

MEDINA MUNICIPAL COURT

LOCAL RULES OF COURT

DALE H. CHASE, JUDGE

March 2011

135 N. Elmwood Ave.
Medina, Ohio 44256

Serving Medina County

Brunswick Chatham Granger Lafayette Liverpool Medina Township Spencer York Township
Brunswick Hills Chippewa Lake Hinckley Litchfield Medina Montville Spencer Township

MEDINA MUNICIPAL COURT LOCAL RULES

INTRODUCTION: The following rules, and any amendments thereto, are incorporated by reference herein:

1. The Supreme Court Rules for the Government of the Bar of Ohio
2. The Code of Professional Responsibility
3. The Ohio Rules of Criminal Procedure
4. The Ohio Rules of Civil Procedure
5. The Ohio Traffic Rules
6. The Rules of Superintendence for the Courts of Ohio
7. The Ohio Rules of Evidence

These rules and any amendments thereto not in conflict with any of the above shall govern practice and procedure in the Medina Municipal Court and shall be cited as Medina Muni. Ct. Loc. R. _____.

INDEX TO RULES

GENERAL

- | | |
|---------|-------------------------------------------------------------------|
| Rule 1 | Days and Times of Sessions |
| Rule 2 | Pleadings |
| Rule 3 | Continuances, Conflict of Trial Assignment Dates, Engaged Counsel |
| Rule 4 | Withdrawal of Counsel |
| Rule 5 | Recording of Proceedings |
| Rule 6 | Disposition of Files |
| Rule 7 | Motion Practice |
| Rule 8 | Exhibits |
| Rule 9 | Publication of Rules |
| Rule 10 | Jury Standards |

- Rule 11 Jury Trial Briefs and Proposed Jury Instructions
- Rule 12 Decorum and Conduct
- Rule 13 Court Security
- Rule 14 Default of Payment by Bondsman
- Rule 15 Inquiries to the Court regarding Bondsman and Attorneys
- Rule 16 Amendments to these Local Rules
- Rule 17 Physical Case Inventory
- Rule 18 Video Arraignment
- Rule 19 Facsimile Filings
- Rule 20 Electronic or Photographic Equipment
- Rule 21 Interpreters
- Rule 22 Magistrates and Objections to Magistrate's Decisions
- Rule 23 - 25 Reserved

CIVIL DIVISION

- Rule 26 Civil Actions Generally
- Rule 27 Leaves To Plead
- Rule 28 Forcible Entry and Detainer
- Rule 29 Action in Replevin
- Rule 30 Small Claims
- Rule 31 Deposits for Costs
- Rule 32 Jury Trial Demands in Civil Actions and Forcible Entry and Detainer Actions
- Rule 33 Jury Demand Withdrawal
- Rule 34 Civil Pretrials
- Rule 35 Expert and Lay Witnesses
- Rule 36 Satisfaction of Judgment - Payment of Costs

Rule 37	Publication of Court Notices
Rule 38	Judgment Entries
Rule 39	Case Management in Civil Cases
Rule 40	Case Management in Special Proceedings
Rule 41	Civil Trial Briefs
Rule 42 - 50	Reserved

CRIMINAL/TRAFFIC DIVISION

Rule 51	Notice of Appearance
Rule 52	Written Pleas
Rule 53	Counsel for Indigent Defendants
Rule 54	Consent of Court for Dismissal
Rule 55	Inspection of Traffic and Criminal Case Files
Rule 56	Jury Demand
Rule 57	Case Management in Criminal and Traffic Cases
Rule 58	Administrative License Suspension Appeals
Rule 59	Sealing of Records

GENERAL

RULE 1 - DAYS AND TIMES OF SESSIONS

The session in the Medina Municipal Court shall be from 8:00 a.m. until 4:30 p.m., Monday through Friday, except holidays as set by the Judge.

These hours may be extended or reduced at the discretion of the court as circumstances require.

RULE 2 - PLEADINGS

All pleadings, motions, briefs, judgment entries, and other papers filed with the clerk, including those filed by electronic means, shall comply with Ohio Civil Rules 8 through 15 and shall be on 8½" by 11" white paper without cover or backing.

All pleadings, motions and other papers filed in an action shall bear the case number and the name, address, telephone number and fax number of the attorney or other person filing the same. Attorneys shall also include their individual Supreme Court number on all pleadings. Other than the original complaint, every pleading, motion or other paper filed with the clerk shall contain a certification of service to the other parties to the action. In every proceeding where there is an attorney of record, service shall be made upon such attorney.

RULE 3 - CONTINUANCES

If a party requests a continuance after the court has sent the parties a notice of trial, pre-trial, or other proceeding requiring personal appearance of the parties and/or counsel, a written motion for continuance shall be filed with the court as soon as possible. Notice of such motion for continuance shall be served upon opposing parties or counsel by the moving party. Motions shall set forth good cause. Consent of opposing parties or counsel shall not, in and of itself, constitute good cause.

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

In all civil and small claims cases, the party requesting the continuance shall submit, as a separate document, a proposed judgment entry. In criminal and traffic cases, the court will prepare its own entry.

RULE 4 - WITHDRAWAL OF COUNSEL

It shall be the duty of any attorney who has made a formal appearance in any proceeding in this court to request by motion to withdraw from representation as attorney of record with proof of service to be made on all parties including the affected client. No proposed judgment entry shall be submitted. The court will prepare its own entry. Upon

receipt of the judgment entry granting such a request, the requesting attorney shall immediately send a copy to the client.

Where no formal appearance has been made by counsel, a letter of non-representation will be accepted.

RULE 5 – RECORDING OF PROCEEDINGS

Contested civil proceedings and all criminal and traffic proceedings except minor misdemeanors are recorded electronically. Other proceedings will be recorded upon the request of a party. The official Court Reporter is the designated custodian of all electronic proceedings. A transcript of an electronic recording may be obtained by filing a written request with the official Court Reporter and paying any applicable fees or costs. An audio copy of the recording may also be obtained by filing a written request with the official Court Reporter and paying any cost associated with making a copy. An audio recording is not a substitute for a transcript when an Objection to a Magistrate’s Decision is filed.

RULE 6 - DISPOSITION OF FILES

The clerk may destroy or otherwise dispose of case files which have been terminated by the court as set forth in Ohio Revised Code Section 1901.41 as amended. The clerk shall not destroy or otherwise dispose of files for any charge of operating a vehicle under the influence of alcohol and/or drugs of abuse.

RULE 7 - MOTION PRACTICE

(A) Motions made during a hearing or trial may be made orally or in writing to the judge or magistrate presiding. All other motions shall be made in writing unless waived by the judge or magistrate.

A party desiring an oral hearing should request the same in the motion. Motions will not be set for an oral hearing except as the court, in its discretion, orders. When a motion is set for hearing, the clerk shall send the parties written notice of the date and time of the hearing.

If a motion is scheduled for an oral hearing, any written response to the motion must be filed with the clerk before the day of the oral hearing. All parties and attorneys shall appear for the hearing.

(B) NON-ORAL HEARINGS - If a motion is scheduled for a non-oral hearing, any response to the motion must be in writing and filed with the clerk before the day of the non-oral hearing. No party or attorney needs to appear for a non-oral hearing.

(C) PROPOSED ORDERS – In all civil proceedings except for motions for summary judgment, motions to dismiss, motions to revive a judgment, and motions for relief from judgment, the movant shall submit with the motion a proposed order or judgment entry which shall be on a separate sheet of paper.

(D) STANDARDIZED FORMS – The court will accept standardized, pre-printed forms in compliance with the Ohio Revised Code for garnishment of personal earnings, garnishment of property other than personal earnings, and examination of judgment debtors.

(E) MOTIONS FOR DEFAULT JUDGMENT - Motions for default judgment are usually adjudicated without a hearing, but the court may set the motion for hearing at its discretion. The movant shall submit with the motion a proposed order or judgment entry which shall be on a separate sheet of paper.

(F) INTEREST ON JUDGMENTS - All judgment entries for a monetary amount shall include the actual interest rate to be assessed on the judgment amount.

RULE 8 - EXHIBITS

All evidence of a tangible nature offered at trial:

1. Shall be marked Plaintiff's or State's Exhibit 1, continuing in consecutive numerical order, OR Defendant's Exhibit A, continuing in consecutive alphabetical order. If there is more than one defendant, the exhibits shall be marked Defendant [name] Exhibit A, etc.
2. Shall be prepared in numbers sufficient to provide one copy each for the court, the witness and each attorney or party. The copy provided to the witness shall be the exhibit for purposes of the record.
3. Shall be marked prior to the time trial begins.

It is the responsibility of the court's bailiff or deputy bailiff to accept such evidence on behalf of the court and to deliver all exhibits to the official court reporter who shall store and safeguard such evidence for the purpose of maintaining the record of the case. The official court reporter shall provide a receipt for the exhibits and file the receipt with the clerk.

RULE 9 - PUBLICATION OF RULES

The clerk of court shall order production of copies of these rules and amendments made thereto. Such copies shall be made available by the clerk of court at the cost of production. A copy of these rules will be available for download at the court's web site: www.medinamunicipalcourt.org.

RULE 10 - JURY STANDARDS

This local rule is being implemented in compliance with the Sup.R. 5(B)(2) to implement an efficient and comprehensive system of jury use and management.

JURY ELIGIBILITY:

To ensure that the jury pool is representative of the adult population of the jurisdiction of the Medina Municipal Court, all persons are eligible to serve on a jury, except those who:

1. Are less than 18 years of age
2. Are not residents of one of the following: the cities of Brunswick and Medina; the townships of Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York; and the villages of Chippewa Lake and Spencer.

3. Are not citizens of the United States
4. Are not able to communicate in the English language
5. Have been convicted of a felony and have not had their civil rights restored

OPPORTUNITY FOR SERVICE:

Jury service is an opportunity for all qualified citizens. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, sexual orientation, age, religious belief, income, occupation, disability or any other factor that discriminates against a particular group or individual. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

SELECTION OF PROSPECTIVE JURORS:

No later than the first day of November of the year prior to the year of jury selection, a commission shall be appointed by the court, pursuant to Ohio Revised Code Sections 1901.25 and 2313.01, for the purpose of selecting qualified electors residing within the geographic jurisdiction of the court to be made subject to call for jury service.

The commission shall consist of two qualified electors who reside in the court's geographical jurisdiction. Each of such electors shall be of an opposite political party as indicated by the most recent primary election records.

The court administrator or other individual designated by the court shall act as secretary to the jury commission but shall not participate in examination of prospective juror qualifications or selection.

The court administrator or other individual designated by the court shall inform the jury commission of the approximate number of prospective jurors required and they shall proceed to draw such number of names in the following manner:

1. The jury commission shall use as the jury source list names selected randomly by the electronic data processing equipment provided by Medina County or by a private firm hired by Medina County. The jury commission may be provided with the names and addresses of prospective jurors from records provided by the court's electronic data processing system as this capability becomes available. Such equipment shall be in conformity with Ohio Revised Code Sections 2313.08 and 2313.21.
2. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as possible.
3. Upon receipt of the list of prospective jurors, the jury commission shall send by regular mail a notice to all prospective jurors informing them that they may be called for jury duty some time during the year. This is a preliminary notice advising the prospective jurors that they will be notified at a later date of their specific time of service.
4. After having determined the names of prospective jurors, the jury commission shall notify the provider of electronic data processing services from Medina County of the names selected. The provider of electronic data processing services shall then prepare for the court separate lists of jury panels in those numbers designated by the

court administrator or other individual designated by the court. Names of prospective jurors shall be assigned to particular panels randomly.

5. If during the period of the year for which jury selection has already been made, the court administrator or other individual designated by the court determines that an additional number of prospective jurors will be required, said person may call upon the jury commission to make an additional selection of names in the same manner as provided herein, pursuant to Ohio Revised Code Sections 2313.06 through 2313.21.

6. Departures from random selection shall be permitted only to exclude persons ineligible for service.

SUMMONING OF PROSPECTIVE JURORS:

Prospective jurors shall be summoned for a period of one day or one trial. Summons shall be sent by regular mail no less than three weeks prior to the date of service. The summons shall include the following information:

1. Date and time of service
2. Directions to the courthouse and parking information
3. Instructions on how to find out if trials are canceled
4. Instructions on how to secure an exemption
5. Other basic information to begin to familiarize the prospective juror with procedures for jury duty

Along with the Summons, the clerk of court, if instructed by the court, shall also send to prospective jurors a questionnaire which is to be filled out and returned to the court. The purpose of the questionnaire is to speed up the voir dire process by providing the court and counsel basic information on prospective jurors prior to the beginning of trial. Copies of the completed questionnaires shall be made available to counsel no less than one hour prior to trial.

COMPENSATION FOR JURY DUTY:

Persons reporting for jury duty shall receive compensation in the amount of \$10 for each one-half day of service.

EXEMPTIONS AND EXCUSES:

(A) Pursuant to Revised Code Section 2312.16, the court is not permitted to and shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge by either the juror or another person acquainted with the facts that one or more of the following applies:

- (1) The interests of the public will be materially injured by the juror's attendance.
- (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
- (3) The juror is a cloistered member of a religious organization.

(4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.

(5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to the court administrator or other individual designated by the court.

(6) The juror is over seventy-five years of age, and the juror requests to be excused.

(7) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.

(8) The prospective juror is on active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) (1) A prospective juror who requests to be excused from jury service under this rule shall take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.

(2) A prospective juror who requests to be excused as provided in division (A)(6) of this rule shall inform the court administrator or other individual designated by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform Court Administrator or other individual designated by the court of the request to be so excused by appearing in person or contacting the court Administrator or other individual designated by the court by telephone, in writing, by fax, or by electronic mail.

(C) (1) For purposes of this rule, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:

(a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.

(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.

(c) The prospective juror would suffer physical hardship that would result in illness or disease.

(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(D) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.

(E) When a prospective juror who is liable to serve is excused in a case specified in this rule, the prospective juror can be excused only by the judge presiding in the case or Court Administrator or other individual designated by the court. An excuse, including whether or not it is a permanent excuse, approved pursuant to this section shall not extend beyond that term. Every approved excuse shall be recorded and filed with the commissioners of jurors. After twenty-four months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

JURY DELIBERATIONS:

All jury deliberations shall be conducted in a separate jury deliberation room. Once deliberations have begun, the jury is placed under the supervision of the Bailiff. No one shall be permitted to enter the jury room and jurors shall not be permitted to leave without permission.

Deliberations shall not continue after a reasonable hour, unless the judge determines that it would not impose an undue hardship upon the jurors, or that it is necessary in the interest of justice. Jurors shall be consulted prior to any decision.

All communications between the jurors and the judge or counsel shall be in writing. Any answer or response to a question shall be in writing and placed on the record in open court unless the court brings the jurors back into the courtroom to respond on the record. Counsel for each party shall be informed of any communication and shall be given the opportunity to be heard as to any response.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict shall be read in open court. In criminal and traffic cases, either party may request that the jury be polled.

ADMINISTRATION OF THE JURY SYSTEM:

The individuals designated by the court shall be responsible for administering the jury system. These duties include: mailing summonses, monitoring and recording jury questionnaires, handling requests to be excused, setting up venues and assisting and supervising the jury on the day of trial.

RULE 11 - JURY TRIAL BRIEFS AND PROPOSED JURY INSTRUCTIONS

In the event the court determines that the issues in a particular action require it, the court may require the parties or their counsel to file with the court trial briefs and/or jury instructions at least 10 days before such trial is to commence.

RULE 12 - DECORUM AND CONDUCT

Upon the opening of any court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with decorum and in such a manner so as not to interfere with or obstruct judicial activities or proceedings. Witnesses and jurors shall not be addressed by first names during examination.

All persons appearing before the court shall appear in appropriate dress.

No eating or drinking is permitted in the courtroom, nor shall anyone bring food or drink into the courtroom, unless prior permission is obtained from the Bailiff.

No person shall loiter or conduct himself or herself in an unseemly or disorderly manner in the courtroom or in the halls, entry way, or lobbies, or otherwise interfere with or obstruct judicial activities or proceedings.

The use of all cell phones, pagers and other sound making devices is prohibited in the courtrooms. All such devices must be silenced while in the courtrooms.

Attorneys with pending cases are authorized personnel for purposes of access to the back offices. Non-attorneys shall not be permitted in the back office area without being otherwise authorized by court staff.

RULE 13 - COURT SECURITY

The Medina Municipal Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the court. Accordingly, appropriate levels of security should exist in the court to protect the integrity of court proceedings, protect the rights of individuals before the court, deter those who would take violent action against the court or litigants, sustain the proper decorum and dignity of the court and assure that court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 9, the court will establish a court security plan which addresses the Ohio Court Security Standards adopted by the Ohio Supreme Court.

There shall be no guns, knives or weapons of any kind, or items determined to be equivalent to or useable as a weapon, at the discretion of the court or its designees, permitted in the courthouse except for this Court's Bailiffs and any law enforcement official on duty and appearing in his or her official capacity. All persons entering the building are subject to being searched and items prohibited by this rule shall be seized and declared forfeit to the court.

RULE 14 - DEFAULT OF PAYMENT BY BONDSMAN

Any bondsman or bonding company having failed to honor an obligation to this Court shall not be permitted to act in such capacity until such default of payment is rectified in full.

The clerk of court shall, before acceptance of any bond, investigate financial capacity of the bondsman or bonding company, and if the clerk is not satisfied as to the status of such bondsman or bonding company, the clerk may refuse to accept anything other than a cash deposit for bond.

RULE 15 - INQUIRIES TO THE COURT REGARDING BONDSMAN AND ATTORNEYS

No employee of this court shall recommend or summon a bonding company, bondsman or attorney under any circumstances, except that the clerk may list bonding agents who have registered with the clerk. Any person making inquiry for such information shall be directed to the telephone directory or directed to the Medina County Bar Referral Services. No advertising material of any kind pertaining to bonding service or attorneys shall be displayed in the building.

RULE 16 - AMENDMENTS TO THESE LOCAL RULES

Additional rules and amendments of these rules may be promulgated from time to time and shall be effective with or without general publication, but no party or counsel shall be prejudiced by any such rule when the court is satisfied that no reasonable opportunity for notice of such additional rule or amendment was provided.

RULE 17 - PHYSICAL CASE INVENTORY

Pursuant to Rules of Superintendence for the Courts of Ohio, Rule 38, this court will conduct an annual physical case inventory of all cases reported as pending on the monthly statistical report form filed by the judge. Said annual physical case inventory shall be completed on or before the first day of September of each year. Completion of the physical inventory shall be documented in the appropriate space on the Individual Judge Report.

RULE 18 - VIDEO ARRAIGNMENT

At the judge or magistrate's discretion, the court may conduct arraignments, initial appearances, bond hearings and other matters by the use of a video imaging connection between Medina Municipal Court and the Medina County Jail. Counsel may be present by either appearing in court or joining their client at the county jail. All video proceedings shall be interactive with two-way visual and audio communications. Accommodations shall be made for counsel to have private communication with a client.

RULE 19 - FACSIMILE FILINGS

The provisions of this local rule are adopted under Civ.R. 5(E) and Crim.R.12(B).

Pleadings and other papers may be filed with the clerk of court by facsimile transmission to 330-225-1108 subject to the following conditions:

APPLICABILITY

1.01 These rules apply to criminal and traffic proceedings in the Medina Municipal Court.

1.02 These rules do not apply to civil, small claims, and appellate proceedings. In these proceedings no facsimile transmission of documents will be accepted.

ORIGINAL FILING

2.01 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the clerk of court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2.02 The source document filed by fax shall be maintained by the person making the **filing** until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

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

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

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

3.03 "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

4.01 The person filing a document by fax shall also provide therewith a cover page containing the following information:

(I) the name of the court;

(II) the title of the case;

(III) the case number;

(IV) the assigned judge;

(V) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);

(VI) the date of transmission;

(VII) the transmitting fax number;

(VIII) an indication of the number of pages included in the transmission, including the cover page;

(IX) if a judge or case number has not been assigned, state that fact on the cover page;

(X) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and

(XI) if applicable, a statement explaining how costs are being submitted.

4.02 If a document is sent by fax to the clerk of court without the cover page information listed above, the clerk may, at its discretion:

(I) enter the document in the Case Docket and file the document; or

(II) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the clerk of court.

4.03 The clerk of court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the clerk of court may inform the sending party of a failed fax filing.

SIGNATURE

5.01 A party who wishes to file a signed source document by fax shall either:

(I) fax a copy of the signed source document; or

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

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

EXHIBITS

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

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

7.01 Subject to the provisions of these rules, all documents sent by fax and received by the clerk shall be considered filed with the clerk of court as of the date and time the clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the clerk of court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business. The time indicated by the clerk of court fax machine shall be controlling.

7.02 Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the clerk of court.

7.03 The clerk of court may, but need not, acknowledge receipt of a facsimile transmission.

7.04 The risks of transmitting a document by fax to the clerk of court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the clerk of court through whatever technological means are available.

FEES AND COSTS

8.01 Reserved.

8.02 No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

9.01 Facsimile filings shall not exceed 20 pages in length.

SAMPLE FAX FILING FORMS

10.01 Sample Facsimile Filing Cover Page

10.02 Sample Exhibit Cover Page

10.01

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER*: _____

TITLE OF THE DOCUMENT: _____

JUDGE*: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED,
IF APPLICABLE: _____

*If a judge or case number has not been assigned, please state that fact in the space provided.

IN THE MEDINA MUNICIPAL COURT
MEDINA COUNTY, OHIO

JOHN SMITH, Plaintiff,	
v.	Case No.: 1234567
BILL JONES, Defendant.	Judge _____ <i>(in the alternative a notation here that the case is not yet assigned)</i>

PLAINTIFF SMITH’S NOTICE OF FILING EXHIBIT “G”
TO
PLAINTIFF SMITH’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit “G” to Plaintiff Smith’s Response to Defendant’s Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit “G” could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the court pursuant to Local Rule XX.X.

Respectfully Submitted,

Attorney Name (Sup. Cert. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail
Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit “G” was sent by ordinary U.S. mail/fax on [date] to counsel for defendant Bill Jones, [name and address of recipient].

Attorney Name
Counsel for Plaintiff John Smith

EFFECTIVE DATE

11.01 This local rule shall be effective March 1, 2011, and shall govern all proceedings in actions brought after it takes effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

RULE 20 - ELECTRONIC OR PHOTOGRAPHIC EQUIPMENT

In compliance with Rule 12 of the Rules of Superintendence, the court shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. No recording shall be made of any court proceeding without approval of the judge or magistrate conducting the proceeding.

RULE 21 - INTERPRETERS

In any case where an interpreter is needed, counsel shall notify the judge's administrative assistant as soon as possible, but no less than 10 days prior to a hearing, specifying the language needed.

RULE 22 - MAGISTRATES AND OBJECTIONS TO MAGISTRATE'S DECISIONS

Magistrates may be appointed by the Medina Municipal Court judge and shall serve as employees of the court. The court may appoint persons to serve as both Civil Magistrates and Criminal Magistrates. The Civil Magistrates and Criminal Magistrates shall have those powers set forth in Civil Rule 53, Criminal Rule 19, Traffic Rule 14, and Rule of Superintendence 19.

Magistrate's Decisions and Orders shall be served on all parties or counsel of record by the clerk of court. Objections shall be filed in accordance with Civil Rule 53, Criminal Rule 19, and Traffic Rule 14.

If a transcript of proceedings before the magistrate is requested, the party making such a request shall serve a copy of the request upon all other parties or counsel and shall serve a notice of filing upon all other parties or counsel when the transcript is filed. The non-objecting party or parties shall file a response not later than 10 days after the objections are filed, or, if a transcript has been requested, not later than 10 days after a transcript is filed. A non-objecting party who wishes to obtain a copy of a transcript shall make arrangements to obtain the copy from the official court reporter or other reporter who prepares the transcript. The clerk of court shall not provide copies of the transcripts to the parties.

CIVIL DIVISION

RULE 26 - CIVIL DIVISION - CIVIL ACTIONS GENERALLY

In the civil division of this court, all cases shall be designated as general civil actions, with the exception of actions in forcible entry and detainer, replevin, small claims and such

other special statutory proceedings exempted under Rule 1(C) of the Ohio Rules of Civil Procedure.

RULE 27 - LEAVE TO PLEAD

When a party desires a leave to plead to a complaint, cross-claim, counterclaim, answers to interrogatories, requests for documents, or requests for admissions, such party may apply to the court in writing for additional time. Such application shall state the facts why an appropriate pleading cannot be filed within the time previously allowed and the court may grant the applicant such additional time as it deems appropriate under the circumstances. The party requesting a leave to plead shall submit, as a separate document, a proposed Judgment Entry.

RULE 28 - FORCIBLE ENTRY AND DETAINER (EVICTION)

Actions in forcible entry and detainer shall be filed and proceedings conducted in accordance with provisions of Ohio Revised Code Sections 1923.01 through 1923.15 and any amendments thereto. Eviction cases which contain an additional cause of action for money damages will only be set for a hearing on the first cause of action, which deals with returning possession of the premises to the plaintiff and other eviction related issues. These cases will not automatically be set for a hearing or trial on the second (or any additional) cause of action for money unless the defendant timely files an answer. If a defendant does not file an Answer within 28 days of service, the court will consider a Motion for Default Judgment on the non-eviction issues.

This court will not accept filing of forcible entry and detainer actions by non-attorneys on behalf of a corporate entity.

RULE 29 - ACTION IN REPLEVIN

Actions in replevin shall be filed and proceedings had in accordance with provisions of Ohio Revised Sections 2737.01 through 2737.20 and any amendments thereto. Replevin cases which contain an additional cause of action for money damages will only be set for a hearing on the first cause of action, which deals with returning possession of the property to the plaintiff. These cases will not automatically be set for a hearing on the second (or any additional) cause of action for money. If a defendant does not file an Answer within 28 days of service, the court will consider Motions for Default Judgment on the non-replevin issues.

This Court will not accept filing of replevin actions by non-attorneys on behalf of a corporate entity.

RULE 30 - SMALL CLAIMS

Actions filed in the small claims division of this court shall be filed and proceedings had in accordance with provisions of Ohio Revised Code Sections 1925.01 through 1925.18 and any amendments thereto.

This Court will accept small claim cases filed by non-attorneys on behalf of a corporate entity, but will not permit non-lawyers to practice law on behalf of corporate entities. Non-lawyers shall not be permitted to engage in acts of legal advocacy, such as making opening or closing statements or arguments, or cross examining witnesses.

1. A small claims action is commenced by filing a small claims complaint, pursuant to Chapter 1925 of the Ohio Revised Code. Complaint forms are available from the clerk and from the court's web site. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment may be entered against the defendant. All pleadings will be construed to accomplish substantial justice.

2. Any counterclaims shall be served on all other parties at least seven days prior to the date of trial.

3. A small claims action may be transferred to the regular civil docket, at the court's discretion, in accordance with by Ohio Revised Code Section 1925.10. If, at the discretion of the court, the case is to be transferred to the regular civil docket, the moving party shall pay the costs for transfer within 14 days of the Judgment Entry ordering the transfer. If the moving party fails to timely pay the transfer costs, the action will not be transferred and the court may dismiss any claim, limit the relief sought in any claim, or take other action as appropriate.

4. The trial in small claims court shall be conducted by the judge or magistrate. The judge, magistrate, or bailiff shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Civil Procedure, to the extent that they are clearly inapplicable, and the Ohio Rules of Evidence do not apply to Small Claims cases.

5. **Collection of judgments:** The employees of the court shall assist the prevailing parties in collecting their judgments as set forth in R.C. § 1925.13.

RULE 31 - DEPOSITS FOR COSTS

No civil action or proceeding shall be accepted for filing by the clerk of court unless there is deposited at the time of filing the sum of money set forth in the schedule of deposits established from time to time by this court. A copy of such schedule is available at www.medinamunicipalcourt.org.

If a party wishing to file an action in this court is indigent, the party or the party's counsel shall file an affidavit of indigency. Upon a finding by the judge or magistrate that such indigency does exist, the deposit and payment of costs by that party shall be waived.

RULE 32 – JURY TRIAL DEMANDS IN CIVIL ACTIONS AND FORCIBLE ENTRY AND DETAINER ACTIONS

In civil actions and forcible entry and detainer actions, a Jury Demand must be filed in accordance with Civil Rule 38. A jury deposit of \$750 must be paid to the clerk of court simultaneous with the filing of the Jury Demand. Failure to comply with this rule constitutes a complete waiver of trial by jury.

RULE 33 – JURY DEMAND WITHDRAWAL

Notice to the court of withdrawal of the jury demand SHALL be made to the court no later than three days prior to the date of the jury trial.

In the event a panel of jurors appears for service and the trial is continued or postponed due to the failure of a party or his or her counsel to comply with this rule, such party shall be assessed the per diem costs of the panel unless such failure to comply is as a result of extreme emergency, conditions beyond the control of the party or his or her counsel, or such compliance is waived by the court.

The party withdrawing the jury demand shall at the same time file a motion to continue the scheduled jury hearing of the action and shall notify and have the consent of all other parties.

RULE 34 - CIVIL PRETRIALS

This pretrial procedure shall be in effect for the purpose of ensuring the readiness of civil cases for trial. A pretrial conference shall be conducted in all civil cases except for forcible entry and detainer actions, small claims and Bureau of Motor Vehicle license suspension appeals, unless waived by the court.

Pretrial Defined: For the purpose of this rule, a "Pretrial Conference" is defined as a court supervised conference designed to narrow and clarify issues, obtain stipulations, produce an amicable settlement, establish the procedure to be followed in the case, establish time limits to be observed in the case, and establish procedures to inform the court as to the law and jury instructions.

The pre-trial shall be conducted at the court. Attorneys whose offices are in Medina County or any county contiguous to Medina County must personally appear. Any attorney whose office is outside the contiguous counties around Medina County may attend a pretrial conference by telephone.

Parties must personally appear unless the party is represented by an attorney. Parties represented by an attorney must personally appear or be available by phone.

Settlement Authority: Counsel shall have complete authority to stipulate on all items of evidence and admission and shall have complete settlement authority.

Notice: Notice of pretrial conference shall be issued by the clerk to all parties or their counsel of record not less than fourteen days prior to the conference.

Pretrial Order: After the pretrial conference, the court shall enter upon the record a pretrial order containing all stipulations, admissions and other matters which have come before the court. The court may require a trial brief and/or proposed jury instructions, where applicable. The pretrial order shall state the date of trial and the dates by which witness and exhibit lists, trial briefs, and dispositive motions must be filed. Trial briefs must comply with Medina Muni. Ct. Loc. R. 41.

Continuance: Continuances of pretrials are discouraged. A continuance of a pretrial conference may be granted only upon written motion stating the reason therefor. Motions for continuance shall be accompanied by a judgment entry expressive of the motion. If counsel cites a conflicting court appearance as being the reason for the need for a

continuance, the motion shall be accompanied by a copy of the notice of the conflicting hearing. A continuance in a civil matter shall be granted only if it appears from such notice that the conflicting court hearing was set prior to the date of the notice of the pretrial in this court.

RULE 35 - EXPERT AND LAY WITNESSES

In a civil case all lay witnesses must be identified at least fourteen (14) days prior to trial or the court may preclude their testimony.

If a party intends to use an expert witness, the expert's report shall be delivered to the opposing party at least sixty (60) days before the date of the trial. If this report is not delivered in a timely manner the court will not permit the expert to testify at trial. The opposing party may file a responsive expert report prior at least (30) days to the date of trial.

RULE 36 - SATISFACTION OF JUDGMENT-PAYMENT OF COSTS

No satisfaction of judgment shall be entered by the clerk unless and until all court costs in such action have been paid.

No person other than the judge, magistrate, clerk of court or deputy clerk may enter a satisfaction of judgment upon the records of the court.

RULE 37 - PUBLICATION OF COURT NOTICES

The clerk of court is authorized to publish notices authorized by the court or required by law in a newspaper of general circulation in the county of Medina or within the confines of the court's jurisdiction.

Upon the filing of a praecipe for publication notice in a particular case, the party filing the request shall deposit with the clerk of court the costs of such publication as established by the clerk. No publication notice shall be made until the deposit has been received.

RULE 38 - JUDGMENT ENTRIES

For all motions to continue in civil cases, the moving party shall submit a proposed judgment entry containing a blank space for a new date. The judgment entry must be separate from the motion or it will not be considered.

RULE 39 - CASE MANAGEMENT IN CIVIL CASES

The purpose of this rule is to establish, pursuant to Rule 5(B)(1) of the Rules of Superintendence for the Courts of Ohio, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

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

A. CLERICAL STEPS:

1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. If there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six months of the date the case has been filed, then the clerk shall notify counsel that the case will be dismissed fourteen days after notice unless good cause is shown to the contrary.

2. After an answer is filed, the clerk shall set the matter for pretrial. After any responsive pleading or motion is filed, the clerk shall immediately forward the pleading and file to the judge or magistrate so the matter may be set for a hearing or a ruling made on the motion.

3. If no action has been taken in a case for a six month period and the case is not set for trial, then the clerk shall notify the party seeking to move forward with the case that the case will be dismissed within fourteen days after notice unless good cause is shown.

4. When a file has been marked "settlement entry to come," and the entry has not been received within 30 days, then the clerk shall forward the case to the magistrate or judge so that the case may be dismissed without prejudice and without notice to the parties.

B. JUDICIAL STEPS:

1. **Pretrial Conference:** After an answer is filed, the case will be given to the Assignment Commissioner who will set the case for a pretrial conference. Said conference shall be held in accordance with Medina Muni. Ct. Loc. R. 34.

2. **Motions:** Motion practice is governed by Medina Muni. Ct. Loc. R. 7.

3. **Continuances:** No party shall be granted a continuance of a trial or a hearing without a written motion, or an oral motion in open court, from the party or the party's counsel stating the reason for the continuance.

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

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

4. **Judgment Entries:** Counsel for the party in whose favor an order or judgment is rendered shall prepare a judgment entry if directed by the court. That entry shall be submitted to opposing counsel within five days of the decision. Opposing counsel shall approve or reject the entry within five days. Within 15 days of the decision, the judgment entry shall be submitted to the judge or magistrate or thereafter, the court will prepare the judgment entry.

A judgment entry of settlement may be filed at any time. The judgment entry shall state which party will pay the court costs and specify the interest rate percentage to be applied to any judgment amount.

5. Default Judgment: In all cases in which default judgment is available to a party by reason of failure of another party to answer or appear in response to a complaint, crossclaim, counterclaim, or third-party complaint, the motion for default judgment must be filed within 90 days from the date that the answer or other responsive pleading was due. Failure to timely file a motion for default judgment in accordance with this rule may result in dismissal of the complaint, crossclaim, counterclaim, or third-party complaint for want of prosecution. Proof of damages may be submitted to the court by affidavit. If a case is set for a default hearing, proof of damages may be presented by testimony at the hearing, or as directed by the court. For cases based on an account, the account statement must be submitted, along with proof by affidavit or testimony that no subsequent payments have been made on the account.

RULE 40 - CASE MANAGEMENT IN SPECIAL PROCEEDINGS

The purpose of this rule is to establish, pursuant to Rule 5(B)(1) of the Rules of Superintendence for the Courts of Ohio, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge or magistrate: small claims, forcible entry and detainer, default hearings, exemption hearings, and debtor's examinations. The following criminal matters are considered special proceedings and they may be heard by a judge or magistrate: preliminary hearings, extradition hearings, administrative license suspension appeal hearings, and Bureau of Motor Vehicle hearings.

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, the case shall be set for hearing within a reasonable time.

A. GENERAL PROCEEDINGS:

1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. If there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six months of the date the case has been filed, then the clerk shall notify counsel that the case will be dismissed fourteen days after notice unless good cause is shown to the contrary.

2. After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the judge or magistrate so the matter may be set for a hearing.

3. If no action has been taken in a case for a six month period and the case is not set for trial or other hearing, then the clerk shall notify the party seeking to move forward with the case that the case will be dismissed within fourteen days unless good cause is shown.

4. When a file has been marked "settlement to come" and the entry has not been received within 30 days, then the clerk shall forward the case to the magistrate or judge so that the case may be dismissed without prejudice and without notice to the parties.

B: FORCIBLE ENTRY AND DETAINER HEARINGS:

First Cause of Action – for Possession

All forcible entry and detainer cases shall be set for hearing before a judge or magistrate pursuant to the time limits set forth in the Ohio Revised Code. Unless a praecipe dictates otherwise, service on a forcible entry and detainer case shall be as set forth by the Ohio Revised Code and/or the Ohio Rules of Civil Procedure.

If an answer or jury demand is validly filed in a forcible entry and detainer case, then the clerk shall forward the case to the judge or magistrate for appropriate action.

Additional Causes of Action – for Money Damages

Any additional cause of action in a forcible entry and detainer case shall be handled in accordance with Local Rule 28.

RULE 41 - CIVIL TRIAL BRIEFS

If a party files a trial brief, the brief shall contain the following:

1. **FACTS:** The facts that the party believes the party will be able to prove at trial. No affidavit is necessary.
2. **LAW AND ARGUMENT:** A narrative explanation of the logic, reasoning, and citations to specific legal authorities that support the party's position. Statements such as "The standard principles of contract/negligence/tort/etc. law apply" are insufficient. Contentions that an opposing party will be unable to prove the allegations of the party's claim, or that a party will be unable to successfully defend the party's position, are also insufficient.
3. **CONCLUSION:** The specific relief that the party is seeking.

CRIMINAL/TRAFFIC DIVISION

RULE 51 - NOTICE OF APPEARANCE

An attorney who has not appeared in court with a defendant shall file a written notice of appearance via fax or mail. The notice of appearance may be a letter from counsel or a formal pleading shall contain the same information and notices as required by Medina Muni. Ct. Loc. R. 2, and, if a pleading, shall be in a format similar to Appendix A.

RULE 52 – WRITTEN PLEAS

The court will accept written pleas of Not Guilty in traffic and criminal matters as indicated in this rule, except the court will not accept written pleas of Not Guilty in domestic violence cases if a motion for temporary protection order has been filed and no hearing has been held on the motion.

The written plea may be by letter from counsel or a formal pleading that shall contain the same information and notices as required by Medina Muni. Ct. Loc.R. 2 and, if a pleading, shall be in a format similar to Appendix B.

Absent leave of Court, a written plea must be received by the clerk of court on or before the original arraignment date or any continuation thereof.

All written pleas shall contain a complete waiver of all time limitations within the letter or in the pleading.

The date the written plea is time-stamped by the clerk shall be considered the arraignment date for all other purposes.

A written plea that does not comply with this rule will not be accepted by the Court even if time-stamped by the clerk.

RULE 53 – COUNSEL FOR INDIGENT DEFENDANTS

No attorney shall be appointed to represent an indigent person unless his/her name appears on the Court Appointed Counsel List.

A. The Medina County Public Defender Office shall represent indigent defendants in misdemeanor criminal and traffic cases in which there is a potential jail sentence. The Court Appointed Counsel List shall be used when there is a conflict in the public defender's office and for felony appointments.

B. Application: The attorney must submit a written application to the Judge. Said application must include the attorney's name, business address, office telephone number, cell phone number, fax number, Ohio Attorney Registration Number, and whether the attorney is in good standing with the Supreme Court of Ohio. The application shall also include any special areas of expertise, such as language fluency or legal specialization. Upon ascertaining that the attorney is in good standing with the Ohio Supreme Court, the attorney's name shall be placed on the Court Appointed Counsel List. The attorney shall indicate whether he or she will accept misdemeanor and felony cases or only misdemeanor cases.

C. Removal: In its sole discretion, the court may decline to accept any application for inclusion on any list, or may remove the name of any attorney from the list.

D. Assignment: Attorneys shall be assigned to represent indigent defendants by appointment from the Court Appointed Counsel List in a rolling order.

RULE 54 - CONSENT OF COURT REQUIRED FOR DISMISSAL

No criminal or traffic case shall be dismissed without consent of this Court.

RULE 55 - INSPECTION OF TRAFFIC AND CRIMINAL CASE FILES

All records of traffic and criminal cases shall be accessible to the public as required by law. The clerk of court, as the person statutorily responsible for the maintenance and safeguarding of the court's records, may establish reasonable procedures in order to allow public access to the court records without jeopardizing the security and integrity of such records and to allow for the efficient operation of the clerk's office and the court.

RULE 56 - JURY DEMAND - CRIMINAL/TRAFFIC

All jury demands shall be filed as required by the Ohio Rules of Criminal and/or Traffic Procedure and the time limits established by the Ohio Rules of Criminal and/or Traffic Procedures and/or the Ohio Revised Code.

No cash deposit for costs shall be required to accompany a demand for jury trial. Notice to the court of withdrawal of the jury demand SHALL be made to the court no later than three business days prior to the date of the jury trial. A withdrawal of the jury demand MUST BE SIGNED BY THE DEFENDANT. It may not be signed by counsel on behalf of the defendant. A withdrawal of a jury demand does not continue the case from the date set for jury trial. In the event of a change of plea of a case set for jury trial, counsel for the defendant shall notify the assignment commissioner no later than 3:30 p.m. of the day preceeding the jury trial or jury costs will be assessed to the case.

In the event a panel of jurors appears for service and the trial is continued or postponed due to the failure of a party or his or her counsel to comply with this rule, such party shall be assessed the per diem costs of the panel unless such failure to comply is as a result of extreme emergency, conditions beyond the control of the party or his or her counsel, or such compliance is waived by the court.

RULE 57 - CASE MANAGEMENT IN CRIMINAL AND TRAFFIC CASES

The purpose of this rule is to establish, pursuant to Rule 5(B)(1) of the Rules of Superintendence for the Courts of Ohio, a system for criminal and traffic case management that will provide the fair and impartial administration of criminal and traffic cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

Scheduling of Events: The scheduling begins after arraignment. Thereafter, the case is managed in three judicial steps:

1. **Motions:** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure and/or the Ohio Traffic Rules. The court may rule on the motion with or without a hearing. Motions must conform to the requirements set forth in the Criminal and Traffic Rules.

2. **Trials:** Each case in which a not guilty plea has been entered shall be set for trial. If a jury demand is timely filed, then the case will be transferred to the jury trial schedule. All attorneys shall notify the court by 3:00 p.m. of the day preceding a trial of any change of plea or juror and/or witness costs will be attached to the case.

3. **Sentencing:** The judge or magistrate may impose sentence immediately after a finding of guilty.

If the judge or magistrate orders a presentence investigation, sentencing will be scheduled on a later date.

A. Unless a pre-sentence investigation is ordered, for a first offense within six year OVI charge, the sentencing shall be scheduled approximately sixty (60) days after the change of plea hearing or upon a finding of guilty.

B. On all other charges, the sentencing shall be scheduled at the discretion of the judge or magistrate.

4. **Pretrials:** The court does not usually schedule pretrials, but may schedule a pretrial at its discretion. Defense counsel may contact the prosecuting attorney to schedule a pretrial to be conducted without the court's participation.

RULE 58 – ADMINISTRATIVE LICENSE SUSPENSION APPEALS

Administrative license suspension appeals filed pursuant to R.C. § 4511.197 shall be referred to the Magistrate.

RULE 59 – SEALING OF RECORDS

This rule shall govern procedure in proceedings to seal the record of a conviction pursuant to R.C. § 2953.31 et seq., as amended, and proceedings to seal the record after a Not Guilty finding or dismissal pursuant to R.C. § 2953.51 et seq., as amended.

Upon the filing of a petition to seal the record, the clerk of court shall determine if the defendant is proceeding *pro se* or through counsel. Notice shall not be sent to any previous attorney of record in the case unless the previous attorney actually files the petition on behalf of the defendant. The clerk of court shall schedule the matter for sealing of records hearing no sooner than 40 days after receiving the application.

The clerk of court shall immediately notify the probation department of the filing and provide a copy to the probation department. The probation department shall determine if the applicant meets the statutory requirements for sealing the record and shall prepare and submit to the court, at least 10 days before the hearing, a summary of these findings, reviewing the nature and circumstances of the offense or offenses sought to be sealed.

The clerk of court shall attach a copy of the application to the notice of hearing sent to the prosecuting attorney for the law enforcement agency responsible for the prosecution of the case. If the prosecuting attorney objects to the granting of the application, such objection shall be filed with the court no later than 14 days before the date set for hearing.

APPENDIX A: Notice of Appearance

**IN THE MEDINA MUNICIPAL COURT
MEDINA COUNTY, OHIO**

STATE OF OHIO

Plaintiff

-vs-

[Name of Defendant]

Defendant

CASE NO. 11 TRC XXXXX

JUDGE DALE H. CHASE

NOTICE OF APPEARANCE AS COUNSEL

[Attorney Name] gives notice of his/her Notice of Appearance as Counsel for Defendant [Name of Defendant].

[Name of Attorney] [Supreme Ct. Reg. No.]
[Complete Street Address]
[Phone Number; Fax Number]
[email address]
Attorney for Defendant [Defendant's Name]

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appearance as Counsel was served by regular U.S. Mail on [Date of Service] to [Name of Prosecutor], Prosecutor for [Jurisdiction].

[Name]

APPENDIX B: Written Not Guilty Plea

**IN THE MEDINA MUNICIPAL COURT
MEDINA COUNTY, OHIO**

STATE OF OHIO

Plaintiff

CASE NO. 11 TRC XXXXX

-vs-

JUDGE DALE H. CHASE

[Name of Defendant]

**ENTRY OF NOT GUILTY PLEA
WAIVER OF SPEEDY TRIAL**

Defendant

Defendant [Name of Defendant], by and through his/her undersigned counsel, enters a plea of “**NOT GUILTY**” to all charges.

Defendant [Name of Defendant], by and through his/her undersigned counsel, waives his/her statutory and Constitutional rights to a Speedy Trial.

[Name of Attorney] [Supreme Ct. Reg. No.]
[Complete Street Address]
[Phone Number; Fax Number]
[email address]
Attorney for Defendant [Defendant’s Name]

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appearance as Counsel was served by regular U.S. Mail on [Date of Service] to [Name of Prosecutor], Prosecutor for [Jurisdiction].

[Name]