

PREAMBLE

The foundation of our government rests upon the confidence of the people in the ability of their courts to achieve liberty and justice for all under the law. The fair, impartial, and speedy resolution of cases without unnecessary delay maintains this confidence, safeguards the rights of litigants to the just processing of their causes, and earns the trust of the public. To secure these ends, the Cleveland Heights Municipal Court adopts the following Local Rules of Court to serve the public interest that mandates prompt disposition of all causes ~~and~~ at all times.¹

RULE 1. SCOPE AND EFFECTIVE DATE

- A. These Local Rules of Court are adopted for the governance of the practice and procedures in the Cleveland Heights Municipal Court until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure and Rule 5 of the Rules of Superintendence for the Courts of Ohio and are intended to supplement the Ohio Rules of Procedure and the Ohio Rules of Superintendence. Whenever any Local Rule is inconsistent with any rule promulgated by the Ohio Supreme Court, the rule promulgated by the Ohio Supreme Court shall govern.
- B. The purpose of these rules is to facilitate the fair, impartial, and speedy resolution of cases that come before the Court.
- C. These rules are effective as of ~~March 19, 2024, [DATE]~~, and shall supersede and replace any local rules previously entered by this Court.

RULE 2. HOURS OF COURT

Offices of the Court shall be open between the hours of 8:30 A.M. and 4:30 P.-M., Monday through Friday. 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, and these times may be modified by special order of the Court.

RULE 3. DECORUM, CONDUCT, ~~ANIMALS~~, 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.~~ B. All persons appearing before the Court shall appear in clean and appropriately covering attire.
- ~~B.C.~~ B.C. Animals, other than a "service animal" under the ADA, are not permitted in the Courthouse without prior permission from the Judge or Magistrate.
- ~~C.D.~~ C.D. Anyone under the age of 18 must be accompanied and supervised by a responsible adult.
- ~~D.E.~~ D.E. No smoking, including electronic cigarettes, eating, drinking, or chewing of tobacco or gum is permitted in the courtroom.
- ~~E.F.~~ E.F. All electronic devices, including but not limited to cellular phones, shall be turned off or silenced in the courtroom, clerks area, and waiting area outside of the courtroom. At no time

¹ The Preamble is taken from the Sup. R. Preface.

may any electronic device be used to make a photograph or recording in any fashion, whether audio, video, or otherwise, without prior permission from the Judge or Magistrate.

F.G. No person shall loiter or behave in an unseemly or disorderly manner in the Courthouse, which includes the entire building occupied by the Court, or otherwise interfere with or obstruct judicial activities or proceedings.

G.H. 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.I. 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 SECURITY

A. All persons entering the courtroom or lobby area must pass through the security gate checkpoint and are subject to screening by a metal detector. Under no circumstances are persons allowed to have weapons or potential weapons in the Courthouse, which includes the entire building occupied by the Court, including but not limited to the waiting area and the courtrooms. An exception to this rule applies only to Court Bailiffs, Cleveland Heights Police Department personnel authorized to carry firearms, or persons approved by the Judge.

B. 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.

C. Persons refusing to follow any rules in this section shall be denied access to the building.

RULE 5. COURT SECURITY PLAN

Pursuant to the Rules of Superintendence, the Court's Security Policy and Procedures Plan shall be on file with [the](#) Clerk of Ohio Supreme Court.

RULE 6. PROHIBITIONS ON EMPLOYEES

A. Employees of the Court may provide general information about court procedures and may furnish necessary or requested forms where appropriate. Employees of the Court are not permitted to give legal advice.

B. Employees of the Court shall not refer or direct any person to an attorney or to a bail bond agent.

C. Employees of the Court shall not 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.

D. 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 7. COURT AND FILING FEES

- A. 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 the amendment of the same from time to time.
- B. 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 the filing of an affidavit of indigency and approval by the Court.

RULE 8. FILE MANAGEMENT

- A. Court files are presumed open to public access. The current docket for all cases and, where available, the electronic files, can be obtained through the Court's website at www.clevelandheightscourt.com.
- B. 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.
- C. Restricting public access to case documents and obtaining access to those documents shall be done in accordance with the Rules of Superintendence for the Courts of Ohio.
- D. Paper files may be examined under the supervision of the Clerk or Deputy Clerk. Upon request, copies of documents will be provided at a cost as may be determined by the Clerk and as permitted by law.
- E. No paper files may be removed from the Clerk's office without the written consent of the Judge or Clerk. Any person seeking to remove a file shall set forth in writing the case name and number, the reason for removal, and the destination where the file is being taken.
- F. Section 1901.41 of the Ohio Revised Code and the record retention schedules in Rules 26 and 26.05 of the Rules of Superintendence shall be followed. Case files that have been finally disposed of for at least five years may be destroyed by order of the Court pursuant to Section 1901.41.

RULE 9. FILING

- A. Directly with Clerk of Court
1. All pleadings, motions, and other documents in either civil or criminal cases may be filed directly with the Clerk of Court during regular court hours. All pleadings, motions, or other documents filed by mail shall be deemed filed when received and time-stamped by the Clerk of Court.
 2. The filing fee must be paid at the time of filing.
- ~~B. Filing by Facsimile Transmission~~
- ~~1. All pleadings, motions, and other documents other than the original complaint, third-party complaint, or any other pleading that joins or adds a new party, may be transmitted to the Court by facsimile transmission. The words "Filed by Fax" must appear on any facsimile filed document.~~
 - ~~2. All documents filed with the Court by facsimile transmission must be done directly through the Cleveland Heights Municipal Court's facsimile machine at (216) 291-2459, or some other telephone number and facsimile machine specifically ordered by the~~

~~Court. Documents indirectly transmitted through some other facsimile machine and indirectly presented to the Clerk of Court may not be accepted in lieu of the original unless specifically ordered by the Court.~~

- ~~3. The person filing a document by fax shall provide therewith a cover page containing the following information:
 - a) The title of the case;
 - b) The case number;
 - c) The title of the document being filed;
 - d) The date of transmission;
 - e) The name, address, telephone number, and, where available, fax number and e-mail address of the person filing the document, and
 - f) For an attorney, his or her Ohio Supreme Court registration number and firm name, if any.
 - g) An indication of the number of pages included in the transmission, including the cover page.
 - h) If applicable, a statement explaining how costs are being submitted.~~
- ~~4. In the event a document is faxed without or with an incomplete cover page, the Clerk may file the document or reject said document. The Clerk is not required to send any notice of a failed or defective fax filing. However, if practicable, the Clerk may inform the sending party of a failed fax filing.~~
- ~~5. A document filed with the Court by facsimile transmission shall be deemed received for filing when received and time stamped by the Clerk and will have the same force and effect as the original of the document being transmitted. All documents that are submitted to the Court must be received by the Clerk during the regular court hours as set out in these rules. Any document received outside of those regular hours shall be deemed received for filing the next business day. For the purpose of this local rule, the time shall be determined by the notation on the Court's facsimile machine unless otherwise ordered by the Court.~~
- ~~6. The filing fee is required to be paid within five (5) days of the receipt of the document filed electronically or by facsimile transmission. Failure to timely pay the filing fees may result in the Clerk striking the document from the record.~~

C.B. Filing by Electronic Transmission

1. The Court provides electronic filing service to all court users for all documents in any category of cases unless otherwise restricted by the Judge. The electronically filed document will be part of the official court record. Paper records, if maintained, will be considered a copy of the official court record.
2. The following definitions shall apply herein unless the context requires otherwise:
 - a) "Electronic filing" means the transmission of a digitized source document electronically via the Internet to the Clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.
 - b) "Electronic mail" means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the Court by electronic mail is not considered a legal communication of

any form and will not be received or ruled upon by a judge or entered into the court record.

- c) "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper or photographic exhibit, order, notice, and any other filing by or to the Court, except trial exhibits that have not yet been admitted into evidence by the Court.
3. All electronically filed pleadings must be signed by an attorney admitted to practice in ~~the State of~~ Ohio or a party not represented by such an attorney.
 - a) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the document struck.
 - b) No attorney shall authorize anyone to electronically file on that attorney's behalf, other than ~~his/her~~their employee or a service provider retained to assist in electronic filing.
 - c) The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.
 - d) No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.
 4. The electronic filing service shall be available twenty-four hours per day, seven days a week. All electronic filing of documents must be completed during the regular court hours as set out in these rules. Any document received outside of those regular hours shall be deemed received for filing the next business day.
 5. A document electronically filed shall be accepted as the original filing if the filer complies with all of the requirements set forth in this rule. The filer shall not be required to file the source document with the Clerk but must maintain the same in the filer's records and have the same available for production on request of the Court, the Clerk, or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.
 6. Upon the filing of a properly executed and signed User Agreement Form and Credit Card Authorization Form with the Clerk, the Clerk shall establish an electronic filer user account and assign a filer identification number and initial password to be used for electronically filed documents.
 7. The filer electronically filing a document shall also complete an online Document Description Form containing the following information:
 - ~~i)~~a) The title of the case;
 - ~~j)~~b) The case number;
 - ~~k)~~c) The title of the document being filed;
 - ~~l)~~d) The date of transmission;
 - ~~m)~~e) The name, address, telephone number, and where available, fax number and e-mail address of the person filing the document, and
 - ~~n)~~f) For an attorney, ~~his or her~~their Ohio Supreme Court registration number and firm name, if any.

8. In the event a document is electronically filed without or with an incomplete Document Description Form, the Clerk shall reject said document, and the Clerk shall notify the filer via electronic mail of said rejection.
9. A transaction number will be assigned to each document when it is received in its entirety by the receiving device of the Clerk. The transaction number and the date and time of filing will be displayed on the screen of the filer's computer, with an image of the document filed, upon successful transmission of the document. Filers will be notified via electronic mail if the filing is rejected for any reason. A corrective filing may be sent at a later time if the filer elects to do so, but such a filing will be considered a new filing and will not relate back to the date and time of the original attempt to file the document. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back as to date and time, the filer must file a motion with the Court seeking such relief.
10. The Clerk shall retain rejected documents for a period of one (1) year from the date of transmission.
11. Any attorney, party, or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the Clerk as a result.
12. Normal filing fees, deposits, and copy costs will be collected via filer credit card or deposit at the time the filing is processed by the Clerk. Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the filer has complied with the mechanism established by the Court for the payment of filing fees.
13. Documents submitted must be in a digitized format specified by an administrative order of the Judge.
14. Documents filed with the Court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49 unless an attorney or a party not represented by an attorney has filed an electronic mail address with the Court. Where an electronic mail address has been filed with the Court by affixing the same to any document or by the filing of a separate notice of electronic mail address, service on the attorney or party by electronic mail shall constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civil Rule 6(D). Documents served electronically shall contain proof of service setting forth the electronic mail address at which the attorney or party was served.

D.C. The use and filing of a traffic or criminal citation or ticket, including but not limited to Ohio Uniform Traffic Tickets (OUTT), is hereby authorized by the Court. The electronically produced citation or ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket or criminal citation, as applicable. If an electronically produced citation or ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

RULE 10. PERSONAL IDENTIFIERS TO BE OMITTED

A. When submitting a case document to the Court or filing a case document with the Clerk of Court, a party to a judicial action or proceeding shall omit personal identifiers, including

social security numbers, except for the last four digits, employer and employee identification numbers, and financial account numbers, from the document.

B. When personal identifiers are omitted pursuant to this rule, the party shall submit or file that information on a separate form. Redacted or omitted personal identifiers shall be provided to the Court or Clerk upon request or a party to the judicial action or proceeding upon motion.

C. The responsibility for omitting personal identifiers from a case document submitted to the Court or filed with the Clerk shall rest solely with the party. The Court or Clerk is not required to review the case document to confirm that the party has omitted personal identifiers and shall not refuse to accept or file the document on that basis.

RULE 11. CIVIL CASE MANAGEMENT

A. The purpose of this rule is to establish a system for civil case management that will provide for the 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. In all civil cases, except small claims actions, a party or ~~his~~their 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 the summons and shall be completed and filed with the answer.

B. Case Management Conference

All contested matters, except forcible entry and detainer and small claims, shall be set for a case management conference. At that case management conference, a binding case management schedule ~~may be set as well as~~and a final pretrial date and/or trial date may be set. In appropriate circumstances, an expert discovery schedule will be set, and/or the case will be referred to alternative dispute resolution. The Court shall determine whether the case management conference is in-person, virtual, or by telephone. Where a party wishes to participate in the case management conference ~~via telephone~~by some means other than as set by the Court, they shall file a written motion, served on the opposing party or counsel as applicable, at least seven (7) days prior to the hearing. ~~Granting of the motion to participate via telephone shall be freely given where consent of the opposing party or counsel has been obtained.~~

C. Pretrial

Parties will be encouraged at the pretrial to review the possibility of settlement, to simplify and narrow the issues for trial, to reach stipulations of fact not in controversy, to shorten the time and expense of trial, and to consider such other matters as may aid in the disposition of the case.

D. Attendance

Counsel and all parties must appear at Case Management Conference and Pretrial Hearings at the date and time designated in the notice. For purposes of this rule, the party shall be either the named person or an authorized representative of the party with full authority to settle the case on behalf of the party.

E. Sanctions

~~Sanctions may be imposed by the Court~~The Court may impose sanctions for failure to comply with any provision of this rule or any pretrial order. Failure of a claimant to attend a hearing may result in the dismissal of an action or claim. Failure of a defendant to attend a hearing may result in an immediate trial on the action.

RULE 12. TRAFFIC AND CRIMINAL CASE MANAGEMENT

A. Purpose

The purpose of this rule is to establish a system for criminal case management ~~which that~~ 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. Pretrial

After arraignment, the Court may require the prosecutor and defendant (or ~~his~~their counsel) to hold a pretrial conference. If such a conference occurs, it shall be in accordance with Crim.R.

17.1. 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.

C. Trial

Each case shall be set for trial to the Court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. The procedures for deposits for costs, jury demands, and jury withdrawals shall be in accordance with the laws and rules of the State of Ohio. Parties shall check in one-half hour before the trial begins. Trials will be conducted in the order determined by the Court.

D. 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 at 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 13. 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, if known. 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.

B. Every pleading, motion, brief, or other paper filed in a case shall be identified by title, and shall bear the signature, name, address, and, where available, telephone number and e-mail address of the individual filing same. Any change in contact information shall be made by separate filing, specifically designated as such.

C. Interrogatories, notices of deposition, requests for admissions, and other discovery requests shall not be filed with the Court unless otherwise ordered.

D. Except as otherwise provided in the Ohio Criminal and Civil Rules, all filings must be served upon the opposing counsel, or if a party is not represented, then upon the opposing party. Proof of service must be endorsed on the filing or separately filed.

E. Failure to comply with the requirements as set out above may be grounds for striking the non-complying document from the Court's files.

RULE 14. HEARING AND SUBMISSION OF MOTIONS

A. Motions, in general, shall be submitted and determined upon the motion papers. Oral arguments of motions may be permitted on application and proper showing.

B. The moving party shall serve and file with the motion a brief written statement of reasons in support of the motion and a list of citations of the authorities. If the motion requires consideration of facts not appearing of record, the movant shall serve and file copies of all affidavits, depositions, photographs, or documentary evidence ~~which~~that the movant desires to submit in support of the motion.

C. Each party opposing the motion may file a brief written statement of reasons in opposition to the motion and a list of citations of the authorities which are relied upon. If the motion requires the consideration of facts not appearing of record, the respondent shall also serve and file copies of all affidavits, depositions, photographs, or documentary evidence ~~which~~that the respondent desires to submit in opposition to the motion.

D. A reply brief shall not refer to or include any additional evidentiary materials without the agreement of the parties or leave of Court.

E. The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delays the course of an action through the Courts, may subject an offender to appropriate discipline, including the imposition of costs.

F. Unless otherwise ordered by the Court, deadlines for serving written motions, responses, and replies shall be in accordance with Civ.R. 6.

RULE 15. SERVICE

A. Except as provided herein, service of process for all civil complaints shall be made by certified or express mail return receipt requested in accordance with the Ohio Rules of Civil Procedure. All other forms of service must be requested in writing and accompanied by the requisite fees (see Appendix A). If service of process by certified or express mail is returned with an endorsement of "Refused" or "Unclaimed," the Clerk shall send it by ordinary mail.

B. Service of process in actions for forcible entry and detainer shall be made by ordinary mail and bailiff service pursuant to the Ohio Rules of Civil Procedure Section 1923.06 of the Ohio Revised Code.

C. It is the filing party's obligation to check if service has been perfected. Successful service may be determined by accessing the Court's online docket.

D. If service of summons is not obtained within six (6) months from the date of filing, the Court or Clerk shall notify the party/counsel that the case shall be dismissed in fourteen (14) days unless good cause is shown to the contrary.

RULE 16. CONTINUANCES

- A. All motions for continuances must be in writing, accompanied by the appropriate fee, and shall include a brief in support setting forth the reasons for requesting the continuance.
- B. In the event that a motion for a continuance is filed within one (1) week of the trial or hearing, the motion must include a certification that the movant has, in good faith, conferred or attempted to confer with all opposing counsel, or opposing parties if there is no counsel.
- C. A motion for continuance that has not been ruled on by the date of the hearing shall be considered to be denied.
- D. Motions for continuance will be granted ~~in~~ at the discretion of the Court for good cause shown.

RULE 17. APPEARANCE AND WITHDRAWAL OF COUNSEL

- A. All entries of appearance of counsel in an action shall be in writing or by electronic means.
- B. Upon the entry of an appearance of counsel, all documents filed with the Court and all Court orders shall be served upon the designated counsel.
- C. Once an appearance is made, counsel may only withdraw from a case by written leave of court for good cause shown. A copy of the written Motion to Withdraw shall be served upon the client, and counsel shall comply with Prof. Cond. Rule 1.16.
- D. No person ~~who is~~ not admitted to the practice of law before the Ohio Supreme Court may appear on behalf of another individual or entity in court, except as provided by R.C. 1925 or ~~the Rules of~~ the Supreme Court Rules for the Government of the Bar of Ohio. An executed power of attorney does not confer upon a person who is not an attorney the right or ability to represent ~~some other~~ another person in court. Nothing in this rule shall prohibit an employee or agent of a party from ~~appearance appearing~~ in a civil action to provide testimony on behalf of ~~his or her~~ their employer regarding information within that employee's or agent's personal knowledge, regardless of the presence or absence of the party.
- E. 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 18. LEAVES TO MOVE OR PLEAD

- A. Except in actions for forcible entry and detainer, when a party ~~in any case~~ is not prepared to move or plead on the answer day, one (1) extension of time may be obtained upon application to the Court for a period not exceeding thirty (30) days. Notice by the moving party shall be served on the opposing party or counsel, as applicable, and whenever possible, obtain the consent of the opposing party or counsel.
- B. Any request for extension of time thereafter may be had only with the approval of the Court, with notice to the opposing party or counsel, and for good cause shown. Consent of the opposing party or counsel shall not, in and of itself, constitute good cause.

C. Applications for extensions of time, regardless of consent of opposing counsel, must be filed at least one day prior to the due date.

RULE 19. JURY DEMAND

A. Any party desiring a jury trial in a criminal or traffic case must file a written demand in accordance with the Ohio Rules of Criminal Procedure. Withdrawal of a jury demand shall be made in writing and shall be timely filed with the Court.

B. Any party desiring a jury trial in a civil case other than a forcible entry and detainer action 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.

C. A written demand for a jury trial on a forcible entry and detainer action must be filed with the Court not less than seven (7) days prior to the date set for hearing on the action, ~~and~~ ~~A~~ a defendant requesting ~~the a~~ jury trial shall be required to post a sufficient bond in accordance with the provisions of R.C. 1923.08.

D. In criminal cases, no deposit shall be required for a trial by jury.

E. A civil jury deposit, as stated in Appendix A, must be deposited by the demanding party ~~at least fourteen (14) days prior to the commencement of the jury trial~~ ~~as ordered~~. The failure to timely make the deposit as required by court order ~~or rules of court~~ shall be deemed a waiver of the right to a trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement.

F. In the event a panel of jurors appears for service and the trial is settled, continued, or postponed, a party shall be assessed the costs of notifying and impaneling the jury unless such continuance or postponement is a result of extreme emergency, or conditions beyond the control of the party or counsel, as the same may be determined by the Court. Additional jury costs may be assessed by the Court. Any deposit for a cost ~~which that~~ has not been used will be returned to the depositor.

RULE 20. 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. ~~P~~The plaintiff's failure to timely file a motion for default judgment or other dispositive motion within forty-five (45) days from the default shall constitute cause for dismissal of the complaint for want of prosecution.

B. Motions for default judgment shall be in writing and clearly state the date the complaint was filed, the manner in which service was perfected, proof of service, and the answer date.

C. Each motion for default shall include an affidavit stating: (1) whether or not the defendant is in military service with supporting facts; or (2) that the plaintiff is unable to determine if the defendant is in military service.

D. Where an affidavit is attached to the motion for default judgment that sufficiently establishes the amount of damages and the truth of all averments, including, where applicable, proof of contract or use and proof of ownership of the debt, the Court may rule upon the motion without hearing. In all other cases, a hearing for proof of damages shall be set.

E. A judgment by default shall not ~~be different~~ differ in kind from or exceed ~~in the~~ amount that ~~is~~ prayed for in the demand for judgment. If a party requests a default judgment ~~which~~

that is different in kind or exceeds in amount that which is prayed for in the demand for judgment, such party must file an amended complaint/counterclaim which shall then be served in the manner provided for service of summons in Civil Rule 4 through Civil Rule 4.6.

RULE 21. TRIAL BRIEF AND JURY INSTRUCTIONS

A. Where a trial brief is required by order of the Court, it shall be filed at least seven (7) days before trial unless otherwise ordered by the Court.

B. The briefs shall state (1) the issues involved in the case; (2) authorities upon which counsel intends to rely at trial; (3) a list of witnesses the party intends to call; (4) a list of all exhibits the party intends to introduce at trial (plaintiff to use numbers and defendant to use letters); and (5) a copy of any expert witness reports intended to be used at trial.

C. In all jury cases, parties desiring specific jury instructions shall, at least seven (7) days prior to trial, file proposed jury instructions with the Court, and serve the same upon the opposing party.

RULE 22. NOTIFICATION OF SETTLEMENT

A. In cases of settlement, the Court will accept notice of the same by telephone from the person pursuing each claim. Unless otherwise ordered, the plaintiff must submit an entry within fourteen (14) days of such telephone notification.

B. It shall be the responsibility of the plaintiff to notify the opposing party of the cancellation of any scheduled hearing due to voluntary dismissal unless otherwise ordered by the Court.

C. If no entry is received within the time allowed, the Court will issue an entry of dismissal at the cost of the plaintiff or other party notifying the Court of the dismissal.

D. If the Court is to retain jurisdiction for the purpose of enforcing a settlement, the judgment entry of dismissal shall explicitly state as such, and a copy of any accompanying settlement agreement shall be provided to the Court. If it is the intention of the parties that the underlying settlement is to remain confidential, the settlement document provided to the Court shall state as such in a conspicuous manner, and in such instances, the settlement document may be filed under seal.

RULE 23. SATISFACTION OF JUDGMENT

A. No person other than the Clerk or a deputy clerk may enter satisfaction of judgment upon the records of the Court.

B. No satisfaction of judgment shall be entered until all court costs have been paid.

RULE 24. APPEARANCE OF DEFENDANT

A. Persons charged with traffic and/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. In accordance with Crim.R. 10 (B) and with approval by the Cleveland Heights Law Department, in lieu of the initial appearance, except as otherwise provided herein, a party may enter a written not guilty plea provided the writing waives the time for speedy trial. In granting

this approval, the Law Department reserves the right to require the actual presence of the defendant in court upon reasonable notice to the Court and the defendant

C. Unless approved by the Court, all persons, regardless of residence and regardless of whether an attorney has entered an appearance must appear in court for arraignment if cited for the following offenses: (1) felony offenses; (2) domestic violence; (3) probation violation; (4) any offense where the law permits an alleged victim to request a protection order; and (5) Any other offense where the law requires the Court to consider information in setting a bond.

RULE 25. EVIDENCE OF CERTIFICATE OF OCCUPANCY

~~Without prior leave from the Court, no writ of execution may be requested on a forcible entry and detainer judgment concerning a residential premises without a valid, current copy of the Certificate of Occupancy having been filed. When filing a forcible entry and detainer complaint, the plaintiff must attach a valid, current Certificate of Occupancy for the premises that is the subject of a forcible entry and detainer action. Failure to include said documentation may result in the dismissal of the complaint without prejudice.~~

RULE 26. COURT-APPOINTED COUNSEL

A. Pursuant to Sup.R. 8(B), appointed counsel are selected as follows:

1. Appointments will be made on a rotating basis, with consideration ~~being~~ given to the seriousness and complexity of the case and the qualifications and experience of the lawyer to be appointed.
2. Appointments will be reviewed on an annual basis to ensure equal distribution of same.
3. Attorneys wishing to be added or removed from the appointment list shall submit their request to the Chief Bailiff and thereafter shall be reviewed and, in the sole discretion, accepted by the Judge, taking into account the Court's current needs, counsel's credentials, and counsel's current standing with the Ohio Supreme Court.

B. Attorneys appointed to represent indigent defendants will be paid by the City of Cleveland Heights if the defendant is charged under a municipal ordinance. If the defendant is charged under state code, the attorney will be paid through the Ohio Public Defender's office.

RULE 27. VIDEO HEARINGS

A. The Court, upon motion by a party or on its own initiative, may permit one or more parties to appear for hearings via video conferencing.

1. The motion of a party to appear via video conferencing must be made in writing. Approval for appearance via video conferencing may be conditioned upon prior verification of sufficient hardware and software and the posting of bond or other terms as determined by the Court. Appearance via video conferencing may also result in an assessment of additional costs.
2. Motions requesting leave to appear via video conference must be filed no later than fourteen (14) days prior to the scheduled hearing.

B. At the Court's discretion, hearings on criminal and traffic matters may be held by means of closed-circuit video transmission to the Court from the correctional facility where the defendant is being held.

1. Video hearings will be scheduled at times mutually convenient to the Court and correctional facility involved.
2. ~~In the event~~if the defendant personally or through counsel in writing objects to the matter being held by video transmission, the proceedings shall take place in person in the courtroom.
3. All hearings shall be recorded in accordance with Local Rule 28.

RULE 28. 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 a recording by stenographic means, such party must arrange for the presence and payment of a court reporter and 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 recordings of proceedings.
- C. The Court will retain all recordings for a period as mandated by law. At the expiration of such period, recordings may be destroyed or deleted at the discretion of the Court, except in the instance of an appeal in which event the recordings will be retained during the pendency of the appeal.
- D. A party may have a full or partial transcript prepared from the Court recordings by arranging for the presence and payment of a court reporter to prepare the same or purchasing a copy of the recording from the Clerk on a compact disk, USB drive, or other available storage device.
- E. Unless otherwise ordered, the Court makes all court reporter appointments by motion of a party. A party requesting a transcript shall identify and move to appoint a particular transcriber. Provided the transcriber has the necessary qualifications and training to produce a reliable transcript that conforms to the requirements of App.R. 9(B)(6), the Court will thereafter approve and appoint the transcriber. Upon appointment, the transcriber shall contact the Court's Bailiff to arrange for transcription. Unless otherwise ordered, all costs of obtaining the transcript are the responsibility of the requesting party.
- F. Unless otherwise ordered, the copy recorded electronically by the Court shall be the official Court record.

RULE 29. MEDIA

- A. The Court recognizes the public interest in the operation of a court that is open and accessible to everyone. Recording and broadcasting of proceedings shall be in accordance with Ohio Superintendence Rule 12.
- B. Notwithstanding Ohio Superintendence Rule 12, there shall be no recording or transmitting images of the jurors' faces and no recording or transmitting images in or of the jury deliberation room.
- C. Requests for permission to broadcast, record, photograph or televise in the courtroom shall be in writing as far in advance as reasonably practical, but in no event later than one (1) hour prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the Judge.

D. Upon failure to comply with the orders of the Judge or this rule, the Judge may revoke any permission previously granted.

RULE 30. REQUEST FOR INTERPRETER

In a criminal or civil case, the party requesting a court-appointed interpreter or translator shall make a written request to the Court at least three (3) days before the date of the trial or hearing. The request shall state the specific language required and any dialect, if applicable. The Court may waive the written request requirement. Upon receiving the request, the Court will determine if an interpreter or translator is necessary. The expenses for the interpreter or translator ~~in a civil case shall be taxed as part of the costs allowed to the prevailing party, unless otherwise directed by the Court. In a criminal case, the interpreter or translator expenses~~ shall be paid out of the Court's general fund.

RULE 31. JURY MANAGEMENT PLAN

For purposes of ensuring the efficient and effective use and management of jury resources, as is reasonably practical, the Ohio Trial Court Jury Use and Management Standards found in Appendix B to the Ohio Rules of Superintendence are adopted and incorporated herein by reference.

A. Jury Commissioner

The Court shall designate a jury commissioner for the purpose of random selection of potential jurors and selecting jury panels to serve in that position on a regular or temporary basis.

B. Procedure for Jury Selection

1. Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters residing in the City of Cleveland Heights, Cuyahoga County, including random selection procedures using automated data processing equipment in accordance with these Local Rules and the provisions of R.C. 2313.06.
2. The jury commissioner shall convene and obtain at least one thousand (1,000) names, drawn at random by the Cuyahoga County Board of Elections, for potential jury trials. In the event the number of prospective jurors drawn is insufficient to meet the needs of the Court, the jury commissioners shall reconvene as necessary to select additional names. The jury list provided by the Board of Elections must be updated at least once within a two (2) year period. Each time a new list of prospective jurors ~~are~~is obtained from the Board of Elections, and the names are entered into the jury list, the remaining names from the prior list shall be purged.
3. The Court may annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible. If the court determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.
4. Random selection processes shall also be utilized to assign prospective jurors to specific panels ~~also~~ for assignment during voir dire. Departures from random selection shall be permitted: (1) to exclude persons ineligible for service; (2) to excuse or defer prospective jurors (3) to remove prospective jurors for cause or if challenged peremptorily; (4) to provide all prospective jurors with an opportunity to be called for

jury service and to be assigned to a panel; and (5) to assure that a prospective jury panel is representative, diverse, and fair.

C. Summoning Prospective Jurors

1. All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned. Further, all prospective jurors shall be required to complete a jury questionnaire and, if appropriate, a request for an excuse, exemption, or ~~a~~ deferral. The summons shall be phrased to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. The summons shall also clearly explain how and when the recipient must respond and the consequences of ~~his-their~~ failure to respond. The jury commissioner shall remove from the jury list any summons returned for lack of receipt or other reasons indicating that the prospective juror would not be eligible to serve as a juror in the Cleveland Heights Municipal Court.
2. Prospective jurors shall be summoned for trial dates determined by the Court. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of thirty (30) to thirty-five (35) persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.
3. The Court and counsel and/or parties are required to make efforts to resolve a case scheduled for jury trial prior to the day of trial. The court shall conduct a final pretrial conference unless otherwise ordered by the Court.
4. In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury unless otherwise agreed to by the parties or ordered by the court.
5. Persons summoned for jury service shall receive compensation in an amount determined by court order or fee schedule. These fees shall be promptly paid from the city or county treasury, as appropriate. Any juror wishing to waive ~~his-their~~ fee for service shall be permitted to do so in writing in the Clerk's office. All waived fees shall be returned to the city or county treasury, as appropriate. The term of service for any prospective panel shall be for the completion of one trial.

D. Exemption, Excuse, and Deferral

1. All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. Unless in the case of exigent circumstances or for good cause showing, all requests for excuse, exemption, or deferral must be made in writing and shall be accompanied by appropriate documentation. These documents shall be retained by the Court.
2. Any person shall not be excused from jury service, except by the Judge, Jury Commissioner, or other specifically authorized by the Judge to excuse jurors. Any person who does not complete the jury information form shall not be excused from

service. Once a prospective juror has submitted his-their request for an excuse, the prospective juror must report for service unless otherwise notified by the Court.

RULE 32. USE OF ARTIFICIAL INTELLIGENCE (AI)²

A. Definitions

1. AI-Generated Content: Material, including text, data, analysis, or any form of output, produced wholly or substantially by artificial intelligence systems or tools without direct human authorship.

Examples include AI-generated case summaries, legal arguments, or factual narratives.

2. AI-Assisted Tools: Software, platforms, or systems that utilize artificial intelligence to assist in tasks such as drafting, analyzing, predicting outcomes, legal research, or document review. Examples include natural language processing tools, legal research AI platforms, and automated drafting tools.

B. Any attorney or pro se litigant who uses AI-assisted tools to prepare court filings, pleadings, or other documents submitted to the Court must disclose such use in a separate statement at the beginning or end of the document. This disclosure must include the name of the AI tool used and a brief description of its application.

C. Attorneys and pro se litigants are responsible for reviewing and verifying the accuracy and reliability of any AI-generated content submitted to the Court. By submitting such content, they certify that it has been reviewed for factual accuracy, legal soundness, and compliance with applicable rules of procedure and ethics.

D. AI tools must not be used to generate false or misleading information. Submitting AI-generated material that misrepresents facts, case law, or the legal process may result in sanctions or disciplinary action.

E. Attorneys and pro se litigants must ensure that any AI-assisted tools comply with confidentiality requirements and privacy rules, particularly concerning sensitive or privileged information. Information input into AI-assisted tools should be managed in accordance with professional and ethical obligations.

F. The Court reserves the right to inquire into the use of AI-assisted tools in any submission and to demand clarification or supporting documentation as to the source and accuracy of AI-generated content.

G. Failure to comply with this rule may result in sanctions, including but not limited to fines, rejection of filings, or other penalties as deemed appropriate by the Court.

² This Rule contains content generated by ChatGPT by Open AI. Specifically, the Preamble of these Rules was shared with ChatGPT, which was then prompted to write a local rule for attorneys and pro se litigants who use AI. Thereafter, a human reviewed and modified the content.