

CLARK COUNTY MUNICIPAL COURT
50 EAST COLUMBIA STREET
SPRINGFIELD, OH 45502
RULES OF PRACTICE

Revised effective December 1, 2022

The Clark County Municipal Court has formatted its Rules of Practice to be what we consider the most user-friendly presentation we could provide. The table of contents below should assist you in quickly identifying the section or chapter and particular court rule you require.

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RULES OF PRACTICE

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ADOPTION, SCOPE, AND CONSTRUCTION OF RULES

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ADOPTION, SCOPE, AND CONSTRUCTION OF RULES

The following rules have been adopted by the Clark County Municipal Court, Ohio for the purpose of promoting the administration of justice by conforming this Court's rules with the uniform rules of practice and superintendence in effect in the State of Ohio.

The rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings, functions, and services of this Court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just, expeditious, and inexpensive determinations of all actions and proceedings.

THESE RULES SUPERSEDE ALL PREVIOUS RULES ADOPTED BY ANY JUDGE OR JUDGES OF THE CLARK COUNTY MUNICIPAL COURT.

The following abbreviation references are contained in these Rules: O.R.C.= Ohio Revised Code; Civ. R. = Ohio Rules of Civil Procedure; Sup. R. = Rules of Superintendence for the Courts of Ohio; Crim. R. = Ohio Rules of Criminal Procedure; Traf. R. = Ohio Traffic Rules

CITATIONS OF RULES

These rules shall be known as the Clark County Municipal Court Rules of Practice and may be cited as CCMCR _____.

SESSIONS AND HOURS OF COURT

A. The general business hours of the court are Monday through Friday, 8:00 A.M. to 5:00 P.M.

B. The sessions of the court shall be as follows: Traffic Court shall be at 1:30 P.M. Monday through Friday. All other sessions of the Clark County Municipal Court shall be from 8:00 A.M. to 5:00 P.M. on each day except Saturday, Sunday, legal holidays, and as otherwise ordered by the court.

C. No session is held on a day when weather or other causes require the court to be closed as determined by the Administrative Judge.

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- B.** The Administrative Judge shall be elected annually by a majority vote of the judges of the court. An incumbent administrative judge may be elected to consecutive terms. The term of office shall be the calendar year. Upon election and before commencement the Administrative Judge shall notify the Chief Justice of the Supreme Court of Ohio of the election.
- C.** The Administrative Judge shall cause cases to be assigned to judges as required by the Rules of Superintendence and the CCMCR. The Administrative Judge shall require reports from each judge concerning the status of assigned cases to assist in the discharge of responsibilities to the Supreme Court of Ohio and in the implementation and application of the Rules of Superintendence for the timely termination of cases.
- D.** The Administrative Judge may be relieved of some trial duties during the term of office to permit utilization of time to manage the calendar and docket of the court.

Rule 1.2 THE ELECTION OF ADMINISTRATIVE JUDGE

The election of the Administrative Judge for the following year will be held at the December Joint Session of the Judges of the Clark County Municipal Court. This will allow the judge to assume the responsibilities of the office at the beginning of the calendar year. In the event of a vacancy in the office of Administrative Judge caused by resignation or otherwise, such vacancy during a particular term shall be filled by a vote of the majority of the remaining judges. Said election shall occur within ten (10) days after such vacancy.

Rule 1.3
ACTING ADMINISTRATIVE JUDGE

The Administrative Judge shall designate the judge or judges who shall be the Acting Administrative Judge in the absence of the Administrative Judge.

Rule 1.4
UNAVAILABILITY OF JUDGE OR MAGISTRATE

In the absence of a judge or magistrate, the Administrative Judge will appoint an acting judge or magistrate to carry out the duties of the absent judge or magistrate, pursuant to the Ohio Revised Code.

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Rule 2.1
ASSIGNMENT OF CASES

All cases shall be assigned to a judge as provided in these Rules. Each case shall be assigned to a specific judge, initially, based on the last digit in the case number. Each judge is designated three numbers from which the last digit will control the assignment to him/her. Case numbers ending in 0 shall be assigned equally among the three judges by lot.

Rule 2.2
ASSIGNMENT TO AN INDIVIDUAL JUDGE

The assignment to a specific judge shall occur upon the following events:

A. A civil case will be assigned to an individual judge by the Clerk of Court upon the filing of an answer or motion other than a motion for default judgment.

B. A misdemeanor, traffic, or criminal case shall be assigned to a judge by the Clerk of Court when a plea of "not guilty" or "not guilty by reason of insanity" is entered. The exception to this is a case involving a defendant on probation.

(1) If the defendant is on probation and the probation has not been terminated by entry:

(a) the misdemeanor, traffic, or criminal case shall be assigned to the judge who placed the defendant on probation.

(2) Assignment of multiple misdemeanor, felony, and traffic charges shall be in accord with CCMCR 2.6.

C. When a case has been assigned to an individual judge, that judge shall be responsible for the determination of every issue and proceeding in that case until its termination.

D. A minor misdemeanor or a traffic case assigned to a judge will be referred to a magistrate.

Rule 2.3
PARTICULAR SESSIONS

A particular session of the court is one in which cases are assigned by subject category rather than by the individual assignment system. The following particular sessions are established:

A. Criminal Arraignment

B. Traffic Arraignment

C. Preliminary Hearings

D. Forcible Entry and Detainer Actions – shall be heard by the Magistrates.

Rule 2.4

DURATION OF ASSIGNMENT TO PARTICULAR SESSION

Pursuant to Sup. R. 36, the Administrative Judge shall equally apportion particular session assignments among all judges and no session shall exceed two weeks in duration.

Rule 2.5

ASSIGNMENT OF FELONY CASES FOR PRELIMINARY HEARING

Felonies will be set for preliminary hearing within the time limits provided by law and in a particular session.

Rule 2.6

ASSIGNMENT OF MULTIPLE MISDEMEANOR, FELONY AND TRAFFIC CHARGES

On a plea of not guilty in multiple related cases, these cases may be grouped for assignment to the same judge. Cases relating to different defendants, even if arising out of the same transaction, shall be separately assigned unless a motion for consolidation has been or is granted by the assigned judges. Consolidation of other cases against the same defendant shall occur upon the filing of an Entry of Consolidation in all cases. The Entry shall be signed by the judges initially assigned.

Rule 2.7

ASSIGNMENT OF EXPUNGEMENT (SEALING RECORD) CASES

Expungement motions shall be assigned for decision to the judge before whom the defendant previously appeared or the judge's successor. Motions for expungement without the defendant's date of birth, social security number, and current address will not be accepted for filing.

Rule 2.8

REASSIGNMENT OF CASES

Except as otherwise provided in these rules, after a case has been individually assigned pursuant to Sup. R. 36, it shall not be reassigned to another judge without a proper recusal entry. All transfers of assignments should be effected by a properly recorded entry of the Administrative Judge.

Rule 2.9
COURTROOM ASSIGNMENT

Judges are assigned to courtrooms and sessions, both general and particular, by order of the Judges.

Rule 2.10
DECORUM AND CONDUCT

A. Courtroom Conduct.

Upon the opening of any court sessions, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with proper decorum and in such a manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the court shall, as far as practicable, appear in appropriate dress.

B. Food and Drink.

No smoking, eating, or drinking is permitted in the courtroom, nor shall anyone bring food or drink into the courtroom without permission of the court.

C. Loitering.

No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any hallways, entryways, or stairways leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

D. Attention to Rule.

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

E. Public Use of Court Facilities.

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

F. No recordings shall be made of any court proceedings without approval of the judge conducting the proceeding and pursuant to the Rules of Superintendence.

G. Media Coverage of Court Proceedings.

1. Assigned Judge:

All media requests for broadcasting or recording by electronic means and the taking of photographs in court proceedings that are made on the Court's Media

Request Form (Attached as Appendix C) shall be granted for proceedings that are open to the public, as provided by Ohio law. The media shall obtain the Form from the judge assigned to the trial or hearing. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The Media Request Form and any written order of the judge thereon shall be made a part of the record of the proceedings. The Media Request Form shall be presented as far in advance as is reasonably possible. Upon a showing of good cause, the judge may waive the advance notice provision.

2. Permissible Equipment and Operators:

1. Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.

2. Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.

3. For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. 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. Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.

5. Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding. "Pooling " arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.

6. The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. 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.

7. Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

3. Limitations:

1. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
2. The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
3. Jurors shall not be filmed, videotaped, recorded, or photographed without permission of the judge.
4. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.
5. This rule shall not be construed to grant media representatives any greater rights than permitted by law.

4. Revocation of Permission:

Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

5. Other Media Requests for Broadcasting or Photographing in the Courthouse:

A media representative may request permission to broadcast, televise, record, or take photographs in the courthouse for general story purposes. The request shall be in writing and presented to the Administrative Judge for review and approval. If the request is approved, the Administrative Judge shall specify the time and place in the courthouse where the equipment may be used.

6. Media Requests to Interview Judicial Employees:

A media representative may request to interview a court employee regarding an incident or story that involves the employee in his or her course of business as a representative of the court. No interview shall be granted until a "Request for Interview" form has been forwarded to the Administrative Judge for review and approval. No employee of the court may comment or be interviewed by the media regarding court matters without the approval of the court.

Rule 2.11
DUTIES OF THE CLERK

A. The Clerk shall prepare and maintain such dockets, books of record, and indices as are required by law and practical necessity, which shall be the public records of the court.

including but not limited to:

1. A Civil Docket in which shall be entered in consecutive order all civil cases brought in this court, together with all proceedings had therein, properly dated, which docket shall be the final and complete record of said cases, except as hereinafter provided;
2. A Criminal Docket in which shall be entered in consecutive order all criminal cases brought in this court, together with all proceedings had thereon, properly dated, which docket shall be the final and complete record of said cases, except as hereinafter provided;
3. A Bond Docket in which shall be entered the originals of all bonds given to stay execution, as well as bonds given by any party for any purpose in connection with any civil case pending in this court, with a proper index thereof;
4. A Journal in which shall be recorded the orders of the court, entered in chronological sequence and identified by specific minute numbers. Where a copy of such records is demanded by a party, the expense is to be prepaid by the requesting party;
5. A General Index giving the name of each plaintiff and defendant in alphabetical order. When an execution is issued, the number shall be entered on the docket in lieu of a separate index;
6. An Execution Docket, which contains all records in civil cases after judgment;
7. A Cash Book Journal Sheet containing a record of all payments received by the Clerk of Court;
8. A Small Claims Docket, which contains small claims cases, together with all proceedings, had therein, properly dated. This docket is the final and complete record of each such case;
9. A Small Claims Index which is an alphabetical list of the names of plaintiffs and defendants. When an execution is issued, the number shall be entered on the docket in lieu of a separate index.

B. Once a case has been assigned, the Clerk of Court shall immediately forward the case information to the assigned judge, and immediately notify the assigned judge of any subsequent pleadings, papers or exhibits filed.

C. Electronic Filings:

1. The Court will accept electronic filing by facsimile transmission that do not require a corresponding payment or fee, provided that the filing is transmitted to the Clerk of Courts at the following number: 937-328-3779. Fax transmissions sent to any other number will not be deemed received by the Court for filing

purposes. The fax filed document will be deemed the original, and no additional original need be sent.

2. The fax filing shall have a cover page to include the number of pages being transmitted (including cover page), the names of the documents being transmitted and a return telephone number.

3. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. The Court may order the filing stricken if it is established that the documents were transmitted without authority.

4. Service copies are the responsibility of the filer.

5. Any document electronically filed shall be deemed filed upon its receipt, provided it is received by the Clerk's Office between the hours of 8:00 am and 4:00 pm Monday through Friday, except federal holidays and other days when the Court may not be open. Documents received outside of that time frame shall be treated as filed on the next business day.

Rule 2.12 FILING WITH THE CLERK

All papers delivered to the Clerk shall be filed and preserved in the Clerk's office as part of the court records as defined in Sup. R. 44. The Clerk shall file and preserve in the Clerk's office all papers delivered to the Clerk for that purpose. No papers, documents, or exhibits on file in the office of the Clerk of Court shall be allowed to be taken from the custody of the Clerk except as hereinafter provided.

Rule 2.13 NUMBERING OF CASES

Rule 43 of the Rules of Superintendence for the Courts of Ohio shall be followed.

Rule 2.14 FORM AND SIGNING OF PLEADINGS

- A. Plaintiffs shall tender with the original complaint a sufficient number of service copies for all defendants to be served.
- B. Rules 10 and 11 of the Ohio Rules of Civil Procedure shall be followed. The court will accept pleadings signed through DocuSign and other forms of electronic signature in accordance with Civ. R. 11.

Rule 2.15 PUBLIC ACCESS AND REMOVAL OF PAPERS FROM CUSTODY OF CLERK

- A.** Court records are presumed to be public, and the Clerk shall permit public access to court records as specified in Sup. R. 45. However: original papers, which shall include transcripts or depositions filed in the action, shall not be taken from the files except upon filing an entry approved by the court and a written receipt, which shall be retained by the Clerk until the file is returned.
- B.** Records and reports of evaluations used for the purpose of determining the competency, sanity or mental status of a defendant, or reports, including Pre-Sentence Investigations are exempt from the public record and shall be filed under seal, in the case file, and shall be treated as confidential.
- C.** By order of a judge of this court, any exhibit may be returned to the witness or party by whom it was produced after the substitution of a photostatic copy thereof; provided, however, that such order may dispense with such substitution in the case of an original record, paper, or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a receipt shall be given, or when a written stipulation of all the parties consenting thereto is filed. The application for such an order shall be supported by an affidavit stating all the pertinent facts, except where it is made on stipulation.
- D.** No entry shall be accepted or docketed by the Clerk until it is approved by the appropriate judge or the Administrative Judge in the absence of the assigned judge.
- E.** In small claims cases, the exhibits shall be returned to the party submitting said exhibits at the completion of the appeal period.
- F.** The Clerk shall, upon request, furnish extra copies of pleadings or other papers upon the payment of a reasonable fee.

Rule 2.16
PROOF OF SERVICE

All documents, except the complaint offered for filing and required to be served to other parties, shall contain proof of service in the form provided by Civil Rule 5.

Rule 2.17
NOTIFICATION TO JUDGES OF ALL APPEALS

Whenever a notice of appeal is filed in this court, the Clerk shall notify the Judge assigned to the case.

Rule 2.18

**APPEARANCE CALL FOR FORCIBLE ENTRY AND DETAINERS ACTIONS
AND DEBTORS EXAMS**

A. Appearance call will be held at 9:00 a.m. each Wednesday, before the civil magistrate, for first appearance in actions for Forcible Entry and Detainer cases.

B. In actions in Aid of Execution or in Debtor's Examinations where the plaintiff or plaintiff's attorney does not appear at the time for examination set forth in the order, the presence of anyone summoned to appear shall be noted on the docket and the party excused. In such event, the cost of that proceeding shall be taxed to the party who filed the proceedings and be so reflected on the docket, and counsel may be subject to appropriate action by the court.

The failure of any person to appear for examination or to hold funds, as directed under proceedings in Aid of Execution or the Order for Debtor's Examination, shall be grounds for the issuance of a citation in contempt against said person. Such citation shall be issued on forms prescribed by the court and heard by the civil magistrate.

On motion reciting that personal service of the proceedings in Aid of Execution or Debtor's Examination was made upon the person who failed to appear or to hold funds as directed therein, the court may issue a bench warrant.

Rule 2.19

DISPOSITION OF SEIZED PROPERTY AND EVIDENCE NOT CLAIMED

Pursuant to O.R.C. 2981.11, all property in the custody of any law enforcement agency, shall be kept safe by the agency pending the time it is no longer needed as evidence or with lawful purpose. Such property, subject to the exception in ORC 2981.11 (A)(2), which is no longer needed, shall be disposed of consistent by Revised Code §2981.12 and .13.

Rule 2.20

UNCLAIMED RESTITUTION FUNDS

All funds, including restitution, unclaimed after one year and after notice is given pursuant to O.R.C. 1901.31, shall be treated as unclaimed funds by the Clerk of Court and paid to the City Treasurer.

Rule 2.21

COURT RECORD RETENTION AND DISPOSITION SCHEDULE

The Clark County Municipal Court finds that the Record Retention Schedule set forth in Appendix B meets the record retention and disposition requirements of the Revised Code and Sup. R. 26, 26.01, and 26.05 for records of the court, of the Office of the Clark County Municipal Court Clerk, of the Office of the Court Administrator and of the

Probation Division. After the retention period expires, the records will be destroyed or otherwise disposed of pursuant to Sup. R. 26. The court may order the retention period for an individual case file extended beyond the period specified in the Schedule, pursuant to Sup. R. 26(H).

Rule 2.22
PRACTICE BEFORE THE COURT

Only attorneys regularly admitted to the practice of law in the State of Ohio or those certified to specially practice by the Supreme Court of Ohio or those authorized by the court shall be permitted to practice in this court. This rule shall not prohibit any party from acting as his or her own counsel in any proceeding in this court.

Rule 2.23
WITHDRAWAL OR CHANGE OF TRIAL ATTORNEY

A. Withdrawal of Trial Counsel: No attorney who entered his or her appearance in any court shall withdraw except by an entry of the court and upon a showing of good cause. Withdrawal of counsel should be requested no later than five (5) court days before any hearing.

B. Change of Trial Counsel: Change of trial counsel will be permitted by the judge assigned to the case only upon the filing of an entry containing the designation of new trial counsel and provided such change will not delay the trial.

Rule 2.24
APPOINTMENT OF PUBLIC DEFENDER

Immediately upon approval by the court of representation of a defendant by the Public Defender's Office, that office shall file with the Clerk of Court a Notice of Appearance formalizing the appointment.

Rule 2.25
SERVICE ON STAFF ATTORNEYS OF THE PUBLIC DEFENDER AND PROSECUTOR

Pursuant to Crim. R. 57 there shall be maintained in the office of the Criminal Division of the Clerk of Court a "Public Defender Service Box" and a "Prosecutor Service Box". In addition to other methods of service authorized by Civ. R. 5(B), service may be made upon any public defender or prosecutor by depositing a service copy in the respective Public Defender Service Box or Prosecutor Service Box. Such deposit, when made, shall be deemed serviced by delivery, rather than by mail.

Once deposited in the Public Defender or Prosecutor Service Box, documents therein shall be deemed in the custody of the public defender or prosecutor, who shall be responsible for distribution of such items to the appropriate responsible staff attorney. No person except the public defender or his/her authorized representative shall remove any documents from the Public Defender Service Box. No person except the prosecutor or his/her authorized representative shall remove any documents from the Public Defender or Prosecutor Service Box.

Rule 2.26

**CONFLICT OF TRIAL COURT ASSIGNMENT DATES, CONTINUANCES,
AND ENGAGED COUNSEL**

Sup. R. 41 shall be followed. Additionally, attorneys submitting motions for continuances shall accompany them with an Entry providing blank spaces for the new trial or hearing date, time, and courtroom.

Rule 2.27

MOTIONS

A. Unless extended by the court, no pre-trial motion, except for one for continuance or as otherwise provided by law, shall be filed within seven (7) days of the trial date. All motions shall be served upon all counsel or the parties, if not represented by counsel, on the day of filing, pursuant to the Ohio Rules of Civil Procedure.

B. Any motion other than one for continuance shall be accompanied by a memorandum indicating the issues and authorities in support thereof. If there is no memorandum, said motion shall be stricken from the files.

C. Opposing memoranda, other than in response to Motions for Summary Judgment, shall be filed not later than fourteen (14) days from the service of the motion or on the day prior to the trial or hearing on the motion, whichever is earlier, or at such other time as set by the assigned judge. Responses to Motions for Summary Judgment shall be filed within 28 days after service of the Motion.

D. Motions shall be deemed submitted when the opposing memoranda are filed or the time for filing expires, whichever is earlier. Assignment of any motion for oral hearing shall be at the discretion of the court.

Rule 2.28

JURY MANAGEMENT PLAN

PURPOSE

This local rule for the Clark County Municipal Court is being implemented so as to be in compliance with Municipal Court Superintendence Rule 18(C), which requires each municipal court, prior to July 1, 1994, develop and implement a Jury Management Plan.

Clark County continues to operate a single jury selection process for all of its courts through the Jury Commissioners' Office in the Clark County Common Pleas Court.

This rule shall be read and applied in conjunction with this combined process.

JURY MANAGEMENT PLAN

Potential jurors shall be drawn from a jury source list, provided by the Clark County Common Pleas Court. Said jury source list shall constitute a list of all registered voters in Clark County. Automated data processing equipment is used for the random selection procedure.

There shall be no discriminating factors against any individuals in this jurisdiction that would prevent them from jury service. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

All persons of Clark County are eligible to serve on a jury except as follows:

- Persons less than 18 years of age
- Persons not residents of Clark County
- Not a citizen of the United States
- Not able to communicate in the English language
- Convicted of a felony or have not had their civil rights restored

Departures from the random selection process are allowed as follows:

- To exclude persons ineligible for service
- To excuse or defer prospective jurors
- To remove prospective jurors for cause or if challenged peremptorily
- To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to panel

The term of service for petit jurors is 2 weeks. All exemptions, excuses and deferrals are handled by the arraigning judge of the Clark County Common Pleas Court. Initial summoning, jury questionnaires and procedures for monitoring a failure to respond to a jury summons also handled by the Common Pleas Court.

Municipal Court shall notify the Clark County Common Pleas Court for the need of a jury only upon the filing of a written jury demand where required. The jury deposit shall be set forth in Appendix A and may be revised from time to time. In civil cases, the jury deposit or the filing of an affidavit of indigency is required three (3) days prior to the assigned trial date. Failure to make said deposit shall constitute a waiver of the right to trial by jury.

Jurors shall be assigned to Municipal Court in sufficient numbers to accommodate trial activity. Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The Judge's office shall notify the Common Pleas Court by 3:00 p.m. the day before the trial that a jury is needed for the following day. Instructions on the initial Jury Summons advises the jurors of their assigned number and provides a telephone number to call to inform them of when and where to report for jury duty the next day. This information is updated daily after 4:30 p.m.

Persons summoned for jury service are promptly compensated in the amount set forth in Appendix A.

In criminal cases, the jury shall consist of eight regular jurors. One alternate juror may be seated at the discretion of the hearing officer. In civil cases, the jury shall consist of eight regular jurors, unless by agreement of the parties a lesser number is stipulated. Unanimity in civil and criminal cases shall conform with existing Ohio law.

The court shall conduct a preliminary *voir dire* examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter.

During *voir dire*, 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.

Counsel or parties shall conform their *voir dire* questioning to the following rules:

Counsel may not examine prospective jurors concerning the law or possible instructions.

Counsel may not ask jurors to base answers on hypothetical questions.

Counsel may not argue the case while questioning jurors.

Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors.

Questions are to be asked collectively of the panel whenever possible.

Counsel may inquire by general questions concerning validity and philosophy of reasonable doubt or the presumption of innocence.

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

In criminal cases, the *voir dire* process shall be held on the record. In civil cases, the *voir dire* process shall be held on the record unless waived by the parties.

If it is determined by the court during the *voir dire* process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, 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. Ohio Revised Code 2313.42 and Ohio Criminal Rule of 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. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause, however peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

The Court shall give preliminary instructions to prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, nature of evidence and its evaluation along with other basic and relevant legal principals.

The Court may permit jurors to question witnesses. If the Court permits such questioning, it will determine the specifics of the process to be used, but the following are the minimum requirements which must be satisfied:

1. questions must be submitted in writing;
2. jurors may not display or discuss a question with other jurors until it is read in open court;
3. counsel must be given an opportunity to object outside the presence of the jury;
4. if a question is not permitted, jurors are to be instructed they should not draw any inferences from the Court's refusal to permit the question;
5. counsel must be permitted to ask follow up questions.

The practice of allowing questioning of witnesses by jurors is within the discretion of the Court.

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 of their counsel may request that special instructions be given to the jury.

Communications between the Court and members of the jury panel from the time of the selection process in the courtroom for *voir dire* until dismissal shall be in writing or on

the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard. Under no circumstances shall counsel, a party or other witnesses have any contact with jurors.

All jury deliberations shall be conducted in the jury conference room, which includes space furnishings and facilities conducive to reaching a fair verdict. Court personnel shall make every attempt to secure the safety of all prospective jurors. Juror facilities and activities are arranged to minimize contact between jurors, parties, counsel and the public. All jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

The jury will not be required to deliberate after a reasonable hour unless the Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are deemed necessary in the interest of justice. Jurors shall be consulted before a decision is made.

Jurors shall be permitted to ask questions during deliberations, but all questions must be put in writing. Such questions shall be delivered from the jury to the bailiff who will in turn present them to the Judge. The Judge will then make a determination of how the question should be handled after reviewing the question with counsel.

All questions from the jury and any answer shall be included as part of the trial record.

Jurors shall be sequestered only for good cause. If at the Judge's discretion the jury is sequestered, the Court shall assume the responsibility to oversee the conditions of the sequestration including transportation.

Upon reaching a verdict, all jurors shall be returned to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of their verdict, in criminal cases, either party may request that the jury be polled.

Before dismissing jurors at the conclusion of the case, they shall be released from their duty of confidentiality and explained their rights regarding inquiries from counsel and the press.

Rule 2.29

REQUEST FOR INTERPRETER OR TRANSLATOR

In a civil case, the party requesting a court appointed interpreter or translator shall make a written request to the court as least ten (10) days before the date of the trial or hearing. The court may waive the written request requirement. Upon receiving the request, the Court will determine if an interpreter or translator is necessary. The expenses for the interpreter or translator in a civil case other than evictions, shall be taxed as part of the costs allowed to the prevailing party, unless otherwise directed by the Court.

In a criminal case, determination of an interpreter or translator shall be made by the Court at arraignment and the Court shall designate such in writing. If an interpreter/translator is not designated at arraignment, a defendant may request an interpreter or translator through the same process afforded in civil cases. The interpreter or translator expenses shall be paid out of the court general fund in criminal cases.

When the Court has contracts for interpreting services for a specific language, the case shall be scheduled consistent with the contracted days. Any delays caused by the need for an interpreter or translator shall be deemed a tolling event under R.C. 2945.72(H).

Rule 2.30
CASE MANAGEMENT IN PARTICULAR SESSIONS AND SPECIAL PROCEEDINGS

A. PURPOSE: The purpose of this rule is to establish, pursuant to Sup. R. 5(B)(1), a case management system for particular sessions and special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered particular sessions or special proceedings and may be heard by a judge or magistrate: small claims, forcible entry and detainer, default hearings, rent escrow hearings, replevins, garnishment hearings, debtor's exams, and citations in contempt. The following criminal matters are considered particular session or special proceedings: criminal initial appearances, preliminary hearings, and extradition hearings.

B. SCHEDULING OF EVENTS: 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 that do not have established time limits, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days, absent appropriate findings of the Court, or waivers by the parties.

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 completion of service, the Clerk shall immediately notify plaintiff or plaintiff's counsel of a default. A failure to submit a default judgment entry within fifteen (15) days may result in the case being dismissed.

E. After a responsive pleading is filed, the Clerk shall immediately forward said pleading and the case file to the judge or magistrate so that the matter may be set for a hearing.

F. If no action has been taken in a case 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 case file has been marked settled, and the agreed judgment entry or dismissal entry has not been approved and filed within thirty (30) days, then the case may be dismissed.

**Rule 2.31
COURT SECURITY**

A. In accordance with Sup. R. 9, the Court has developed a Court Security Policy and Procedures Plan that addresses the standards of the Supreme Court/Ohio Judicial Conference Committee on Court Security. The plan is not a public record.

B. In compliance with Court Security Standard 5, the Court will not permit weapons in the court facility except those carried by court security officers or by law enforcement officers acting within the scope of their employment. Any law enforcement officer who is a plaintiff, defendant, witness, or interested party to a judicial proceeding and who is acting outside the scope of employment will not be permitted to bring weapons into the court facility.

**Rule 2.32
APPOINTED COUNSEL FEES**

A. Misdemeanor and Felony Proceedings – Fee Rate

(1) Reimbursement for appointed attorney representation in misdemeanor proceedings will be paid at the rate of SEVENTY FIVE DOLLARS (\$75.00) per hour for OUT-OF-COURT and IN-COURT representation.

(2) Appointed counsel shall submit a properly completed Fee Application and their final billing to the Municipal Court Administrator within forty-five (45) days following the sentencing of the Defendant. If the Fee Application and final billing is not received within forty-five (45) days, it will not be reimbursed.

B. Fee Caps

(1) The maximum fee per case permitted in misdemeanor cases in the Clark County Municipal Court is TWO THOUSAND DOLLARS (\$2,000.00). Misdemeanor OVI/BAC cases is TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), unless extraordinary fees are granted.

(2) The maximum fee per case permitted in felony cases in the Clark County Municipal Court is TWO HUNDRED FIFTY DOLLARS (\$250.00).

**Rule 2.33
TECHNOLOGY PLAN**

In an effort to use technology to efficiently and effectively assist in the delivery of court services:

1. Upon the request of a criminal defendant who is incarcerated outside of Clark County, the Court shall endeavor, where feasible and efficient, to conduct arraignments and/or pretrials by virtual means, such virtual means may include video or teleconference. The Defendant shall include the name, address and contact information of the facility where incarcerated as well as defendant's inmate number. Upon such filing, the Court shall take all reasonable steps available to arrange a virtual hearing through the facility at the Defendant's incarceration.
2. The Court shall investigate the availability and cost effectiveness of a new case management system that may provide further technological solutions to improve notification and other services from the Court.
3. In addition to or in lieu of mail delivery, upon the availability of such technology, the Court may utilize notification of parties by electronic means, including text and/or email, which shall serve as proper notice to the party of a court date.
4. The Court will implement an internal technology plan and update such plan on a periodic basis as necessary to address needs and aspirations of the Court to serve the citizens of Clark County, Ohio.

CHAPTER 3: RULES OF CIVIL PRACTICE

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Rule 3.1 CIVIL COSTS

Costs in civil cases shall be assessed and payable upon filing according to the Schedule of Fees and Costs located in Appendix A at the end of the Clark County Municipal Court Rules of Practice, provided, however, that the State of Ohio, County of Clark, City of Springfield, or any other political subdivision thereof, shall not be required to post an advance deposit before filing any civil action or proceeding in this Court, and shall not be required to prepay publication fees. Costs shall be paid in full by the State of Ohio or any political subdivision with the filing of an Entry of Dismissal or Satisfaction of Judgment.

Rule 3.2 TRIAL BY JURY OR BY THE COURT

Ohio Civ. R. 38 and 39 shall be followed. At the time of filing the civil jury demand, the party making the demand shall deposit the sum with the Clerk, the amount set forth for a jury deposit in Appendix A, unless a poverty affidavit approved by the court is filed in lieu of the monetary deposit.

Rule 3.3 SUBPOENAS FOR WITNESSES

The praecipe (request) for subpoenas of witnesses in civil cases shall be filed with the Clerk not later than fourteen (14) days (excluding intervening Saturdays, Sundays, and Holidays) before the date of trial.

Where the praecipe for subpoenas is not filed in accordance with this rule, the failure of a witness to appear may not be grounds for a continuance of the case.

Rule 3.4
CIVIL MAGISTRATE

A. As provided by Sup. R. 19, magistrates shall be appointed by the court to hear the following: forcible entry and detainer proceedings under Chapter 1923 of the Revised Code in which the right to trial by jury is waived or not demanded; small claims proceedings under Chapter 1925 of the Revised Code; traffic proceedings in which there is a guilty plea or written waiver by the defendant of the right to trial by a judge; and non-attorney civil cases and other appropriate matters referred by the court for a magistrate's decision.

B. Magistrates shall have the qualifications specified in Civ. R. 53 and Traf. R. 14. In civil matters, magistrates shall act pursuant to Civ. R. 53 and in traffic matters pursuant to Traf. R. 14.

Rule 3.5
SMALL CLAIMS DIVISION

A. Pursuant to the Ohio Revised Code, the Court has established the Small Claims Division for cases for the recovery of money where the prayer does not exceed the monetary amount provided in O.R.C. 1925.02.

B. Cases filed in the Small Claims Division shall be heard by a magistrate appointed and assigned under Sup. R. 19.

C. In all cases, the magistrate may assess costs as provided in O.R.C. 1925.15.

D. The magistrate's decision is subject to a fourteen (14) days objection period pursuant to Civ. R. 53(E)(3).

E. The magistrate's decision shall be effective when adopted by the Court, pursuant to Civ. R. 53(E)(4). Upon consideration of any objections, the Court may adopt, reject, or modify the magistrate's decision, hear additional evidence, recommit the matter to the magistrate with instructions, or hear the matter.

F. A motion to transfer a case to the regular docket and to transfer a cross-claim or counterclaim exceeding the monetary jurisdiction of the Small Claims Division shall be handled in accordance with O.R.C. 1925.10.

G. Where a motion has been granted to transfer a small claims case to the regular civil docket, the party seeking the transfer shall pay the appropriate fee to the Clerk upon filing of the motion. Failure to pay the fee will result in the case being retained in the small claims docket.

H. A motion for continuance must be filed in writing not later than five (5) days (excluding intervening Saturdays, Sundays, and court holidays) before the date of the hearing.

I. No depositions or interrogatories shall be taken except by leave of court. All relevant evidence shall be admitted at the discretion of the magistrate.

Rule 3.6
FORCIBLE ENTRY AND DETAINER PROCEDURE

A. Complaints in actions in forcible entry and detainer will be set on Wednesday within twenty-one (21) to twenty-eight (28) days from the date of filing. Trial by jury will be waived unless demand is filed on or before the appearance date.

B. The time for serving a responsive pleading to any claim for relief in addition to the possessory action will be governed by the Ohio Civil Rules.

C. Service of summons upon the defendant shall be in accordance with O.R.C. 1923.06 and the Ohio Civil Rules.

D. At the time set for the hearing, plaintiff (the landlord) or plaintiff's attorney of record shall be present in court. Failure to comply with this rule shall result in a dismissal of the case.

E. In the event that the defendant (the tenant) fails to appear at the restitution hearing, no default judgment shall be ordered unless testimony is taken from the plaintiff (the landlord) regarding the proper form and service of the required notice under O.R.C. 1923.04 and the tenant's failure to pay rent when due or other reason why restitution of the property is being sought.

F. In cases based upon a tenant's failure to pay rent, all claims raised by the landlord will be consolidated with any counterclaims raised by the tenant, unless otherwise provided by law. The tenant shall serve any counterclaims upon the landlord or the landlord's attorney prior to trial. The tenant shall also deposit with the Clerk of Court all rent moneys claimed by the landlord to be due and owing, unless the Court waives this requirement upon the showing of good cause.

G. If the landlord is successful in the eviction action, the Court will order that the tenant vacate the premises at any time following the granting of restitution.

H. Upon the granting of restitution, should the tenant fail to vacate the premises or remove his property therefrom, the landlord shall initiate a writ of restitution by posting with the Clerk of Courts the amount set forth on Appendix A.

I. Upon filing of a Praecipe for a Writ of Restitution and the payment of the filing fee, the Clerk shall issue the writ to the Bailiff's Office.

J. The Bailiff's Office shall supervise every move-out conducted through the Court.

K. Upon receipt of the Writ of Restitution, a representative of the Bailiff's Office shall contact the landlord or the landlord's attorney to set a specific date for the move-out of the tenant. The Bailiff's Office will deliver a copy of the writ and padlock notice to the tenant. If the tenant is not home, the Bailiff's Office will post the writ and padlock notice on the main entrance door at the premises.

L. In the event the tenant vacates the premises before the scheduled move-out date, the landlord or his attorney shall immediately notify the Bailiff's Office. If the tenant does not move out before the date and time stated in the padlock notice, the Bailiff's Office will meet the landlord at the property for purposes of padlocking the premises. Landlords must be prepared to change the locks and secure the premises on the specified date.

M. If the tenant fails to remove their furniture and personal possessions from the premises, the landlord will need to consult with an attorney for advice on handling the tenant's property.

Rule 3.7

EXECUTION, SALE, AND CONFIRMATION

A. DEPOSIT FOR EXECUTION:

Before requesting a writ be issued on an execution or any other process against personal property, an amount sufficient to pay the cost of moving, towing, storing, appraising, advertising, or selling the personal property shall be deposited with the Clerk to secure such expenses. The amount of deposit on an execution (levy) shall not be less than four hundred dollars (\$400) per vehicle or property and may be more depending on the costs associated with the execution.

B. INSTRUCTION TO THE BAILIFF:

In all attachments or executions to be levied upon personal property the attorney or party shall describe in detail those items which are to be levied upon and an instruction "levy upon all goods and chattels of the Defendant" will not be sufficient. The Bailiff must be provided in an instruction the type, size and number of items to be levied upon so that they can make an accurate estimate as to the cost of the proceedings.

If the item to be levied upon is an automobile or other motor vehicle the party or his attorney shall furnish the court with an accurate description of the automobile or motor vehicle along with a written statement as to whether or not there is a lien of record on this vehicle. Before the Bailiff shall levy on an automobile or motor vehicle, he shall be provided with appropriate information as to any liens on said automobile or motor vehicle and shall also determine the average value of said automobile or motor vehicle per publications of the National Auto Dealer's Association. If there is a lien on said automobile or motor vehicle, the name of the holder of any liens shall appear on the notice of sale. If the Bailiff determines that the automobile or motor vehicle when sold shall not bring a sufficient sum to pay for the costs of towing, storage, advertising and

other court costs, he shall require the party to post sufficient additional costs to cover these expenses before proceeding with the execution or attachment.

C. SALE:

The Bailiff of the Court shall follow the rules prescribed in Section 2329.13 et. seq. of the Ohio Revised Code in the advertising and conducting of all sales on attachment or execution.

D. CONFIRMATION:

Entries of confirmation and distribution shall be prepared by the party who requested the sale and shall contain a statement that the sale was regular and proper in every respect, unless otherwise directed by the court, and also a statement of the balance, if any, due upon judgment.

Rule 3.8

WRIT OF EXECUTION ON MANUFACTURED HOME, MOBILE HOME, OR RECREATIONAL VEHICLE

In order to file for a writ of execution on a manufactured home, mobile home or recreational vehicle (referred to as home or vehicle), plaintiff must have received a judgment pursuant to Division (B) of Section 1923.11 of the Revised Code. In the event the judgment is older than five (5) years, plaintiff must revive the judgment before filing for a writ. The home or vehicle must be abandoned or otherwise left unoccupied for a period of three (3) days following the entry of the judgment. Plaintiff must then provide to the titled owner of the home or vehicle a written notice to remove the home or vehicle from the manufactured home park within fourteen (14) days from the date of the delivery of the notice.

Before requesting a writ of execution under Division (B) of Section 2923.13 of the Revised Code, the park operator shall conduct or cause to be conducted, a search of the appropriate public records that relate to the home or vehicle, and make or cause to be made reasonable diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle. If the search in inquiries reveal any person who has an outstanding right, title, or interest in the home or vehicle, the park operator shall list the name and last known address of each person with a right, title, or interest of that nature on its request for the writ of execution. The park operator also shall certify on the request that park operator provided the written notice required by this section. Plaintiff must provide the Court with copies of written notice required by Division (B) and (C) of Section 2923.12 of the Revised Code. In addition, plaintiff is also required to provide a professional opinion appraisal on the home or vehicle along with a copy of the current certificate of title.

After the court issues a writ of execution described in Division (B) of Section 1923.13 of the Revised Code, the clerk of the court shall send by regular mail, to the last known address of the titled owner of the home or vehicle that is the subject of the writ and to the last known address of each other person who is listed on the writ as having any

outstanding right, title, or interest in the home or vehicle, a written notice that the home or vehicle potentially may be sold, destroyed, or have its title transferred under the circumstances described in Division (B)(3) or (4) of Section 1923.14 of the Revised Code.

After receiving the writ, the bailiff shall review the professional opinion appraisal to determine if the home or vehicle must be sold. In the event the appraisal is over \$3,000.00, the bailiff will need to obtain two additional appraisals to proceed to execution sale. Before the bailiff can proceed with an execution sale, plaintiff will be required to deposit \$400.00 to cover sale costs. If plaintiff fails to deposit the excess money, the bailiff will do a return when time has expired on the writ. The bailiff shall follow the rules prescribed in Section 2329.13 et. seq. of the Revised Code in the advertising and conducting of all sales on execution. The bailiff shall distribute the proceeds from the sale in accordance with Division (B) of Section 1923.14 of the Revised Code. The Court will confirm sale by entry and order the issuance of a clear certificate of title.

Rule 3.9

ALTERNATIVE DISPUTE RESOLUTION

A. Arbitration

1. In any civil action the Court shall, upon agreement of the parties, stay the proceedings for a period not to exceed ninety (90) days in order to permit the parties to pursue mediation or arbitration of the claim which can be binding or nonbinding upon the agreement of all parties.
2. In the event that the case is resolved through mediation or arbitration, an appropriate Entry shall promptly be submitted to the Court. If no such Entry is submitted by the expiration of the stay granted hereunder, the case will be assigned for trial. No person who has served as a mediator or arbitrator in the case may be called as a witness, and no report or finding of any such person will be admissible as evidence at trial, unless the parties otherwise agree.
3. It shall be the responsibility of the parties to select a mediator or arbitrator(s) and to determine the procedure to be followed. Unless otherwise agreed by the parties, the costs of the mediation or arbitration shall be borne equally by the parties.

B. Mediation

1. Upon order of the Court, a civil action filed in this Court may be submitted to mediation as provided in this rule. By participating in mediation, a non-party participant, as defined by Ohio Revised Code Section 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the right and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

Mediator is defined to mean any individual who mediates cases pursuant to an order of this Court, regardless of whether that individual is an employee, an independent contractor or a volunteer.

2. Case Selection and Timing for Mediation.

All civil cases may be referred to mediation. Before the initial pre-trial conference in a case, counsel shall discuss the appropriateness of mediation in the litigation with their clients and with opposing counsel. Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence, to determine whether to grant, modify or terminate a protection order, to determine the terms of and conditions of a protection order, or to determine the penalty for violation of a protection order.

At the initial pretrial conference the parties and counsel shall advise the Court of the results of their discussions concerning mediation. At that time and at subsequent conference, if necessary, the Court may explore with the parties and counsel the possibility of using mediation. A party opposed to either the referral or the appointed mediator must file a written objection with the Court within seven (7) days of receiving notice of the referral or provider and explain the reasons for any opposition.

3. Referral to Mediation

The case is referred to mediation by order of the Court. The Court may issue the order on its own motion or upon the agreement of the parties. Proceedings shall be stayed for ninety (90) days upon referral to mediation. It shall be the responsibility of the parties to select a mediator and determine the procedure to be followed. The parties may choose to have their attorneys participate, and may have an individual they designate accompany them. Unless otherwise agreed by the parties, the costs of the mediation shall be borne equally by the parties.

4. Continuances and Settlement

Continuances of mediation sessions shall be granted only for good cause shown and after a mutually acceptable future date has been determined. No continuance will be granted if the meditation cannot be scheduled within the ninety (90) day stay. In the event the case is resolved through mediation, the parties shall promptly submit an entry to the Court. If no such entry is submitted by expiration of the stay granted, the case will be assigned for trial.

5. Mediation Privilege

Mediation communications are privileged as described in Ohio Revised Code 2710.03-2710.05.

6. Mediator's Duty

The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

7. Duties of Attorneys/Parties

Trial counsel, all parties and all with authority to settle, shall personally attend all mediation sessions prepared to discuss all relevant issues, including settlement terms. A party other than a natural person must be represented by a person other than counsel.

If counsel or any mediation party becomes aware of the identity of a person or entity who consent is required to resolve the dispute, but who is not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned Judge of such fact.

If the opposing party to any case has either resided in a common residence or are related by blood, adoption, or marriage, and have known or alleged domestic abuse at any time prior to the mediation, then the parties or their counsel have a duty to disclose such information to the mediation staff. Such party shall have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16 both prior to, and, in the mediator's discretion, during the mediation session(s).

8. Sanctions

If any of the individuals identified in the above-paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions.

9. No Advice

The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

10. Administrative Dismissal

If the parties fail to dismiss a settled case within the later of sixty (60) days or the time noted in the entry that gave the Court notice of the settlement, then the Court may dismiss

the case administratively. Upon such administrative dismissal, court costs shall be paid from the funds deposited. If court costs exceed the funds deposited, each party shall bear their own costs.

Rule 3.10
CIVIL CASE MANAGEMENT PLAN

A. PURPOSE: The purpose of this rule is to establish, pursuant to Sup. R. 5(B)(1), a system for civil case management, which will achieve the prompt and fair disposition 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 three (3) clerical steps and five (5) judicial steps.

C. CLERICAL STEPS:

1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk of Court shall notify counsel immediately. If counsel fails to obtain service within six (6) months from the date the cause of action was filed, then the Clerk shall notify counsel that the case will be dismissed in ten (10) days, unless good cause is shown to the contrary.

2. 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 case will be dismissed within ten (10) days, unless good cause is shown.

3. After any motion or responsive pleading to the complaint is filed, the Clerk shall immediately assign the case by lot so the case can be scheduled for further hearings. All subsequently filed pleadings shall be immediately sent to the assigned judge for review.

D. JUDICIAL STEPS:

1. Status Hearing: After an answer or other responsive pleading is filed, the case will be assigned to a judge and the Clerk will forward the information to the assigned judge. The judge, or magistrate if the case is referred, may then set a pre-trial hearing or other appropriate court date.

2. Motions: All motions must be in writing and accompanied by a written memorandum containing citations of authority and the arguments of counsel. Opposing counsel shall respond in like manner within fourteen (14) days. All motions will be deemed submitted at the end of said fourteen (14) day period unless time is extended by the judge or magistrate.

There will be no oral hearings granted in motions unless the parties request an oral hearing in writing and the judge or magistrate deems it necessary.

3. Pre-trials: For the purpose of this rule, pre-trial shall mean a court-supervised conference chiefly designed to produce an amicable settlement. The judge or magistrate 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.

a) Notice of the pre-trial conference shall be given to all counsel of record not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge or magistrate to whom the case has been assigned and agreed to by all parties if possible.

b) Counsel participating in the pre-trial conference must have complete authority to resolve all issues, whether by trial or otherwise.

c) The pre-trial conference shall be in-person unless the parties receive permission for a pretrial conference by telephone or other remote technology at least three (3) days before the scheduled hearing. Notice of the time and place of such pre-trial conference shall be given by the judges' or magistrates' staff to all counsel of record and unrepresented parties. Trial counsel, or the parties themselves if not represented by counsel, are to be fully prepared to discuss and consider the following matters at the conference:

1. The possibility of settlement of the case.
2. If a jury has been requested, a decision as to whether the case is to be tried by a jury or whether a jury trial is to be waived.
3. Whether the case may be consolidated with another, or others, for purpose of trial.
4. The date for delivery of a medical and special damages package.
5. The setting of discovery, legal memorandum, and motion filing cut-off dates.
6. The exchange of medical and expert witness reports and the date for revealing the identity of expert witnesses.
7. Determination of the trial date and the probable length of time for said trial.
8. Complete and careful review of all the pleadings filed in the case shall be made at such conference and the necessity and desirability of amendments to such pleadings shall be decided. Also, all jurisdictional questions shall be considered and decided.
9. After such review of the pleadings, a stipulation may be prepared and

filed in the case as to what facts are agreed upon.

10. At the conclusion of the pre-trial conference, the Court may prepare and file in the case a written order which recites the action taken at the pre-trial conference, setting forth any amendments allowed to the pleadings and the admissions, agreements, and stipulations made by the parties as to all of the matters considered at such conference. Such order of the Court, when filed in such case, shall control the subsequent proceeding and trial of the action, unless such order is modified at the trial, in order to prevent manifest injustice to any of the parties.

4. Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion from the party or counsel stating the reason for the continuance. When a continuance is 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 for a scheduled trial is a matter within the discretion of the trial court.

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

6. Default Judgment Entry: Where there is a default judgment, counsel of the prevailing party shall submit an affidavit of the specific nature of the damages claimed with the entry where necessary. Failure to do so may result in the Court setting a damages hearing.

Rule 3.11

APPOINTMENT OF SPECIAL PROCESS SERVER

A. One-time Appointment:

If a party desires personal service to be made by a special process server pursuant to Civ. R. 4.1, the party or counsel must file with the Clerk of Court an entry appointing a special process server. The following must be stated in the entry of appointment:

1. The name of the person to be appointed as process server:

2. That the person to be appointed as process server is eighteen (18) years of age or older;
3. That the person to be appointed as process server is not a party in the action or counsel for a party in the action.

B. Standing Appointment:

The Arraigning Judge must authorize the appointment order for a standing process server. A standing appointment shall be for no more than a two-year period ending on December 31st. Upon expiration of an appointment, a person must reapply. A person may be designated as a "standing special process server" for cases filed in the court by filing a combined affidavit and order. The affidavit shall set forth the following information:

1. The name, address, and telephone number of the person to be appointed as standing process server;
2. That the person is eighteen (18) years of age or older;
3. That the person agrees not to attempt service of process in any case the server is a party or counsel for a party;
4. That the person agrees to follow the requirements of the Ohio Rules of Civil Procedure 4 through 4.6, any applicable local rules, and any specific instructions for service of process as ordered by the court in individual cases.

C. Form of Order for Standing Special Process Server:

The Order shall be captioned, "IN RE THE APPOINTMENT OF (NAME OF PERSON REQUESTING APPOINTMENT) AS STANDING SPECIAL PROCESS SERVER", and state the following:

IT APPEARING TO THE COURT THAT THE FOLLOWING PERSON HAS COMPLIED WITH THE PROVISION OF LOCAL RULE 3.11, (NAME OF PERSON REQUESTING APPOINTMENT) IS HEREBY DESIGNATED AS A STANDING SPECIAL PROCESS SERVER AUTHORIZED TO MAKE SERVICE OF PROCESS IN ALL CASES FILED IN THIS COURT AND TO SERVE UNTIL DECEMBER 31, _____, OR FURTHER ORDER OF THE COURT, WHICHEVER COMES FIRST:

D. Record of Appointment of Standing Special Process Server:

The Clerk shall record such appointment on the Court's general docket and shall retain the original affidavit and order. In any case thereafter, the Clerk shall accept a time-stamped copy of such an affidavit and order as satisfying the requirements of Civ. R. 4.1 for designation by the Court of a person to make service of process.

RULE 3.12
NOTICE & ORDER TO DISCHARGE GARNISHEE

When the total probable amount due on a judgment has been paid in full to the judgment creditor, the judgment creditor shall prepare a combined Notice and Order to Discharge the Garnishee in triplicate to be signed by the judge and filed with the court. The Notice and Order shall be served upon the garnishee and the judgment debtor, pursuant to R.C. 2716.041.

Rule 3.13
TRUSTEESHIP DIVISION

The application for the appointment of a trustee shall include a complete and accurate statement, under oath, of:

- 1) The debtor's name, address and marital status;
- 2) The name and address of his employer or employers;
- 3) The amount of the debtor's gross earnings per pay period
(the debtor must supply the Clerk with copies of his or her last two paycheck stubs from each employer); and
- 4) The name and address of the creditor from whom the fifteen-day written notice of proceeding against his earnings was received.

Upon filing of an application, the Clerk shall become the trustee without formal order of the Court. Objections of interested parties to the application shall be heard at the appearance call set by Court. The filing of the application shall stay all proceedings against personal earnings of the applicant, provided that, if the order of attachment or the Order in Aid of Execution is served upon the employer or garnishee prior to the time of filing of the application, the personal earnings subject to the order of the Court shall be paid to the Clerk of Court for distribution in the case of which said order was made. In the event the application is filed, prior to the time the order of attachment or Order in Aid of Execution is served upon the employer or garnishee, the personal earnings subject to the order of the Court shall be ordered paid to the trustee.

A) At the time of filing the application, the debtor or his/her attorney shall also complete for the Clerk:

- 1) Two copies of a Notice of Application for Trustee for each creditor.

a) Each Notice shall contain:

- 1) the name of the applicant;
- 2) the sum applicant claims is owing the creditor; and

3) a statement advising the creditor Objections may be made at the hearing held before the Magistrate.

2) The Clerk shall deposit such notice in the mail within twenty-four hours and indicate on the docket that notices were mailed to the listed creditors. Additional creditors may be listed in the trusteeship upon the application and service of a notice to each additional creditor as heretofore provided.

3) Separate notice of the time and place of the Magistrate's hearing will be sent to the parties by the Magistrate's Office.

B) Distribution: The trustee shall make no distribution to anyone except a creditor or an attorney for the creditor. Credit Bureaus or Credit Collection Services are not to receive a distribution unless it is a valid claim of the Collection Service and not that of an agent. The clerk or deputy appointed shall supervise payments of debts and distribute the funds in each case at least every six (6) months unless the amount available does not equal 25% of the claims listed. When a debtor pays directly, the Clerk shall require the debtor to produce payroll stubs or similar records and the Clerk may refuse to accept payments, or installments thereof which do not equal the amount required by law. The Clerk may not accept payments into a trusteeship where the debtor pays direct unless the tender of payments is made by the debtor, his agent or attorney within four (4) days after the receipt of the personal earnings by the debtor. If the payments are not made for thirty (30) days, the trusteeship shall be dismissed and the proceeds distributed. This requirement can be waived only by the Court.

C) Dismissal: The dismissal of a trusteeship by rule of court or upon motion of counsel for one of the creditors listed therein shall make the debtor filing of said trusteeship ineligible for reinstatement or refiling an application for another trusteeship for a period of six (6) months from the date of the dismissal; provided, however, that such trusteeship be reinstated upon the tender and payment to the Clerk of Court as trustee the amount of money required by law to make such trusteeship current to the date of such tender, if the approval of the Court is first obtained.

**CHAPTER 4:
RULES OF CRIMINAL PRACTICE**

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**Rule 4.1
NOTICE OF APPEAL IN CRIMINAL CASES**

All notices of appeal must be filed with the Clerk of Court, Criminal Division.

**Rule 4.2
CRIMINAL ARRAIGNMENT SESSION**

A. The arraignment session duty judge shall conduct initial appearances of all persons charged with felonies, shall arraign all persons charged with misdemeanors and shall hear and dispose of all cases in which pleas of guilty or no contest are entered. The judge so assigned shall also arraign all persons charged with traffic offenses who have not been released from confinement.

B. Upon release of a defendant from pre-trial confinement or upon the issuance of summons, the Clerk shall assign an initial appearance or arraignment date. At the initial appearance for a misdemeanor, the defendant or counsel may enter one of the following pleas: (1) not guilty; (2) no contest; (3) guilty; or (4) not guilty by reason of insanity. If a jury trial is requested, a written demand for jury trial must be filed with the Clerk of Court pursuant to Crim. R. 23.

C. Prior to arraignment, the defendant's counsel may file a written appearance and a plea of not guilty, pursuant to Crim. R. 10(B), **except in domestic violence cases, felony cases, or where otherwise prohibited by law.** The written plea must be received by the Court before the arraignment date. A telephone plea must be followed by the original document within forty-eight (48) hours. If the original document is not delivered to the office of the Clerk within forty-eight (48) hours, the defendant shall appear before the Court to enter a plea.

Rule 4.3
PRELIMINARY HEARING SESSION

Preliminary hearings shall be conducted in accordance with Crim. R. 5(B).

Rule 4.4
CONTINUANCES OF ARRAIGNMENTS

The arraignment session duty judge or magistrate may grant a continuance of arraignment not to exceed seven (7) days from the original arraignment date. Additional continuances, without plea, may be granted only with the approval of the duty judge or magistrate upon good cause shown. Continuances allowed shall be scheduled on a specific date.

Rule 4.5
BAIL IN MISDEMEANOR AND FELONY CASES

Before assignment in misdemeanor and felony cases, the arraignment session duty judge or magistrate may set any reasonable terms of bail for pretrial detention or release pursuant to the considerations listed in Crim. R. 46(C). If the arraignment session duty judge is unavailable, then any judge of the court may set proper bail. In those cases assigned to a judge, no judge shall set aside the bail set by the judge to whom the case is assigned, except in the absence of such judge and then only the Administrative Judge.

Rule 4.5.1
REGISTRATION OF BAIL BOND AGENTS

A. The Clark County Municipal Court requires a bail bond agent to register with the Clerk of the Clark County Municipal Court before a bond may be filed in this court. (O.R.C. 3905.87).

B. To register, a bail bond agent shall file with the Clerk of Court, Criminal Division, a certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the bail bond agent represents.

C. The bail bond agent shall keep his or her registration current by filing a certified copy of a renewed power of attorney by the first day of August of each odd-numbered year.

D. A bail bond agent must produce a current state bail license each time a bond is filed in the Clark County Municipal Court. (O.R.C. 3905.84 & 3905.85).

E. The Clerk of the Clark County Municipal Court shall serve every bail bond agent a copy of the Administrative Order titled "In the Matter of Bonding Company Agents" effective Monday, September 18, 2000.

**Rule 4.6
JAIL LISTS**

A. The jail administrator shall cause every person booked into the Clark County Jail and not released on bail to be brought before the appropriate judge or magistrate within one (1) court day after booking.

B. The jail administrator shall cause to be prepared and delivered each morning prior to 8:00 A.M. to the Clerk of the Clark County Municipal Court a jail list which shall contain at least the following information:

1. The name, including any known aliases, of every person in custody in the Jail as of 5:00 A.M. who has not appeared before a judge since being booked;
2. The charge or charges on which such person was booked;
3. Whether the person has been booked on a capias or warrant;
4. If the person is wanted in another jurisdiction, the name of such jurisdiction.

C. For the convenience of court personnel in arraignment court, the list is in alphabetical order. Additionally, for the convenience of Springfield and Clark County Police Detectives, the felony portion will show the name of the arresting officer(s).

D. For convenience of all court personnel, the jail list shall also include a separate section with the name, court appearance time, and courtroom assignment of each person in the City Jail scheduled for trial or preliminary hearing on that date.

E. During the course of the court day (8:00 A.M. to 5:00 P.M.), the jail administrator shall cause the jail list to be continuously updated by advising the Court at appropriate intervals of persons booked since the last update, persons released on bail or otherwise, persons unable to appear in court because of mental illness or otherwise, and persons transferred to other institutions.

F. The jail administrator shall cause the jail personnel to safely keep all documents forwarded to the jail from the Court. Such documents shall be kept in such manner as to be readily accessible upon Court request in either alphabetic or chronological order and shall be retained by the jail personnel for an indefinite period pending court- ordered

destruction or transfer to another facility.

G. The jail list shall be prepared in a consistent form from day-to-day.

H. The jail administrator shall cause to be prepared and attached to the jail list a weekly list of those persons confined in the Clark County Jail showing their names, case numbers, status lines, charges, and bonds.

Rule 4.7
APPEARANCE OF ARRESTED PERSONS

A. Persons arrested and held in custody shall appear at the next regularly scheduled session of the Court, except persons charged with misdemeanors who have been released on bail. Unless directed otherwise by the Arraigning Judge, the arraignment of all persons in custody shall be held by way of video transmission from the Clark County Jail.

B. Probable cause hearings are conducted for anyone arrested and held for a minimum of forty-eight (48) hours in order to show good cause to detain without charges being filed. By telephone conference with the Sergeant in charge of the jail or his/her designee, the Arraigning Judge shall conduct these hearings daily by reviewing the basis of the charges upon information provided by jail personnel.

C. Defendants charged with misdemeanors who are released on bail shall appear at the time specified on the UTT (uniform traffic ticket) or on the front of the defendant's copy of the charge. The appearance date in cases where the charge is operating a motor vehicle under the influence of alcohol or any drug of abuse must be set for arraignment within five (5) days of the arrest.

D. Persons charged with felonies who are released on bail set by a judge shall appear at arraignments at 11:00 a.m. the next court business day.

E. Where the Court has issued a warrant for the arrest of a person who has previously failed to answer a notice to appear, citation, or summons, or where the Court has issued a bench warrant upon the failure of a person to appear in accordance with the conditions of his/her release on bail, upon the apprehension or appearance of such person upon such warrant or bench warrant, his/her case shall be brought before the next regular or special session of the Court.

Rule 4.8
ISSUANCE OF WARRANTS IN UNASSIGNED CASES

Pursuant to Crim. R. 4 and statutory law, in any case when it appears from the record that the defendant has failed to appear in response to a summons or traffic citation, the Clerk of Court shall issue a warrant or capias, pursuant to judicial order, for the arrest of the defendant.

Rule 4.9
SUBPOENAS

Subpoena shall be issued by the Clerk of Court. Subpoena are processed by the requesting party. The praecipe shall be filed at least five (5) days in advance of the trial date. Subpoenas shall be served as follows:

A. Personal or residential by the Clark County Sheriff's Office or the Springfield Police Department unless the party requests bailiff service. If a party requests bailiff service, there will be a bailiff service fee as set forth in Appendix A per subpoena to be added to the court costs of the case. The fee, when collected, will be deposited in a separate fund in order for the City of Springfield to return said fee to the Court for the purpose of enhancing bailiff service to the Court and public. If personal service is not possible, the subpoenas may be served by ordinary mail upon request. The envelope shall bear a request for return to the Clerk of Court's office if not delivered at once. The law enforcement or person who serves the subpoena shall make a return on the front side of the subpoena showing the name and address where the subpoena was served. When the envelope is returned showing failure of delivery, the Clerk of Court shall attach the envelope to the complaint.

B. When the Clerk issues a subpoena for the attendance of a law enforcement police officer, a deputy clerk shall deliver the subpoena for service to the officer in charge. The officer in charge, as an ex officio bailiff of this court, is designated as the person to make service of subpoenas on law enforcement police officers. The law enforcement agency shall make appropriate arrangements for notifying a subpoenaed officer. Each law enforcement police officer, as an ex officio bailiff of this court, is ordered to promptly present himself/herself to the officer in charge to accept service of any subpoena issued for his/her attendance, upon receipt of notice of its issuance. The officer in charge or his/her designee shall serve subpoenas and make due return to the Clerk.

C. The Municipal Court Prosecutor shall provide all required and requested notices to the alleged victim(s) in accordance with Ohio Const. Art. 1 §10a, Crim. R. 37 and other legislative requirements as may be enacted or amended after the date of these Rules.

Rule 4.10
PLEADINGS AND MOTIONS BEFORE TRIAL: DEFENSES AND OBJECTIONS

Crim. R. 12 shall be followed.

Rule 4.11
PAYMENT OF FINES AND COURT COSTS

The Clerk of Court is appointed to collect costs and fines, give receipts therefore and render accounts of the Division on all misdemeanor convictions and to accept guilty pleas in bond forfeiture cases. The Clerk of Courts shall prominently display a statement of defendants' rights and a schedule of fines and costs.

Rule 4.12
PAYMENT OF FINES, COURT COSTS, RESTITUTION AND PROBATION FEES

- A.** Payment of any orders of fines and court costs, in all misdemeanor cases, shall be made to the Clerk of Courts.
- B.** Probation fees shall be charged on a monthly basis during the period of supervision, and shall be paid to the Clerk of Courts for all cases where the defendant was placed on probation prior to 10/1/2022. For all cases where the defendant is placed on probation beginning 10/1/2022 and thereafter, the probation fees shall be paid on a monthly basis to the Clark County Municipal Court Probation Department.
- C.** The Clerk of Courts shall apply such payments consistent with the order of distribution of payments directed by statute, and as may be amended from time to time.
- D.** All payments made to the Probation Department for restitution shall be remitted to the appropriate victim in the case. In the event of multiple victims, the Probation Department shall remit restitution payments from the Defendant on a prorata basis.
- E.** Deposits of funds paid to the Probation Department shall be secured in accordance with the Court's written policy.

Rule 4.13
CRIMINAL CASE MANAGEMENT PLAN

A. PURPOSE:

The purpose of this rule is to establish, pursuant to Sup. R. 5, a system for criminal case management to achieve the prompt and fair administration of criminal cases. These rules are to be applied to eliminate the unnecessary delay and expense for all parties involved.

B. SCHEDULING OF EVENTS:

After the initial appearance, the assigned judge shall conduct an early case management conference. Following the early case management conference, each case may be scheduled in four (4) judicial steps:

1. Pre-trials: At any time after the initial appearance, the Court may, on its own motion, or upon the written motion of any party, order one or more conferences to consider such matters as will promote a fair and expeditious trial. The pre-trial shall be conducted in accordance with Ohio Crim. R. 17.1. Any attorney who fails to appear for pre-trial without just cause being shown may be punished for contempt of court. The defendant must be present at pre-trials. If the parties cannot resolve the case, then the case should be set for trial.
2. Motions: All motions shall be made in writing and accompanied by a written

memorandum containing citations to authorities, the facts, and the arguments supporting the motion. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. The Court may set motions for oral hearing.

3. Trials: Each case not resolved at pre-trial conference shall be set for trial to the court. If a written jury demand is timely filed, the Court will schedule a jury trial.

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 pre-sentence report, the Court will set the matter for sentencing within seven (7) days.

Rule 4.14

ESTABLISHMENT OF CLARK COUNTY DRUG COURT DOCKET

- A. PURPOSE.** The Drug Court Docket is established in order to reduce substance abuse and recidivism by utilizing treatment and community control alternatives. This Drug Court is established pursuant to Superintendence Rule 36.20 for Specialized Dockets and shall operate under the title of "DESIGNING REACHABLE UNITED GOALS." The Drug Court is intended to supplement, but not replace, existing Intensive Supervised Probation that monitors offenders with drug dependencies. Drug Court is established to target medium to high risk offenders under the Court's current risk assessment tool. In order to be eligible for Drug Court an offender must meet the criteria in section (C) of this rule and be approved by the Drug Court Judge.
- B. APPOINTMENT OF THE DRUG COURT JUDGE.** The Administrative Judge shall select the Municipal Court Judge to preside over the Drug Court for a two-year term. Upon approval of the Administrative Judge, the Drug Court Judge may be reappointed to successive terms.
- C. ELIGIBILITY.** Drug Court will be available to applicants who are Clark County residents and plead guilty or no contest to a first, second or third degree misdemeanor offense in the Clark County Municipal Court. Persons convicted of drug trafficking, sex offenses (excluding public indecency) and repeat violent offenders are ineligible. The following factors shall be considered in determining eligibility:
 - 1. The defendant's eligibility for community control on the current charge;
 - 2. The defendant has no pending cases that may lead to a conviction of a violent offense, sex offense, or drug-trafficking offense;
 - 3. The defendant has a substance-abuse addiction or dependency assessment;
 - 4. The defendant demonstrates a sincere willingness to participate in a long-term treatment process;
 - 5. The Defendant has no current acute health condition.

(D) **PROCEDURE FOR ADMISSION.** Referrals for Drug Court may be made by any Municipal Court Judge, municipal prosecutor, defense attorney, probation officer or law enforcement officer. Upon a defendant's plea of guilty or no contest a pre-sentence investigation shall be ordered which shall include a drug and alcohol assessment, and any other assessment deemed advisable by the Court or Probation Department. An applicant may observe a Drug Court session before submitting an application. If approved, the applicant must execute a Participation Agreement, a Substance Use Monitoring Agreement, and an Authorization and Release. The Drug Court shall operate pursuant to the Ohio Supreme Court Specialized Docket Standards.

(E) **EFFECT OF TRANSFER.** When an applicant is approved for the Drug Court Docket, the participant shall be sentenced and placed on a period of probation, the terms of which shall include compliance with the participant's treatment plan. A Drug Court Treatment Team shall meet weekly, prior to the Drug Court session, to assess each participant's status, progress, needs and goals. Unsuccessful participation could result in the participant's termination and return to the active docket of the originally-assigned Judge for disposition.

Rule 4.15 PRETRIAL DIVERSION

A. In accordance with R.C. 2935.36, a defendant may be eligible to participate in a pretrial diversion program. Upon motion of the prosecutor, or on either the Court's own motion or motion of defendant with the consent of the prosecutor, the Court may permit a defendant to enter into a diversion program or initiate an investigation into an alleged offender's eligibility to participate in the pretrial diversion program. The purpose of the diversion program is to permit individuals charged with certain offenses the opportunity to avoid a criminal conviction. Participation in the program is a privilege, not a right, and may not be used to evade or delay responsibility. The Court may not permit a defendant to enter into a diversion program without the consent of the prosecutor, but the prosecutor may not unreasonably deny consent. The Court reserves the right to inquire into grounds for approval or denial by the prosecutor for participation in the diversion program.

B. The administration of this program shall be conducted under the supervision of the Prosecutor's Office and/or Court's Probation Department.

C. The pretrial diversion program is generally limited to offenses involving:

1. Theft;
2. Offenses against the Public Peace;
3. Offenses against the Family not otherwise excluded by RC 2935.36(A)(2);
4. Offenses against Justice and Public Administration not otherwise excluded by RC 2935.36(A)(2);

5. Offenses involving drugs of abuse or controlled substances, including possession and drug paraphernalia, if the offense is either a minor misdemeanor (MM) or fourth (4th) degree misdemeanor;
6. Alcohol related offenses not otherwise excluded by law, including underage consumption offenses under RC 4301.69;
7. Housing, building, health safety or zoning code offenses, limited to owner occupied housing units.

D. Eligibility requirements:

1. No pending criminal charges;
2. No prior diversion;
3. No current or previous probation status;
4. No prior probation violations;
5. No pending warrants.

E. Other eligibility considerations include:

1. Prior violent offenses or convictions;
2. Prior criminal or traffic record;
3. Cooperation with law enforcement officers/building inspectors;
4. Evidence of remorse;
5. Any other factor that the Court or prosecutor may determine to be relevant.

F. Conditions of the diversion program may include, but are not limited to:

1. Abide by all laws during the diversion program;
2. Abstain from use of alcohol and/or drugs of abuse;
3. Random drug screens;
4. Community work service;
5. Mental Health evaluation, follow-up treatment and/or programing;
6. Substance abuse evaluation, follow-up treatment and/or programing;
7. Continued education, including G.E.D. classes;

8. Obtain employment;
9. Pay restitution;
10. Pay required court fees and costs;
11. Execute any required release of information;
12. Comply with any other appropriate terms imposed by the court.

G. The prosecutor shall notify every victim of the crime and the arresting officer of the intent to permit the defendant to enter into the diversion program, and afford the victim seven (7) days to submit written objections with the prosecuting attorney prior to the commencement of the diversion program. Objections from the victim shall not automatically exclude the defendant from eligibility for the diversion program.

H. In order to be considered for the program, a defendant must enter a plea of Guilty to the charge(s) and waive any right to speedy trial. The Court shall hold its findings on that plea in abeyance pending the defendant's participation in the diversion program. As a condition of participation in the diversion program, the defendant must agree to a waiver of any periods of limitations established by statute or rules of court and any other provisions as are necessary to accomplish the objectives of the diversion program.

I. All persons referred to this program will be assessed a fee. The Court, upon its own motion or upon request of prosecutor or defendant, may waive the diversion fee for any individual defendant who is indigent and unable to pay the fee or for other grounds in the exercise of the Court's discretion. Court costs will be assessed to the defendant unless waived by the Court.

J. Diversion fees shall be paid to the Probation Department. Court costs shall be paid to the Clerk of Courts. The diversion fee shall not be subject to refund to the defendant. The diversion fees are set forth in Addendum A.

K. Each defendant accepted into this program must agree and if applicable, sign an agreement setting out the conditions of participation in the program. The program shall be considered successfully completed when all those conditions contained are met. The case may be advanced and/or an arrest warrant issued in the event of failure to comply with the conditions of participation. If the defendant fails to comply with the conditions of participation, the defendant may be removed from the diversion program. Should the defendant choose to withdraw the Guilty plea, then the defendant shall be brought to trial upon the charges in the manner provided by law. Should the defendant choose not to withdraw the Guilty plea then the defendant shall be adjudicated and sentenced on that plea by the assigned judge.

L. If the defendant successfully completes the program, the case shall be dismissed.

CHAPTER 5: RULES OF TRAFFIC PRACTICE

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Rule 5.1 SESSIONS OF THE TRAFFIC COURT

The Traffic Court shall include all cases, which involve one or more alleged violations of a law, ordinance or regulation governing the operation and use of vehicles, conduct of pedestrians in relation to vehicles, or weight, dimension, loads or equipment, or vehicles drawn or moved on highways and bridges, but does not include any cases involving charges of OVI's and Driving Under an OVI Suspension.

The Traffic Court shall consist of two sessions:

A. The arraignment session shall be held at 1:30 p.m. Monday through Friday and conducted by a magistrate appointed by the Court. The arraignment session shall consider all pleas of guilty or no contest, requests for setting bail, stays of execution, and all other matters to come before the Traffic Court not handled by other sessions. All pleas of not guilty shall be assigned pursuant to CCMCR 2.2.

B. The traffic trial session shall be held in accordance with Traf. R. 17.

Rule 5.2 PLEAS AND BOND FORFEITURE

A. In accordance with Ohio Traf. R 8(C) the defendant must be present at arraignment, unless the defendant enters a not guilty plea in person at the Clerk's Office, or enters a not guilty plea in writing using the Written Plea of Not Guilty Form set forth in Appendix D.

B. A not guilty plea may also be made in writing through the defendant's attorney pursuant to Traf. R. 8(C), except in cases where prohibited by law. The not guilty plea must be mailed within four (4) days after the defendant received the ticket.

C. For those cases on which a bond is set forth on the Bond Schedule, the defendant may pay the accompanying bond, at which time the case will be closed with no further sanctions. The Bond Schedule is set forth in Appendix E, and may be updated with the Clerk of Courts and/or posted Court website from time to time

Rule 5.3
DEMANDS FOR JURY TRIAL

All demands for jury trials in traffic cases shall be made in writing and filed with the Clerk of Court, Traffic Division.

Rule 5.4
SUBPOENAS

CCMCR 4.9 shall be followed.

Rule 5.5
**ISSUANCE OF SUMMONS, WARRANT FOR FAILURE TO APPEAR IN
TRAFFIC COURT**

Traf. R. 7(A) shall be followed.

Rule 5.6
ISSUANCE OF NOTICE TO NONRESIDENT

Traf. R. 7(B) shall be followed.

Rule 5.7
ASSESSMENT OF POINTS

The Clerk of Court shall, by computer transfer, cause a record to be furnished to the Bureau of Motor Vehicles that indicates the number of points to be assessed in the space designated on the reporting form for each traffic violation. The points to be assessed shall be as provided for in O.R.C. 4507.021 until December 31, 2003 and as provided in O.R.C. 4510.036 beginning January 1, 2004.

Rule 5.8
CONTINUANCES

Traf. R. 18 shall be followed.

APPENDIX A**CLARK COUNTY MUNICIPAL COURT SCHEDULE OF FEES AND COSTS****CIVIL DIVISION**

COMPLAINT	\$ 80.00
COURT IMPROVEMENT	\$ 6.00
AUTOMATION	\$ 4.00
LEGAL AID FEE	\$ 26.00
CAPITAL COSTS	<u>\$ 20.00</u>
TOTAL FOR NEW COMPLAINT (E.F.G.H.OR X)	\$136.00
ALIAS SERVICE	\$ 50.00
THIRD PARTY COMPLAINT	\$ 50.00
CROSS COMPLAINT	\$ 50.00
COUNTERCLAIM	\$ 50.00
AMENDED COMPLAINT	\$ 50.00
MOTION AND ORDER OF REVIVOR	\$ 50.00
WRIT OF RESTITUTION	\$ 50.00
ORDER FOR EXAM & CONTEMPT	\$ 50.00
WARRANT	\$ 50.00
EXECUTION	\$ 50.00
ADVANCE DEPOSIT	\$400.00
GARNISHMENT OF WAGES	\$150.00
GARNISHMENT (OTHER THAN WAGES) INCLUDES FEE	\$ 50.00
SHERIFF SERVICE	\$ 50.00
TRANSCRIPT	\$ 25.00
CONTINUANCE	\$ 10.00
HEARING	\$ 10.00

BAILIFF SERVICE	\$ 50.00
JURY TRIAL	\$ 25.00
ADVANCE JUROR DEPOSIT	\$500.00
SUBPOENA	\$ 10.00
WITNESS FEE ½ DAY	\$ 12.00
WITNESS FEE FULL DAY	\$ 25.00
CERTIFICATE OF JUDGMENT	\$ 25.00
APPRAISERS	AS TAXED

SMALL CLAIMS DIVISION:

COMPLAINT	\$ 30.00
LEGAL AID FEE	\$ 15.00
COURT IMPROVEMENT	\$ 6.00
AUTOMATION	\$ 4.00
CAPTIAL COSTS	<u>\$ 20.00</u>
TOTAL FILING FEE, SMALL CLAIMS CASE	\$ 75.00
TRANSFER FEE TO CIVIL DIVISION	\$ 61.00
ALIAS SERVICE	\$ 25.00
OBJECTION TO MAGISTRATES DECISION	\$ 25.00
ANY PRE-JUDGMENT FILING	½ CIVIL SCHEDULE
ANY POST JUDGMENT FILING	SEE CIVIL SCHEDULE
JUROR COMPENSATION:	
IF EXCUSED:	\$ 15.00
IF SEATED:	\$ 30.00 /DAY

CRIMINAL DIVISION:

NEW CASE FEE	
Criminal Misdemeanors	\$125.00*
Moving Violations	\$125.00*
Non-moving Traffic Violations	\$115.00*
* Includes \$20 special project fund, \$5 future facilities	
MOTIONS BY DEFENDANT (excluding indigent defendants)	\$ 50.00
CONTINUANCES/REASSIGNMENTS BY DEFENDANT (excluding indigent defendants)	\$ 10.00
WARRANTS	\$ 50.00
SUBPOENAS	\$ 10.00
WITNESS FEES	
½ DAY	\$ 12.00
FULL DAY	\$ 25.00
DIVERSION FEE	\$150.00
PROBATION FEES	
1 st Month	\$ 50.00
Subsequent Months	\$ 25.00

APPENDIX B

RECORD RETENTION SCHEDULE – (All indexes and dockets on computer since 1990)

Administrative Journal - Permanent

Annual Reports (two copies) – Permanent

Audio Tapes of Court Proceedings – 3 years after the last recorded date on the tape

Audit Reports - Permanent

Bank Records - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Budget - 3 years, if audited

Cash books - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Civil Appearance Docket - 25 years

Civil Case Files - 2 years after the issuance of an audit report from the Auditor of the state.

Civil Cash Books - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Civil General Index - 25 years

Civil Journal - 25 years

Correspondence, Communications and General Office Records Until no longer of administrative value

Court Reporter Trial Notes - 3 years

Criminal Docket Book - 25 years

Criminal Case Files - (M-4 thru M-1) 50 years after the final order of the Court.

Criminal and Traffic MM case files - the later of 5 years after the final order of the Court or 1 year after the issuance of an audit report by the Auditor of State.

Criminal and Traffic MM Docket - 25 years.

Criminal Cash Books - the later of 3 years, or until the issuance of an audit report by the Auditor of the State.

Criminal General Index - 25 years

Criminal Journal - 25 years

Criminal Preliminary Appearance Docket - 25 years for existing dockets

Depositions - Up to 60 days after the written notice to retrieve is sent to the tendering party

Driving Under Influence Case Files - 50 years after the date of the final order of the Court.

Execution Docket - 25 years

Exhibits - Up to 60 days after the written notice to retrieve is sent to the tendering party. per Supr. 26(F)

Fiscal Records - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Foreign Certificate of Judgment - 7 years

Grant Records - 3 years after expiration of grant

Judges' Monthly Reports - 3 years

Monetary Records - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Parking Tickets - Until paid and audited

Payroll Records - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Personnel Applications for Posted and Advertised Positions - 2 years

Personnel Benefit & Leave Records - 3 years, if audited

Personnel History & Discipline - 10 years after termination

Probation Division Annual Reports - Permanent

Probation Division Monthly Reports - Until compiled into annual report

Probation Division Daily Record Sheet - 3 years

Probation Presentence Reports and Individual Case Files - 10 years

Receipt Records - the later of 3 years, or until the issuance of an audit report by the Auditor of the state.

Rental Escrow Account Records - 5 years after the last date of deposit.

Requests for Proposals, Bids, and Resulting Contracts - 3 years after expiration of contract.

Search Warrant Records - Search Warrant records shall be indexed and the warrants and returns in their original form for 5 years after the date of service or last service attempt.

Small Claims Appearance Docket and General Index - 25 years

Small Claims Case Files - 7 years after audit report issued

Traffic Case Files (Misdemeanor) - 5 yrs after date of final order, if audited

Transcripts - Up to 60 days after the written notice to retrieve is sent to the tendering party, per Sup. R 26(F)

Trusteeship Docket - 25 years

Trusteeship Files and Records - 7 years after final case disposition

Witness and Jury Voucher Fee Stubs - 3 years, if audited

Yearly Reports - Permanent

APPENDIX D

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
TRAFFIC DIVISION

STATE OF OHIO
CITY OF _____

PLAINTIFF

CASE NO: _____

VS

DEFENDANT

WRITTEN PLEA OF NOT GUILTY AND
LIMITED TIME WAIVER AND WAIVER
OF RIGHTS

.....
**THIS FORM MAY BE USED FOR TRAFFIC CITATIONS ONLY. IT MAY NOT BE USED FOR OVI OR
DRIVING UNDER SUSPENSION CHARGES.**

YOU HAVE BEEN CHARGED WITH A TRAFFIC OFFENSE IN THE CLARK COUNTY MUNICIPAL
COURT:

1. APPEAR IN-PERSON, IN COURT, ON YOUR SCHEDULED ARRAIGNMENT DATE.
- OR
2. ENTER A WRITTEN NOT GUILTY PLEA BY SIGNING AND RETURNING THIS FORM BEFORE YOUR
SCHEDULED ARRAIGNMENT DATE.

I, understand and acknowledge that I have the right to counsel; the right to remain silent; the right to bail; the right to trial by judge or jury and the necessity to making a written jury demand in petty offense cases, pursuant to Criminal Rule 23. I hereby enter a plea of NOT GUILTY, which is complete denial of the facts. I further waive my right to an in-court initial arraignment appearance. I waive any and all defects in my arraignment in this matter and request a trial in the above captioned case.

By entering this NOT GUILTY PLEA, I acknowledge having been given a copy of the traffic citation and waive reading of the offense charged because I am aware of the substance of the charge(s) filed against me.

I have not been charged with OVI or driving under an OVI suspension. I understand this matter is being assigned to the Magistrate for the Clark County Municipal Court.

I hereby voluntarily, knowingly and intelligently waive my right to a speedy trial, as provided by R.C. 2945.72, until the next scheduled court date.

By entering this plea, I understand the Court will not require my appearance for arraignment on this matter. However, I will be required to appear for subsequent court dates. I understand that I will be notified of my next court date by mail.

If a warrant was previously issued in this matter, I request that the Court recall the warrant and enter the written plea of Not Guilty.

Defendant's signature

Defendant's Address

Cell Number

Defendant's email, if any.

APPENDIX E

CRIMINAL/TRAFFIC BOND SCHEDULE

THE FOLLOWING AMOUNTS MAY BE PAID IN LIEU OF APPEARANCE ONLY ON CASES WHERE THERE IS NO ACCIDENT.

CHARGE	BOND
SPEED (ANY ZONE)	
1 THRU 20 MPH OVER	200.00
21 MPH AND OVER	225.00
RED LIGHT	175.00
STOP SIGN	175.00
FAIL TO SIGNAL TURN	145.00
FOLLOWING TOO CLOSE	145.00
LEFT OF CENTER	145.00
ONE WAY STREET	145.00
IMPROPER PASSING	145.00
IMPROPER START	145.00
DRIVING ON RESTRICTED STREET	145.00
SQUEALING AND PEELING	225.00
CROSSING YELLOW LINE	145.00
IMPROPER LANE CHANGE	145.00
U TURN VIOLATION	145.00
DISREGARD STREET MARKINGS	145.00
DRIVE ON CLOSED ROAD	145.00
MOVING VIOLATIONS NOT LISTED	145.00
CHILD RESTRAINT - 1 ST VIOLATION	215.00
- 2 ND VIOLATION	MUST APPEAR
SEAT BELT	
DRIVER	105.00
PASSENGER	95.00
OPEN CONTAINER	225.00
DRIVER LICENSE LAW	
EXPIRED LICENSE	135.00
FAILURE TO PRODUCE LICENSE	135.00
AUTO LICENSE LAW	
ONE TAG	135.00

FAIL/DISPLAY COUNTY STICKER	135.00
FAIL/REGISTER VEHICLE	135.00
FAIL/TRANSFER REGISTRATION	135.00
PARKED ON ROADWAY	135.00
MUFFLER VIOLATIONS	
DEFECTIVE EXHAUST	135.00
CRACKING EXHAUST	135.00
LIGHT PROVISION	135.00
OBSTRUCTED VIEW	135.00
OCCUPYING SPACE ON HIGHWAY	135.00
INSECURE LOAD	135.00
FAILURE TO DIM LIGHTS	135.00
HELMET ORDINANCE	135.00
OPENING CAR DOOR	135.00
UNREASONABLE NOISE	215.00
EQUIPMENT VIOLATIONS NOT LISTED	135.00
FAILURE TO LICENSE DOG	
WITH PROOF	155.00
WITHOUT PROOF	180.00
FAILURE TO CONTROL DOG	
(WITHOUT INJURY TO OTHER)	180.00
FAILURE TO INOCULATE	
WITH PROOF	155.00
WITHOUT PROOF	180.00
FAILURE TO IDENTIFY	145.00
VIOLATION OF BICYCLE ORDINANCES	135.00
UNSAFE VEHICLE	135.00
HANDICAP PARKING	360.00
JAYWALKING	130.00
CITY PARKS AFTER HOURS	195.00
OVERSIZE LOAD	115.00
SLOW MOVING VEHICLE EMBLEM	115.00
NO FUEL USER TAX PERMIT	115.00
WINDOW TINT	
WITH PROOF	120.00
WITHOUT PROOF	215.00

LITTERING FROM A VEHICLE	215.00
ALCOHOLIC BEVERAGE IN PARK	215.00
POSSESSION OF MARIJUANA UNDER 100 gms (MM)	220.00
DRUG ABUSE MM	220.00
MARIJUANA PARAPHANELIA MM	220.00

PER STATE LAW, PROOF OF INSURANCE IS REQUIRED

BOND AMOUNT IS DOUBLE FOR SECOND MOVING OFFENSE WITHIN A TWELVE (12) MONTH PERIOD.

CANCELLATION OF LICENSE FOR NON-APPEARANCE OR NON-PAYMENT OF VIOLATION.

CITATION OCCURRING WITHIN A CONSTRUCTION ZONE AND MARKED ACCORDINGLY SHALL REQUIRE POSTING OF DOUBLE BOND OR PERSONAL APPEARANCE OF DEFENDANT.

*MANDATORY COURT APPEARANCE

BOND SCHEDULE FOR WILDLIFE CRIMINAL OFFENSES

THE FOLLOWING MAY BE PAID IN LIEU OF APPEARANCE

Any officer may cite an individual directly to court and waive the posting of bond upon his/her discretion.

ORC	OAC	VIOLATION	BOND
1531.02	1501:31-9-01 to 1501:31-9-05	Wildlife Areas	170
1531.02	1501:31-13-01 to 1501:31-13-02	Sport Fishing	195
1531.02	1501:31-13-09	Fish – Length	195
1531.02	1504:31-15-01	Hunting Hours & Bag Limits	170
1531.02	1501:31-15-11	Deer Regulations	170
1533.10		Hunting w/o License (Resident)	170
1533.10		Hunting w/o License (Non-resident)	220
1533.11		Hunting w/o Deer/Turkey Permit	195
1533.111		No Fur Taker Permit	170
1533.17		Hunt, Trap, Fish w/o Permit	220
1533.32		Fishing w/o License	170
1533.66		Trespass on Fishponds	220
1531.29		Stream Litter (small amounts)	195
3767.32		Private Property Litter (small amounts)	195
All Other M-4 Violations			170

1st AND 2nd DEGREE MISDEMEANORS MUST APPEAR IN COURT

MULTIPLE VIOLATIONS MUST APPEAR IN COURT

STEPHEN A. SCHUMAKER

VALERIE J. WILT

DANIEL D. CAREY

EFFECTIVE DATE: December 1, 2022