Morrow County Municipal Court

Local Rules of Practice

Judge Jenifer Murphy Burnaugh

Effective _____

MORROW COUNTY MUNICIPAL COURT RULES OF PRACTICE AND PROCEDURES
TABLE OF CONTENTS

ADOPTION OF LOCAL COURT RULES

CHAPTER 1 – GENERAL RULES	Page No.
RULE NO. 1.01: Court Hours	4
RULE NO. 1.02: Decorum and Conduct	4
RULE NO. 1.03: Use of Electronic and other Devices	4
RULE NO. 1.04 Public Use of Courtrooms	5
RULE NO. 1.05: Gifts	5
RULE NO. 1.06: Court Security	5
RULE NO. 1.07: Appearance and Withdrawal of Counsel	5
RULE NO. 1.08: Magistrates	6
RULE NO. 1.09: Municipal Court Clerk	6
RULE NO. 1.10: Court Costs	6
RULE NO. 1.11: Motions	6
RULE NO. 1.12: Interpreters	6
RULE NO. 1.13: Continuance of Trial or Hearing	7
RULE NO. 1.14: Continuance of Preliminary Hearing	7
RULE NO. 1.15: Service of Victim Rights Pursuant to Marsy's Law	7
RULE NO. 1.16: Assigned Judge/Acting Judge/Recusal	8
RULE NO. 1.17: Facsimile Filings	8
RULE NO. 1.18: Filing by Electronic Transmission	11
RULE NO. 1.19: Electronic Signatures	15
RULE NO. 1.20: RESERVED	
RULE NO. 1.21: Reporting to Law Enforcement and Compliance Plan	16
RULE NO. 1.22: Court Official Recording and Transcripts	17
RULE NO. 1.23: Public Access/Privacy	17
RULE NO. 1.24: RESERVED	
RULE NO. 1.25: RESERVED	
RULE NO. 1.26: RESERVED	
RULE NO. 1.27: Remote Appearances	18
RULE NO. 1.28: Use of Artificial Intelligence	19
CHAPTER 2 – CRIMINAL/TRAFFIC CASE MANAGEMENT	
RULE NO. 2.01: Violations Bureau	19
RULE NO. 2.02: Arraignment	20
RULE NO. 2.03: Incarcerated Arraignment and Initial Appearance	21
RULE NO. 2.04: RESERVED	
RULE NO. 2.05: Discovery in Criminal Cases	21
RULE NO. 2.06: Jury Practice in Traffic/Criminal Cases	22
RULE NO. 2.07: Court Appointed Counsel	22
RULE NO. 2.08: RESERVED	
RULE NO. 2.09 Waivers for Violation of Codified Ordinances and the Ohio Revised Code	23
RULE NO. 2.10: Method of Assigning Payments	24

RULE NO. 2.11: RESERVED
RULE NO. 2.12: RESERVED

CHAPTER 3 - CIVIL AND SMALL CLAIMS CASE MANAGEMENT

RULE NO. 3.01: Civil Case Management 24
RULE NO. 3.02: RESERVED
RULE NO. 3.03 Pleadings and Motions 25
RULE NO. 3.04: Scheduling Pretrial and Settlement Conference 25
RULE NO. 3.05: Jury Demand in Civil Cases 26
RULE NO. 3.06 Journal Entries 26
RULE NO. 3.07: Default Judgments 26
RULE NO. 3.08: Forcible Entry and Detainer 26
RULE NO. 3.09: Rent Escrow 27
RULE NO. 3.10: Change of Venue Certification Proceedings 28
RULE NO. 3.11: Small Claims 29

ADOPTION OF LOCAL COURT RULES

The following Rules are adopted for the governance of the practice and procedures in the Morrow County Municipal Court effective until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 3.00 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio and have been adopted to provide for the efficient and expeditious management of business before this Court.

The Clerk is ordered forthwith to post this Order and the Rules (attached hereto). The Clerk is further ordered to maintain copies of these Rules for review as requested by litigants and/or their counsel and to provide copies as requested charging only for the cost of copying. The Clerk is further ordered to maintain a copy of these Rules on the Court's website.

IT IS SO ORDERED.

Effective Date: _____

_____
Judge Jenifer Murphy Burnaugh
Administrative & Presiding Judge

GENERAL RULES

RULE NO. 1.01: COURT HOURS

The Morrow County Municipal Court shall be generally open between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, unless otherwise ordered by the Judge or a legal holiday. Sessions of the Court shall generally be daily Monday through Friday, 8:00 a.m. to 4:00 p.m. The Court shall be in session at such time as the Judge shall prescribe to meet special situations. The Violations Bureau shall close at 4:00 p.m.

RULE NO. 1.02: DECORUM AND CONDUCT

A. On opening of any Court session, all persons in the courtroom shall stand except for those physically unable to do so. All persons in the courtroom shall conduct themselves with decorum and in such manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall appear in appropriate dress. Hats and/or sunglasses are not permitted to be worn in the Courtroom unless worn for religious or medical purposes.

B. Litigants and/or spectators are not permitted to smoke, eat or drink in the courtroom, nor shall they bring food or drink into the courtroom without permission of the Judge or Magistrate.

C. No person shall loiter or conduct himself or herself in an unseemly or disorderly manner, in the courtroom or in any halls, stairways, entryways or parking lot areas adjacent to the Courthouse, or otherwise interfere with or obstruct judicial activities or proceedings.

D. The Court expects that counsel shall call this rule to the attention of clients and witnesses.

E. Failure to comply with any aspect of Rule 1.02 may result in appropriate sanction by the Court, including continuance or dismissal of the matter before the Court, removal for the Courtroom and/or Court facility and, upon a finding of direct contempt, confinement in jail and/or payment of a fine. If a charge of indirect contempt is filed or anticipated, the individual may be confined in jail subject to reasonable bond while the charge is being prepared and filed.

RULE NO. 1.03: USE OF ELECTRONIC AND OTHER DEVICES

A. All cell phones and other electronic devices shall be turned off. In no event shall any device permitted within the courthouse be used to audio or video record court proceedings.

B. If any person is found to be recording within the courthouse, the bailiff of the Court shall immediately confiscate the device, which will then be held by security officers and returned to the owner when he/she leaves the courthouse.

C. Failure to comply with this rule may result in a finding of contempt and imposition of a fine up to $250.00.

RULE NO. 1.04: PUBLIC USE OF COURTROOMS

A. Questions of the admission of persons to a courtroom shall be the province of the Judge or Magistrate to whom that courtroom is assigned, within the guidelines of public access to all court proceedings, consistent with the order and dignity of the Court.

B. Requests for permission to broadcast, record, photograph or televise in the courtroom shall be made in writing (see Appendix A) to the Judge or Magistrate to whom the case is assigned as far in advance as reasonably practical by a motion form available at the Court, but no later than one-half (1/2) hour prior to the courtroom session unless otherwise permitted by the trial Judge.

RULE NO. 1.05: GIFTS

No Court employee shall accept or permit to be accepted on their behalf a gift, bequest, favor or loan from any person likely to be engaged in a proceeding that ordinarily would come before the Court, from a person likely to do business with the Court or from any other person under circumstances that might reasonably be regarded as influencing or appearing to influence the performance of the employee's official duties.

RULE NO. 1.06: COURT SECURITY

A. All persons entering the Morrow Municipal Court are subject to a security screening of their person and property prior to entrance to the building. All persons in the building will follow the directives of Morrow County Municipal Court Security Personnel and Bailiff. Any item deemed to be a weapon shall be retained by security prior to entrance to the building. That item may be returned to the owner upon exiting the building. Firearms are forbidden in the Morrow County Municipal Court, except for authorized persons.

B. Subject to administrative orders by the Court, law enforcement officer(s) appearing at the Court in their official capacity shall be permitted to retain and carry firearms into the building. Any law enforcement officer present at the Court in any other capacity including as a litigant, spectator or witness shall not be permitted to possess a firearm within the courthouse and, if armed upon entry to the courthouse, shall secure his/her weapon with the security officer.

RULE NO. 1.07: APPEARANCE AND WITHDRAWAL OF COUNSEL

A. Appearance: Attorneys practicing before this Court (except for pro se litigants) shall designate their capacity as trial counsel on all pleadings, motions, petitions, etc. filed in this Court. A law firm shall not be designated as trial counsel. Upon the entry of appearance of counsel, all documents filed with the Court and all court orders shall be served upon the designated counsel. The first attorney listed is the primary trial counsel and all communications from the Court will be sent to that attorney. All such documents shall bear, in addition to the original signature of trial counsel, counsel's name, office address, office telephone number, fax and email, as well as the number of counsel's Ohio Supreme Court Certificate of Registration, as provided by Ohio Gov. Bar R. VI, § 4. Civil documents must be signed in compliance with Civil Rule 11.

B. Pro Hac Vice: Attorneys who wish to appear pro hac vice must comply with Ohio Gov. Bar R. XII regarding pro hac vice certification and familiarize themselves with these local rules.

C. Withdrawal: Once an appearance is made, an attorney may withdraw from a case only with leave of court or notice of substitution of counsel. Withdrawal shall be permitted only upon written motion filed with the court. The motion shall include (1) the specific reasons for requesting withdrawal; (2) the name and address of a substitute attorney, if any; and (3) proof of notification to the opposing attorney and to the client. Said motion shall be filed at least seven (7) days prior to the next scheduled hearing.

RULE NO. 1.08: MAGISTRATES

The Judge may appoint Magistrates who may hear cases by reference, and in accordance with Traffic Rule 14, Criminal Rule 19, Civil Rule 53, and Rules of Superintendence Rule 4.20 and 4.21.

RULE NO. 1.09: MUNICIPAL COURT CLERK

A. The Clerk shall maintain such dockets, book of record and indices as are required by law or practical necessity as public record, utilizing microfilm and computers for storage whenever possible.

B. The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk.

C. The Clerk shall refuse to accept for filing any document or case that does not conform to these rules.

RULE NO. 1.10: COURT COSTS

Pursuant to R.C. 1.10, the schedules of court costs for criminal/traffic cases as well as for civil/small claims cases shall be determined by the Administrative Judge and are set by administrative order. The schedules are available at the Clerk's office and are posted on the Court's website.

RULE NO. 1.11: MOTIONS

A. Motion Requirements: All motions, unless made during a hearing or trial, shall be in writing and accompanied by a memorandum stating the grounds for the motion and citing relevant authorities. The motion shall not exceed fifteen (15) pages including any supporting documents/exhibits. The Court may allow additional pages by Judgment Entry upon the filing of a motion and for good cause shown. If a party fails to provide a memorandum or exceeds the 15-page limit without leave of Court, the Court may overrule the motion without consideration. Excess pages will be destroyed.

B. All motions shall be accompanied with a proposed entry. Failure to supply a proposed entry may delay the Court ruling on such motion or may result in the motion being denied.

C. The Court may refuse filing if filed with inaccurate information or filed without proposed entry.

RULE NO. 1.12: INTERPRETERS

A. The Court will use and pay for certified, provisionally qualified, or language-skilled interpreters in all proceedings in which a party or witness is non-English speaking, deaf, or hard of hearing.

B. Interpreters shall be used in accordance with the Rules of Superintendence and in accordance with the Court's Language Access Plan.

C. Any party, or counsel for any party, who is aware that there is a need for interpretive services shall notify the Court of that need in writing no later than seven (7) days following assignment of trial date. Written notice shall include the specific language needed.

D. The Language Access Plan can be found on the Court's website.

RULE NO. 1.13: CONTINUANCE OF TRIAL OR HEARING

A. No case assigned for trial or hearing may be continued except upon written motion and for good cause shown. Such motion shall be filed with the Court not less than seven (7) days prior to the date of the trial or hearing. In the case of unforeseen emergency, this time requirement may be waived. The moving party shall indicate to the Court if opposing counsel/party has no objection to the continuance. The agreement of opposing counsel/party does not guarantee that the continuance will be granted. If counsel is alleging a conflicting trial date as the reason for continuance, the conflicting trial notice MUST be attached to the notice. Failure to attach a copy of the conflicting hearing shall result in a denial of said motion to continue.

B. Defense counsel is encouraged to review the Court's docket and submit proposals for a new hearing date in any request for continuance. Providing proposed new hearing dates does not guarantee the motion will be granted or that the proposed dates will be used by the Court.

RULE NO. 1.14: CONTINUANCE OF PRELIMINARY HEARING

A. No preliminary hearing may be continued except upon written motion and for good cause shown. Such motion shall be filed with the Court not less than twenty-four (24) hours prior to the scheduled preliminary hearing. In the case of an unforeseen emergency, this time requirement may be waived at the discretion of the Court. Defense counsel must notify the prosecutor's office of the continuance being filed. The moving party shall indicate to the Court whether the prosecutor objects to the continuance. The agreement of the prosecutor does not guarantee that the continuance will be granted.

B. The Court will rule on the motion to continue at the scheduled date and time of the preliminary hearing or once the prosecutor's office has notified the Court whether or not there is an objection to the continuance, whichever occurs first. This procedure ensures compliance with Marsy's Law by allowing the prosecutor time to notify victims as required by law.

C. Defense counsel is encouraged to review the Court's docket and submit proposals for a new hearing date in any request for continuance. Providing proposed new hearing dates does not guarantee the motion will be granted or that the proposed dates will be used by the Court

RULE NO. 1.15: SERVICE OF VICTIM RIGHTS PURSUANT TO MARSY'S LAW

A. This rule is designed to ensure that victims of crime, as defined by Marsy's Law (Ohio Constitution Article 1, Section 10a and House Bill 343), are informed of court proceedings and are afforded their rights under the law.

B. Village Solicitors for the Village of Cardington and the Village of Mount Gilead and the Morrow County Prosecutor's office shall notify victims, as defined by Marsy's Law, of all court proceedings in a timely manner, this includes but is not limited to notification of arraignment, pretrial, motion, probation violation, restitution hearings and motion to seal hearings. Such notifications shall include the date, time, and location of the proceeding, as well as the defendant's name and the charges against him or her.

C. It shall be the duty of the Village Solicitors for the Village of Cardington and the Village of Mount Gilead and the Morrow County Prosecutor's office to determine whether an individual is a victim under Marsy's Law and to notify such individuals accordingly. The Village Solicitors for the Village of Cardington and the Village of Mount Gilead and the Morrow County Prosecutor's office shall maintain a record of all victims who are notified pursuant to this rule.

D. All information regarding victims shall be treated as confidential by the court, the Village Solicitors for the Village of Cardington and the Village of Mount Gilead and the Morrow County Prosecutor's office, except as required by law or as necessary to carry out the purposes of this rule.

E. Failure to comply with this rule may result in appropriate sanctions, including but not limited to a continuance of the proceeding, a finding of contempt, or other appropriate action as determined by the Court.

RULE NO. 1.16: ASSIGNED JUDGE/ACTING JUDGE/RECUSAL

A. Should a judge recuse himself or herself from hearing any individually assigned case, said judge shall cause a Journal Entry to be made setting forth the recusal and the reason, therefore. The case shall thereafter be referred to an Assigned Judge or Visiting Judge so designated by the Supreme Court of Ohio.

B. Acting Judges shall be appointed pursuant to Revised Code Section 1901.10 and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

RULE NO. 1.17: FACSIMILE FILINGS

This rule implements the Model Facsimile Filing Rule issued by the Supreme Court of Ohio.

A. Applicability: These rules apply to all proceedings in the Morrow County Municipal Court, except cognovit promissory note actions which must be filed as the original document.

B. Definitions: As used in these rules, unless the context requires otherwise:

1. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

2. A "facsimile machine" means a machine that can send and receive a facsimile transmission.

3. A "source document" means the document transmitted to the Court by a facsimile machine.

4. A “fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

5. An “effective original document” means the facsimile copy of the source document received by the Clerk and maintained as the original document in the court’s file.

6. An “effective date and time of filing” means the date and time that a facsimile document is accepted by the Clerk for filing.

C. Procedure:

1. Pleadings and other documents may be filed with the Clerk by facsimile transmission to the designate facsimile phone number.

2. A document filed by fax shall be accepted as the effective original filing.

3. The original (source) document and cover sheet filed by facsimile shall be maintained by the person making the filing and made available for inspection by the Court upon request. The document and cover sheet shall be maintained until the case is closed and all opportunities for post judgement relief are exhausted.

4. Facsimile filings shall not exceed fifteen (15) pages in length, excluding the cover sheet. Service copies shall not be transmitted by facsimile.

5. The Clerk may, but need not, acknowledge receipt of the facsimile transmission.

6. The risks of transmitting a document by facsimile to the Clerk shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk.

D. Fax Cover Page: The person filing a document by fax shall also include a cover page containing all the following information:

1. The case caption;

2. The case number;

3. The title of the document being filed (e.g. Defendant Jones Answer to Amended Complaint; Plaintiff Smith’s Response to Defendant’s Motion to Dismiss);

4. The date of the fax transmission;

5. The transmitting facsimile number;

6. The name of the judge to whom the case is assigned, if any;

7. The number of pages included in the transmission, including the cover page;

8. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the document, if available.

E. If a document is sent by fax to the Clerk without the cover page information listed above, the Clerk may, at its discretion,

1. Enter the document in the Case Docket and file the document; or

2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure, and the document **shall not** be considered filed with the Clerk.

G. Failed Fax Submission: The Clerk may, but is not required to, send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk may inform the sending party of a failed fax filing.

H. Signature: A party who wishes to file a signed source document by fax shall either:

1. Fax a copy of the signed source document; or

2. Fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

I. A party who files a signed document by fax or email represents that the physically signed source document is in his/her possession or control.

J. Exhibits:

1. Each exhibit to a facsimile that cannot be accurately transmitted via facsimile for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, caption of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" with Plaintiff Smith's Response to Defendants Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

K. Time of Filing:

1. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk as of the date the Clerk file stamps the document received as opposed to the date and time of the fax transmission. The Clerk will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business. However, the fax machine will be available to receive facsimile transmission of documents 24 hours per day, seven days a week, including holidays.

2. Documents received outside of normal business hours of the Clerk will be queued in the order of their receipt as documented by the date and time imprinted by the receiving facsimile machine and file stamped accordingly.

L. Fees and Costs:

1. No document shall be accepted by the Clerk for facsimile filing if it requires a filing fee or service by the Clerk.

2. No additional fee shall be assessed for facsimile filings.

RULE NO. 1.18: FILING BY ELECTRONIC TRANSMISSION

A. In conformity with the Ohio Revised Code, Ohio Civil Rule 5(E), and Ohio Criminal Rule 12(B), pleadings and other papers may be filed electronically, subject to the provisions of this rule. Anyone who elects to file any document electronically will be responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the full risk that the document may not be accepted for filing with the Clerk as a result.

B. Registration. A person or entity must first register with the Electronic Filing Manager (EFM) in order to e-file. Upon approval or denial of the request for access to the EFM, the person or entity will receive an email of approval or denial. An e-filer must provide a designated email address to the EFM.

C. Documents

1. All documents submitted for filing, with the exception of proposed orders and entries (or other documents requiring a Judge's signature) shall be filed in Portable Document Format (PDF). Such documents may either be signed by hand or they may be signed electronically as set forth in this Rule.

2. For each electronic document filed, the filer must complete an online Document Description Form containing the following information:

    a. The title of the case;

    b. The case number, if previously assigned;

    c. The assigned judge, if previously assigned;

    d. The title of the document being filed;

    e. The date of transmission; and

    f. The name, Ohio attorney registration number, address, telephone number, fax number, and email address of the attorney or party filing the document.

3. Proposed orders and entries (or other documents requiring a Judge's signature) shall reference the specific motion to which they apply, and shall be filed in Microsoft Word document format, and shall not contain any mail merge fields or macros embedded in the documents.

4. The Clerk will print order/entries and notices of attachments and submit them to the Judge or Magistrate.

D. Acceptance of Documents

1. Submission: Documents may be submitted to the Clerk by e-filing 24 hours per day, 7 days per week. Time of the Court (Eastern Time Zone) governs, rather than the time zone from which the filing is submitted. The filing is considered filed when accepted by the Clerk and file stamped. The Clerk will process e-filing throughout normal business hours, except on holidays per Court Holiday Schedule.

2. All electronically filed documents will receive a confirmation of receipt that includes the date and time acknowledgment displayed on the screen of the filer's computer upon successful transmission.

3. If the submission is accepted, the document shall be given an electronic file stamp, docketed and filed. An electronic mail message will be sent to the filer stating that the document was accepted and filed. The email will also contain the confirmation number and case number assigned, if any.

4. If the submission is rejected, the document shall not receive an electronic file stamp and shall not become part of the Court record. The filer will be notified via electronic mail that the document was rejected and the reason for the rejection. By way of examples, notification of deficiencies may be given for reasons including, but not limited to: incorrect case docketing codes; the use of incorrect electronic file format; failure to pay correct filings fees; incomplete or inaccurate party information; and incorrect case number.

5. A rejected filing will be treated by the Court as having been tendered to the Clerk for filing on the date of the rejection if the filing party resubmits the rejected document through the EFM within 24-hours after the rejection notification was sent by the Clerk.

    a. The 24-hour resubmission deadline is firm and applies on weekends and holidays. Any corrective filing submitted after the 24-hour period expires will be rejected.

    b. If a party wishes to file the rejected document electronically after the 24-hour correction period has expired, the party may initiate a new attempt. However, the document will not be treated by the Court as having been tendered to the Clerk on the date of the initial rejection.

    c. The Clerk will retain rejected documents for a period of one year from the date of transmission.

6. System Errors: If a submission is not received by the Court because of a system error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was submitted.

E. Filing of Initial Proceedings

1. When any complaint or third-party complaint is submitted for electronic filing, the filing party shall file a case designation sheet. Consistent with the Ohio Rules of Civil Procedure, the filing party shall also file instructions for service, and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and may charge a fee of .05 cents per page for production of service copies, which shall be assessed as costs.

F. Documents Filed Subsequent to Complaint or Indictment

1. In accordance with Civil Rule 5(B)(2) and Criminal Rule 49, the filer, **not the Clerk**, shall be responsible for serving all documents filed subsequent to the original complaint on all parties and/or their attorneys.

2. After the Judgment Entry has been signed and filed, the Clerk shall serve copies upon the parties in the case.

G. Exceptions to e-Filing

1. Deposition transcripts and transcripts from court proceedings shall be filed in physical form with the Court and are not subject to public record. Only the Notice of Filing/Mailing may be e-Filed.

2. All documents related to Civil Protection Orders, Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk.

3. Paperwork required for individuals wanting to post bond shall be filed by email or in paper form with the Clerk. For email submission, the Clerk's Office should be called for instructions.

4. Subpoenas which are to be issued by the Clerk shall be filed in paper form with the Clerk.

5. Criminal case documents filed at arraignment and prior to arraignment shall be filed in paper form with the Clerk. This includes paperwork pertaining to bond filed by law enforcement. Requests for search warrants must also be filed in paper form.

6. Motion, Entry and Certification for Appointed Counsel Fees shall be filed according to Ohio Public Defender electronic filing system, upon adoption by the Court.

7. All filings related to and regarding garnishments and monies received from garnishment orders shall be filed in paper form with the Clerk.

8. Evictions and escrow applications shall be filed in paper form with the Clerk.

H. Collection of Filing Deposits and Fees

1. Any document requiring payment of filing deposit or fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other e-filed document. If a filing fee is not paid, the document may be rejected by the Clerk.

I. Service of Documents

1. Documents filed electronically must be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.

2. Where an e-mail address is on file with the Court, service on the attorney or party by e-mail shall constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civil Rule 6(D). Documents served electronically shall contain proof of service setting forth the e-mail address at which the attorney or party was served.

3. Automated Service. When a submission is deemed filed, the EFM will generate a Notification of Electronic Filing to the filer and any other party to the case or the party's counsel who is a registered user. Parties who have listed an e-mail address in prior court filings will also receive the Notification of Electronic Filing.

Parties to the case and counsel who are not registered with the EFM or who have not provided an e-mail address on court filings will not receive a Notice of Electronic Filing. As a result, any filer must serve a paper copy of the electronically filed document on all parties or their counsel. The automatic electronic notice, in conjunction with the required proof of service, will constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49.

4. Proof of Service. Proof of service of all documents required to be served must be provided by the filing party in compliance with Ohio Civil Rule 5(B)(4) and Ohio Criminal Rule 49. A separate certificate of service will be automatically generated and filed by the EFM detailing which parties have and have not been electronically served. All filing parties must also include a certificate of service indicating the manner in which the other parties or counsel are served (e.g. Court's electronic filing system, ordinary mail, etc.)

5. Service Date and Time to Respond. For parties and counsel who receive the Notification of Electronic Filing, service is complete at the time the Notification of Electronic Filing is generated by the EFM. Only parties who do not receive the Notification of Electronic Filing and who are served by regular U.S. mail will have additional time to respond as provided by Ohio Civil Rule 6(D).

6. Failure of eService. If the EFM fails to generate the Notice of Electronic Filing, the party to be served may request an order extending the date to respond.

J. Attachments and Exhibits

1. Attachments and exhibits to pleadings and motions should be included in one PDF file.

2. If the file size is too large to upload into a single PDF file, the attachments and exhibits can be filed in multiple parts. The filer should advise the Clerk as to which pleading, motion or memorandum the attachments and exhibits belong by indicating so in the comment filed of the EFM.

RULE NO. 1.19: ELECTRONIC SIGNATURES

A. Electronic signatures and records purpose: Local Rule 1.19 is established to allow the use of electronic signatures in the Court, to address the authenticity of a signature and to address the use of electronic records. If it is established that a document was electronically signed in violation of these rules, then the party shall notify the Court and the opposing party of any suspected violation. If the violation is substantiated, the Judge shall order the Clerk to strike the unauthorized document from the record.

B. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or by a party not represented by an attorney. Any signature on an electronically transmitted document will be considered that of the attorney or party it purports to be for all purposes in accordance with Ohio Civil Rules 5(E)(1) and 11 and Ohio Criminal Rule 12(B)(2).

C. Any document submitted electronically with the Clerk that requires an attorney's or a submitter's signature (other than hand-signed documents scanned in PDF format) shall be signed with a conformed signature of "/s/(name)". The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name, Registration Number

The conformed signature on an electronically submitted document is deemed to constitute a legal signature on a document.

C. Multiple signatures: When a stipulation or other document requires two or more signatures:

1. The submitting party or attorney shall sign the stipulation or document himself or herself as follows: "/s/John Smith".

2. The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

3. The submitting party or attorney shall then submit the document electronically, identifying all other signatories as follows: "/s/ Jane Doe, with written authorization, by John Smith," etc.

D. Third party signatures: A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as a hand-signed, scanned-in PDF document.

E. Signature of Judge or Magistrate: Documents may be signed by a Judge or Magistrate with an electronic signature. All orders, decisions, entries, permits, judgments, and other documents signed

in this manner shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature in a conventional manner. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the Court's secured network to access the document to be signed.

F. Signature of Court Personnel: Electronic signatures in case records will be limited to Court personnel. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the Court's secured network to access the document to be signed.

G. Signature of Attorney or Litigant: Documents may be signed by an attorney or any litigant while inside the Court building or the Morrow County Jail with an electronic signature on a signature pad or other device, if available. To ensure that the electronic signature is authentic, the signature must be created in the presence of Court personnel. Then, the signer or the Court personnel that witnessed the signature shall immediately submit the record to the appropriate electronic filing process.

RULE NO. 1.20: RESERVED

RULE NO. 1.21: REPORTING TO LAW ENFORCEMENT AND COMPLIANCE PLAN

A. The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

B. The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.

C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for a comprehensive strategy for implementing:

1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2923.14, 2929.44(B), and 2945.402(E)(1), Sup.R. 3.04 and Crim.R. 9(A);

2. Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2903.213, 2903.214, and 2919.26, and Sup.R. 3.04.

3. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;

4. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors; and

5. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2953 and R.C. 2903.214 and 2930.171.

D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

RULE NO. 1.22: COURT OFFICIAL RECORDING AND TRANSCRIPTS

A. Pursuant to Rule 10.00 of the Rules of Superintendence for the Courts of Ohio, the official method for recording Court proceedings shall be by audio-electronic recording devices. If counsel or a party desires a Court Reporter, then the counsel or party must make their own arrangements for the presence and payment of a Court Reporter.

B. A person may request, in writing, a full or partial transcript of any Court proceeding. The Court, once the designated fee is paid or waived by order of the Judge or Magistrate, will provide an electronic recording of the proceeding. If the person wishes a typewritten transcript, then payment arrangements are to be made with an approved Court reporting service who will prepare the typewritten transcript.

C. All audio recordings of proceedings shall be maintained in the custody of the Clerk for a period of one year.

D. Copy of Record of Proceeding: All requests for copies of the electronic recording of any court proceeding shall be directed to the Clerk and a copy will be provided for a nominal fee. The copy may not be used to create an official transcript of proceedings unless procedures in section (B) of this Rule are followed.

RULE NO. 1.23: PUBLIC ACCESS/PRIVACY

A. Public access to documents through the website of the Court.

1. Members of the public may obtain copies of or review electronically filed documents that are available through the Court's current case management system.

2. Public access to any electronically filed public document is available on the website of the Court as soon as the Clerk has processed the document.

3. If the website is unavailable or if the Clerk is prohibited by the Court or by law from making the document available via the website, the document will, absent a Court order sealing or expunging it, be available for review during regular business hours at the office of the Clerk of Courts, either by computer terminal, in paper form, or on microfilm.

B. Public access to documents through the Clerk.

1. Any request for copies of pleadings or other documents from a case file must be accompanied by the appropriate copying fee.

2. No file, deposition, or transcript may be removed from the office of the Clerk by any person for any reason, except by any employee of the Court.

3. No file may be taken apart for purposes of copying or for any other reason by any person except by any employee of the Court..

C. Privacy

1. Filing parties must omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Judge orders otherwise:

   a. Social security numbers with the exception of the last four digits;

   b. State or federal tax identification numbers;

   c. Minors' names;

   d. Employer and employee identification numbers;

   e. Individual financial information; and

   f. Proprietary or trade-secret information.

2. With leave of Court, a party may file, under seal, a document containing the unredacted personal data identifiers listed above.

   a. The party seeking to file an unredacted document must file a motion to file the document under seal.

   b. In granting the motion or application to seal, the Judge may require the party to file a redacted copy for public record.

3. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

RULE NO. 1.24: RESERVED

RULE NO. 1.25: RESERVED

RULE NO. 1.26: RESERVED

RULE NO. 1.27: REMOTE APPEARANCES

A. Remote appearances may be permitted at the discretion of the Court for non-evidentiary hearings. Remote appearances will not be permitted for evidentiary hearings, motions involving contested facts, or trials.

B. To request permission for remote appearance, parties must submit a request in writing. Personal appearance is required unless the Court issues an order granting the request or the original hearing notice indicates that the hearing is being held by video.

C. Requests must be submitted no later than 48 hours before the scheduled hearing. Failure to submit the Remote Appearance Request Form within the 48-hour period may result in a denial of the request and the party may be required to appear in person.

D. Approval of the remote appearance is at the discretion of the Court and may depend on factors including, but not limited to, the nature of the hearing, the technology available, and other considerations the Court deems relevant.

E. If approved, the party will be provided with the necessary instructions and technical requirements for appearing remotely.

RULE NO. 1.28: USE OF ARTIFICIAL INTELLIGENCE

A. Definition: Artificial Intelligence (AI) is any computerized or automated system substituting for human-generated content. For purposes of this rule, it does not include basic legal research tools or grammar assistance.

B. Transparency and accountability are required in the use of all AI to ensure the integrity of the court process. Attorneys are reminded of their obligations to safeguard confidential client information and to affirm all pleadings to the court are well-grounded in fact and warranted by existing law.

C. Attorneys and parties must disclose the use of any AI-assisted technology in the creation or editing of all documents, pleadings, and motions submitted to the court. A certificate shall be provided when the document is submitted, notifying the court that a portion or all of the document was drafted by generative AI (such as ChatGPT, Harvey.AI, or Google Bard). The certification shall include a general description of the AI technology used and its role in the preparation of the materials, together with an attestation that all language drafted by generative artificial intelligence has been checked for accuracy using traditional legal resources by a human being.

All parties and their counsel have a duty to immediately inform the Court if they discover the use of undisclosed AI in any document filed in their case.

D. Failure by any party to disclose the use of AI may result in sanctions, including, but not limited to Civil Rules 11 and 37 and the Ohio Rules of Professional Conduct.

CRIMINAL / TRAFFIC CASE MANAGEMENT

RULE NO. 2.01: VIOLATIONS BUREAU

A. 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.

B. In accordance with Rule 4.1 of the Ohio Rules of Criminal Procedure, there is hereby established a Minor Misdemeanors Violations Bureau, with authority to process and dispose of minor misdemeanors for which no court appearance is required. A schedule of fines and costs shall be prominently displayed in the Clerk's office and available on the Court's website.

RULE NO. 2.02: ARRAIGNMENT

A. The Clerk shall require the filing of a written complaint, E-ticket, or Uniform Traffic Ticket before placing an individual's name on the traffic/criminal docket. If the E-ticket is not filed by the arraignment date and time, the case will be dismissed. If a paper ticket is filed after the arraignment date and time, the ticket will be returned.

B. Use of Electronically Produced Traffic Tickets (E-Tickets): The use and filing of tickets produced by computer or other electronic means, which conform to the requirements of Ohio Traffic Rule 3 are hereby authorized.

C. Use of Electronically Produced Criminal Complaint and Summons: The use and filing of criminal complaints and summons by computer or other electronic means, must conform in all substantive respects to the Ohio Rules of Criminal Procedure and Ohio Crim. R. 4(G).

1. If a criminal complaint and summons is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the criminal complaint and summons as required by Ohio Crim. R. 4(D).

2. A law enforcement officer who files a criminal complaint and summons pursuant to this rule and electronically affixes the officer's signature thereto, shall also have his/her signature attested to by either a peace officer, judge, clerk, or deputy clerk after which the complaint and summons shall be considered to have been certified and shall have the same rights, responsibilities, and liabilities as with all other criminal complaints and summons issued.

D. Plea by Personal Appearance: The defendant, either individually, or by and through counsel, may enter one of the following pleas at arraignment:

1. Guilty,

2. Not guilty,

3. No contest, or

4. Not guilty by reason of insanity (except in traffic cases where a not guilty plea by reason of insanity is not applicable).

E. Written Not Guilty Plea: A defendant may enter a written plea of not guilty prior to defendant's scheduled arraignment provided that the written not guilty plea is sent by counsel. The written not guilty may demand or waive the defendant's right to a speedy trial, demand or waive the defendant's right to a jury trial if the offense is one that provides a right to a jury trial. If the right to a speedy trial is not addressed, the Court will presume that the right to speedy trial is not waived and schedule accordingly.

F. Request for Continuance: Defendant may request a reasonable continuance of initial arraignment by filing a written motion or defendant may appear in Court at arraignment to request a continuance. Supporting documentation shall be attached to any motions to continue the hearing date. The Court may deny the continuance if there is no time waiver.

RULE NO. 2.03: INCARCERATED ARRAIGNMENT AND INITIAL APPEARANCE

A. Considerations: This rule is intended to provide an efficient process for the arraignment or initial appearance of incarcerated defendants which complies in all respects with the Pretrial Release and Detention requirements of Ohio Revised Code Section 2937.011.

B. Hearings Shall be Conducted by Video: All incarcerated defendants shall appear for arraignment or initial appearance by video from the jail unless the Court, upon motion of either party, for good cause shown, or upon the Court's own motion, orders the defendant to appear in Court.

C. Prosecutor's Duties: The Villages of Cardington and Mount Gilead, through its Village Solicitor, and the State, through the appropriate Prosecutor or Assistant Prosecutor, shall attend incarcerated arraignment and initial appearance hearings. Prosecutors representing any of the Court's jurisdictions shall comply with Marsy's Law, Ohio Constitution Article I, Section 10(a) and all applicable provisions of Chapter 2930 of the Ohio Revised Code (Victims' Rights).

The State shall be prepared to make recommendations to the Court which address all statutory, constitutional, and criminal rule pretrial release or detention considerations, including those listed in Ohio Revised Code Section 2937.011. The State shall specifically address the issues of victim protection and public safety in all cases alleging offenses of violence or sexually oriented offenses.

The State may file recommendations in writing prior to the times of the hearing and in lieu of appearance, provided that those recommendations address all the above-mentioned considerations. The Court may order the Prosecutor to appear at any hearing, even if written recommendations have been filed.

D. Pursuant to R.C. 2937.011, if the defendant was not represented by counsel at the initial bail hearing and if the defendant has not yet been released on bail, the court shall hold a second bail hearing on or before the second court day following the initial bail hearing. An indigent defendant shall be afforded representation by appointed counsel at the state's expense at this second bail hearing.

RULE NO. 2.04: RESERVED

RULE NO. 2.05: DISCOVERY IN CRIMINAL CASES

A. Pursuant to Ohio Criminal Rule 16(L)(1), discovery in criminal cases shall be conducted as follows:

1. All discovery shall be conducted between parties/counsel pursuant to Criminal Rule 16 and completed not less than seven (7) days prior to the date of pretrial or date of trial if no pretrial has been set.

2. A motion to compel discovery may be filed in accordance with Criminal Rule 16(M).

RULE NO. 2.06: JURY PRACTICE IN TRAFFIC/CRIMINAL CASES

A. Any party desiring a jury trial in a criminal/traffic case shall demand the same in accordance with Criminal Rule 23. The jury demand must be in writing by separate instrument. The procedure of the Court has permitted the jury demand to be filed outside of the time frame set forth in the applicable Rule. However, any demand made outside of that time frame may result in a time delay in bringing the case to trial. Any delay in scheduling a jury trial necessitated by the demand for a jury trial made outside of the time frame set forth within Criminal Rule 23 shall be charged to the Defendant.

B. When a jury demand is filed, the Court will preserve that right by written demand. Any party filing a demand for jury trial shall notify the Court in writing by 3:00 pm two business days before the jury trial date of the withdrawal of the jury demand. Failure to comply with this deadline will result in jury costs being assessed.

C. The Court will schedule a Final Pretrial Conference the week before the scheduled jury trial. Trial counsel shall be present and prepared to discuss all issues pertaining to the case. Both parties shall advise the Court of the final offer to resolve the case and whether it is accepted. If the case is not resolved at the Final Pretrial Conference, the case shall proceed to trial the following week. The Court may reject any plea agreement presented for its consideration after the Final Pretrial Conference has concluded.

D. All pretrial motions, including motions in limine, shall be filed at least fourteen (14 days) before the Final Pretrial Conference.

E. Proposed jury instructions shall be filed at least seven (7 days) before the Final Pretrial.

F. Voir dire will be conducted by the questioning of all prospective jurors collectively. Counsel will have the opportunity to question the prospective jurors pursuant to Criminal Rule 24(B) and Ohio Revised Code Section 2945.27. After all challenges are exercised or waived, the eight jurors and one alternate juror remaining in numerical order will be seated in the jury box to be sworn. Written objections to this procedure shall be filed with the Court prior to the final pretrial.

G. Electronic Media Evidence (DVD/flash drive) shall be brought to the Final Pretrial so that compatibility with court equipment can be determined. Any questions should be directed to the Court's bailiff.

H. Counsel may pick up copies of Jurors' Questionnaires at the Clerk's Office on the business day before trial. Questionnaires may be faxed or emailed to counsel upon request received by noon on the business day before trial. Please contact the Court's bailiff.

RULE NO. 2.07: COURT APPOINTED COUNSEL

A. Appointments and Qualifications: The Court maintains a list of private attorneys who wish to serve on the appointed counsel list. The qualifications of appointed counsel shall conform to Ohio Administrative Code 120-1-10.

B. Appointment of defense counsel shall be made by the Court from said list, arranged geographically, of all attorneys who have been approved by the Court. Upon applying those factors set forth in

Rule 4.31 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio, the Court will appoint counsel from the list in the following order:

1. Attorney requested by the defendant and/or currently representing the defendant in a matter pending in this Court or another Court.

2. The next attorney on the list geographically closest to the defendant.

3. The next attorney on the list.

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C. The Court will conduct a periodic review to ensure an equitable distribution of appointments among attorneys on the list.

D. Process for Inclusion on Appointed Counsel List: Attorneys who desire to be on the appointed counsel list shall contact the Clerk and provide all information necessary (see Appendix B). Attorneys desiring to be removed from the appointed counsel list shall notify the Court. Attorneys on the appointed counsel list are required to notify the Court of any changes in contact information or attorney status.

E. Assessment of Indigency: Before counsel is appointed, each defendant must file a Financial Disclosure Form required by the Ohio Public Defender's Office. In addition, each applicant shall pay a non-refundable fee of $25.00 due upon submission of the Financial Disclosure Form.

F. Acceptance of Appointment: Within three (3) business days following notification of appointment, counsel must return the judgment entry indicating acceptance or rejection of the appointment. A return indicating acceptance of the appointment shall be deemed an appearance as counsel of record. Failure to return the judgment entry within three (3) business days shall be deemed a rejection of the appointment and the Court may appoint new counsel. Repeated failure to return the appointment judgment entry within three (3) business days could, at the discretion of the Court, result in removal from the approved appointed counsel list.

G. Compensation and Expenses: All requests for compensation for payment shall be made by accurately completing the prescribed Ohio Public Defender forms and submitting them to the Court within thirty (30) days after withdrawal by counsel or termination of the case, whichever is sooner.

H. The rate of compensation shall be commensurate with the applicable Ohio Public Defender Guidelines and Resolutions of the Morrow County Board of Commissioners.

RULE NO. 2.08: RESERVED

RULE NO. 2.09: WAIVERS FOR VIOLATION OF CODIFIED ORDINANCES AND OHIO REVISED CODE

Pursuant to the requirements of Criminal Rule 4.1(E), and Traffic Rule 13, the Court has established a waiver schedule by Administrative Order. The schedule is available at the counter in the Clerk's Office and on the Court's website.

RULE NO. 2.10: METHOD OF ASSIGNING PAYMENTS

A. Pursuant to ORC 2949.111(C), the Clerk of Court shall assign payments as defined in Ohio Revised Code Section 2949.111 as follows:

1. If the Court ordered the offender to pay any restitution and if all court costs and reimbursements that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the restitution until it has been entirely paid.

2. If the Court ordered the offender to pay any reimbursement and if all of the court costs that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.

3. If the Court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of those court costs until they have been entirely paid.

4. If the Court ordered the offender to pay any fine and if all court costs and reimbursements, and restitution that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of fine until it has been entirely paid.

5. If the Court ordered the offender to pay any state fine or costs and if all court costs and reimbursements, restitution and any fine that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of fine until it has been entirely paid.

6. If a person who is charged with a misdemeanor is convicted of or pleads to that offense and if the Court orders the offender to pay any combination of court costs, reimbursements, restitution, fines and state fines or costs, the Court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in sections 1 through 5 of this Rule by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of payment, the Clerk of Court shall assign the payment in the matter prescribed by this Court.

RULE NO. 2.11: RESERVED

RULE NO. 2.12: RESERVED

CIVIL AND SMALL CLAIMS CASE MANAGEMENT

RULE NO. 3.01: CIVIL CASE MANAGEMENT

A. Costs: No action, proceeding, motion or other document shall be accepted for filing by the Clerk of Court unless there first shall be deposited the sum of not less than the amount specified in the civil costs section as security for costs, unless otherwise ordered by the Court or otherwise

exempted by law. The schedule of court costs in the civil division is set by administrative order. The schedule is available at the Clerk's Office or at the Court's website. Those persons unable to post the required security for costs may be excused from the same upon filing of an appropriate affidavit, when approved by the Judge or Magistrate.

Each complaint shall be accompanied by a separate check.

B. Summons: The summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall notify counsel or pro se party.

C. If counsel/pro se party fails to obtain service of the summons and complaint or any post-judgment proceeding within six (6) months from the date the case already has been filed and the party on whose behalf such service was required cannot show good cause why such service was not made, the action shall be dismissed as to that defendant without prejudice upon the Court's own initiative with notice to such party or upon motion.

D. Assignment of Cases: If an answer or other responsive pleading is filed, the Clerk shall assign a date for a scheduling pretrial.

RULE NO. 3.02: RESERVED

RULE NO. 3.03: PLEADINGS AND MOTIONS

A. All motions, unless made during a hearing or trial, shall be in writing and accompanied by a memorandum stating the grounds for the motion and citing relevant authorities. The motion shall not exceed fifteen (15) pages including any supporting documents/exhibits. The Court may allow additional pages by Judgment Entry upon the filing of a motion and for good cause shown. If a party fails to provide a brief or memorandum or exceeds the 15-page limit without leave of Court, the Court may overrule the motion without consideration. Excess pages will be destroyed.

B. Motions and responses must be filed within the time guidelines set forth in the Ohio Rules of Civil Procedure.

C. Motions may be ruled on without a hearing unless otherwise requested in writing, at the court's discretion.

D. All motions shall be accompanied with a proposed entry. Failure to supply a proposed entry may delay the Court ruling on such motion or may result in the motion being denied.

E. The Court may refuse filing if filed with inaccurate information or filed without proposed entry.

RULE NO. 3.04: SCHEDULING PRETRIAL AND SETTLEMENT CONFERENCE

A. The Court may set a scheduling pretrial to establish a case management plan. The Court may also set a settlement conference or refer the case to mediation to narrow and clarify issues, agree to stipulations, and attempt to reach a settlement.

B. Attorneys and parties are required to appear at the settlement conference or mediation and failure to appear may result in sanctions. Counsel attending a settlement conference or mediation must have full settlement authority. Insurance adjusters shall be available by telephone.

RULE NO. 3.05: JURY DEMAND IN CIVIL CASES

A. Any party desiring a jury trial in a civil case must demand the same in accordance with Rule 38 of the Ohio Rules of Civil Procedure. The jury demand must be in writing by separate instrument. The jury demand must be filed in compliance with the time frame set forth in the applicable Rule.

B. The party demanding the jury in a civil case shall pay the Civil Jury Deposit at the time of the request. The cost requirement may be waived upon the presentation of evidence which establishes the indigency of the party demanding the jury, and upon approval of the Judge.

C. Each party shall file a complete set of instructions suitable for charging the jury in the captioned matter no later than the day of the scheduled Final Pretrial.

D. Failure to comply with these requirements may result in a jury waiver or other appropriate sanctions.

RULE NO. 3.06: JOURNAL ENTRIES

The Court shall prepare Journal Entries. However, when ordered by the Court, counsel for the party in whose favor an entry, order, judgment, or decree is entered, shall prepare a proper Journal Entry and submit it to the Court within fourteen (14) days of the order.

RULE NO. 3.07: DEFAULT JUDGMENTS

Motions for default judgement shall be supported by an affidavit of proof of damages. For cases based on an account, the account statement must be submitted, along with proof by affidavit that no subsequent payments have been made on the account and proof of all assignments/transfers of the account. Upon notice to the plaintiff, failure to file a motion for default shall result in dismissal of the complaint for want of prosecution.

RULE NO. 3.08: FORCIBLE ENTRY AND DETAINER

A. Complaint: A complaint in Forcible Entry and Detainer shall be filed and shall set forth the grounds for the eviction and shall be accompanied by a copy of the notice under ORC § 1923.04.

By order of the Ohio Supreme Court, only the legal titled owner of the rental property, or a licensed practicing attorney, may file a complaint for eviction against a tenant. A corporate officer, L.L.C. member, Trustee, building manager or agent designated by the landlord (other than an attorney) may not sign or file a complaint for eviction, or appear on behalf of, the legal owner in any court proceeding. For further information, see Cleveland Bar Association v. Picklo, 96 Ohio St. 3d 195 (2002). Failure to comply with this requirement may be grounds for dismissal of the case at any stage of the proceedings.

B. Trial: Defendant shall be served with the summons and complaint at least seven (7) days prior to the date set for trial, unless time constraints require otherwise. Motions shall be heard at the trial, unless the assigned Judge or Magistrate directs otherwise.

C. Continuance: A continuance may be granted as provided in Ohio Revised Code § 1923.08 which reads: "No continuance in an action under this chapter shall be granted for a period longer than eight (8) days, unless the plaintiff applies for the continuance and the defendant consents to it, or unless the defendant applies for the continuance and gives a bond to the plaintiff, with good and sufficient surety, that is approved by the court and conditioned for the payment of rent that may accrue, if judgment is rendered against the defendant."

D. Enforcement of First Claim Judgment – Writs and Set-Outs: If judgment is for plaintiff on the complaint for Forcible Entry and Detainer, unless otherwise ordered by the Court, the plaintiff may apply for a Writ of Restitution through the Clerk's Office. Plaintiff shall remit a fee, established by the most recent cost schedule, with the application for the Writ. Plaintiff may apply for the Writ after the Court ordered move-out date has passed and schedule a set-out date and time with the Sheriff's Office, unless staffing allows the Bailiff to do so.

Writs must be applied for in a timely manner. Timely application is determined according to the following:

1. Within thirty (30) days of the date of the judgment unless the judgment orders otherwise.

2. Where the judgment is more than thirty (30) days old, but less than sixty (60) days old, plaintiff must file a Motion for Leave to Apply for a Writ and serve a copy of the motion on the defendant(s). The Court may schedule a hearing on the motion or decide the motion on the filings of the parties. Upon the granting of the motion, plaintiff may remit the fee established by the most recent cost schedule for the Writ and schedule a set-out.

3. Writs must be executed upon (the scheduled set-out must occur) within fifteen (15) business days of issuance by the Clerk's office. If a set-out is delayed or canceled by the plaintiff, and more than fifteen (15) business days pass after the date the Writ was issued, the plaintiff must apply for a new Writ and pay another fee.

E. Set-Outs: Every set-out scheduled pursuant to a Writ of Restitution shall be supervised by the Morrow County Sheriff's Office unless staffing allows the Bailiff to do so. The actual physical set-out of defendant's belongings shall be conducted by movers obtained by the plaintiff.

When staffing allows, on the scheduled date and time the Bailiff will meet the plaintiff, or his/her agent, at the premises. The Bailiff may inspect the premises to determine if inhabitants need to be lawfully removed. If there are occupants who refuse to vacate the premises, the Bailiff shall contact the appropriate police agency for assistance. The plaintiff's movers may then conduct the actual physical set-out.

RULE 3.09: RENT ESCROW

A. A tenant may initiate a rent escrow proceeding pursuant to R.C. 5321.07 by completing an application. The tenant must meet the following requirements:

1. The tenant must live within the jurisdiction of the Court;

2. The tenant must be current in his/her rent;

3. The tenant must provide the current address of the landlord/or agent;

4. The tenant must have served landlord with a thirty (30) day notice to make repairs pursuant to Ohio Revised Code §5321.04 and provide a copy of same;

5. The landlord must have failed to make substantial repairs to the conditions detailed in the thirty (30) day notice.

B. The tenant must deposit the rent with the Court if the rent is due. If the rent is not yet due, the tenant must deposit the rent with the Court by the due date.

C. There is no filing fee to place rent in escrow, however, the Court will retain one percent (1%) of the monthly rent deposited with the Court pursuant to R.C. 5321.08(D).

D. Service of the rent escrow proceeding shall be by certified mail by the Clerk. The Clerk shall advise the tenant if certified mail is unclaimed/refused so that the tenant may submit a request for regular mail service.

E. Upon receipt of the tenant's notice that the conditions have been remedied, the Clerk shall release the deposited rent, less costs, to the landlord pursuant to R.C. 5321.09(A)(1).

F. Upon filing of an application by the landlord pursuant to R.C. 5321.09, a hearing shall be scheduled within the time allowed by law. The Court may also schedule a hearing if a reasonable amount of time has passed and no application is filed.

RULE NO. 3.10: CHANGE OF VENUE CERTIFICATION OF PROCEEDINGS

A. Court as Transferor: The Clerk shall not transfer any case pursuant to venue change in application of Civil Rule 3(C) until all costs are paid. It shall be the responsibility of the plaintiff's attorney to ascertain the filing cost in the transferee court.

B. Court as Transferee: The Clerk shall not file and docket any case transferred to this Court pursuant to venue change in application of Civil Rule 3(C) until a sum sufficient to secure costs has been deposited. Failure to comply with this rule within fourteen (14) days from receipt of the file from the transferor court may form the basis for returning the file to the transferor court.

C. Certification to Common Pleas Court: It shall be the responsibility of any party filing a counterclaim, crossclaim or third-party complaint exceeding the monetary jurisdiction of the court to also file a motion to certify the case to the Court of Common Pleas. The motion shall be accompanied by a check or money order made payable to the Court of Common Pleas, in a sum of not less than the amount specified as security costs for that court. Failure to comply within thirty (30) days of the filing of such counterclaim, crossclaim or third-party complaint shall be grounds for dismissal under Civil Rule 41(B).

RULE NO. 3.11: SMALL CLAIMS

A. Complaint: A small claims action is commenced by filing a small claims complaint pursuant to Ohio Revised Code Section 1925.04. A defendant is not required to file an answer or a statement of defense. A timely counterclaim or crossclaim may be filed. All pleadings will be construed to accomplish substantial justice. Should the defendant fail to appear for the hearing, following proper service, judgment may be awarded in favor of the plaintiff.

B. Continuances: No case scheduled for trial, or hearing may be continued except on written motion accompanied by appropriate deposit and for good cause shown. Such motion shall be filed with the Court not less than seven (7) calendar days prior to the trial or hearing. In the event such continuance is filed by an attorney, a proposed entry MUST accompany the motion. In the case of unforeseen emergency, this time requirement may be waived.

C. Transfer to the Regular Civil Docket: In the discretion of the Court, a case filed in the small claims division may be transferred to the regular docket upon the motion of a party against whom a claim, counterclaim, or cross-claim is instituted or upon the motion of a third party defendant. A motion filed under this division shall be accompanied by an affidavit stating that a good defense to the claim exists, setting forth the grounds of the defense, and setting forth the compliance of the party or third-party defendant with any terms fixed by the Court. The motion shall also be accompanied by the required filing fee. The failure to file a motion to transfer a case to the regular docket of the court constitutes a waiver by the party or third-party defendant of any right to a trial by jury.

D. At the hearing regarding a small claims action, each party is permitted to submit receipts, estimates, emails, text message, photographs or other tangible evidence that supports a party's claim or defense. Any party relying upon video or audio evidence must submit a copy of the video or audio to the Court on a flash drive. All parties are required to bring copies of any evidence that will be submitted to the Court. Court employees will not make copies of a party's evidence.

APPENDIX A
IN THE MORROW COUNTY MUNICIPAL COURT

STATE OF OHIO/VILLAGE_____	:	
	:	
_____	:	
PLAINTIFF	:	CASE NO._____
	:	
-vs-	:	**Motion by Broadcast Media**
	:	**to Record Court Proceeding**
_____	:	
DEFENDANT	:	

For the court proceeding scheduled herein for _____, 20_____, the undersigned representative/member/reporter for the broadcast media organization shown requests leave to have one, or more, crew members in the courtroom to [ ] record [ ]broadcast (live) [ ]photograph the proceedings.

_____	_____
Signature	Printed name
_____	_____
Organization name	Organization street address
_____	_____
E-mail address	Organization city, state, zip code

JOURNAL ENTRY

Upon consideration of the above, the Applicant's request is:

[ ] GRANTED subject to compliance with Sup R. 11 (see other side of page). Applicant's personnel and equipment shall be positioned in the courtroom as directed by the bailiff so as not to distract others, or to impair or otherwise interfere with the dignity or fair conduct of the proceedings.

[ ] DENIED.

Date:_____ _____
Judge/Magistrate

Copy served on _____, 20_____ by _____Clerk/Deputy Clerk to:

[ ] County Prosecutor/ [ ] Village Solicitor by _____ [ ] Plaintiff/Plaintiff's Counsel by_____

[ ] Defendant/Defendant's Attorney by _____ [ ] Applicant by_____

RULE 11.00. Media Broadcasting, and Recording.

(A) Procedure

Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall be in writing. Unless otherwise provided by law or local rule, the judge assigned to the proceeding shall permit audio, audio-video recording, broadcasting by electronic means, and taking photographs in court proceedings that are open to the public. After consultation, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The written order of the judge shall be made a part of the record of the proceedings.

(B) Limitations

(1) There shall be no audio recording or audio broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel, of conferences conducted at the bench, or from the courtroom when court is not in session.

(2) The judge shall permit any victim or witness who objects to being recorded, broadcasted, or photographed the opportunity to be heard in advance of testifying. A victim or witness may not object to the court recording the proceeding as part of its official record.

(3) This rule shall not be construed to grant any greater rights than permitted by law.

(C) Revocation of permission

Upon the failure of any person to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to record, broadcast, or photograph the proceeding.

(D) Permissible equipment and operators

(1) Video, still photography, audio recording, or broadcasting of court proceedings shall be limited to one videographer, one still photographer, and one audio technician, unless otherwise ordered by the judge. In the event of multiple requests, the judge may order coverage of court proceedings to be conducted by pool representation. Individuals participating in the pool shall designate a pool representative. Access to video, photographs, and audio shall be shared with the pool. The pool arrangement shall be by agreement of the participants and the judge shall resolve any dispute.

(2) The judge shall prohibit equipment or activity that is distracting to the proceedings. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.

(3) For audio recording or broadcast purposes, not more than one audio system shall be permitted in the courtroom. Where available and suitable, existing audio pickup systems in the court facility shall be used. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

(4) Videographers, photographers, and audio technicians shall not move about the courtroom while court is in session.

(E) Prohibition on recording jurors, witnesses, and juvenile defendants

No audio recording, video or photograph of any juror, witness, or juvenile defendant shall be taken by any means by a person other than as approved by the judge. This division shall not apply to the court recording the proceeding as part of its official record.

APPENDIX B

IN THE MORROW COUNTY MUNICIPAL COURT

REQUEST TO BE APPOINTED BY THE COURT AS COUNSEL

Please include my name on the court-appointed counsel list. I will accept appointments in the following areas:

☐ Misdemeanor Criminal ☐ Misdemeanor Appeals

☐ Misdemeanor OVI/Traffic ☐ Felony Preliminary Hearings

NAME:_____

SUPREME COURT IDENTIFICATION NUMBER:_____

ADDRESS:_____

TELEPHONE NO.:_____ FAX NO.:_____

E-MAIL ADDRESS:_____

Foreign Languages, if any_____

CERTIFICATION:

I hereby certify that I have reviewed this Court's Local Rules and the Ohio Administrative Code 120-1-10 and state that I am qualified and willing to accept appointments as provided by this section, in the categories indicated hereinabove. I further agree to immediately inform the Court if I am not qualified or should become unqualified within OAC 120-1-10 to accept a certain category of appointments. I also agree to update the Court, on a yearly basis, of my status and desire to accept appointments, and compliance with the OAC 120-1-10 requirements.

_____ _____

Attorney Name Printed Date

_____

Signature

NOTARY PUBLIC

State of Ohio)

)ss:

County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, 20____

_____

Notary Public

My commission expires on _____