. Mediation is only an option in civil cases, post filing.
- B. Mediation services are provided at no cost to the parties.
- C. Upon mediation being selected, a deputy clerk will schedule the mediation and have notices issued to each of the parties. The mediator will oversee the discussion to allow each party a full opportunity to be heard in an atmosphere of cooperation and respect. The parties will be encouraged to generate a solution to the dispute and arrive at a settlement. A settlement will not be imposed on either party contrary to his or her will. When an agreement is reached, it should be reduced to writing and signed by all of the parties. A copy of the agreement will be given to the parties.
- D. Upon fulfillment of the settlement as agreed upon by both parties, the case shall be dismissed.
- E. If any individual ordered by the Court to attend mediation fails to attend without good cause, the Court may impose sanctions which may include, but are not limited to, the issuance of a judgment against the party that does not appear, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

RULE 21: FRIVOLOUS ACTIONS AND VEXATIOUS LITIGATORS

- A. If the Court, *sua sponte* or on motion by a party, determines that an action is frivolous or is filed for delay, harassment or any other improper purpose, it may impose, on the person who signed the complaint or action, a represented party or both, appropriate sanctions. The sanctions may include an award to the opposing party of reasonable expenses, reasonable attorney fees, costs or any other sanction the Court deems just. An action shall be considered frivolous if it is not reasonably well-grounded in fact or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.
- B. If a party habitually, persistently and without reasonable cause engages in frivolous conduct under section (A) of this rule, the Court may, *sua sponte* or on the motion by a party, find the party to be a vexatious litigator. If the Court determines that a party is a vexatious litigator under this rule, the Court may impose filing restrictions on the party. The restrictions may include prohibiting the party from instituting legal proceedings in the Court without first obtaining leave or any other restrictions the Court considers just.

RULES GOVERNING CIVIL CASES

RULE 22: COSTS OF FILING

No action or proceeding shall be accepted for filing by the Clerk of Court unless fees and deposits are paid as set forth in the Schedule of Court costs (See Appendix A). Costs may be waived only upon filing of an affidavit of indigency and approval by the Court.

RULE 23: SERVICE

- A. The Clerk of Court will serve all civil complaints by certified mail or express mail in accordance with the Ohio Rules of Civil Procedure. All other forms of service have to be requested in writing and accompanied by the requisite fees (see Appendix A)
- B. If service of process by certified mail or express mail is returned by the postal authorities with an endorsement of "Refused" or "Unclaimed," the Clerk shall employ certificate of mail service.
- C. It is the parties' obligation to check if service has been perfected. Successful service may be determined by accessing the Court's Docket on the internet.

RULE 24: LEAVES TO MOVE OR PLEAD

An extension of time to plead filed before the due date of a responsive pleading and may be by stipulation for a period not to exceed thirty (30) days. Further leaves may be granted by the Court upon motion, in writing, supported by affidavit showing good cause.

RULE 25: JURY DEMAND IN CIVIL CASES

- A. Any party desiring a jury trial in a civil case must file a written demand in accordance with the Ohio Rules of Civil Procedure. Withdrawal of a jury demand shall be made in writing and shall be timely filed with the Court.
- B. A written demand for a jury trial on the first cause of action in a forcible entry and detainer action must be filed with the court not less than five (5) days prior to the date set for hearing on the first cause of action.
- C. A jury deposit as stated in Appendix A must be deposited by the demanding party at least eight days (8) prior to the commencement of the jury trial. Upon presenting evidence establishing that the party is indigent the court may, in its discretion, waive the deposit requirement. Additional jury cost may be assessed by the Court. Any deposit for cost which has not been used will be returned to the depositor.
- D. After 12:00 PM on the day prior to the trial, the full jury cost will be assessed even if the jury demand is withdrawn; the case is settled or the case is voluntarily dismissed. A dismissal or settlement agreement must include a provision for payment of the jury cost.
- E. When a jury trial is continued or postponed due to the failure of a party or counsel to appear, that party shall be assessed the full jury cost. The Court may waive all or part of these cost upon presentation of satisfactory evidence that failure to appear was due to extreme emergency or other conditions beyond the control of the party or counsel.
- F. Failure to comply with these requirements may result in a withdrawal of the jury demand or other appropriate sanctions.

RULE 26: CASE MANAGEMENT

A. Purpose

The purpose of this rule is to establish a system for civil case management which will provide for fair and impartial administration of civil cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Court system.

B. Civil Case Designation Sheet

In all civil cases (other than small claims) a party or his counsel, upon filing a complaint, shall complete a Case Designation Sheet providing the Court with information regarding the anticipated scope of discovery, use of expert witnesses and viability of any alternative dispute resolution procedures. A Case Designation Sheet will be supplied to the defendant with the service of summons and shall be completed and filed with the answer.

C. Case Management Conference

A case management conference will be set in each civil matter (other than small claims) after the filing of the answer. At that case management conference a binding case management schedule may be set as well as a final pretrial date and/or trial date. In appropriate circumstances, an expert discovery schedule will be set and/or the case will be referred to alternative dispute resolution.

D. Pretrials

The primary purpose of a pretrial hearing is to achieve settlement. If settlement is unattainable, attempts shall be made to narrow the legal issues, to reach stipulations as to facts not in controversy and to shorten the time of trial. The parties may be required to produce or reveal any evidence, witness, documents or other matters intended to be relied upon at trial

E. Attendance

Counsel and all parties must appear at Case Management Conference and Pretrial Hearings at the date and time designated in the notice. With leave of Court, counsel or a party may appear by telephone. Counsel must have full settlement authority whenever a party is not present.

F. Sanction

Sanctions may be imposed by the court for failure to comply with any provision of this rule or any pre-trial order.

RULE 27: DISCOVERY

A. Written Discovery

Discovery documents should not be filed with this Court. The Court does, however, require that any party serving discovery on another party must file a notice of service of same with this Court. Parties responding to discovery must likewise file a Notice of Service of Responses to Discovery with the Court. However, the responses themselves should not be filed at that time.

B. Motions to Compel

Motions to Compel Discovery will be entertained by this Court only after the party seeking responses has attempted to resolve the dispute with the other party without the assistance of the Court. If such efforts fail then a party seeking discovery may file a Motion to Compel with this Court. That Motion must include a recitation of the efforts made to resolve the dispute before the motion was filed and copies of any and all written discovery and responses necessary for the Court to determine whether an Order to Compel is appropriate.

C. Expert Witnesses

- 1) If a party intends to call an expert to testify at trial, that party may be required to cause an expert report to be prepared and to serve a copy of same on the opposing party. Notice of Service of same (but not the report itself) shall be filed with the Court.
- 2) The party with the burden of proof as to a particular issue shall be required to first submit expert reports on that issue. Thereafter, the responding party shall submit a report in accordance with the schedule set by the Court.
- 3) A party may not call an expert witness unless a written report has been procured from the witness and provided to the opposing party as required by the Court. The report of the expert must reflect his opinions as to each issue upon which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his report.
- 4) A party may take the discovery deposition of the opposing party's expert only after a mutual exchange of expert reports has occurred. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. Except for good cause shown, the taking of the discovery deposition of the proponent's expert constitutes a waiver on the part of the opponent to call an expert at trial on the issues raised in the proponent's report.

RULE 28: DEFAULT JUDGMENTS

- A. After the expiration of the answer period where the Defendant has failed to plead or otherwise defend, the Plaintiff may file a written Motion for Default Judgment. Plaintiff's failure to file the Motion for Default Judgment or other pleadings within six (6) months of the Default may result in dismissal of the complaint for want of prosecution.
- B. The motion shall contain a recitation of facts sufficient to establish jurisdiction, service of process, default of the named Defendants and to support the claim for relief as alleged in the complaint. All appropriate documentation supporting the specific amount of damages requested must be attached to the motion unless attached to the original complaint. An affidavit indicating the current military status of all named Defendant must be filed with the motion. Upon review of the motion and attachments, the court may in its discretion grant a default judgment without a hearing.
- C. A hearing to determine the amount of damages will be scheduled with notice to the parties when 1) the requirements of section (B) of this rule have not been met or 2) when any of the named Defendants have appeared or filed any communication with the Plaintiff or with the Court. Failure of the Plaintiff to appear at the scheduled hearing may result in a dismissal of the complaint without prejudice.

RULE 29: DISPOSITIVE MOTIONS

- A. A party to a civil action may file a dispositive motion at any time before a trial has been scheduled. After a trial has been set, a party may only file a dispositive motion with leave of Court.
- B. Parties shall have thirty (30) days from the date of service to file briefs in opposition to dispositive motions. Extensions of time for filing responsive briefs shall be made prior to the expiration of the time period originally designated for response. Unless otherwise provided in the Ohio Rules of Civil Procedure, the failure of the party against whom a motion is directed to file a brief in opposition may be construed by the Court as an admission that the motion should be granted.

RULE 30: NON-DISPOSITIVE MOTIONS OTHER THAN CONTINUANCES CONTROLLED BY RULE 12

A party shall have ten (10) days to file briefs responsive to all non-dispositive motions. A request for an extension of time in which to respond to a non-dispositive motion shall be made in the same manner as for dispositive motions. Unless otherwise provided in the Ohio Rules of Civil Procedure, a party's failure to respond to a non-dispositive motion directed against him may be construed by the Court as an admission that the motion should be granted.

RULE 31: TRIAL MEMORANDUM; SANCTIONS

A. Trial Memorandum

Where a trial memorandum is required by order of the Court, it shall be at least filed three (3) days before trial unless otherwise ordered by the Court and shall contain the following:

- 1) A brief itemization of any special evidentiary or other legal issues which the party intends to raise at trial;
- 2) Copies of all authorities which the party desires the Court to read;
- 3) A final list of witnesses and a brief description of their testimony;
- 4) Copies of all evidentiary documents to be offered; and
- 5) Discussion of any special issues raised pursuant to agreement at the pre-trial conference.
- 6) Copy of expert witness report intended to be used in trial.

B. Sanctions

The Court may refuse to admit into evidence the testimony of any witness and the use of any exhibit not listed in the trial memorandum where required. Unless good cause is shown, failure to comply with the requirements of this rule may be cause for entry of dismissal, entry of judgment, or any other sanction permitted by law.

RULE 32: JURY INSTRUCTIONS

In all civil cases that are to be tried before a jury, each party must file a full set of jury instructions at least three (3) days before trial.

RULE 33: NOTIFICATION OF SETTLEMENT

After a case has been set for pretrial, trial or other proceeding requiring personal appearance, a request for dismissal by the plaintiff or by agreement of the parties due to settlement or some other reason maybe be submitted in writing to the Court as soon as reasonably possible. Failure to give such written notice of settlement and non-appearance of the parties shall subject the action to dismissal by the Court at the plaintiff's costs.

RULE 34: SATISFACTION OF JUDGMENT

- A. No person other than the Clerk of Court or a deputy clerk may enter satisfaction of judgment upon the records of the Court.
- C. No satisfaction of judgment shall be entered until all Court costs have been paid.

RULE 35: AUTOMATIC BANKRUPTCY STAY

- A. Any party requesting a bankruptcy stay shall file a written notice of bankruptcy with the court.

- B. Upon written notification to the Court of any pending bankruptcy proceeding and the bankruptcy case number effecting any litigant in this Court, there shall be a journal entry as follows:

"Defendant having filed a Petition in the U. S. Bankruptcy Court, The Bankruptcy Act establishes an automatic stay of proceedings against the debtor, in 11 U.S.C. 362(a). It is hereby ordered that the commencement or continuation of any action to obtain or enforce any judgment against the Defendant/Debtor or his property is hereby stayed until the bankruptcy case is closed, dismissed, or a discharge granted or denied, or until; Defendant/Debtor's property is no longer property of the bankruptcy estate or until the Bankruptcy Court grants relief from its stay. Clerk to send copy to counsel of record."

RULES GOVERNING CRIMINAL/TRAFFIC CASES

RULE 36: APPEARANCE OF DEFENDANT

- A. Persons charged with traffic or criminal offenses must be present at the initial appearance as well as all subsequent hearings except as set forth herein. Failure to appear may result in the issuance of an arrest warrant and/or other appropriate sanctions.
- B. All attorney's appearing on behalf of their client in absentia shall request leave of court in advance of a scheduled appearance.

RULE 37: JURY DEMAND IN CRIMINAL CASES

- A. Any party desiring a jury trial in a criminal case must demand the same in accordance with the Ohio Rules of Criminal Procedure. Failure to abide by this rule will be considered a waiver of the right to a jury trial.
- B. All jury demand in criminal cases shall be made at least ten (10) days before trial or three (3) days after notice of the trial date, whichever is later.

RULE 38: CASE MANAGEMENT

- A. Purpose
The purpose of this rule is to establish a system for criminal case management which will provide fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Court system.
- B. Pretrials
After arraignment, the Court may require the prosecutor and defendant (or his counsel) to hold a pretrial conference. At the conclusion of the pretrial, the prosecutor shall report any proposed change of charge and/or plea to the Court. If the Court approves any proposed amendment of charges, dismissal and/or changes of plea, the matter will proceed accordingly. In the absence of such changes and/or the Court's approval of same, the case will be assigned a trial date. If a final pre-trial date is scheduled, all parties shall be present.
- C. Jury Instructions
Jury Instructions are to be submitted at least three (3) days before trial.
- D. Trial Day
Trials to the bench in criminal cases shall take place on designated days. Trials will be scheduled for either the morning or afternoon session. Defendants will be scheduled to check in one half hour before the session begins. Trials will be conducted in the order determined by the Court.

E. Sentencing

Upon a finding of guilty; either after a plea or a trial, the Court will either sentence directly from the bench or set a date for the defendant's sentencing hearing. Prior to sentencing and in its discretion, the Court may refer the Defendant to the probation department for a pre-sentence investigation. Upon completion of its investigation, the probation department shall prepare a written report. Such report shall be made available for review by the prosecution and defense prior to sentencing.

RULE 39: COMMUNITY SERVICE

- A. The Court will determine eligibility for community service.
- B. The probation officer shall inform each defendant referred to community service of the specific terms thereof.
- C. A determination by the probation officer that the defendant has failed to agree to or comply with the standard rules of community service, or with the terms of community service, shall result in the scheduling of a community service violation hearing and may result in the imposition of the original sentence in whole or in part.

RULE 40: EXCEPTIONS TO MAGISTRATE'S FINDINGS

Upon the filing of an objection to the decision of a Magistrate, the Defendant shall post a bond with the Clerk of Court equal to the amount of fines, court costs and other fees due. If no written objections are filed or if the required bond is not posted within fourteen (14) days of the date of the Magistrate's decision, the objections are withdrawn and the Court may adopt the Magistrate's decision.

RULE 41: PAYMENT OF FINES AND COSTS IN CRIMINAL PROCEEDINGS

- A. Fines and costs are due upon imposition of penalty unless otherwise stated in Local Rule 40.
- B. The Court may impose an additional fee if fines and costs are not immediately paid.
- C. Any suspension of costs requires a finding of indigence and is within the sound discretion of the Court.
- C. All Driving Under Influence fines and costs must be paid in full before a request for occupational driving privileges will be granted.

RULE 42: COURT APPOINTED COUNSEL

- A. In conjunction with the Rules for Superintendence for The Courts of Ohio, Court appointed counsel are selected and compensated as follows:
 - 1) The Court will make additions to the appointed counsel list based on its current needs, the applicant's credentials and his or her current standing with the Ohio Supreme Court.
 - 2) Appointments to individual cases will be made on a rotating basis with consideration being given to areas of expertise and his or her current caseload. Appointments will be reviewed bi-annually to ensure equal distribution of same.
 - 3) Compensation will be made upon the filing for approval of payment.

B. Court appointed counsels are selected at the Judge's discretion and will be renewed periodically.

Judge A. Deane Buchanan