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JACKSON COUNTY MUNICIPAL COURT**

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RULE 1 - SCOPE AND EFFECTIVE DATE

These Local Rules of Court govern practice and procedure in the Jackson County Municipal Court. They are adopted pursuant to the Court's inherent authority as set forth in the Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "Loc. R. x". They are effective as of November 1, 2022 and shall govern all proceedings filed subsequent to that date.

These rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court, case law, and statutes governing proceedings, functions and services of this Court; to provide equity and simplicity in procedure; to avoid technical and unjustifiable delays; and to secure just and expeditious determination of all actions and proceedings in this Court.

These Local Rules and any amendments thereto shall govern practice and procedure in this Court.

These Rules were published to the bar on 09/30/2022 and submitted for a period of 30 days review ending 10/31/2022.

RULE 2 - DAY AND TIME OF SESSION

The sessions of the Jackson County Municipal Court shall be from 8:30 a.m. until 3:30 p.m., or until the Court orders adjournment, Monday through Friday, except on holidays. The offices of the Clerk of Court shall be open from 8:00 a.m. until 4:00 p.m. Monday through Friday, except on holidays.

These hours may be extended or reduced by order of the Court to accommodate special circumstances at the court's discretion.

RULE 3 - USE OF ABBREVIATIONS AND IDENTIFIERS

The Court may adopt abbreviations and/or symbols that may be used in entries, and special identifiers that shall be used in cases with multiple counts or charges.

RULE 4 - ADMINISTRATIVE JUDGE OF THE JACKSON COUNTY MUNICIPAL COURT

The Jackson County Municipal Court is a single Judge Court, and as such the single elected Judge shall serve as both Administrative Judge and Presiding Judge.

RULE 5 - DESIGNATION OF TRIAL COUNSEL

Attorneys shall designate their capacity as trial counsel on all documents in civil, criminal and traffic cases and shall include their office address, telephone number, fax number, email address, and Supreme Court registration number or pro hac vice registration number.

Trial counsel's designation in a criminal-traffic case shall be made on the appropriate form. One copy of the designation form must be filed per case number.

No designation of a law firm or governmental agency will be acceptable as trial counsel. However, substitution of counsel within the same law firm or agency may be authorized by the assigned judge or magistrate.

RULE 6 - WITHDRAWAL OF TRIAL COUNSEL

Counsel may be granted leave to withdraw as trial counsel with the consent of the assigned judge or magistrate. No such application will be considered unless a written motion is made stating the reasons for the application. Withdrawing counsel shall notify the client of the motion to withdraw. The court, at its discretion, may hold a hearing on the matter. An entry ruling on the motion shall be journalized. Withdrawing counsel shall mail a copy of the entry to the client at his/her last known address.

RULE 7 - UNAUTHORIZED PRACTICE OF LAW

No person, not a party in interest, who is not an attorney licensed to practice in the State of Ohio or admitted to practice pro hac vice, will be permitted to file, conduct or defend any action or proceeding in the Jackson County Municipal Court.

A corporation may, through a bona fide officer or salaried employee, file and present its claim or defense in an action heard on the small claims docket where the corporation is a party to the underlying contract or claim. The officer or employee may not engage in argument, cross examination, or other acts of advocacy.

RULE 8 – PLEADINGS

Other than the original complaint, every pleading, motion, or other paper filed with the Clerk shall contain a certification of service on the other parties to the action.

RULE 9 - FILINGS BY ELECTRONIC TRANSMISSION

Filing electronic documents through the E-Filing Portal

(a) Filing of electronic documents shall be made by submitting the documents through the E-Filing Portal. Confirmation of receipt by the E-Filing Portal is only a confirmation of receipt of the documents, not a confirmation that the documents were accepted for filing.

(b) Any document filed through the E-Filing Portal pursuant to division (A)(3) of this rule shall meet all requirements of these rules, except that multiple copies of a document are not required unless requested by the Clerk.

(c) A document filed through the E-Filing Portal pursuant to this rule shall be submitted as a Portable Document Format (“PDF”) file.

(d) The E-Filing Portal does not provide service of documents. All parties submitting documents through the E-Filing Portal shall still comply with all service requirements pursuant to the Ohio Rules of Criminal Procedure and/or Ohio Rules of Civil Procedure.

(e) Filing documents through the E-Filing Portal does not alter any filing deadlines.

(f) (i) Documents received after 11:59:59 p.m. local observed time in Jackson, Ohio through the E-Filing Portal shall not be considered for filing until the next business day. The time of receipt of a document is the time-stamp provided by the Court’s E-Filing Portal, and the time-stamp provided by any other computer system shall not alter the time of receipt and effect of this rule.

(ii) Documents submitted through the E-Filing Portal after 4:00:00 p.m. local observed time in Jackson, Ohio will not be reviewed by the Clerk’s Office until the next business day. They will be considered timely if the documents comply with these rules and were received on or before the date they were due in accordance with division (f)(i) of this rule.

(g) After review by the Clerk’s Office, a separate communication that indicates whether the

documents were accepted for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the E-Filing Portal.

(h) A document that is filed through the E-Filing Portal shall include a scanned version of the person's original signature or a signature line with a forward slash followed by an "s" followed by the person's name in print (e.g., /s "John T. Smith").

(i) Fees.

(i). The Clerk of Courts shall assess normal filing fees.

(ii). Case deposits will be collected via user credit card or escrow account at the time the filing is processed.

(iii). No personal checks will be accepted.

(iv). The Clerk's Office will document the receipt of fees on the docket with a text entry and electronic image of receipt.

(v). The Court will not maintain, or offer, electronic billing for lawyers or law firms.

(vi). Any document filed electronically that requires a fee may be rejected by the Clerk of Court unless the filer complied with the mechanism established by the court for the payment of filing fees.

(j) Disposition and Maintenance of Source Documents. i. A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), and Criminal Rule 12(B), and this Local Rule. ii. The person filing electronically need not file a conventional copy with the Clerk of Courts but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Courts or other counsel, the source document of any document electronically filed. iii. The filer must maintain this source document until the final disposition of the case and through any appeal period.

RULE 9A - OFFICIAL NOTIFICATION

Paper Notification

In Court notifications shall be handed to the involved parties, either in the Courtroom, or at the Clerk's Window. All parties are required to stop at the Clerk's Window upon exiting the Courtroom unless otherwise ordered from the bench.

Rescheduling/Changes shall be issued via email to all parties.

Electronic Notification

Electronic notifications shall be phased into practice as technology is upgraded to permit full functionality of electronic filing and notifications.

Attorneys. Each attorney practicing in the Jackson County Municipal Court shall be required to provide the Clerk with an official email address to be used for notification when applicable, a cell phone number to be used for hearing prompts when applicable, a mailing address, fax number and office phone number.

Parties. Each party to a case shall be required to provide contact data, including, at the minimum, email address, street address, mailing address, cell phone number and telephone number.

Victims. Notifications of hearings will be distributed to victims by the prosecutor, or law director assigned to the case.

Witnesses. Notices of hearings shall be distributed to the prosecutor, law director, and, or counsel of record (or party if pro se). Prosecution witnesses shall be notified by the prosecutor or law director, and defense witnesses shall be notified by defense counsel (or party if pro se).

RULE 10 – EXHIBITS

All evidence of a tangible nature to be offered at trial shall be:

Marked numerically and identified as “Plaintiff’s Exhibit:” or “State’s Exhibit” or marked alphabetically and identified as “Defendant’s Exhibit;” and

Prepared in numbers sufficient to provide one copy each for the Court, the witness and each party;

RULE 11 – CONTINUANCES

Except by leave of Court, upon good cause shown, every request for continuance shall be made by motion and be granted upon showing of good cause. The motion shall set forth a date from which a continuance is requested and the reason for the continuance.

The granting of any request for continuance shall be a matter within the discretion of the Court. Consent of opposing parties or counsel shall not, in and of itself, constitute good cause. No continuance shall be granted without first setting a definite date of trial or hearing.

Any praecipe for subpoena or order designating a person to serve a subpoena shall be filed with the Clerk not later than seven (7) days before the date of trial. If a witness fails to appear at a trial and the filing for such service was made less than seven (7) days before trial, then such non- appearance may not constitute a ground for continuance. The application for continuance on the grounds of unavailability of a particular witness shall be made as soon as a party is informed of that fact.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court, the case, which was set first for trial, shall have priority and shall be tried on the date assigned. If a prior trial conflict exists, the date of scheduling shall be stated in the motion. Criminal cases shall have priority over civil cases.

If a designated trial attorney has such a number of cases assigned for trial in this Court so as to cause undue delay in the disposition of such cases, the Administrative Judge may summon such trial attorney who persistently requests continuances and extensions to warn the attorney of the possibilities of sanctions and to encourage the attorney to make necessary adjustments in the management of their practice. Where such measures fail, restrictions may properly be imposed by the Administrative Judge on the number of cases in which the attorney may participate at any one time.

FOR CRIMINAL CASES ONLY: The Court will not consider any request for continuance prior to the hearing date, unless the motion is accompanied by an agreed entry, signed by all parties, containing an appropriate time waiver if applicable. Counsel requesting the continuance shall provide, within their motion, 3 (three) dates and times that counsel will be available for the hearing. Those dates provided by requesting counsel must be within 30 (thirty) days of the current hearing date, and cannot fall on a holiday, or other day the Court would reasonably be closed. The Court will not contact opposing counsel for their position on a request for continuance prior to the hearing. Counsel must appear along with their client unless otherwise notified by the Court that the continuance was granted.

RULE 12 - MOTION PRACTICE

All motions, except those normally made at a trial, shall be in writing, signed by the party or counsel making the motion, served on opposing counsel or party, and made within the applicable time limits.

All motions for a definite statement and all motions to strike shall set out the language, in full, sought to be stricken or claimed to be indefinite. In a motion to suppress, the items of evidence in question shall be specified.

Motions interposed under Civil Rules 12, 37, 41(B)(1), 42, 50(B), 56, 59, 60(B) and 65(A), and pretrial motions timely filed under the Criminal and Traffic rules, shall be scheduled for hearing before the Court. All other motions will not be set for hearing except as required by law, or as the Court, in its discretion, orders. A party desiring an oral hearing shall request the same in a clearly identifiable portion of the motion.

Unless otherwise defined by statute or rule of procedure, or pursuant to a schedule established by the court, parties wishing to file a written response to a motion shall do so no later than fourteen (14) days following service of the motion or three (3) days prior to the oral hearing date, if one is scheduled, whichever is earlier. When a motion is set for hearing, the Court shall advise the parties to the action of the date and time of the hearing.

Any motion not filed in compliance with this Rule may be summarily dismissed.

RULE 13 - COURT COSTS AND FEES

Costs and fees shall be assessed in accordance with the Schedule of Deposits and Costs published by the Clerk of Courts and as amended from time to time by the Court.

In criminal and traffic cases, if a defendant is charged with more than one offense arising out of the same act or transaction or series of acts or transactions, each charge shall be numbered appropriately to indicate level, felony, traffic or criminal misdemeanor. Court costs shall be assessed only once per act, transaction, series of acts or transactions.

Rule 14 – APPOINTMENT OF SPECIAL PROCESS SERVER

An individual, or legal organization, through an authorized agent, may apply to be appointed as Special Process Server, pursuant to R.C.311.22, Civ. R. 4.1, Civ. R. 45, and Crim. R. 17, for the Jackson County Municipal Court.

General Requirements for all Applicants:

1. The applicant shall file an Application or an Appointment as a Special Process Server.
2. With each application the Applicant shall file an affidavit which shall aver to the following:
 - a. The Applicant is 18 years of age or older;
 - b. The Applicant will not serve any process in which he or she may be a party to the action;
 - c. The Applicant has no familial relationship to any party in any action for which he or she may serve process;
 - d. The Applicant has no felony criminal record in Ohio, in any other state, or the United States;
 - e. The Applicant will carry out his or her duties in accordance with all applicable Court Rules and the laws of the State of Ohio.
 - f. If the applicant is an authorized agent of any legal organization and more than one employee of the organization may serve process for the organization, each additional employee shall be identified and shall satisfy the requirements set forth at 14 (2) (a-e) as fully as if that person submitted his or her own signed affidavit.

3. All applicants shall submit the required affidavit in substantial compliance with form 14 (b).
4. With each application and affidavit, all applicants shall present an order which shall be reviewed and signed by the Administrative Judge. This order shall substantially comply with form 14.2(c).
5. The clerk shall record the application and affidavit when submitted by an Applicant as a miscellaneous civil case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.

Term for a Special Process Server

1. An Applicant may request to be appointed as a one-time Special Process Server for a particular matter. In this instance, the Applicant's term shall terminate when the case is terminated by final entry or as otherwise ordered by the Administrative Judge.
2. An Applicant may request to be appointed as a Standing Process Server. The term for a Standing Process Server shall end on 12/31 of the calendar year in which the signed order granting the Application is journalized. A Standing Process Server may serve process in any action pending in this Court during this term.
3. No duly appointed Special Process Server may represent or advertise to the public, in any manner, that he or she is the Official Process Server for the Court.
4. After the applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time stamped copy of the signed order to the Clerk to verify his or her appointment.
5. If any standing process server seeks to continue any term, he or she shall, no later than 5 days after the expiration of the current term, file an application, affidavit and proposed order as herein required seeking to be reappointed for another term.

Filing Fee

1. The filing fee for an individual applicant shall be \$25.00. The filing fee for a legal organization for which two or more employees may be authorized to serve process shall be \$50.00. Any fee shall be paid when the Application and Affidavit are filed. No order shall issue until the filing fee is paid in full.
2. The filing fee shall be waived for any applicant who is an employee of a Jackson County Ohio Office, Department, Board, Agency, Commission, or the like when acting as process server for said employer.
3. The fees shall be paid into the Special Projects account to the Court.

RULE 15 - JURY DEMANDS AND WAIVERS

Any party filing a jury demand shall include a motion to continue a prior scheduled non-jury hearing with certificate of service to all parties. A party may file a withdrawal of jury demand in a civil case. The withdrawal must include written consent of all parties and a motion to continue any scheduled jury trial with a certificate of service to all parties.

RULE 16 - TRIAL BRIEFS AND PROPOSED JURY INSTRUCTIONS

The Court shall require the parties or their counsel to file with the Court trial briefs and/or proposed jury instructions at least fourteen (14) days before a trial is to commence. Counsel for the parties shall submit with proposed jury instructions citations of authority for any such instructions.

RULE 17 – VIEWS

A request for a view by a judge or jury will be made at the time of the pretrial conference.

RULE 18 - COURT STENOGRAPHER -RECORDING OF ALL PROCEEDINGS

The official record of this Court shall be taken by audio electronic recording.

A party appealing a decision of a trial court shall file a praecipe advising the Court what portion(s) of the record he/she wishes transcribed. If the party wishes a typewritten transcript, then payment arrangements shall be made with a certified court stenographer who will certify the typewritten transcript. Subject to prior certification by the Court, a party may make arrangements with another to provide a typewritten transcription. All audio electronic recordings will be maintained on file for a period of one year. These will be deleted after one year unless an appeal is pending and a request is filed with the Court requesting that the recording be maintained for a longer period of time.

RULE 19 - REFILING OF CASES

In any instance where a previously filed and dismissed case is refiled, that case shall be referred to the Assignment Commissioner for scheduling and shall be assigned to the judge originally assigned to hear it, unless for good cause that judge is precluded from hearing the case. In a criminal/traffic case, the complainant in such case shall indicate to the Clerk, upon refiled, that the complaint was previously filed and dismissed, and the Clerk shall so advise the Assignment Commissioner.

RULE 20 – MAGISTRATES

A Magistrate may be appointed by the Administrative Judge and shall have all of the authority and powers set forth in the applicable Rules of Procedure, statutes, and this court's general order of reference.

The Court may, from time to time, establish forms for the Magistrate's report on various types of cases which will be used by the Magistrate.

When a party asserts as error any of the factual findings of the Magistrate, and a copy of all relevant portions of the transcript is not filed with the objections, a statement shall be included that a transcript was ordered and the approximate date when the transcript will be provided. An affidavit in lieu of a transcript will only be accepted when no audio electronic recording is available of a hearing to allow for the making of a transcript. The Court may enter a judgement either during the fourteen days permitted by Rule for the filing of objections to a magistrate's decision, or after the fourteen days have expired. If the Court enters a judgement during the fourteen days permitted by Rule for the filing of objections, the timely filing of objections to the magistrate's decision shall operate as an automatic stay of execution of the judgement until the Court disposes of those objections and vacates, modifies, or adheres to the judgement previously entered.

RULE 21 – FORMS

The court may develop standardized forms for the convenience and use of the court, attorneys, and parties to an action. The Clerk of Courts shall make those forms available on the court's website, at the appendix, and those forms are subject to change at any given time.

RULE 22 - PUBLICATION OF COURT NOTICES

The Clerk of Court is authorized to publish notices authorized by the Court or by law in any newspaper of general circulation in the County of Jackson.

Unless waived by order of the Court for indigency or hardship, upon filing of a praecipe for publication of notice in a particular cause of action, the party filing such request shall deposit with the Clerk of Court security for the costs of such publication as set forth in the Schedule of Deposits established from time to time by the Court. The party shall not publish the notice until such deposit has been received.

RULE 23 - JURY USE AND MANAGEMENT PLAN

All jury trials shall be heard by the judges of this court. Upon the filing of a jury demand, the magistrate shall transfer the case to the docket of the assigned judge for a formal pretrial conference after disposing of all preliminary matters.

The responsibility for administration of the jury system shall be vested in the Jackson County Jury Commissioner. The Jury Commissioner shall be responsible for the selection of potential jurors from the public at large, determination of eligibility, notification, compensation, and assignment to the Municipal Court. All procedures concerning jury selection and service should be governed by Ohio Rules of the Court. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

Voir dire examination shall be limited to matters relevant to determining the juror's fairness and impartiality. Basic background information regarding panel members will be made available to counsel for each party. The court may conduct a preliminary voir dire examination of the jurors. Counsel will then be permitted to voir dire panel members.

The court shall ensure that the privacy of prospective jurors is reasonably protected, and questioning is consistent with the purpose of the voir dire process.

If the court determines that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual may be removed from the panel. Such a determination may be made on motion of counsel or by the court.

Jury deliberations shall take place under conditions that are designed to ensure impartiality and to enhance rational decision making. The court shall instruct the jury concerning appropriate procedures to be followed during deliberations. A jury shall not be required to deliberate after a reasonable hour unless the court determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

The jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences. The trial Judge shall have the discretion to sequester a jury on the motion of Counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of the sequestration. The court shall ensure that training is provided to personnel who escort and assist jurors during sequestration.

RULE 24 - CONDUCT IN FACILITY

No smoking is permitted in a courtroom or the court facilities under any circumstances.

No eating or drinking is permitted in a courtroom or the court facilities without the express permission of the judge or magistrate. Counsel and parties shall be dressed appropriately for all court appearances.

RULE 25 - COURTHOUSE SECURITY

A. Authorized Entry

1. No person shall enter areas marked “Court Personnel Only” without prior authorization of any court personnel authorized to permit such entry.
2. Any person found violating this rule may be cited for contempt pursuant to Ohio Revised Code Chapter 2705 and subject to the penalties contained therein.

B. Conduct in and around facility

1. No person may use any electronic or digital device to make or attempt to create any audio or video recordings or any live broadcasts or streaming while inside or upon the property of the Courthouse used by the Jackson County Municipal Court located at 295 Broadway Street in Jackson, Ohio. This rule includes the area within the building used by the Jackson County Municipal Court and the common areas adjacent thereto, as well as the area housing the offices of the Prosecuting Attorney and common areas adjacent thereto. Exception may be made by advanced written permission of the presiding judge of the Jackson County Municipal Court for its portion of the Courthouse property and may be made by advanced written permission of the Prosecuting Attorney for the portion of the Courthouse occupied by the Prosecuting Attorney.
2. No person may use any electronic or digital device to make or attempt to make any audio or video recordings or any live broadcasts or streaming in any area used by the Jackson County Municipal Court – Wellston Division located at 203 Broadway Street in Wellston, Ohio. Exception may be made by advanced written permission of the presiding judge of the Jackson County Municipal Court.
3. Any person found violating this rule may be cited for contempt pursuant to Ohio Revised Code Chapter 2705 and subject to the penalties contained therein.
4. Any device or thing used in violation of this rule will be subject to immediate seizure. Any unauthorized recording will be subject to immediate destruction.

RULE 26 - COURT RECORD RETENTION POLICY

All dockets, indexes, journals, and cash books of the Court shall be retained and preserved by the Court in a manner consistent with Sup. R. 26. Court docket, indexes, journals, cash books, and all other court records shall also be subject to destruction or other disposition.

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RULE 27 - PUBLICATION OF LOCAL RULES

The Clerk of Jackson County Municipal Court shall order production of copies of these rules and amendments made thereto. Such copies shall be made available by the Clerk of Court at the costs of production. The Clerk shall make a copy of these rules available on its website.

CIVIL RULES

RULE 28 - CLASSIFICATION FORM AND COLLECTIONS FORM 1.0

The plaintiff(s), or counsel for the plaintiff(s), shall, when filing a civil complaint, attach a completed Classification form indicating the classification into which the case falls and all other information which may be requested on the Classification form.

If the Compliant filed is an action to collect on a contract or an account, then plaintiff(s), or counsel for the plaintiff(s) must complete Collections Form 1.0 and submit it with the Complaint.

RULE 29 - CASE MANAGEMENT IN CIVIL CASES

A. Summons: Sufficient copies of pleadings shall be filed with the Clerk to accomplish service of process, if required. Summons shall be served in accordance with Ohio Rules of Civil Procedure. The Clerk of Court shall accept service of process methods as outlined in Civ. R. 4.1 and include “virtual” service of process through the U.S. Post Office’s eCertified mail. All service of process of complaints or other documents served with virtual services are subject to review and/or challenge as further outlined in Civ. R. 4.1 with confirmation of service of process data being made available through the Clerk’s office.

B. Failure of Service: In the event there is a failure of service, the clerk shall notify the party or counsel immediately. If no action is taken within sixty (60) days thereafter, the Clerk shall notify the party or counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

C. Failure to Prosecute: If no action has been taken on a case for a six (6) month period, and the case is not set for trial, then the Clerk shall set the matter for report/dismissal and notify all parties or their counsel of the report/dismissal and inform them that their failure to appear may result in a dismissal of the action without prejudice.

D. Default Judgment: 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 motion and 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. Military affidavits pursuant to the Soldiers and Sailors Relief Act shall be filed with motion for default judgment, unless filed earlier.

E. Entry to be Submitted: When a file has been marked “entry to be submitted” and the entry has not been received within thirty (30) days, then the Clerk shall set the matter for report and notify all parties or their counsel of the report and inform them that their failure to appear may result in a dismissal of the action without prejudice.

F. Answer/Responsive Pleading Filed: After an Answer/Responsive Pleading is filed in response to a Complaint, then the case file shall be forwarded to the magistrate/judge for issuance of a Consolidated Hearing Notice. The Consolidated Hearing Notice shall set forth the Discovery Deadline, Motion Deadline, Pretrial Date and Trial Date for the case.

G. Pretrial Conference: A Pretrial Conference shall be conducted in civil cases where an answer has been filed, except in forcible entry and detainer actions, small claims, and Bureau of Motor Vehicle license

suspension appeals, unless waived by the Court. Counsel appearing at the pretrial conference will be deemed the trial counsel for the case. All parties or their counsel are encouraged to have a preliminary conference before any Pretrial Conference at which time they will inspect exhibits, arrive at all possible stipulations and fully explore the question of settlement.

Subsequent to the completion of a Pretrial Conference, the Court may enter upon the record a Pretrial Order embracing all stipulations, admissions, and other matters which have come before the Court. The Court may require a pretrial memorandum of law and/or proposed jury instructions, where applicable, and may request that the Pretrial Order be prepared and submitted by the parties.

Prior to the Pretrial Conference, each party shall, at least three (3) days before the conference, present the Court in writing with a statement of:

1. The issues involved;
2. Whether or not a jury trial previously demanded will be waived, and if not, the number of jurors demanded;
3. Whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability be found;
4. Any discovery difficulty;
5. List of exhibits;
6. Itemization of special damages;
7. Witness list;
8. Whether a view is requested;
9. Other matters which are expected to be involved in the case.

Counsel will have in their Pretrial statements a list of all witnesses they expect to call or testify. In the absence of reasonable notice to opposing counsel of additions to this list, only those witnesses listed in the Pretrial statement, or Pretrial Order issued by the Court, will be permitted to testify at the trial. The only exception will be witnesses solely for the purpose of impeachment, rebuttal or other witnesses permitted to be called upon the showing of good cause.

All Pretrial statements must contain certificates of service.

Each counsel shall bring to a formal Pretrial Conference all exhibits which are expected to be offered as evidence at the trial. Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial statement, or Pretrial Order issued by the Court, with the exception of exhibits solely to be used for the purpose of impeachment.

Upon the failure of a party to appear at a Pretrial Conference or otherwise comply in any respect to this Rule, and any Order made pursuant thereto, the Court may make such Order as deemed appropriate under the circumstances, including, but not limited to dismissal of a cause of action for lack of prosecution, a hearing on whether the non-complying party shall be held in contempt of court, and/or an ex parte proceeding for the party in compliance.

H. Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel/opposing party shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day 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.

RULE 29A - AGREED JUDGMENT ENTRIES

The parties in a civil action may submit an Agreed Judgment Entry for approval by the court. That Entry must be signed by the Plaintiff(s) or their counsel and the Defendant(s) or their counsel. The Entry may dispose of all or a portion of all of the parties' claims. While the parties may include any post-judgment terms upon which they agree within the text of the Entry, those terms shall be specifically identified as "Agreements" or similar and shall not be construed as an Order for any conduct after the judgment is awarded. The court may, in its sole discretion, amend or redact any term of the Entry to ensure compliance with this rule.

RULE 30 - DEPOSITS FOR COSTS

Unless waived by this Rule, no civil action or proceeding shall be accepted for filing by the Clerk of the Court unless there is deposited a sum of money set forth in the Schedule of Deposits as amended by this Court. A copy of such schedule shall be made available by request to the Clerk of Court and shall be placed on the court's website. The Clerk may, in a case where the deposit of costs is insufficient, require additional security if deemed necessary.

In the event that a party wishing to file an action in this Court is indigent, the party or his counsel shall file an Affidavit of Indigency. The Clerk shall submit such affidavit to a magistrate or judge for review before accepting any pleadings for the filing. Upon finding that such indigency does exist, the deposit by that party shall be waived.

Where a jury demand is filed in a civil case, the demanding party shall pay the fee established by the court at the time of filing their demand. For good cause shown, this deadline may be extended by the magistrate or judge assigned to the case. Failure of the parties to timely comply with this provision shall be deemed a waiver of the jury demand.

Notice to the Court of withdrawal of a jury demand shall be made to the Court no later than seven (7) days prior to the date of a jury trial. In the event a party or counsel fails to comply with this Rule, or if the case is settled or dismissed prior to trial and notice is not made to the Court at least seven (7) days in advance of the commencement of the trial, the requesting party shall bear the costs of juror fees incurred if a panel of jurors appears for service, unless such failure to comply is a result of an extreme emergency or conditions beyond the control of the party or his/her counsel, and such compliance is waived by the Court.

RULE 30A - PHOTOGRAPHS AND VIDEOS SUBMITTED AS EVIDENCE

In all civil cases, any party who intends to offer a photograph, text message, document, or other electronically stored information as evidence shall provide the court and the opposing party a paper copy of that exhibit. Any party who intends to submit a video as evidence must provide that video on a thumb drive and in MPEG or AVI format. While parties may submit multiple videos on the same thumb drive, no other extraneous files may be on the thumb drive.

RULE 31 - SCHEDULING OF AND APPEARANCE AT CIVIL TRIAL, HEARINGS, AND PRETRIAL CONFERENCES

Scheduling: Pretrial Conferences, Hearings and Trials in civil cases are to be scheduled to ensure compliance with the Ohio Supreme Court's Case Time Limits as defined by R. Sup. 39.

Appearance at Pretrial Conferences and Hearings: Unless the parties submit a written motion to continue, agreed entry, or a dismissal that is adopted by the court before 12:00 noon the last business day (weekends and holidays not included) before a pretrial conference or hearing is scheduled to commence, all counsel, or

parties if acting pro se, shall appear as scheduled. Counsel appearing at the pretrial conference shall be deemed trial counsel for trial on the case. Any failures to appear or otherwise comply with this rule may, at the discretion of the court, result in the action being dismissed, the motion being overruled for failure to prosecute, a show cause hearing to determine whether any party and/or counsel should be held in indirect contempt of court for failure to appear.

Appearance at Trial: If the action is scheduled for a trial, unless the parties submit an agreed entry or a dismissal satisfactory to the court by 12:00 noon the last business day (weekends and holidays not included) before trial all parties and counsel are to appear in person in court at the time the trial is scheduled to commence. A failure to appear or otherwise comply with this order may, at the discretion of the court, result in the action being dismissed without prejudice or a show cause hearing to determine whether any party and/or counsel should be held in indirect contempt of court for failure to appear.

SPECIAL CIVIL PROCEEDINGS

RULE 32 - TIME LIMITS; APPLICABILITY OF CIVIL RULES

Cases that have time limits established by the Ohio Revised Code and the Ohio Rules of Civil Procedure shall be set for hearing within those time limits. In all other special proceedings, a case shall be set for a hearing within a reasonable time not to exceed six (6) months.

The Civil Rules pertaining to case management in civil proceedings shall also apply to special civil proceedings, including provisions for notice of service, dismissal of an action, submission of entries, notification of the judge upon filing of a responsive pleading and other such provisions.

RULE 33 - FORCIBLE ENTRY AND DETAINER

Actions in forcible entry and detainer shall be filed and proceedings conducted in accordance with the provisions of Ohio Revised Code and case law. A complaint in forcible entry and detainer shall state the reason for the eviction, and plaintiff shall include copies of the required notice(s) and a copy of any written instrument upon which the claim is based as attachments to the complaint. If an action in forcible entry and detainer contains an additional cause of action for money, then the court shall schedule a separate hearing on the additional cause of action.

The plaintiff's failure to appear on a claim for forcible entry and detainer may result in the dismissal of the claim, in addition to the dismissal of any other causes of action which are stated in the complaint. Trial by jury will be deemed waived unless demand is made and the appropriate deposit required by these rules is paid unless such deposit is waived pursuant to these Rules.

Once judgment has been entered ordering a defendant to vacate property, a writ of restitution for the premises shall be issued by the Clerk upon receipt of a praecipe requesting that said action be taken and upon deposit of the costs set forth in these Rules.

Should actual physical eviction of property be required pursuant to writ of restitution of premises, the Plaintiff shall arrange for sufficient equipment and workers to be present to accomplish the vacation under the supervision of a Deputy Sheriff.

An objection to a magistrate's decision shall not stay the issuance and execution of a writ of restitution. A defendant who seeks a stay shall file a motion with the court requesting a hearing on the matter by the assigned judge.

RULE 33A – ABANDONED MOBILE HOMES

In compliance with R.C. 1923.14's requirement that the Clerk of Court shall send a written notice to all persons with any outstanding right, title, or interest in a manufactured home, mobile home or recreational vehicle that the subject home or vehicle may be sold, destroyed, or have titled transferred, the Plaintiff in the underlying Forcible Entry and Detainer action shall provide the Clerk of Court with the names and last known mailing addresses of any person eligible for a notice on the form for the Praecipe for a Writ of Execution provided by the Clerk of Courts.

Any party who seeks to appeal the Auditor of Jackson County's disagreement with the stated value of a manufactured home, mobile home, or recreational vehicle pursuant to R.C.

1923.13 shall do so by filing an appeal of the Auditor of Jackson County's determination within 14 days after the Auditor's determination is mailed to the party. All appeals are referred to the magistrate for hearing. Any party may file Objections to the Magistrate's Decision on the appeal as provided for in Civ. R. 5.

RULE 34 - RENT ESCROW

A tenant may initiate a rent escrow by filing a form supplied by the Clerk which shall include a statement that the tenant is current in his/her rent and has given the landlord written notice of the defect(s).

The tenant may apply to the Court for an order directing the landlord to remedy the condition(s); and/or using the rent deposited to remedy condition(s). The tenant shall, in his/her application shall specify the periodic rental due from the date of filing. The tenant must deposit any rent due, subject to reduction by order of the Court, on or before the due date.

The Clerk shall assign the rent escrow a case number and shall give written notice by certified mail to the landlord. Upon filing of an application by a landlord, a hearing shall be scheduled before a judge or magistrate, within the time allowed by law.

A one percent (1%) fee shall be charged as costs to be applied against all amounts escrowed and shall be assessed to the landlord unless the court directs otherwise.

RULE 35 - SMALL CLAIMS

Actions filed in the Small Claims Division of the Court shall be filed and proceedings had in accordance with provisions of the Ohio Revised Code and case law.

A plaintiff must file sufficient copies of any documents supporting his/her claim to allow for service of process and provide the current address of each defendant. The plaintiff may also file, at the time of filing the complaint, a request for regular mail service in the event of failure of certified mail service.

Upon failure of service on the defendant(s), the Clerk shall notify the party or counsel immediately. If no action is taken within sixty (60) days thereafter, the Clerk shall notify the party or counsel that the case will be dismissed unless good cause is shown to the contrary.

At any time before a trial is held on a small claims complaint the Court may, at the request of a party, or on its own motion, refer the parties to a conciliator for conciliation proceedings, if the Court determines that the parties have not previously attempted to settle their dispute, or if it appears that the matter might be reasonably resolved through conciliation. If the conciliation procedures are unsuccessful, this fact shall be reported to the Court and the matter shall then proceed to trial. If the conciliation procedures are successful, the case may be continued for report or be dismissed in accordance with the agreement reached between the parties. No transfer to the regular docket of the Court will be permitted until filing costs are paid, unless waived by the Court pursuant to these rules. If more than one attorney appears in a small claims action, the case shall be transferred to the regular docket of the Court.

RULE 36 - JUDGMENTS UPON WARRANT OF ATTORNEY TO CONFESS

Immediately upon entering a judgment by confession upon warrant of attorney, the attorney for plaintiff shall cause a praecipe to be filed with the Clerk of Court requesting a copy of the judgment entry to be forwarded to the defendant at the address shown in the complaint by certified mail, return receipt requested, in accordance with the Ohio Revised Code and case law.

CRIMINAL RULES

RULE 37 - CASE MANAGEMENT-ARRAIGNMENT

Arraignment will be scheduled on the first working day after a physical arrest and lock up. Except in extraordinary cases, no case will be continued more than one time for arraignment.

Waiver of Arraignment: Except for those offense listed below under “Offenses Not Eligible for Waiver” a “not guilty” plea may be entered prior to the date scheduled for arraignment. A written “not guilty” plea shall be made in compliance with Criminal Rule 10 and Traffic Rule 8. Such plea shall be filed with the Court, and the person filing the not guilty plea shall obtain a hearing date from the Assignment Commissioner for haring after arraignment. When filing written “not guilty” pleas on multiple charges, it is required that a plea be signed and completed for each case. The plea form shall contain the following information:

Full name of defendant
Case number
Defendant’s valid email address
Defendant’s valid phone number
Defendant’s physical street address
Defendant’s mailing address

If a written not guilty plea is entered in accordance with this rule and complies with Criminal Rule 8 and Traffic Rule 5, neither counsel nor the defendant need to appear at the scheduled arraignment. However, if a separate hearing is required to be scheduled, for review of license or bond, the appearance of counsel and/or defendant is not excused from this hearing.

Offenses Not Eligible for Waiver: Appearance at arraignment may not be waived for any charge classified as a Misdemeanor of the First or Second Degree, offense of violence, any OVI pursuant to R.C. 4511.19, or physical control pursuant to R.C. 4511.194, drug possession, drug related offenses, and theft. All defendants must appear at Initial Hearings for Alleged Probation Violations, and Initial Hearings on Felony charges.

RULE 38 - JURY DEMAND

All jury demands must be filed within the time limits established by the Ohio Rules of Criminal and/or Traffic Procedure and/or the Ohio Revised Code. A jury demand may be signed by counsel on behalf of a defendant. A jury demand shall be filed with the Clerk and shall be scheduled for Pretrial Conference.

A written jury demand is not required if the offense is “serious” as that term is used in the Ohio Rules of Criminal and/or Traffic Procedure. No cash deposit for costs shall be required to accompany a demand for jury trial.

RULE 39 - APPEALS/TRANSFERS FROM MAYOR'S COURT

In any case originating from a Mayor's Court, transferred for trial where a right to a jury trial exists, or appealed from the Mayor's Court to this Court pursuant to statute, or transferred pursuant to R.C. 1905.032, the clerk of the mayor's court shall, within 5 business days of filing present to the Court:

A notice of appeal or transfer;

The original traffic citation or criminal complaint and affidavit under which the Defendant was charged;

A docket statement, certified by the Mayor or the Mayor's designated authority which shall serve as certified transcript of the proceedings in such Mayor's Court, together with all papers filed in the case, every cost to date, the recognizance given and a copy of the ordinance section, including penalty section, under which the Defendant was charged.

All appeals or transfers shall be set on the arraignment docket.

RULE 40 - CASE MANAGEMENT PLAN

All cases in which there is no time waiver filed waiving right to speedy trial will be scheduled for immediate trial to the court.

If a time waiver is filed, the matter will be scheduled for a pretrial hearing.

If the matter is not concluded by agreement at the pretrial hearing, then the matter will be scheduled for a motion hearing or a trial to court.

If a jury is demanded, the matter will be rescheduled for the first open date available for jury trial.

Henceforth, discovery will be conducted outside the court between and among the counsel of record or party if there is no counsel of record.

A second pretrial conference will not be scheduled to allow for discovery. However, a party not receiving discovery after having filed its initial demand shall file motion to compel discovery pursuant to rule. The party seeking to compel discovery shall submit a proposed entry along with its motion to compel.

If the party not providing discovery seeks to avoid providing discovery, then that party shall file a motion contra with supporting memoranda within 7 days of the filing date of the motion to compel. That party shall submit its own accompanying proposed entry.

The court may set the matter for hearing or issue discovery compliance order or orders summarily.

Pretrial motions shall be timely filed within the time provided by rule. In the event leave is sought to file beyond the time allocated by rule, then in that event the party seeking to file out of rule shall do so by motion seeking leave with memoranda in support.

The court in the interest of justice may extend the time for making pretrial motions if it is shown that the party seeking extension sets out grounds for the extension, why the motion has merit, and that defendant would be otherwise denied meaningful examination of specific factual issues giving rise to a denial of legal rights.

In each case for which a jury trial demand is filed, it shall be mandatory and without exception, the duty of the parties or their respective counsel of record to file a pretrial brief and proposed jury instructions timely, *not less than 14 days before the day of jury trial*.

In the event that a defendant wishes to enter a change of plea, his or her counsel shall file a written motion requesting a hearing date to enter change of plea containing a waiver of any notice provision required for such hearing.

RULE 41 - CASE MANAGEMENT-TRIALS, MOTIONS, HEARINGS AND SENTENCING

In scheduling a case for hearing on a motion, trial to the court, or a trial to a jury, it shall be the responsibility of counsel to advise the court or the Assignment Commissioner of the estimated time required for the hearing or trial, if the time required will be more than fifteen (15) minutes.

Based on the number of cases scheduled for jury trials, and the need to resolve cases within the time limits specified in the Ohio Revised Code and the Rules of Superintendence, it may be necessary to schedule more than one case for trial to a jury on a given day. In such event, it shall be assumed that each case will proceed to trial on that day, and counsel and parties shall prepare accordingly. In the event more than one case remains unresolved seventy-two (72) hours prior to the time for commencement of a jury trial, the judge shall, in order to minimize inconvenience to parties, attorneys and witnesses, designate which case shall be tried on that date. The Assignment Commissioner shall then notify counsel and unrepresented parties to any other case scheduled for trial on that date, that their case is being continued due to a crowded trial docket. At the same time, the Assignment Commissioner shall notify the counsel and unrepresented parties to this case of the trial date(s).

Upon a finding of guilty, sentencing shall occur within seven (7) days from trial, if no pre-sentence investigation is requested, or, in the case of a pre-sentence investigation, within forty-two (42) days. The Court may extend these time limits for good cause shown.

RULE 42- APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

When it appears to the Court that an accused in a traffic or criminal case is indigent the Court may appoint an attorney from the Ohio Public Defender Contract list, on a rotating basis, to represent the defendant.

RULE 43 - VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13 with authority to process and dispose of those traffic offenses for which no court appearance is required by law or Court. In accordance with Ohio Criminal Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau, for which no court appearance is required by law. A schedule of fines shall be established from time to time by this Court and shall be posted in the Clerk's Office. The judges of the Court may prescribe statistical forms to be used in the reporting of cases processed through the Bureau.

SPECIAL CRIMINAL PROCEEDINGS

RULE 44 - CASE MANAGEMENT-SPECIAL CRIMINAL PROCEEDINGS

The purpose of this rule is to establish, pursuant to Sup.R. 5 (formerly M.C. Sup. R. 18), a case management system for special criminal proceedings to achieve a prompt and fair disposition of these matters. Examples of special criminal proceedings include probation violations, contempt hearings, preliminary hearings, extradition hearings, and bond hearings.

A case that has a time limit established by the Ohio Revised Code or the Ohio Rules of Criminal Procedure shall be set for hearing within these time limits. In all other special proceedings, a case shall be set for hearing within a reasonable time, not to exceed ninety (90) days unless, upon the request of the defendant or for other good cause, the Court extends this time limit.

When a defendant is charged with one or more misdemeanor offenses, together with one or more felony

offenses, the misdemeanor offense(s) shall be scheduled for plea or trial setting at the same time, and before the same judge, as the preliminary hearing on the felony charge(s), if the offenses are of the same or similar character, or based on the same act or transaction, or are based on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan, or are part of a course of criminal conduct. Upon the dismissal or bind over of the felony charge(s), if there has been no resolution of the misdemeanor charge(s), the case(s) involving misdemeanor charges shall be scheduled for appropriate hearing before the same judge.

RULE 45 - CONCURRENT SUPERVISION WITH THE JACKSON COUNTY COURT OF COMMON PLEAS

For individuals placed on reporting community control in both the Jackson County Municipal Court and the Jackson County Court of Common Pleas, the probation departments of both courts shall confer to determine if resources can be conserved by having one probation officer supervise the offender's compliance with the sentences imposed by both courts. If the Common Pleas Adult Probation Department and Municipal Court Adult Probation Department agree that only one department should supervise the offender, and further agree on which department should provide said supervision, then their joint recommendation shall be presented to the original sentencing Judges in both Common Pleas and Municipal Courts. If, upon consideration of the factors set forth in R.C. 2951.022(C), both judges agree with the recommendation of the Probation Departments to consolidate supervision, said supervision shall be consolidated per the agreement and this fact journalized by an Entry. If, upon consideration of the factors set forth in R.C. 2951.022(C), either sentencing judge objects to the consolidation of supervision, the consolidation shall not occur, and the offender shall be supervised by both probation departments.

Individuals placed on court monitored, non-reporting community control in Jackson County Municipal Court shall remain subject to the Jackson County Municipal Court's monitoring of compliance with the sanctions imposed. No offender placed on court monitored, non-reporting community control in Municipal Court shall have their supervision transferred to the Common Pleas Adult Probation Program. [2951.022(B)(1),(B)(4)(b)]

RULE 46 - DRUG COURT

The Jackson County Municipal Court establishes by this rule a specialized- docket court for Drug Offenders.

This docket is created pursuant to the authority and requirements under Sup. R. 36.20 and 36.29.

This session of court shall be known as the Jackson County Municipal Court Drug Court Division. The Drug Court shall be comprised of five (5) phases and the duration shall be two (2) years.

The Drug Court shall offer a non-adversarial and therapeutic oriented judicial approach to providing court supervision and appropriate treatment to individuals whose charges are drug or alcohol related. The primary focus of the drug court will be to prevent recidivism, save life, and prevent destruction of property by improving the quality of life for the individuals and their families through treatment, accountability, and support.

The Drug Court Team shall consist of the Judge, Drug Court Administrator, Drug Court Coordinator, Court Chemical Dependency Specialist, Defense Counsel and Prosecutor. The Judge may add additional team members as deemed necessary.

The Drug Court staff shall consist of the aforementioned individuals as well as the Assistant Drug Court Administrator, Drug Court Probation Officer, law enforcement liaison, MIS Evaluator, and Drug Court Aftercare Coordinator.

CERTIFICATION AND RECERTIFICATION

The Jackson County Municipal Court Drug Court was originally certified as a Specialized Docket Court on August 15, 2014, and has been recertified each 3 years thereafter.

Pursuant to Sup. R. 36.28 every three (3) years after receipt of certification or within six months after a change in the Judge assigned to the session, whichever comes first, the Drug Court shall successfully recomplete the certification application process pursuant to Sup. R. 36.21 through 36.26. The Specialized Docket Section of the Ohio Supreme Court may abbreviate the first certification to allow for rotating certification periods among the courts and divisions.

PLACEMENT IN DRUG COURT

An applicant for Drug Court may be referred from the bench, by defense counsel, or the prosecutor's office. The individual may request to apply for drug court at either arraignment or the sentencing phase of their case.

Applicants will be assessed by the court's Chemical Dependency Specialist to determine if the applicant meets the criteria of a chemical dependent person.

After the assessment is completed and it is determined the applicant qualifies for Drug Court the Administrator or Coordinator shall request of law enforcement a CCH/LEADS to determine the applicant's past criminal and/or traffic history.

When all collateral information has been gathered the Chemical Dependency Specialist shall report to the Drug Court Team the results of the applicant's assessment. At this time the Team shall vote as to whether or not to accept the applicant into the program.

The Drug Court Team shall consist of the Judge, Drug Court Administrator, Drug Court Coordinator, Court Chemical Dependency Specialist, Defense Counsel and Prosecutor. The Judge may add additional team members as deemed necessary.

The Drug Court staff shall consist of the aforementioned individuals as well as the Assistant Drug Court Administrator, Drug Court Probation Officer, law enforcement liaison, MIS Evaluator, and Drug Court Aftercare Coordinator.

APPLICANT REQUIREMENTS FOR ADMISSION TO DRUG COURT

Be a resident of Jackson County unless requirement is waived by the Judge.

Be motivated to meet all the conditions of the Drug Court and prepared to become actively involved in their recovery.

Have current or past criminal behavior that is associated directly or indirectly with drugs or alcohol use.

Have a current charge that is suitable for Community Control

Be determined to be chemical dependent via clinical interview.

Have no significant history of trafficking or violent behavior.

The Drug Court Staff shall provide support, resources, accountability, and guidance throughout the Drug Court program. Upon entering the program, the participant shall receive a Participant Handbook outlining the Drug Court program and the participant's rights and responsibilities. Treatment for participants shall be provided by Ohio Department of Health, OHMAS approved providers s approved by the Court.

TERMINATION FROM OR MODIFICATION OF STATUS WITHIN DRUG COURT

Termination from the program may result from, but not limited to, the following:

A participant's behavior negatively impacts the other participants.

Continued participation would compromise the integrity of the program.

Another level of care is indicated.

Chronic non-compliance.

The presiding Judge shall make the final decision on termination of a participant after review of all documentation, and hearing unless waived by the participant.

RULE 47 - USE OF ELECTRONICALLY PRODUCED TICKETS

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Jackson County Municipal court pursuant to Traffic Rule 3(F). The electronically produced traffic ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by division (E) of Traffic Rule 3. A copy of the ticket shall be filed by the charging agency with the Jackson County Municipal Clerk of Courts on paper, other than thermal paper, approved by said clerk and sufficient to comply with the records retention requirements set forth in the Rules of Superintendence for the Court of Ohio. The ticket may also be filed electronically with the Municipal Clerk of Courts in lieu of paper filing

RULE 48 - PROBATION RECORDS

Reports and records of the Probation Department shall be considered confidential information and shall not be made public pursuant to O.R.C. 149.43A(1)(b). Any probation record including but not limited to: drug screens, social, physical or mental examinations, case notes, records, criminal histories, or other reports prepared at the direction of the Court shall not be copied without leave of the Court. Pursuant to O.R.C. 2951.05 Probation has general control and supervision over offenders who are required to submit to random testing. The Court may limit or deny inspection of any reports or records including results of drug or alcohol screens for good cause shown or if such inspection would negate the Court's ability to engage in probation efforts. Drug and alcohol testing for purposes of rehabilitation or other probation records or reports shall not be used for further criminal, traffic, or civil prosecution or for any other purpose relevant to other court's procedures not limited to Juvenile or Domestic Court unless authorized by the Jackson County Municipal Court Administrative Judge.

RULE 49 - VIRTUAL HEARINGS/TESTIMONY

At the discretion of the Court, certain witnesses and/or hearings may be conducted virtually through the use of Collaborate Space. On those occasions that the Court approves the witness to appear or the hearing to be held virtually, all participants will be considered to have participated as if they were physically present to the proceeding.

RULE 50 – TEMPORARY PROTECTION ORDER VIOLATION FILINGS

The Court orders that the Law Enforcement Agency filing under these State or Local Sections shall state the name of the Court issuing the underlying protection order and the case number associated with the order in the body of the complaint charging violation of temporary protection order or alternatively, attach a copy of the protection order itself so long as the attachment clearly sets out the name of the issuing court and the case number.

RC Sec 2919.27 or a municipal ordinance substantially the equivalent thereof for violating:

A protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code;

A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code;

A protection order issued by another state.

RULE 51 – DISMISSALS BY THE STATE

The State may, by leave of Court, and in open court, file an entry of dismissal of an indictment, information, or complaint and the prosecution shall thereupon terminate, all pursuant to rule (O. Crim. R 48).

RULE 52 – REQUEST FOR EXPEDITED ORDERS

Any time a request for expedited orders due to unforeseeable matters becomes necessary, such request is to be made through the Chief Bailiff or Court Administrator.

Such request contemplates an order requiring immediate or expedited attention such that the formal motion and hearing process would not provide for timely relief. RC Sec 2945.72 (H).