

**IN THE MUNICIPAL COURT OF JACKSON COUNTY, OHIO**

**IN THE MATTER OF:**

**LOCAL RULES  
OF PROCEDURE**

**GENERAL ORDER**

In accordance with Rule 5 of the Ohio Rules for Superintendence for the Courts of Ohio, the Local Rules of Procedure attached to this General Order are hereby ADOPTED for use in the Jackson County Municipal Court, Jackson County, Ohio. These Local Rules shall take effect as of January 1, 2007.

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**Lorene G. Johnston, Judge**

Distribution:  
Local Practitioners of the Bar  
Clerk of the Municipal Court

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## **RULE 1 COURT SCHEDULE**

(A) The Jackson County Municipal Court shall maintain daily hours from 8:00 A.M. to 4:00 P.M. Monday thru Friday except for the following **legal holidays**:

New Years' Day	Martin Luther King, Jr.'s Birthday
President's Day	Good Friday
Memorial Day	Fourth of July
Labor Day	Columbus Day
Veterans' Day	Thanksgiving Day
Day After Thanksgiving	Noon on December 24th
Christmas Day	December 26th

### **(B) Arraignments:**

(1) Arraignments shall be held in Jackson at 8:30 A.M.. Tuesdays and Thursdays, when the Court is open for operation.

(2) Arraignments in Wellston shall be held at 1:00 P.M.. Wednesdays, when the Court is open for operation.

(3) All persons incarcerated in the Jackson County Jail shall be brought to arraignment on the Monday and Thursday following their arrest, providing that they are physically able to attend and mentally able to understand the proceedings. In the event a defendant does not meet these requirements, the Court shall be notified of that fact and the Court will make special arrangements for the arraignment of the defendant. Arraignments at any other time will be done only with the prior approval of the Court.

### **(C) Criminal Pre-trial, Bench Trials, and Motion Hearings**

(1) Criminal Pre-trials, bench trials and motion hearing shall be held in Jackson at 10:00 A.M. to 4:00 P.M. on Mondays and Tuesdays, when the Court is open for operation.

(2) Criminal Pre-Trials, Bench Trials and Motion Hearings shall be held in Wellston at 1:00 P.M. to 4:00 P.M. on Wednesdays, when the Court is open for operation..

### **(D) Civil Matters**

(1) Formal civil pre-trials, small claims, regular civil matters, and evictions shall be held in Jackson on Monday's mornings and after 10:00 A.M. on Thursdays, when the Court is open for operation.

(2) On the first Wednesday of each month, small claims, civil matters, and evictions shall be heard in Wellston in the mornings beginning at 8:30 A.M., when the Court is open for operation..

(E) **Jury Trials** shall be held on Fridays as needed.

HISTORY: Amended, eff 8-1-05

**RULE 2 FILING OF UNIFORM TRAFFIC TICKETS AND UNIFORM. MINOR MISDEMEANOR CITATIONS**

Uniform Traffic Tickets and Uniform Minor Misdemeanor citations shall be filed with the Court at the end of each officer's tour of duty or deposited with the Dispatcher at the Jackson County Sheriff's Office if the Court is not open. However, all tickets and citations for arraignment on Tuesdays shall be filed with the Court no later than Noon on the Monday before the scheduled arraignment. All tickets and citations for arraignment on Thursdays shall be filed with the Court not later than 9:00A.M. on the Wednesday before the scheduled arraignment. Wellston tickets and citations to be arraigned in Wellston on Wednesdays at 1:00 P.M. shall be filed with the Court in Wellston not later than Noon on that Wednesday.

HISTORY: Enacted 1-1-01

**RULE 3 FILING COPY OF TRAFFIC RECORD WITH UNIFORM TRAFFIC TICKETS**

(A) Every law enforcement officer filing a uniform traffic ticket for an offense which requires a personal court appearance by the defendant shall file with the uniform traffic ticket a copy of the defendant's driving record as maintained by the Bureau of Motor Vehicles.

(B) No uniform traffic ticket requiring personal court appearance by the defendant will be accepted for filing without a copy of the defendant's driving record.

HISTORY: Enacted 1-1-01

**RULE 4 FILING RETURNS OF SERVICE OF SUMMONS / WARRANTS /  
SUBPOENAS**

(A) Return of Service

(1) All service returns shall be promptly filed after service with the Clerk of this Court but in no event later than 8:30 A.M. on the day the service requires the appearance of the defendant or witness to appear before the Court.

(2) In those cases where service returns are not filed before the fine and costs are assessed to the defendant, the service costs will not be collected by the Court.

(B) Service of Warrants

(1) Summons may be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's usual place of residence with some person of suitable age and discretion then residing therein, or, except when the summons is issued in lieu of executing a warrant by arrest, by mailing it to the defendant's last known address by certified mail with a return receipt requested. When service of summons is made by certified mail it shall be served by the clerk in the manner prescribed by Civil Rule 4.1(1). A summons to a corporation shall be served in the manner provided for service upon corporations in Civil Rules 4 through 4.2 and 4.6(A) and (B), except that the waiver provisions of Civil Rule 4(D) shall not apply.

(2) Return. The officer executing a warrant shall make return of the warrant to the issuing court before whom the defendant is brought pursuant to Crim. R. 5. At the request of the prosecuting attorney, any unexecuted warrant shall be returned to the issuing court and cancelled by a judge of that court.

When the copy of the summons has been served, the person serving summons shall endorse that fact on the summons and return it to the clerk, who shall make the appropriate entry on the appearance docket.

When the person serving summons is unable to serve a copy of the summons within twenty-eight days of the date of issuance, the person serving summons shall endorse that fact and the reasons for the failure of service on the summons and return the summons and copies to the clerk, who shall make the appropriate entry on the appearance docket.

At the request of the prosecuting attorney, made while the complaint is pending, a warrant returned unexecuted and not canceled, or a summons returned unserved, or a copy of either, may be delivered by the court to an authorized officer for execution or service.

HISTORY: Amended, eff 8-1-05

**RULE 5 TIME FOR FILING PRAECIPE FOR SUBPOENAS**

All praecipe for subpoenas shall be filed with the Clerk of the Municipal Court with sufficient time to allow the Sheriff, Police, or Bailiff adequate time for serving the subpoenas. If the praecipe is filed within four (4) working days prior to trial or hearing, the Court will not consider the absence of a witness due to non-service of subpoenas as sufficient grounds for a continuance unless the party requesting the continuance shows extraordinary circumstances to excuse the timely filing of the praecipe.

HISTORY: Enacted 1-1-01

## **RULE 6 MODIFICATION OF DRIVER'S LICENSE SUSPENSION**

In making application for modification of the court order suspending driving privileges, a written application shall be submitted containing the following:

1. The reason for the application;
2. The distance from home to the place of employment and how long it takes to travel said distance;
3. Proof of work schedule with days and beginning and ending time of work. Schedule shall be on company letterhead and signed by the supervisor;
4. If the request is for driving privilege during hours of employment, a statement of whether employment will be terminated if request is not granted, and
5. The type of vehicle to be operated and proof of ownership of the vehicle. Proof of ownership shall be in form of title or registration.
6. Proof of insurance or SR 22 bond with e date insurance or bond is paid through. Proof shall be on the insurance company's letterhead and signed by the agent. Insurance cards and policies are not acceptable.
7. Educational / vocational/ limited driving privilege shall include class schedule and proof of enrollment signed by the university / college official.
8. Medical limited driving privilege shall have a signed statement by the doctor or his/her agent on official stationary with telephone number for verification.

Mandatory suspensions required by the Ohio Revised Code, shall not be modified excepted as permitted by law.

HISTORY: Amended, eff 8-1-05

## **RULE 7 CRIMINAL AND TRAFFIC DIVISION PRE-TRIAL PROCEDURE**

(A) A pre-trial conference will be ordered when the following requirements are met:

- (1) The offense charged has a possible jail penalty, and
- (2) There is a defense attorney of record.

(B) The pre-trial conference is expected to be a meaningful and mutual exchange of information between counsel which will test the strengths and weaknesses of their respective cases.

(C) The pre-trial conference is to be held as ordered by the court and results of the pre-trial conference is to be reported on forms furnished by the Court. See Form 1. It shall be the duty of defense counsel to file, or cause to be filed, the completed pre-trial report. In the event that a complete report is not filed within twenty-four (24) hours of the time for such report, the Court will grant no continuances of any further court dates that have already been established by the court, except upon motion and hearing with a showing of extraordinary circumstances to justify the continuance.

(D) If a case is terminated in a manner other than by a trial, the following shall apply:

(1) The Court, opposing counsel and all witnesses shall be notified at the earliest possible time of the intention of a party to terminate a case other than by a trial.

(2) Where insufficient notice is given by a party that a case will be terminated without a trial, that party shall be responsible for the reasonable expenses of all participants and witnesses who are present at the stated time for trial who would not otherwise have appeared. Said participants and witnesses need not have been summoned and reasonable expenses may include, but is not limited to, travel expense, lost income, babysitters, etc.

(E) In those cases where the complaining witness fails to appear at the pre-trial conference, after timely and proper notice, a contempt citation may be issued for the absent party to show cause why he should not be punished for his/her contempt.

HISTORY: Enacted 1-1-01

## **RULE 8 CRIMINAL FINAL PRE TRIAL**

(A) The Court may schedule a Final Pre-trial Conference for a date shortly after discovery should be completed and/or before the jury is summoned for trial.

(B) Attendance is mandatory at such conference for all attorneys of record, the complaining witness, and the defendant. Failure to appear may result in a bench warrant being issued for the defendant and a contempt citation to the complaining witness.

(C) Final Pre Trial in Bench Trials.

(1) Legal counsel shall be prepared to discuss a final offer of settlement, discovery problems, witnesses to be called, exhibits to be used, and any remaining unresolved matters. Any plea offer must be accepted by noon on Friday of the week of the final pretrial. After noon on Friday of the week of the final pretrial, no resolution short of pleading to **all** original charges will be permitted.

(2) Form 2 shall be completed.

(D) Final Pre Trial in Jury Trials.

(1) At least one (1) business day prior to the final pre trial conference, attorneys shall file with the court a final pre trial statements.

(a) Statement shall include:

1. Each and every issue which is in dispute in this matter.
2. A list of all witnesses and his/her address. Any witness not listed may not be allowed to testify at trial except for good cause shown.
3. A list of all exhibits which each party intends to use at trial. Said exhibits shall be exchanged at said pre-trial.
4. Any and all proposed stipulations that may be made concerning factual issues

(b) All proposed jury instructions for the alleged offenses, defenses, and / or lesser included offenses shall be submitted with the final pre-trial statement.

(2) The parties shall be prepared to discuss settlement of the matter. Any plea offer must be accepted by noon on Friday of the week of the final pretrial. After 12:00 noon on Friday of the week of the final pretrial, no resolution short of pleading to **all** original charges will be permitted.

HISTORY: Amended, eff 1-1-07

## **RULE 9 COLLECTION OF FINES**

(A) In order that this Court may properly administer Sections 2947.14 and 2947.20 of the Ohio Revised Code, any person who claims inability to pay a fine shall furnish the Court with a written and signed statement setting forth information as to such person's assets and liabilities, including, but not limited to, current wages and employment and last employment, accounts in financial institutions, property owned, and debts, and shall set forth whether the fine could be paid a certain date if time to pay were granted.

The refusal to submit such statement, or the furnishing of a false statement, may be punished as a contempt of court.

(B) On the First Thursday of each month beginning at 2:00 P.M. the Court will conduct fine hearings when the Court is open for operation. The Defendants who have failed to pay fines and court cost timely and in accordance with his or her payment agreement, shall appear to explain his or her failure to comply.

HISTORY: Amended, eff 8-1-05

## **RULE 10 CONTINUANCES**

(A) All requests for continuances must be in writing and made at the earliest time possible after he/she receives the Court's notice, but not less than three (3) working days prior to the date of trial or hearing and must state reasonable grounds for the requested continuance. The earlier a Motion for Continuance is filed, the more likely it is to be granted. A proposed order must be submitted with the motion. An example of the entry is set forth in Form 3.

(B) In the event of emergency, the request for a continuance must state with particularity the nature of the emergency, its expected duration and its effect upon the moving party if the continuance were denied.

(C) It shall be the obligation of the moving party to notify all the witnesses to be called on his/her behalf as to the fact of any continuance granted and counsel for the moving party shall certify to the Court that this was accomplished.

(D) The moving party shall notify the opponent's witnesses upon receipt of their names, addresses and phone numbers from said opponent and shall certify to the Court that such notice was accomplished.

(E) If the opposing party does not furnish the moving party the names, addresses and phone numbers of his/her witnesses, then said opposing party has the obligation of notifying his/her witnesses of the fact of the continuance and shall certify to the Court that such notice was accomplished.

(F) In all cases where insufficient notice to parties and witnesses is rendered the party responsible for the failure of notice is responsible for the witness fees incurred by the appearance of witnesses and reasonable expenses of the parties who were not notified.

(G) The Court may summarily deny any motion for continuance for one or more of the following reasons:

(1) The motion does not prominently display the consent to continuance by the moving legal counsel's client either by signature or consent by telephone.

(2) In the case of a schedule conflict, the Motion does not clearly express the caption and style of the conflicting case, the date and time of the conflicting hearing, and date when the conflicting court had scheduled its hearing. A requesting attorney shall attach to the Motion a copy of the notice of hearing for the conflicting case.

(3) In the case of a schedule conflict in which moving legal counsel had received the other Court's notice of hearing before he received this Court's notice of hearing, legal counsel fails to file his motion promptly, after he receives this Court's notice of hearing, unless good cause is shown for the tardy filing.

(4) The motion is filed after the jury has been summoned for the trial of the case.

(5) The moving legal counsel had previously filed a Motion for Continuance in the same case. If the moving legal counsel is too busy to attend hearings, conferences, and the trial of an action, then counsel may wish to consider arranging for co-counsel.

HISTORY: Amended, eff 8-1-05

**RULE 11 TIME LIMITS FOR PLEA NEGOTIATION AND WAIVER OF JURY**

When a jury has been demanded and called for service in a particular case, the Court will not accept any negotiated plea or waiver of jury unless the defendant enters a plea of “guilty as charged” unless the particulars of the negotiated plea and/or waiver of the jury are entered upon the record in open Court before 12:00 NOON on the business day preceding the date set for jury trial. This rule does not relieve the defendant from the obligation of paying all Court costs incurred in the calling and appearance of any jurors who appear as originally directed.

Examples of waiver of jury trial and speedy trial are set forth in Form 4 and 5.

HISTORY: Amended, eff 8-1-05

## **RULE 12 JURY TRIALS AND DEMANDS IN CIVIL CASES**

(A) A demand for a civil jury trial shall be made as required by Civil Rule 38 and shall be accompanied by a deposit of \$450.00 as security for the first day jury cost. Said sum shall be applied to the costs of the case in the event that costs are taxed to the party posting such deposit upon disposition of the case. Otherwise, the deposit shall be refunded to the party posting it at the conclusion of the case.

(B) In the event a party claims to be indigent and unable to post the deposit, an affidavit as to such indigence shall be filed with the demand for jury, and the Court may summon the party into court for further investigation of the claimed indigence.

(C) In the event a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of such cancellation, the requesting party shall bear the cost of juror fees for those jurors who report on the day of trial.

HISTORY: Enacted 1-1-01

### **RULE 13 FILING OF PLEADINGS, MOTIONS, ETC.**

(A) In every pleading, motion, or document filed on behalf of a party or parties, there shall be set forth in the caption the names of all parties with complete addresses, if known, whose names appear in the proceeding for the first time and unless otherwise provided herein, all pleadings, motions, and other filing shall comply in form and content with the Ohio Rules of Civil and Criminal Procedure.

(1) All original pleadings, motions, or documents shall be signed by the party or his/her attorney, if represented.

(2) Every pleading, motion, or document filed on behalf of a party shall have printed or typed thereon the name, address, and telephone number of counsel filing the same, and if filed by the law firm, the name of the particular attorney having primary responsibility for the case shall be indicated thereon.

(3) Sufficient copies of every pleading, motion, or document to be served by the clerk., bailiff, or sheriff, shall be filed with the clerk.

(4) All motions shall be accompanied by a brief stating the grounds and citing the authorities relied upon.

(B) In all cases where the filing of a pleading, motion, or amended pleading is not fixed by law or another rule, the pleading, motion, or amended pleading shall be served on or before the fourteenth (14<sup>th</sup>) day after the date of the entry requiring or granting leave for the filing of such pleading or amended pleading, or overruling or sustaining a motion, unless otherwise specified in the entry.

The opposing party shall move or plead to the pleading or amended pleading so filed on or before the fourteenth (14<sup>th</sup>) day after such pleading or amended pleading is filed, unless otherwise ordered by the Court.

(C) Where a case is transferred from small claims court to the regular docket of the Court pursuant to Section 1925.10, Ohio Revised Code, the answer of the defendant or defendants shall be filed within fourteen (14) days of the date of the entry ordering such transfer.

(D) It shall be the duty of the party or attorney filing a pleading, written motion, or brief subsequent to the complaint to mail or deliver a copy thereof to each other party to the case, or the attorney for such party. Failure to comply with this rule shall be sufficient cause to strike the pleading, motion, or brief from the files.

If a copy of a pleading is to accompany a summons to be served in the case, it shall be sufficient compliance with this rule to deposit such copy with the clerk. The fact of such mailing or delivery to the adverse party shall be noted on the original. Insofar as the party filing a document is aware of the judge to whom the case is assigned, he shall note the same between the Case Number and title of the document in the caption.

(E) In the absence of a request to the Court for an oral hearing, notice of which request shall have been previously given to opposing counsel, a motion shall be deemed submitted on written briefs unless the opposing counsel requests in writing an oral hearing, which request shall be submitted within seven (7) days of receiving the motion.

(F) Pleadings, motions, or other documents not complying with this rule of Court shall not be accepted for filing by the clerk.

HISTORY: Amended, eff 8-1-05

## **RULE 14 NOTICE OF BANKRUPTCY**

Any Counsel representing a party who files for Relief under Title II of the Bankruptcy Code shall:

1. Immediately file with this Court a Suggestion of Stay. Said suggestion shall include all Case Number(s) of all the debtor's cases in Local Court with the debtor's name as it appear in said local case(s), debtor attorney's name, address, and telephone number, and the name, address, and telephone number of the bankruptcy trustee;

2. Advise this Court pursuant to Bankruptcy Abuse and Consumer Protection Act of 2005 if the pending action is stayed;

3. Failure of counsel to file Suggestion of Stay shall cause this Court to cite counsel of the debtor for contempt.

History: Enacted 1-1-06

## **RULE 15 INFORMAL DISCOVERY IN CIVIL CASES**

Legal counsel shall freely exchange discoverable information and documents upon informal request made at least two weeks prior to the date and time set for discovery cutoff. The purposes of this rule are to reduce the expense to the parties of discovery, and to avoid filing unnecessary formal interrogatories and request for discovery.

HISTORY: Enacted 1-1-01

## **RULE 16 PRETRIAL PROCEDURE IN CIVIL CASES**

(A) The pre-trial procedure called for in Ohio Civil Rule 16 shall be used by this Court, insofar as may be applicable or practical, in all contested civil cases, that is, civil cases which are at issue on an answer or a reply to a counterclaim.

(B) It is the order of this Court that attorneys appear for pre-trials as scheduled, and that the parties to the case, or a representative of the party, also appear unless dispensed from appearance by the Court.

(C) Unless leave of Court is first obtained, failure of plaintiff or plaintiff's attorney to appear at a scheduled pre-trial conference may be grounds for dismissal of the case pursuant to Ohio Civil Rule 41 (B)(1); failure of any other party or their attorney to appear may be deemed a contempt of this Court, and punished accordingly.

(D) Continuances of pre-trials may be granted only by the Court, and no continuance shall be granted without approval of the judge before whom the pre-trial is scheduled.

HISTORY: Amended, eff 8-1-05

## **RULE 17 FINAL PRETRIAL CONFERENCE**

(A) The Court may schedule a Final Pre-trial Conference for a date and time after discovery has been completed.

Attendance is mandatory at such a conference for all parties and attorneys of record, and the order scheduling the Final Pre-trial Conference shall require each legal counsel to prepare a written pre trial report.

(B) The Final Pre Trial Report shall set forth techniques to streamline the trial presentation. The techniques may include stipulating facts, organizing and numbering exhibits, and eliminating unnecessary or repetitive testimony. The parties shall exchange the witness list of expert and non-expert persons. Legal counsel shall also be expected to discuss whether instructions of law other than standard form instructions will be necessary.

(C) If an insurance company is involved in the case, the carrier's legal counsel shall arrange, in advance, for an authorized adjuster to be available for consultation by telephone at the time of the Final Pre-trial Conference. At the request of any trial attorney in the case or upon its own motion, the Court may order an authorized representative of a party's insurance company to appear in person at the conference. In a case where one or more parties have demanded a jury, legal counsel may expect to discuss settlement in detail at the Final Pre-trial Conference. In a case where no jury has been demanded, legal counsel shall have the option not to disclose settlement posture.

(D) It shall be the duty of legal counsel to come to a Final Pre-trial Conference fully prepared and authorized to negotiate toward settlement of the case. Failure to comply with pre-trial procedural obligations may result in imposition of sanctions similar to the sanctions specified in Ohio Civil Rule 37 for failure to comply with discovery obligations.

HISTORY: Amended, eff 8-1-05

## **RULE 18 DEFAULT JUDGMENT AND FAILURE OF SERVICE**

(A) In all cases where no answer, motion, or pleading is filed, it is the duty of the complainant or his/her attorney to file an appropriate default judgment entry or, in the alternative, to request a hearing for the taking of evidence prior to the taking of default judgment, whichever may be appropriate. Such action shall be taken within thirty (30) days after answer day. Military affidavits pursuant to the Soldiers and Sailors Relief Act shall be filed with the proposed entry of default judgment, unless filed earlier.

(B) In the event there is a failure of service of summons, the complainant or his/her attorney shall make an additional effort to obtain service of summons within ninety (90) days of the original failure of service.

(C) If complainant or his/her counsel fail to comply with this rule, the Court may proceed to dismiss the case for failure to prosecute pursuant to Ohio Civil Rule 41.

HISTORY: Enacted 1-1-01

**RULE 19 NOTICE OF LEGAL COUNSEL**

(A) Any attorney appearing in a case after the initial document has been filed shall file a notice of appearance identifying the party on whose behalf the attorney is appearing.

(B) Any attorney who withdraws representation of a party shall file a notice of withdrawal.

(C) Legal counsel may not withdraw from a case without leave ordered by the Court. After a case has been set for trial, leave to withdraw is not likely to be granted unless the client approves the withdrawal and substitute counsel has by then appeared in the case.

HISTORY: Amended, eff 9-3-04

## **RULE 20 CONDUCT OF TRIALS**

### (A) Voir Dire.

(1) The Court will conduct a preliminary voir dire which should not be repeated by counsel.

(2) The case may not be argued in any way while questioning the jurors.

(3) Counsel may not engage in efforts to indoctrinate jurors.

(4) Jurors may not be questioned concerning anticipated instructions or theories of law.

(5) Jurors may not be asked what kind of verdict they might return under hypothetical circumstances.

(6) Questions are to be asked collectively of the entire panel whenever possible.

(7) Counsel may not question a potential juror in such a way as to extract a promise or commitment from him or her. For this reason, most hypothetical questions will not be allowed in voir dire.

### (B) Trial

(1) Counsel may examine witnesses while sitting at the trial table or while standing at a lectern, unless identifying or discussing exhibits. Counsel may not approach a witness closely without first obtaining consent from the Court to do so.

(2) No grounds for objection should be stated in front of the jury unless requested by the Court. If counsel desires to state grounds, or to argue the admissibility of evidence, he or she should do so at a bench conference.

(3) Legal counsel should not argue between themselves in front of the Jury.

(4) No attorney participating in a pending trial shall make statements to the press or public outside the courtroom regarding the case.

(5) If legal counsel intends to introduce more than ten (10) exhibits during a hearing or trial, then he or she ( and not the court reporter) shall mark the exhibits in advance.

HISTORY: Enacted 1-1-01

## **RULE 21 EXHIBITS**

(A) Parties shall organize and number all exhibits prior to hearing.

(1) State/City/Plaintiff will use numbers in order.

(2) Defendants will use letters in order.

(3) Joint exhibits should be marked by Roman numeral.

(B) Parties should have sufficient copies of all their exhibits providing the opposing counsel/party and the court with copies when reviewing the same during a trial or hearing.

HISTORY: Enacted 1-1-01

## **RULE 22 CASE MANAGEMENT IN CRIMINAL CASES**

(A) The purpose of this rule is to establish a system for criminal case management which will provide the 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 justice system.

(B) In compliance of the Rules of Superintendence for the Courts of Ohio, scheduling begins after arraignment shall be as follows:

(1) Minor Misdemeanors - shall be set for a bench trial within two (2) weeks of the arraignment.

(2) 3<sup>rd</sup> and 4<sup>th</sup> Degree Misdemeanors

(a) without counsel shall be set for a bench trial within three (3) weeks of the arraignment.

(b) with counsel shall be set for a pre trial within two (2) weeks and for a bench trial within four (4) weeks of the arraignment.

(3) 2<sup>nd</sup> and 1<sup>st</sup> Degree Misdemeanors

(a) without counsel shall be set for a bench trial within four (4) weeks of the arraignment.

(b) with counsel shall be set for a pre trial within four (4) weeks, a final pre trial within seven (7) weeks, and a bench trial within ten (10 ) weeks of the arraignment.

(C) The pre trial shall be conducted in accordance with Criminal Rule 17.1 and the local rules. A written memorandum of all matters shall be filed in said cases and shall be signed by counsel. A request for a pre trial shall toll the periods set forth in O.R.C. 2945.71.

(D) All discovery shall be completed at the pre trial unless specific authority is granted to continue discovery for good cause shown. No second pre trial shall be granted without a specific request approved by the counsel for the state and defense.

(E) All cases shall be set for trial to the Court unless a jury is demanded in writing in a timely manner. Trials shall be set to a jury for all OVI third offenses within six (6) years without demand.

(F) Motions: All motions shall be made in writing accompanied by a written memorandum

containing the factual and legal arguments of counsel with specific citations to precedent supporting all arguments. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure unless specific authority is granted for good cause shown. All motions that qualify shall be set for oral hearing within twenty-one (21) days of its filing.

(G) Trials: Each case not resolved at pre trial shall be set for trial to the court. If a jury demand is timely filed, then the case will be moved to the jury schedule. The defendant must consent in writing to all jury demands.

(H) Sentencing: Sentencing hearings shall be held the day of the finding or within seven (7) days of the trial if no pre-sentence report is requested. After the court receives a request for pre-sentence report, the court will set the hearing for sentencing within seven (7) days of its' filing.

HISTORY: Enacted 1-1-01

## **RULE 23 CASE MANAGEMENT IN CIVIL CASES**

(A) Purpose: The purpose of this rule is to establish a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(B) Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.

(C) Clerical steps:

(1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately for other instructions or complete regular mail service if an "unclaimed" or "refused" is returned. If counsel failed to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) Upon appearance of service, the clerk shall notify counsel. Failure to submit an entry for default judgment within fifteen (15) days may result in the case being dismissed.

(3) After any responsive pleading is filed, the clerk shall immediately set said pleading and file for hearings. A "consolidated notice" shall set discovery deadlines, summary judgment deadlines, formal pre trial and trial dates. Those dates shall establish reasonable goals and should not be deviated from unless on motion approved by the parties and counsel.

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial or formal pre trial, then the clerk shall notify the moving party that the matter will be dismissed within fifteen (15) days unless good cause is shown.

(5) When either counsel notes that a "settlement entry to come" and the entry has not been received within thirty (30) days, then the clerk shall notify all parties that the case will be dismissed unless the entry is received within ten (10) days.

(D) Judicial steps:

(1) Status Management: After an answer is filed, the clerk will forward the file to the judge to set hearing dates noted above.

(2) Motions: All motions must be in writing and accomplished by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) days period unless time is extended by the court.

There will be no oral hearing granted in said motion unless the parties request an

oral hearing in writing and the court deems it necessary.

(3) Pre trial: For the purpose of this rule, "pre trial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action and/or his, hers, or their attorney of record.

Any attorney for a party of the action who fails to attend at a scheduled pre trial conference, without just cause being shown, may be punished as for contempt of this court or default may be granted.

Consolidated notices shall be given to all counsel of record by mail and/or by telephone from the clerk not less than thirty (30) days prior to the hearing date.

Any judge presiding at pre trial conference of trial shall have the authority to dismiss the action for want of prosecution on the motion of defendant upon failure of plaintiff's counsel and/or plaintiff to appear in person at the conference; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant and/or defendant's counsel to appear in person at the conference; and to make such other order as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pre trial, the case will be tried at the time previously scheduled to all parties.

(4) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion signed by the party and his counsel stating a substantial reason for the continuance.

When a continuance is requested for the reason that counsel is schedule to appear in another case assigned for trial on the same date in the same or another trial court of this state, the one which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

(5) Judgment entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the judge, or thereafter, the court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filled within thirty (30) days or the case will be dismissed for want of prosecution.

Notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court cost, the interest rate and effective date of interest, if any.

HISTORY: Enacted 1-1-01

## **RULE 24 COURT RECORDS MANAGEMENT AND RETENTION**

(A) **Definition of docket.** As used in this rule, "docket" means the record where the clerk of the municipal or county court enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

(B) **Municipal court shall** maintain an index, docket, journal, and case files in accordance with Sup. R. 26(B) and divisions (A) and (C) of this rule.

(C) **Content of docket.**

(1) The docket shall be programmed to allow retrieval of orders or judgments of the municipal court in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the municipal or county court and shall include all of the following:

(a) Names and addresses of all parties in full;

(b) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

(c) The issuance of documents for service upon a party and the return of service or lack of return;

(d) A brief description of all records and orders filed in the proceeding, the date filed, and a cross reference to other records as appropriate;

(e) A schedule of court proceedings for the municipal court and its officers to use for case management.

(f) All actions taken by the municipal to enforce orders or judgments.

(2) "Financial record" means a record that is related to the imposition of fines, costs, and other fees in cases and controversies heard in the municipal court.

(D) **Retention schedule for financial records.**

(1) **Auditor reports.** Auditor of State reports shall be retained permanently.

(2) **Monetary records.** Monetary records shall be retained for three years after the issuance of an audit report by the Auditor of State.

(3) **Rental escrow account records.** Rental escrow account records shall be retained for five years after the last date of deposit with the municipal court.

(4) **Yearly reports.** Yearly reports shall be retained permanently.

(E) **Retention schedule for the index, docket, cashbooks, and journal.** The index, docket, and journal shall be retained for twenty-five years.

(F) **Judge and clerk notes, drafts, and research.** Judge and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

(G) **Retention schedule for case files.**

(1) **Civil case files.** Civil case files shall be retained for two years after the issuance of an audit report by the Auditor of State.

(2) **OVI case files.** Operating under the influence of alcohol or drug ("OVI") case files shall be retained for twenty-five years after the date of the final order of the municipal court.

(3) **First through fourth degree misdemeanor traffic and criminal case files.** Except for OVI case files, first through fourth degree misdemeanor traffic and criminal case files shall be retained for twenty-five years after the date of the final order of the municipal court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(4) **Minor misdemeanor traffic and minor misdemeanor criminal case files.** Minor misdemeanor traffic and minor misdemeanor criminal case files shall be retained for five years after the final order of the municipal or county court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(5) **Search warrant records.** Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

(6) **All cases** that have been finally disposed of for fifteen years or more prior to the adoption of this rule, the Court may order the immediate destruction or otherwise dispose of said files without having copied or reproduced the files prior to their destruction.

HISTORY: Amended, eff 8-1-05