

# JEFFERSON COUNTY DISTRICT I, II AND III COURTS

## LOCAL RULES OF COURT



**Effective: February 1, 2023**

By: Judge Michael C. Bednar

Judge Lisa Ferguson

Judge David J. Scarpone

**Jefferson County District I, II, and III Courts**  
<http://www.JeffersonCountyOH.com>

**Civil and Criminal Rules of Practice and Procedure, Case Management Plan and Jury Management Plan**

**Jefferson County Court, District I**  
**The Honorable Lisa Ferguson, Judge**

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Toronto, Ohio 43964  
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Friday 8:00a.m. Until 12:00p.m.

**Jefferson County Court, District II**  
**The Honorable Michael C. Bednar, Judge**

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**Jefferson County Court, District III**  
**The Honorable David J. Scarpone, Judge**

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**Honorable Judge Lisa Ferguson, Jefferson County Court I**

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**Honorable Judge Michael C. Bednar, Jefferson County Court II**

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**Honorable Judge, David J. Scarpone, Jefferson County Court III**  
**Administrative Judge for the Year 2023**

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## **JURISDICTION OF THE COURT**

Pursuant to R.C. §1907.01, the Jefferson County Court shall have jurisdiction throughout the Jefferson County Court District that shall consist of all territory within Jefferson County, Ohio not subject to the territorial jurisdiction of any municipal court. The Jefferson County Court is also known as the Jefferson County District Courts, consisting of Districts I, II, and III.

Each of the three County Court Judges shall have countywide jurisdiction and cases may be transferred freely between any divisions or among the three divisions at the discretion of the Judges.

### **Rule 1.00 SCOPE AND APPLICABILITY OF RULES DIVISION OF COURT**

The Rules hereinafter set forth shall apply to the following Courts for the conduct, government and management of business, operations, proceedings and other functions and the service of the Court. The Court may amend and supplement the Rules from time to time:

The Courts consist of Civil, Small Claims, Traffic, and Criminal Divisions.

These Rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes in their application and administration in proceedings in Court.

### **Rule 1.01 TERMS OF COURT**

#### **1. Hours and Sessions of Court.**

The office of the Clerk of Courts for District II located in Wintersville, Ohio and District III in Dillonvale, Ohio shall be open Monday through Friday from 8:00 a.m. until 4:00 p.m. subject to the availability of personnel or unless otherwise directed by the Judge. District I Court in Toronto, Ohio shall be opened Monday through Thursday from 8:00 a.m. until 4:00 p.m. and Friday from 8:00 a.m. until 12:00 p.m. All sessions of the court shall begin promptly at 9:00 a.m. and 1:00 p.m. unless otherwise directed by the Judge. The Court shall close for all legal holidays observed by the State of Ohio and the public offices of Jefferson County, Ohio. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Court.

The term of the Courts is one (1) calendar year.

#### **2. Courtroom Decorum**

##### **(A). Proper Attire**

All individuals using the Court, including, but not limited to court employees, attorneys, prosecutors, defendants, jurors, witnesses, media, or observers will be properly attired.

##### **(B) Behavior**

It is hereby declared to be the duty of every person in the courtroom to give respectful attention to the Court at all times when it is in session. Any person or persons may be found to be in contempt of court and subject to the reproof or punishment by the Court for any person or persons, by conversation or otherwise, who disturbs the attention of the court or jury while Court is in session.

##### **(C) Electronic Devices**

Individuals entering the courtroom will turn electronic devices, such as cell phones, pagers, PDA's and portable computers, to silent mode or off. No cellular telephone calls shall be initiated or received in the courtroom while Court is in session. Except as provided in Local Rule 1.08, there will be no recording of proceedings or taking of pictures from cell

phones, etc. A violation of this section may result in confiscation of the electronic device and a finding of contempt by the Court.

#### **(D) Contempt of Court**

To ensure that the decorum and dignity which should characterize the practice of the law and to aid the Court at all times in the discharge of its duties, any person or persons may be found to be in contempt of court for using insulting, vulgar, or profane language in the presence of the Court while the court is in session.

### **RULE 1.02 ADMINISTRATIVE ACTIONS**

The Judge shall have full control over the administration, docket, and calendar of the Court, cause cases to be assigned to any individual Judge and to particular sessions pursuant to these rules, and formulate accounting and audit systems with the Court and in the Clerk's office which insure the accuracy and completeness of all reports required by the Rules of Superintendence.

### **RULE 1.03 RECORDS OF THE CLERK**

No files may be removed for any cause except to go into the Courtroom without express consent of the Deputy Clerk in charge.

Public Records Request: Public records must be requested in writing listing the specific information needed. Since older records are not readily available, 48 hour advance notice must be allowed to compile and copy the information. The charge is 10 cents per page; a certified document is \$1.00 per certification. If a person wants documents mailed, there is a fee for mailing costs. All costs must be paid before the documents will be mailed. No personal checks accepted. Cash or money or certified bank check are required. If documents are to be mailed, the address must be provided.

The Clerk shall keep and have in his/her custody the following records:

1. The clerk shall separate the docket into a civil docket, a trusteeship docket, and a criminal docket. Each docket shall list all cases filed in its category. Each docket shall be in order of filing, and as to each case shall list the number and title by plaintiff and defendant of each case. Each docket shall include the date of filing, the nature of the charge or claim, of each motion or pleading, a minute of each order of the Court with respect thereto.
2. A journal which shall consist of a daily record of all orders of the Court showing as to each the caption and number of the case, civil, criminal, or trusteeship. No case shall be considered disposed of, nor shall any order concerning it be made unless the text of the order be reduced to writing, signed by the Judge making it, and be entered in the Journal which shall be a bound volume of permanent record. Entries made therein may be copies in typescript, by rubber stamp impression, by photographic process, or by binding in the volume an exact duplicate or the order signed.
3. A record which shall be a permanently bound volume in which each pleading, motion, order, verdict, and judgment concerning a case shall be transcribed, in the chronological order of filing, in each case. No case shall be transcribed into record except on order of Court made on motion of a party interested, or on the Court's own motion.
4. One or more cash books which shall be in such form either by electronic or paper means as approved by the appropriate state agency. The cash books shall show a separate line of entries for each case or proceedings in which funds are collected by the Clerk, and shall show the distribution of such funds received, the number of the receipt given therefore, and the number of the check or voucher disbursing funds.
5. From the date of filing of original pleadings in criminal cases from five (5) days after filing (if there has, in the meantime, been no final disposition), the trial docket shall be kept on single separate sheets or by electronic

means as approved by the Clerk. All journal entries shall be signed by the Judge, however if an entry of such order is not presented to the Judge by counsel of record within five (5) days of decision, the entry shall be prepared by the Clerk from such trial docket notation signed, presented to the Judge for signature, and entered in the Journal.

6. Case File - the clerk for each case presented will maintain a separate case file. The Clerk shall insert all individual documents pertaining to each case securely into the file. When finally disposed of, each file folder will be placed in chronological order. The folder shall carry on its face the title and number of the case and such information as the Clerk deems pertinent.

Until finally disposed of, such folders shall be kept separate and apart from the folders of disposed cases, either in the office of the Clerk, or temporarily in the office of the Judge or Courtroom for ruling or disposition.

#### **RULE 1.04 FILING AND ASSIGNMENT OF CASES**

(A) Consecutive Numbers:

All civil and criminal actions brought by this Court shall be numbered consecutively as filed, and shall be entered upon the civil docket or criminal docket as numbered. Subsequent filings shall include the number of the case.

(B) Continuances:

No continuances will be granted except by written motion set down for hearing. Hearing may be waived by opposing counsel. Requests for a continuance shall be to a time certain.

(C) Dismissals:

No case, once filed, shall thereafter be dismissed except by the Judge assigned thereto on preliminary hearing, trial on the merits, on motion in open court, or on good cause shown by written entry.

(D) Disqualification:

When necessary or proper, a Judge may disqualify himself or herself from a particular case. In those circumstances, written entry shall be attached to the case setting out the disqualification, and a new Judge assigned, and said case be transferred to the appropriate Court.

(E) Re-filings:

In accordance with the Rules of Superintendence, in any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the Judge originally assigned by lot to hear it unless for good cause shown that Judge is precluded from hearing the case.

(F) Attorneys of Record:

Appearance: All pleadings and motions served and filed on behalf of any party represented by counsel shall be signed by one attorney in his or her individual name as the trial attorney with office address including zip code, telephone number, email address and Ohio Supreme Court registration number. Firm names and the names of co-counsel or associate counsel may appear for information only as "Of Counsel." All copies of pleadings or other court filings and notices of all subsequent proceedings shall be serviced upon the trial attorney, or the party if unrepresented. The attorney of record shall appear personally at all stages of the proceedings unless excused by the Judge.

- (1) Withdrawals: Trial attorneys may withdraw from a matter pending only on written motion, hearing and entry.
- (2) Any and all attorneys who are not the original attorney of record, **"MUST AND SHALL FILE A NOTICE OF APPEARANCE"** prior to the filing of any pleading and prior to appearing before the Judge.
- (3) Retained Counsel shall immediately notify the clerk in writing of such representation. Any counsel intending to withdraw from representation must submit a written request. Such counsel shall appear at the next scheduled court proceeding of such case unless substitute counsel has appeared of record or unless the Court grants prior leave. Withdrawal consideration shall be in the conformity with the Code of Professional Responsibility.

#### **RULE 1.05 COURT APPOINTED COUNSEL AND QUALIFICATIONS**

Indigent Court appointments and attorney qualifications shall be in accordance with Rule 8 of the Ohio Rules of Superintendence and OAC Section 120-1-10.

#### **RULE 1.06 BONDS**

- (A) All persons, except those who may be denied bail under Article I, Section 9 of the Ohio Constitution, are entitled to bail and the purpose of bail to ensure that the defendant appears at all stages of the criminal proceedings subject to any conditions imposed by the Court under Criminal Rule 46. Where summons has issued and the defendant has appeared, the Judge shall, absent good cause, release the defendant on his personal recognizance or execution of an unsecured appearance bond.

Unless application is made for discharge of the surety, the same bond shall continue as a matter of right until the final disposition of the case.

- (B) No attorney at law or other officer of the Court, or police officer of Jefferson County or any political subdivision therein, shall be accepted as a surety nor shall receipt for cash bail be issued to them unless they are defendants.
- (C) Upon the forfeiture of bond and payment into Court of the sum forfeited, the Clerk shall first satisfy any and all costs in the case. With the written consent of the person posting a cash bond, upon disposition of the case the Clerk will deduct all fines and costs due from the case from the cash appearance bonds posted by a Defendant or by another person on behalf of the defendant before any refunds are made. The balance of a cash appearance bond after deductions, if any, will be refunded to the person who posted the cash appearance bond upon presentation of the receipt when the case is concluded.
- (D) Defendant may elect, if he has posted a cash appearance bond, to apply the cash bond as a payment for a minor misdemeanor disposition without a Court appearance pursuant to Criminal Rule 4.1 and in appropriate cases under Traffic Rule 13 with written consent of the person posting the cash bond.

In accordance with Traffic Rule 13 and Criminal Rule 4.1, payments may be made for disposition of such cases through the violations bureau. If the Defendant's cash, money order or certified check is received by the violations bureau within thirty (30) days after the Court date, no bench warrant shall issue even though the Defendant failed to appear. If defendant does not post cash, money, or certified check by date specified in this paragraph, then the Clerk shall proceed in accordance with law.

- (E) Any bond money received on out-of-state bench warrants may be accepted by the Clerk of Courts and the warrant recalled without hearing.



(F) Unless bail has been set by order of any Judge of the Court pursuant to Criminal Rule 46, a person charged for a misdemeanor enumerated in the Court's bail bond schedule, and who is not released pursuant to Criminal Rule 4(F), or has not appeared before a Judge pursuant to Criminal Rule 5, shall be eligible for release by doing any of the following at the person's option:

(1) Posting in the amount set by the bail bond schedule, a surety bond, and a bond secured by real estate or securities as allowed by law, or the deposit of cash at the option of the defendant.

(G) A person may use a recognized and established credit card issuer only if the Clerk of the Court has approved the credit card issuer, and no service charge is made by the credit card issuer against the Clerk of Court unless allowed by law.

#### **RULE 1.07 RECORDINGS**

(A) All matters which come before the Court shall be recorded by any means and media approved by the Presiding Judge which includes but is not limited to digital audio and visual recording devices and medium of any type as well as digital or analog tapes. Use or placement of a type of recording media or device to be used to record court proceedings in any place in the courthouse shall be deemed to be compliance with this rule and approved by the Presiding Judge. Authorized court reporters may remove recording media of any type and description from the court upon their signature alone. Transcription of the recording media of any type or description approved by the Presiding Judge shall be at the expense of the requesting party. Recording media of any type and description shall be stored for the time period as required by law unless by request for a longer period.

(B) A party may provide a stenographic Court reporter at the party's cost and expense.

(C) Court Records.

1. Inspection of Records. All indexes, docket, journals, and file records maintained in accordance with law by the clerk of the Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk's office. Other case file materials shall only be inspected with permission of the Court.
2. Transcripts of Records. The audio electronically recorded court proceedings shall not be inspected but may be transcribed by a certified court reporter approved by the Court upon request and upon payment of appropriate deposit. All inspections shall be made under the supervision of Court personnel. Original papers shall not be removed from the office of the clerk.

#### **RULE 1.08 DEPOSIT FOR COSTS**

No civil action shall be accepted by the Clerk for filing without a deposit to secure the costs. The Clerk may require the said deposit to be increased from time to time, or a deposit to be made by a counter, cross or third party claimant, so as to secure all costs that may accrue.

Where any party required to deposit or secure costs by affidavit shows inability to pay, the Clerk shall submit such affidavit and claim to the assigned Judge, for review before accepting for filing.

In all criminal cases, refer to the Courts costs schedule. In all criminal cases, costs shall also include Sheriff's costs at the rate fixed by the Judges of the Jefferson County Courts, plus witness fees, mileage and service, court ordered costs as provided by law, and fees. A bond schedule for misdemeanor cases and a fine and costs schedule for Traffic Violations shall be prepared by the Court and a copy shall be posted in the Clerk's office so that it is available to the public.

In addition, costs shall include service of execution of process whenever necessary.

No civil matter will be assigned jury trial date without a deposit of Four Hundred Fifty Dollars (\$450.00) as one (1) day's jury fees.

## **RULE 2.00 JURY MANAGEMENT**

- (A) Introduction: It is the purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the Jefferson County Courts.
- (B) Jury Eligibility: To ensure that the jury pool is representative of the adult population of the Jefferson County Courts jurisdiction, all persons are eligible to serve on a jury, except as follows:
- 1.) Are less than 18 years of age or are 75 years of age or older.
  - 2.) Are not current residents of Jefferson County.
  - 3.) Are not United States citizens.
  - 4.) Are not able to communicate in English.
  - 5.) Have been convicted of a felony and have not had their civil rights restored. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.
- (C) Procedure for Jury Selection: Selection of Jurors shall be done in accordance with the drawing and selection of Jurors for the Jefferson County Courts I, II and III and the procedures as directed by the Jefferson County Court's I, II and II Judge as prescribed by Chapter 2313.0RC and Section 1901.25 of the Ohio Revised Code. Departures from random selection shall be permitted only as follows:
- 1.) To exclude persons ineligible for service.
  - 2.) To excuse or defer prospective jurors.
  - 3.) To remove prospective jurors for cause or if challenged peremptorily.
  - 4.) To obtain sufficient jurors for a case through the talesman procedure.

Any person who fails to respond to a duly served summons shall be served with a citation for contempt of Court, and must appear to answer on said summons or, if appropriate, shall be arrested and detained for examination as to why they failed to attend.

Confidentiality of Juror Questionnaires: the Law Director and Defense Counsel as an aide in voir dire therein shall only use The Juror Questionnaire or information. No access shall be given to the defendant or any other individual as to Juror's address or phone number upon Contempt of Court charges. All questionnaires shall be returned to the Clerk of Courts after voir dire. Under no circumstances may counsel or a Party retain any Jury questionnaire. No copies may be made unless otherwise ordered by the Court.

Juror Fees: Jurors shall be paid \$10.00 per day for each day's attendance or as modified by ORC 2313.34. The County shall pay Juror fees for cases involving the State Law and the City shall pay Juror fees for City ordinance cases pursuant to ORC 1901.25.

- (D) Summoning of Jurors: Every effort shall be made to resolve cases prior to summoning juries. In Civil Case Jury Trials only, a \$300.00 deposit must be filed no later than ten (10) days before the scheduled trial date or the case will be tried to the Court. A person who is indigent may petition the Court for a waiver of the Civil Jury Trial deposit requirement. All attorneys shall notify the Court by 3:00 p.m. of the preceding day of a Jury Trial of any changes in plea or Jury Costs shall be assessed to their Case. Jurors are instructed to call the Court before 3:00 p.m. before the Jury Trial date for instructions regarding being summoned for service.
- (E) Exemption, Excuse, and Deferral: All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excuse,

exemption, or deferral must be made in writing and shall be accompanied by appropriate documentation. The Court shall retain these documents.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service, in accordance with O.R.C. 2313.16:

- 1.) Any person who suffers from a substantial physiological or psychological impairment.
- 2.) Any person who has a scheduled vacation or business trip during potential jury service.
- 3.) Any person whose jury service would constitute a substantial economic hardship.
- 4.) Any person whose service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
- 5.) Any person for whom it may be readily determined is unfit for jury service.
- 6.) Any person for whom it is readily apparent would be unable to perform their duty as a juror.
- 7.) Other valid excuses.

No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors. Once a prospective juror has submitted his/her request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

#### **RULE 2.01 EXAMINATION OF PROSPECTIVE JURORS**

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.

Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaire. Parties and counsel may be permitted to ask follow up questions concerning such information.

The Court may conduct a preliminary voir dire examination. Counsel or parties shall conform their voir dire questioning to the following rules:

1. Counsel may not examine prospective jurors concerning the law or possible instructions.
2. Counsel may not ask jurors to base answers on hypothetical questions.
3. Counsel may not argue the cause while questioning jurors.
4. Counsel may not engage in efforts to indoctrinate jurors.
5. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors.
6. Questions are to be asked collectively of the panel whenever possible.
7. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive voir dire questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors than the juror being questioned in order to protect juror privacy, or to avoid juror embarrassment.

If it is determined by the Court, during the voir dire process, that an individual is unable or unwilling to fairly and impartially decide a particular case, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel; a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code 2313.42 and Ohio Criminal Rule Procedure 24 (B) set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by Revised Code 2945.23, and Civil Rule 47, and Criminal Rule 24, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made in open Court, but the basis for challenge for cause shall be made outside the hearing of the prospective jurors at side bar. There shall be no limit to challenges for cause, however peremptory challenges shall be limited to that number established by the Rules of Civil and Criminal Procedures. Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight regular jurors and one alternate juror. In civil cases, the jury shall consist of eight regular jurors and one alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be selected.

## **RULE 2.02 JURY ORIENTATION**

Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of trial, except those which the Court must consider by law or by Rule of Procedure. The status of conference is the hearing where pre-trial motions are addressed.

Prospective jurors shall be provided an oral orientation by the Court upon their initial appearance and prior to service. The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principles.

Upon the completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury. These special instructions must be given to the Court no later than the status conference. A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation. Jurors shall not be permitted to take notes. Upon appearance for service, all prospective jurors shall be placed under supervision of the Bailiff or other assigned Court personnel and Jurors shall direct any questions or communications to such Court personnel for appropriate action. All communication between the Judge and the member of the jury panel, from the time of reporting to the Court through dismissal, shall be committed to writing or placed on the record in open Court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize conduct between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of Court personnel and shall not be permitted to leave the Jury room without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown the Court finds that sequestration and the transportation of all jurors. Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open Court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

Conclusion: The Court shall collect and analyze information regarding the performance of this jury management plan to evaluate the representativeness of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall jury satisfaction.

## **RULE 2.01 JURORS/JURY TRIALS**

Jurors in the County Court shall be chosen and summoned by the Jefferson County Clerk of Courts as provided by law.

Jurors reporting, impaneled or sworn in any case shall receive the same prevailing compensation of Jurors in the Court of Common Pleas.

In the event a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of said cancellations, the requesting party shall bear the costs of juror's fees of those jurors who report for the day of trial.

Demand for a jury trial must be made in writing in accordance with Criminal and Civil Rules.

All jury demands properly filed will be set by the Clerk on the next pretrial docket of the assigned Judge.

## **RULE 2.02 BROADCASTING AND PHOTOGRAPHING**

The Court finds it necessary for the safety, security and maintenance of all court proceedings to issue certain orders governing the conduct of all participants and those in attendance at trials.

In issuing these orders the Court considers the physical facilities in which the court proceedings are conducted, the ingress and egress available to the courtroom for all participants, including the jury, the jury room and court office facilities, the length and width of the available hallways and stairways leading to the courtroom, the exits available from the courtroom, and the rights of all parties and participants to have free access to the area of the trial.

It will be the order of the Court that all recording and photographic equipment, including still, moving, video, and digital equipment, together with lights and accessories, tape recorders, etc., will not be permitted closer to any door of the courtroom or Clerk's office than ten (10) feet.

It will be the further order of the Court that no individual, or group of individuals, acting individually, or in concert, or with equipment, shall impede or bar the free access of all participants, jurors, witnesses and the general public in going to or from the courtroom in the hallways of the courthouse.

It will be the further order of the Court that no one shall interfere with, impede or attempt to impede or interfere with the Sheriff's Department in the conduct of any defendant from the jail quarters to the courtroom for the purpose of appearing at trial.

It is further ordered that all broadcasting, televising, recording, and taking of photographs in the courtroom by news media during sessions of the Court, including recesses between sessions, shall be subject to Canon 3 of the Code of Judicial Conduct and Superintendence Rule 12, as effective July 1, 1997, October 1, 1997, or as amended and conditions imposed there under. A written application and permit shall be filed by 2:30 p.m. of the business date before the start of the day's proceedings to be covered under Canon 3 and Superintendence Rule 12.

The Court considers the physical access to and conditions within the courtroom, the rights and privileges of all parties, ordering as follows:

- (A) Due to limited space facilities only two (2) portable cameras (television, video, digital or movie) with one operator shall be permitted in the courtroom. In the event more than one (1) application is filed for the same date or time, the Rules of Superintendence shall control.
- (B) Due to limited space facilities not more than two still photographers shall be permitted to photograph trials proceedings. In the event more than two (2) applications are filed for the same date and time, the Rules of Superintendence shall control.
- (C) Due to limited space facilities and exits from the courtroom all persons using photographic and recording equipment in the courtroom shall be in the designated area before Court convenes and shall not leave until Court recesses or adjourns for the day.
- (D) No witness, party or juror who has objected to recording will be recorded unless the Court has determined that there is no reasonable cause for such objection.
- (E) The Court may record by digital means any public proceeding, trial, hearing, arraignment, or other Court proceedings under this Rule and the use of such recordings shall be in accordance with law or by order of this Court.

### **RULE 3.00 CRIMINAL PRACTICE AND PROCEDURE**

- (A) Criminal cases may be taken out of their order of filing and shall have precedence over all civil cases on the trial list. The rules of practice for civil cases apply to all criminal procedures except where clearly inapplicable.
- (B) Traffic offense defendants and criminal defendants may be arraigned jointly.
- (C) Affidavits shall be executed in the presence of the Judge, Clerk or Deputy Clerk, and the Clerk may require same to be approved by the Prosecuting Attorney before receipt for filing.
- (D) Where a felony and a misdemeanor arise from the same act, transaction, or series of acts or transactions, one case shall be assigned for the felony and one (1) for all other offenses.

### **RULE 3.01 PROBATION DEPARTMENT**

Individual sentenced to a term of probation are subject to the rules and regulations of the Probation Department of the Jefferson County Court System.

### **RULE 3.02 CIVIL PRACTICE AND PROCEDURE**

- (A) All civil actions are hereby divided into the following classes: Civil and Small Claims.
- (B) All uncontested civil cases that have not been disposed of on a default docket within six (6) months will be set for dismissal at the next regularly scheduled civil session.

### **RULE 3.03 COMPLAINT**

- (A) Civil actions, except small claims, shall be commenced by filing in the office of the Clerk, a pleading on 8-1/2 x 11 inch sheets of paper subscribed by the Plaintiff, his/her agent, or attorney, which shall be known as a Complaint and which shall contain:
  - (1) Full name and, if known, the residence address of each plaintiff or an address at which service of process may be obtained.
  - (2) The full name and, if known, the residence address of each Defendant.
  - (3) A statement in plain and direct language of the facts constituting the causes of action with sufficient certainty fairly to inform the Defendant(s) of the nature of the case he is called upon to defend.
  - (4) If in contract, set forth whether the agreement was oral or in writing; and, if in writing, set forth the substance thereof fully or annex a copy thereof.
  - (5) A statement of the amount claimed or the relief demanded.
  - (6) Any civil complaint filed which contains a jury demand shall be set for pretrial hearing before the presiding Judge upon receipt of an answer therein or after thirty days from the date of filing, whichever comes first.
  - (7) See Rule 1.09 – Deposit for Costs.
- (B) Counsel must represent corporations and Limited Liability Companies.

### **RULE 3.04 SERVICE OF PROCESS**

On filing of complaint and payment of deposit for costs as prescribed by rule, the Clerk shall forthwith issue summons by certified mail.

Said complaint shall be dated the day it is received and be made returnable according to law.

If the action is for money only, or money and other relief, there must be endorsed on the writ the amount stated in the complaint for which, with interest, judgment will be taken if the Defendant fails to appear or answer.

If the action is for the recovery of property, forcible detention, or equitable relief, the summons shall be so endorsed.

The summons shall state the date within which the Defendant(s) is required to answer or on which he/she is to appear, to avoid default.

Unless a definite street address, or if rural, a description of Defendant's house and the road on which it is situated is furnished in the petition or by precept, the Sheriff may forthwith return the summons endorsed "not found."

Where wage attachment is claimed by way of provisional remedy notice to garnishee of wage attachment and summons may appear on the same form as summons, and the Sheriff may make single return showing service on both defendant and garnishee of the summons and notice of the true copy of the affidavit on defendant.

In the event summons is returned "not found," alias writs may issue on precept of plaintiff until defendant(s) is served and the alias writs shall be endorsed as above provided.

Service of process on second and third causes of actions in forcible entry and detainer actions shall be obtained in accordance with Civil Rules 4 through 4.6, and no action for default judgment or trial on second or third causes of actions shall be determined until at least thirty-one (31) days have passed since service was obtained under the Civil Rules.

Service of process as to first causes of actions in forcible entry and detainer actions shall be in accordance with R. C. 1923.06.

### **RULE 3.05 MAIL SERVICE**

In an ordinary mail service, the writ or summons shall be enclosed in a sealed envelope, bearing proper postage and such envelope shall be addressed to the party to be served at his residence address. In case of a corporation, domestic or foreign, or partnership, the envelope shall be addressed to the corporation or a partnership to be served at its office or place where it regularly receives mail, if within the jurisdiction of the Court. The envelope shall bear a request for return of the envelope to the Clerk in case of non-delivery after three days, and the instruction in bold type "DO NOT FORWARD."

No writ or summons shall be served by mail unless it appears to the Clerk that mail delivery is made to the residence of the Defendant(s). This provision shall not apply in cases where property or earnings of the Defendant within the territorial jurisdiction of the Court has been attached and the Defendant is a non-resident of the territory of the Court; in such case, notice by ordinary mail may go forward to the Defendant wherever his residence may be.

### **RULE 3.06 SERVICE BY PUBLICATION**

Service may be made by publication in those cases in which such service is authorized by the laws of Ohio, in which this Court has jurisdiction, and such service shall be made in the manner and form as provided in law and such service shall be deemed completed and the rule days computed from the last publication in the same manner as provided for Common Pleas Court.

### **RULE 3.07 EXTENTION OF TIME FOR FILING PLEADINGS AND MOTIONS**

Leave for extension of time to plead will be granted only on approval of opposing counsel or on motion, in writing, showing good cause accompanied by proof of notice to opposing counsel.

Leaves to move will ordinarily not be granted, notwithstanding approval of opposing counsel.

Leaves to plead for more than ten (10) days will require showing of cause, notwithstanding approval of opposing counsel.

### **RULE 3.08 COPIES OF PLEADINGS**

It shall be the duty of the Plaintiff or his counsel to furnish to the Clerk, at the time of filing of Complaint, one copy of the Complaint for each Defendant to be served and the Clerk shall issue such copies with summons. It shall be the duty of the party or his counsel filing any suit pleading or motion either (1) to show proof of mailing copy to opposing party or counsel at the address of record, or (2) to furnish the Clerk with sufficient additional copies thereof for mailing to all adverse parties or counsel, in which case, Clerk shall immediately mail such copies to them at their respective addresses of record.

Failure of party offering pleading or motion to comply with this rule may be cause for striking the same from the files.

### **RULE 3.09 JOURNAL ENTRIES**

#### **(A) Civil Cases:**

In all cases in which parties are represented by counsel, prevailing counsel shall, within five (5) days after the announcement of decision, prepare a Journal Entry giving effect to such decision and submit same to opposing counsel. If the opposing counsel refuses to approve within ten (10) days, or if there be no opposing counsel, the same shall be submitted to the Court. If no entry is received, an entry shall be prepared by the Court and filed within thirty days of trial. Default entries, including an order to garnishee in wage attachment cases, will be prepared by Plaintiff's counsel or Plaintiff, and submitted to the Court within five (5) days after default or answer of garnishee, whichever is later.

In the event of an appeal, counsel for Appellant shall prepare an Entry of Judgment for signature by the assigned Judge.

In the event that the prevailing party is not represented by counsel and the matter is a contested one, Court may prepare its own Entry or direct the Clerk to prepare the appropriate Journal Entry.

#### **(B) Criminal Cases:**

In criminal cases, the attorney for the defendant shall immediately prepare the Judgment Entry and shall be filed forthwith.

### **RULE 4.00 MOTIONS**

(A) Any motion made during a hearing or trial once case has been assigned, shall be heard by the Judge presiding. A motion for new trial, for judgment notwithstanding verdict, or for relief from a judgment or order shall be heard by the Judge who rendered the judgment or order from which relief is sought.

(B) All motions, unless made during a hearing or trial, shall be made in writing and the Clerk shall accept for filing only those motions (other than motions for a new trial pursuant to Civil Rule 59) which are accompanied by a



memorandum in support of the motion which shall be a brief statement of the grounds for the same, with citation of authorities relied upon, and (except in the case of an ex parte motion or an agreed entry situation) proof of service in accordance with Civil Rule 5.

- (C) Any memorandum contra to said motion shall be served upon movant's attorney, or if there be none of record, upon movant, within seven (7) days from the date of memorandum in support of the motion and proof of service thereof, was served. Failure to serve and file a memorandum contra may be cause for the Court to grant the motion as served and filed. A reply memorandum may be served and filed within seven (7) days of the service of the memorandum contra. The time periods set forth in this paragraph may be extended by the Court, for good cause shown, upon applications therefore.
- (D) All motions for a definite statement, pursuant to Civil Rule 12(E) and all motions to strike pursuant to Civil Rule 12(F) shall set out the language in full, sought to be stricken or claimed to be indefinite.
- (E) Upon the filing of any motion which requires a notice of hearing by reason of the Ohio Rules of Civil Procedure or any other provision of law, or upon which oral argument is automatically granted in accordance with this paragraph. Further, the filing of any motion (other than one which may be heard ex parte) or an agreed entry situation the attorney filing such motion shall obtain a date for such hearing and shall promptly notify the other parties to the action. Accordingly, their respective attorneys of record shall verify with the Clerk the date and time of the hearing and shall file proof of service of said notice prior to the hearing. Other than motions interposed under Civil Rule 55(A), the hearing obtained shall take into account the time periods set forth in Paragraph (C) hereof. The Attorney filing a motion must obtain a date and time from the clerk of courts.
- (F) At the time a written motion is interposed in accordance with Paragraph (B) hereof, the movant may submit to the Clerk, with his motion, an agreed entry signed by all parties or their attorneys, which motion and entry shall immediately be submitted by the Clerk to the proper Judge of this Court under Paragraph (A) hereof for approval of the entry by the Judge.

#### **RULE 5.00 SMALL CLAIMS**

- (A) The Rules of Practice of this Court, to the extent that they would, by their nature, be clearly inapplicable, shall not apply to the practice and procedure in the Small Claims Division of this Court, which has been established under Ohio Revised Code Chapter 1925.
- (B) In order to avoid multiple court appearances, the assigned hearing date of a matter in Small Claims Court shall be the date of trial, and all parties and their witnesses shall appear in Court on that date, prepared for trial.

#### **RULE 5.01 ANSWER TO SMALL CLAIMS**

In Small Claims cases, no written answer pleading will be required unless defendant desires to file a counter-claim demanding relief. In the event an answer containing new matter is filed in a small claims case, the new matter will be deemed denied by plaintiff and the case may be set for hearing on the filing of the answer.

#### **RULE 6.00 GARNISHMENT**

Garnishment for personal earnings shall be accepted by Clerk, as provided for by law.

**RULE 7.00**  
**TRUSTEESHIP RULES**

Applicant must be a resident of Jefferson County.

At the time of application, applicant shall exhibit to the Clerk of legal fifteen (15) day notice received from a creditor listed in his/her application within thirty (30) days prior to filing of Trusteeship application.

The acceptance of the filing by the Clerk of the debtor's application for trusteeship will not cause any attachment or garnishee filed prior to application to be dismissed by the court.

List of Creditors:

Applicant must present to the Clerk a list of all creditors, their correct addresses with zip codes, and the amount of money due each (on separate sheet of paper).

Lay-Off, Change of Employment, or Address.

Debtor will report to the Clerk any lay-off or change of employment, or his address at the regularly scheduled pay day, whether pay is received or not. Failure to do so will be grounds for termination of Trusteeship.

Payments:

At the time of application, Debtor shall disclose to the Clerk his pay day and whether it is weekly, bi-weekly, semi-monthly, or monthly and at the time of filing must make a full payment; and every pay day thereafter, shall appear and show pay stubs to the Clerk as Trustee, and pay twenty-five per cent from his gross pay (Before deduction for taxes, union dues, hospitalization, or any other sum deducted by the employer). Failure to pay accordingly will be cause for termination of Trusteeship.

Termination:

The Clerk, in event Debtor shall fail to make any scheduled payment, shall, within ten (10) days after scheduled payment is due, mail a letter, by ordinary mail, to Debtor at the address listed by him, requiring him to appear at a date not less than five days more than ten days from date of letter, to show cause why the trusteeship shall not be terminated. If Debtor appears, the hearing may be had before the Judge at Debtor's insistence. If he shall fail to appear, the Clerk shall forthwith prepare an entry terminating the Trusteeship for cause.

Any Debtor whose Trusteeship is terminated for cause, shall not be eligible to be reinstated for a period of six (6) months from the date of termination, except on motion to and by the order of the Court.

**RULE 8.00 PROCEDURE GOVERNING CRIMINAL PRE-TRIAL CONFERENCE**

Pursuant to this local rule, once a criminal case has been assigned and given a pre-trial date and the defendant is represented by counsel, it shall be incumbent upon the State and the defendant's counsel, to confer at the earliest possible time with one another relative to any issues of discovery as requested and permitted under the Ohio Rules of Criminal Procedure.

At the time and place set forth for pre-trial conference, all parties and their representatives to the criminal proceeding, that is, the Prosecutor for the State of Ohio, the defendant, and defendant's attorney of record, shall be present and shall have authority to act and consider all matters pursuant to this rule as are relevant to the case in issue and Criminal Rule 17.1 of the Ohio Rules of Criminal Procedure.

At the pre-trial conference, the State shall present its position on the case at bar, and the defendant and the defendant's attorney shall, upon review of the State's position, determine whether or not this matter shall be set for trial on the merits, pending motions in limine or to suppress evidence, or disposed of through negotiated plea with concurrence of the defendant.

In the event that no agreement is reached between the State of Ohio and the defendant, then the case will be set for trial with notice and a memorandum in accordance with Rule 17.1 of the Ohio Rules of Civil Procedure as to date and time of trial being given personally by the Court to all parties present to the date and time of trial. No continuances will be granted once a trial date has been set other than for good cause shown and upon motion and entry signed by the parties and approved by the Court.

Based on the requirements of this local rule, it is incumbent upon all parties to the case to be present at the pre-trial when called and be prepared to proceed forthwith in accordance with this rule. Failure to adhere to this rule may result in appropriate sanctions as permitted by law and found necessary in the circumstances by the Court.

Pre-trial conferences will be set by the Clerk of the Court in blocked intervals of one-half hour of time periods with four (4) hearings allotted within each block.

### **RULE 9.00 CASE MANAGEMENT RULES FOR CRIMINAL CASES**

(A) The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, 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) Scheduling of Events:

The scheduling begins at arraignment. Thereafter, the case is managed as follows:

(1) Arraignments: Arraignments are to be scheduled in traffic cases within seven days after the citation except for O.V.I. cases, which must be scheduled no later than five days. **All criminal cases and any traffic citation that carries a jail sentence must include a police report and a LEADS printout. All traffic tickets and criminal complaint filings for warrants and summons must have the following information presented at the time of filing before the Court can file the new tickets and complaints.**

The following is the probable cause checklist:

- 1.) Criminal complaints must state "To Wit" followed by a short summary of the facts;
- 2.) "Defendant committed an offense"
- 3.) Date of offense
- 4.) All traffic tickets and criminal complaints must be filled out completely including the Ohio Revised Code and/or City Ordinance number (and degree of offense for criminal complaints)
- 5.) If degree of crime is enhanced because of prior conviction, it must be stated "previously convicted of the crime of \_\_\_\_\_" and set forth the applicable Court Caption and Case Number of the prior conviction.
- 6.) Police/Incident report and/or a copy of the complaint intake filed in the Prosecutor's office.
- 7.) Defendant's name on affidavit must match the name on the complaint.
- 8.) Statement must match the charge on the complaint.
- 9.) Complaint and affidavit must be signed by the Officer/Affiant or Prosecutor.
- 10.) Officer/Affiant's signature must be sworn to a Deputy Clerk.
- 11.) All traffic tickets must be filed with a LEADS printout.
- 12.) All criminal complaints must be filed with a personal identifier.

Pre-trials: After arraignment, all misdemeanors, except minor misdemeanors, shall be set for pretrial by the County Clerk within thirty (30) days. All minor misdemeanors shall be set for trial unless the judge orders a pretrial in said case.

The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a pretrial entry of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court.

If the parties cannot resolve the case, then the case should be set for trial to court unless a jury is demanded.

- (2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Motions may be set for oral hearing.

**Motions to dismiss or suppress must be filed within seven (7) days before the hearing date. All motions (except for continuance) shall be set for hearing unless otherwise indicated by the Judge. A motion may be decided without hearing at the joint request of both sides. Any motion to be decided without a hearing must be accompanied by a proposed judgement entry from each party.**

- (3) Trials: Each case not resolved at pre-trial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the court by 9:00 a.m. of the day preceding their trial of any change in plea or jury costs will be attached to their case.
- (4) Sentencing: Sentencing hearings shall be set within seven (7) days from trial if no pre-sentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within seven (7) days.

- (5) Bench Warrant. When a bench warrant is issued, the Clerk may remove this case from active status for three (3) years court reports.

(C) Fines and costs/reviews: Fines and costs are due the day of hearing unless an arrangement is made for periodic payments. If fines and costs are not paid by the review date selected by the Court, the Court will afford the Defendant the opportunity to work the same off through Community Service. A Bench Warrant may be issued for any defendant for failure to appear for review to address unpaid fines, costs, treatment, restitution and lack of performance of community service and the court will further utilize license and registration blocks according to law. Unpaid fines and costs may further be referred to collection and thirty percent added. Any Defendant jailed for nonpayment of fines and costs will receive \$50 a day credit towards fines and costs, until all fines and costs are sat out or paid. The Court shall set a hearing to determine Defendant's inability to pay fines and costs.

#### **RULE 10.00 CASE MANAGEMENT FOR CIVIL CASES**

- (A) Purpose. The purpose of this rule is to establish, pursuant to M. C. Sup. R 18, 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 Procedure. In the event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails 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, in writing, that the case will be dismissed without prejudice after thirty (30) days unless good cause is shown to the contrary.

- (2) Upon perfection of service, the Clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
- (3) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the judge so that the matter may be set for a hearing.
- (4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within 30 days unless good cause is shown.
- (5) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within fourteen (14) days.

(D) Judicial Steps:

- (1) Status Hearing: After an answer is filed, the Court will then set a status hearing. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set.
- (2) Motions: All motions must be in writing and accompanied 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) day period unless time is extended by the court.

There will be oral hearings granted in said motions.

- (3) Pre-trials: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party of parties to the action, and/or, his, hers, or their attorney of record. Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the Clerk not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge to whom the case has been assigned.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.

The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit.

The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The court will file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters, which have come before it in the pretrial. The court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

Any judge presiding at pretrial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant, upon failure of plaintiff, and/or his counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial

conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

- (4) Continuances: No party shall be granted a continuance of a trial or hearing without a written motion from the party or his counsel stating the reason for the continuance and a Judgement Entry for the Judge's signature. The Court will serve the judgement entry denying or granting the continuance.

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 of this state, the case 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.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the court, the court shall appoint a substitute trial attorney.

- (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 filed within thirty (30) days or the case will be dismissed for want of prosecution.

Upon 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 costs.

Settlement entries may be filed at any time before trial. All agreed judgement entries to be prepared by the parties must be filed fourteen (14) days after trial or the case will be dismissed.

#### **RULE 11.00 CASE MANAGEMENT RULES FOR SPECIAL PROCEEDINGS**

- (A) Purpose. The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite for contempt, garnishment hearings, debtor's exams, and BMV hearings.
- (B) Scheduling of Events. Special proceedings cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed one hundred twenty (120) days.
- (C) Clerical steps. In all new cases, if counsel fails to obtain service of summons within six (6) months, the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

- (D) Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
- (E) After any responsible pleading is filed, the Clerk shall forward said pleading and file to the judge so the matter may be set for a hearing.
- (F) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- (G) When a file has been marked "settlement to come" and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

#### **RULE 11.01 CASE MANAGEMENT RULES FOR FORCIBLE ENTRY & DETAINER HEARINGS**

All forcible entry and detainer cases shall be set for hearing before the court pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied.

If any answer or jury demand is filed in a forcible entry and detainer case, then the Clerk shall forward the case to a judge so the case can be scheduled for the appropriate hearing.

The Forcible Entry and Detainer (FED) complaint must include a copy of any Written Lease Agreements and the Notices to Leave Premises-3 day notice for back rent or drug activity and 30 day notice followed by a 3 day notice for any reason other than back rent or drug activity. The Plaintiff must have 3 full days in between serving the notice and filing the complaint with the Clerk of Court. For purposes of computation do not count the day notice is served on defendant or place of abode or the date the FED was filed. Likewise there must be 30 full days plus 3 full days between serving the notices and filing the complaint. (Do not count the day of service or day complaint was filed).

All 3-day or 30-day notices must list the name of the person serving the notice and if not the complainant-the relationship to the complainant and the type of service, i.e. (a) posted at rental premises-place of abode or (b) certified mail or (c) personally served on whom.

#### **RULE 11.02 CASE MANAGEMENT RULES FOR SMALL CLAIMS COURT**

- (A) A small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
- (B) Upon filing of motion and affidavit, as required by Ohio Revised Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.
- (C) Hearing: the hearing in small claims court shall be conducted by the court. The judge shall place all parties who plan to offer evidence under oath, and then allow the plaintiff and the defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court to the extent such rules of procedure and evidence are inapplicable in accordance with law.

(D) Collection of Judgments: The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

#### **RULE 12.00 IMPLEMENTATION OF E-CITATION OHIO STATE HIGHWAY PATROL**

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Jefferson County Courts. The electronically produced 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.

#### **EFFECTIVE DATE**

These Rules will be in effect as of the 1<sup>st</sup> day of February, 2023.