

EAST LIVERPOOL MUNICIPAL COURT COLUMBIANA COUNTY, OHIO

Local Rules of Court

Revised JUNE 10, 2019



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Table of Contents

Page

| | | |
|--------------|---|-----|
| Introduction | | |
| Rule 1 | Hours of Court Sessions | 1 |
| Rule 2 | File Management | 1-2 |
| | Inspection of Records | 1 |
| | Withdrawal of Files | 1 |
| | Personal Identifier Information | 1 |
| | Public Records Request | 2 |
| | Disclosure Information | 2 |
| Rule 3 | Record of Proceedings | 2 |
| | Custody of Records | |
| | Transcription of Records | |
| Rule 4 | Video Arraignment and Hearing | 2 |
| Rule 5 | Court Employees | 3 |
| Rule 6 | Security for Court Costs | 3 |
| | Civil Filings | |
| | Criminal and Traffic Cost | |
| | Jury Trial in Civil Cases | |
| | Finding of Indigency | |
| | Deposits and Advance Payments | |
| Rule 7 | Filing of Pleadings, Motions and Documents | 4 |
| Rule 8 | Filing with the Clerk of Court | 4-5 |
| | Direct with the Clerk of Court | |
| | Filing by Facsimile Transmission | |
| | Electronic Filing | |
| Rule 9 | Use of Electronically Produced Ticket (e-ticket) and/or citations | 5 |
| Rule 10 | Filing of Traffic and Criminal Citations | 5-6 |
| Rule 11 | Signature | 6 |
| | Hardcopy Documents | |
| | Electronic Documents | |
| Rule 12 | Appearance and Withdrawal of Counsel | 6 |
| | Appearance | |
| | Withdrawal | |
| Rule 13 | Signature Stamp | 7 |

| | | |
|---------|--|-------|
| Rule 14 | Decorum at Court | 7-8 |
| Rule 15 | Case Management | 8-14 |
| | <u>Traffic and Criminal Cases</u> | |
| | Arraignments | |
| | Second Arraignments | |
| | Pretrials | |
| | Motions | |
| | Motion in Limine | |
| | Status | |
| | Trials | |
| | Jury Trials | |
| | Sentencing | |
| | Fines and Cost/Reviews | |
| | Fund Distributions | |
| | Continuances | |
| | Service | |
| | Judgment Entries | |
| | Commitment to jail-Non-Bondable Offenses | |
| | Requirements for Filing Limited Driving Privileges | |
| | <u>General Civil Cases</u> | 14-18 |
| | Scheduling of Events/Clerical Steps | |
| | Judicial Steps | |
| | Pretrials | |
| | Motions | |
| | Status Conference | |
| | Trials | |
| | Jury Trials | |
| | Default Judgments | |
| | Settlement Entries | |
| | Continuances | |
| | Judgment Entries | |
| Rule 16 | Special Proceedings Case Management | 18-22 |
| | Scheduling of Events/Clerical Steps | |
| | Small Claims | |
| | Hearing | |
| | Collection of Judgment | |
| | Forcible Entry and Detainer Hearings | |
| | Hearing | |
| | Writ of Restitution | |
| | Landlord/Tenant-Rent Escrow | |
| | Hearing for Default Judgment | |
| | Motion for Default Judgment | |
| | Motion for Summary Judgment | |
| | Leave to Plead | |
| | Limited Driving Privileges Petition | |
| Rule 17 | Pro Hac Vice | 23 |

| | | |
|----------|---|-------|
| Rule 18 | Request for Interpreter | 23 |
| Rule 19 | Bailiff Service | 24 |
| Rule 20 | Bonds | 24 |
| Rule 21 | Court Recording | 24 |
| Rule 22 | Law Library | 24 |
| Rule 23 | Withdrawal of Counsel | 24 |
| Rule 24 | Ex Parte Communications | 25 |
| Rule 25 | Inmate Letters | 25 |
| Rule 26 | Funeral Requests by Inmates | 25 |
| Rule 27 | Filming and Recording of Trials -Media | 25-27 |
| Rule 28 | Jury Management | 27-33 |
| | Introduction | |
| | Jury Eligibility | |
| | Procedure for Jury Selection | |
| | 1. Appointment | |
| | 2. Duties | |
| | 3. Annual Juror List | |
| | 4. Drawing of Jurors | |
| | 5. Confidentiality of Juror Questionnaire | |
| | 6. Juror Fees | |
| | Summoning of Juror | |
| | Exemption, Excuse, and Deferral | |
| | Examination of Prospective Jurors | |
| | Jury Orientation | |
| | Conclusion | |
| Rule 29 | Judgment Entries for signature | 33 |
| Rule 30 | Court Security | 33 |
| Rule 31 | Specialized Docket-SOS Court | 33-35 |
| Appendix | A. Small Claims Information Sheet | |
| | B. Small Claims Form | |
| | C. Petition for Limited Driving Privileges-Civil Case | |
| | D. 3-day Notice-F.E.D. | |
| | E. Media Form | |
| | F. Juror Questionnaire | |
| | G. Juror Excuse Form | |

EAST LIVERPOOL MUNICIPAL COURT
LOCAL RULES OF COURT

These Local Rules of Court are adopted for the practice and procedures in the East Liverpool Municipal Court Pursuant to Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Court of Ohio. The purpose of these rules is to supplement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure of the Ohio Revised Code and to assist counsel and litigants with cases heard in the East Liverpool Municipal Court. These Rules supersede previous rules of the East Liverpool Municipal Court and are **effective April 1, 2019**. The East Liverpool Municipal Court hereby adopts the following rules, which shall be applicable in all cases filed in this Court.

RULE 1-HOURS OF COURT SESSIONS

The office of the Clerk of Court shall be open Monday through Friday from 8:00 a.m. until 4:00 p.m. excluding legal holidays. All sessions of the Court shall begin promptly at 9:00 a.m. and 1:00 p.m. unless otherwise directed by the Judge. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Court.

RULE 2- FILE MANAGEMENT

- A. Inspection of Records-All indexes, docket, journals, and file records maintained in accordance with law by the Clerk of Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the Clerk's office. No person except authorized court personnel, parties or their attorneys shall be permitted to examine the complaint filed in any case until after service of the summons and/or warrant. Copies of documents may be provided upon request at a cost to be determined by the Clerk of Court as permitted by law. The current docket for all cases can also be obtained through the court's website. www.ccclerk.org
- B. Withdrawal of Files-No file(s), whether civil, traffic or criminal, may be removed from the office of the Clerk of Court without the written consent of the Judge or Clerk of Court.
- C. Personal Identifier Information-As required by Sup R. 45 (D)(2) the Clerk of Court shall provide a form for use by parties to provide "personal identifier" information. The Clerk shall make the personal identifier form available in paper in the Clerk's office. This requirement shall apply to every type of case filed with the Clerk of Courts including but not limited to civil, small claims, traffic, and criminal.
- D. Public Records Request-Must be requested in writing and listing the specific information needed. Since older records are in another location, a 24-hour notice must be allowed to compile and copy the information. The charge is \$.10 per page; a

certified document is \$1.00 per certification. If a person wants documents mailed, there is a fee for mail costs. All costs must be paid before the documents will be mailed. Personal checks are not accepted-payment must be made by cash, money order or certified bank check. If documents are to be mailed, the address must also be provided.

- E. Disclosure of Information-The Clerk shall not provide a copy of any document, except as provided by law or ordered by the court, without redacting (1) social security number, (2) operator's license number, (3) date of birth.

RULE 3- RECORD OF PROCEEDINGS

Unless otherwise provided in these rules, all traffic and criminal proceedings before this Court shall be recorded by an audio electronic recording device provided by the Court. No record shall be required of any proceeding in the small claims and civil division of this Court, unless requested by the plaintiff or defendant.

- A. Custody of Records- The Court shall maintain exclusive custody and control of the electric recordings of proceedings. The Court will maintain all recordings for any period required by law. At the expiration of this period the recordings may be disposed of at the discretion of the Court except in the instance of an appeal in which event the subject recording will be retained while the appeal is pending.
- B. Transcription of Records- Unless otherwise ordered, the audio recording shall be the official record of court proceedings. A party may obtain a full or partial transcript from a recording by arranging a court reporter at Columbiana County Court to prepare the transcript. The cost of the transcript shall be paid by the party requesting the transcript directly to the court reporter. The audio electronically recorded court proceedings shall not be inspected but may be transcribed by a certified court reporter approved by the Court upon request and upon payment of appropriate deposit. If a party seeks to obtain all inspections shall be made under the supervision of court personnel. Original papers shall not be removed from the Clerk of Court's office.

RULE 4- VIDEO ARRAIGNMENT AND HEARING

- A. Arraignment-If an individual is in the Columbiana County Jail, the initial appearance and second arraignment shall be by remote video. Defense counsel shall appear in the courtroom.
- B. The Court may conduct all hearings (Pursuant to Criminal Rule 43) by remote video as the Court deems appropriate.

RULE 5- COURT EMPLOYEES

While court employees may assist persons with general information about court procedures, court employees are not permitted to give legal advice to a litigant, witness or other person and/or refer or direct any person to an attorney or bail bondsman or bail bond company or agent. Assistance by court personnel shall be limited to directing the person to the Court's website or furnishing necessary or requested form when appropriate and providing any explanation of their use.

RULE 6- SECURITY FOR COURT COSTS

Pursuant to Ohio Revised Code Section 1901.26 and 1901.261, the Court hereby establishes the schedule of court costs for each civil and criminal action and proceedings in this Court. A schedule of court costs is at the Clerk's office, all police departments in the Court's jurisdiction and online, which may be modified from time to time. Each case shall be assessed one court cost for primary charge only. Such bond schedule together with any amendments or modifications shall be posted in the office of the Clerk of Court.

- A. Civil Filings-No action or proceeding shall be accepted for filing by the Clerk of Court unless the costs are paid before the action is filed.
- B. Criminal and Traffic Cost-are taxed to the proceedings. The Court will maintain a bond schedule for all minor misdemeanors that are bondable and citations that are paid through the Violations Bureau. Bondable offenses require that all fines and court costs be paid in full before or prior to 9:00 am on the schedule date to waive the defendant's appearance in court. If defendant needs time to pay, he/she must appear before the Judge and a review date will be set to have fines and costs paid in full.
- C. Jury Trials in Civil Cases-A deposit of \$300.00 shall be made no later than ten (10) days before the scheduled jury trial date, except upon a finding of indigency. The failure to timely make the deposit as required by court order or rules of court shall be deemed a waiver of the right to a trial by jury and the case will be set for a trial to the court.
- D. Finding of Indigency-For a defendant to be indigent, a defendant must fill out an Affidavit of Indigency. The Judge shall investigate the accuracy of any representation and upon finding that indigency does exist; the security for cost in a civil case shall be waived.
- E. Deposits and Advance Payments-of fees and costs shall be returned only by order of the court and only when the same have been paid by the party whom they are assessed by the Court.

RULE 7-FILING OF PLEADINGS, MOTIONS AND DOCUMENTS

All pleadings and motions shall be legibly typewritten or printed on “8 ½ x 11” paper. The caption of every complaint shall state the name of each party. Subsequent pleadings and motions shall state the case number, the name of the first party plaintiff and the first party defendant. The complaint shall state in the caption the general nature of the action. Every pleading, motion, brief or other paper filed in the case shall be identified by title and shall include the name of the individual attorney, firm, if any, attorney registration number, office address, telephone number, facsimile number and email address of the attorney filing or if there is no attorney, then the party filing the same.

All documents filed with the Court must be served on the prosecutor or opposing counsel or party in accordance with Civil Rule 5 and Criminal Rule 49. Failure to show proof of service on the document filed shall be grounds for striking the document from the court’s record and failure to accept the filing. For good cause shown, the Clerk of Court is authorized to waive this requirement for cases involving small claims, forcible entry and detainer or other types of cases or proceedings in the interest when the party is not represented by counsel. The Clerk may also receive requests by letter in traffic and criminal cases regarding continuances and other similar proceedings.

Litigants not represented by an attorney license by the State of Ohio shall be designated “pro se”. Pro se litigants shall designate this capacity on all documents filed in this Court and shall include their full name, signature, address with zip code and telephone number.

RULE 8-FILING WITH THE CLERK OF COURT

- A. Direct with the Clerk of Court-All pleadings, motions and other documents in either civil or criminal cases may be filed directly with the Clerk of Court during regular court hours. All pleadings, motions or other documents filed by mail shall be deemed filed as of the date of receipt by the Clerk of Court.
- B. Filing by Facsimile Transmission-A pleading, motion and other document filed with the Court by facsimile transmission shall be deemed received for filing when received by the Clerk of Court and will have the same force as effect as the original of the document being transmitted. All documents filed with the Court by facsimile transmission must be done directly through the East Liverpool Municipal Court’s facsimile machine at (330) 385-1566. Documents indirectly transmitted through some other facsimile machine and indirectly presented to the Clerk of Court may not be accepted in lieu of the original, unless specifically ordered by the court. The following will not be accepted by fax: bonds, any filing that requires a fee and cognovit note.
- Originals to follow.**

1. All documents filed with the Clerk of Court by facsimile transmission must be legible when received by the Clerk of Court. The Clerk may reject any document which is illegible, in whole or part and upon doing so, shall promptly notify the sender of the condition or quality of the document.
2. All documents which are submitted to the Court must be received by the Clerk of Court

during the regular office hours of the Clerk of Court as set out in these rules. Any document received after 4:00 p.m. Monday through Friday, shall be deemed received for filing the next business day.

- C. Electronic Filing-(Reserved) The Court is currently establishing standards and guidelines for electronic filing of pleadings, motions and other court documents and orders.

**RULE 9-USE OF ELECTRONICALLY PRODUCED TICKET (E-TICKETS)
AND/OR CITATIONS**

The use and filing of a traffic or criminal citation or ticket that is produced by computer or other electronic means is hereby authorized by the Court. The electronically produced ticket or citation shall conform in all substantive respects to the Ohio Uniform Traffic Ticket or criminal citation, as applicable. If an electronically produced ticket or citation is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket. A paper copy shall also be filed with the Clerk of Court.

RULE 10-FILING OF TRAFFIC TICKETS AND CRIMINAL CITATIONS

All traffic tickets and criminal citations must conform to the Courts requirements:

The East Liverpool Municipal Court will not accept any traffic ticket for filing, if a LEADS printout is not filed with the ticket. The ticket will be returned to the Police Department. The ticket may be re-filed with the LEADS printout. If the arraignment date has passed, the officer must re-serve the defendant with a new court date. All criminal cases and any traffic citation that carries a jail sentence must include a police report. All traffic tickets and criminal complaint filings for warrants and summons must have the following information presented at the time of filing before the Court can file the new ticket and/or complaint.

The following is the probable cause checklist:

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

12. All criminal complaints must be filed with a personal identifier.

RULE 11-SIGNATURE

All pleadings, motions and other documents filed by the court shall contain the signature of the party or attorney representing the party in accordance with Civil Rule 11. Signatures signed by another person are not permitted.

- A. Hardcopy Documents-The original of every document filed in the court shall be signed by an attorney representing the party on whose behalf the document is filed. A party who is not represented by an attorney shall sign the document being filed.
- B. Electronic Documents-A document that may be filed by facsimile pursuant to the local rules of this court or by court order shall include a copy of the signature or scanned version of the person's original signature.

RULE 12-APPEARANCE AND WITHDRAWAL OF COUNSEL

Appearance-Upon the entry of appearance of counsel, all documents filed with the Court and all court orders and motions shall be served upon the designated counsel or the party's representative. Once an appearance is made, an attorney may only withdraw from a case by leave of court.

Withdrawal-Withdrawal shall be permitted only by written motion filed with the court. The motion must include (1) the time and date of the trial or, if no trial has been set, the time and date of the next proceeding; (2) the specific reasons for requesting withdrawal; (3) the name and address of a substitute attorney, if any, and (4) proof of notification to the opposing attorney and to the client.

No person who is not admitted to the practice of law before the Ohio Supreme Court may appear on behalf of another individual or entity in court, except as provided by R.C. 1925, or the Rules of the Supreme Court Rules for the Government of the Bar of Ohio. An executed power of attorney does not confer upon a person who is not an attorney the right or ability to represent some other person in court. Nothing in this rule shall prohibit an employee or agent of a party from appearance in a civil action to provide testimony on behalf of his or her employer, regarding information within that employee's or agent's personal knowledge, regardless of the presence or absence of the party.

RULE 13-SIGNATURE STAMP

The Clerk is authorized to affix the signature stamp of the Judge of this Court to the types of routine judgment entries and ordered of the court set forth below, in which case, the stamped signature shall be effective as the original signature of the Judge.

- A. Limited driving privilege form
- B. Defendant's copies of warrant
- C. Order to destroy
- D. Order of garnishment attachments

RULE 14-DECORUM AT COURT

- A. All persons at the court shall conduct themselves with decorum and in a manner to not interfere with the proper administration of the court's business. Although the court is open to the public, persons attending any court session who are not parties or called as witnesses may not make any statements unless permitted and identified on the record. All persons are subject to screening and/or search before entering the court. The term "court" includes any location where the Judge conducts the hearings or trials as well as the probation department, Clerk of Court office and surrounding areas.
- B. All persons appearing before the court shall appear in appropriate and clean dress.
- C. All cell phones are to be turned off in the courtroom and the use of cell phones are not permitted in the courtroom when court is in session. In the event a person needs to make or take a call, the person is required to leave the courtroom unless otherwise permitted by the court. Tablets, lap top computers, notebooks, cell phones and other electronic devices may not be used in the courtroom except as a research aid or tool during a hearing or trial.
- D. All persons appearing before the court shall remain in the courtroom until he or she is dismissed from the courtroom.
- E. Any person entering into the "court" shall not possess any weapons, those include but not limiting to knives, guns, tasers, asps or mace, at any time.
- F. No smoking, eating and drinking is permitted in the courtroom. No one is permitted to bring food or drink into the courtroom, unless permitted by the court. Attorneys and litigants may have water at the trial table. Witnesses may be provided water when necessary. Jurors may have water in the jury box during trial. The Judge and court staff may have water in the courtroom as needed.
- G. No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any hall, entryway or stairway, or otherwise interfere with or obstruct judicial activities or proceedings.
- H. No person shall any contact with any prisoner in the courtroom, or in any hall,

entryway or stairway, including the elevator or police ramp where the prisoner will be entering City Hall for his or her court proceedings.

- I. Failure to comply with any aspect of this rule may result in appropriate sanction by the Court, including continuance or dismissal of the matter before the Court, confiscation of cell phone pending the conclusion of court proceedings or a charge of Contempt of Court.

RULE 15-CASE MANAGEMENT

The purpose of this Rule is to establish, pursuant to Sup.R.5, a system for case management which will provide the expeditious, fair and impartial administration of cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system. For both civil and criminal cases, the Court will attempt to schedule hearings, pretrial conferences and trials to accommodate attorney's schedules and to avoid unnecessary conflicts with other courts. Although the Court will attempt to schedule trials and hearings to accommodate counsel and witnesses, it is the primary responsibility of the party or counsel to make diligent efforts to notify the witness, including police officers, building inspectors, or other city employees of the scheduled date and to also promptly file a Motion to Continue if a witness is not available.

I. TRAFFIC AND CRIMINAL CASES

SCHEDULING OF EVENTS: The Bailiff schedules all criminal and traffic cases with the attorneys directly in the Clerk's office or in the courtroom. All attorneys are to be prepared to schedule their cases by bringing their calendars to court. The court does not call the attorney's office to schedule cases nor does the bailiff mail a copy to the attorney's offices. The attorneys and their clients are given a hardcopy of the judgment entry at the time of the scheduling of the case with the Judge's signature. The only time the bailiff calls the attorney's offices regarding scheduling is to set court dates if a continuance entry is filed in lieu of a second arraignment; a motion is faxed to the Court or if the bailiff is unavailable to reschedule the case at the time of filing (see second arraignment section B for procedures on rescheduling cases).

The scheduling begins after arraignment. Thereafter, the case is managed in eight (8) judicial steps:

1. **ARRAIGNMENTS:** Arraignments are to be scheduled in traffic cases within seven (7) days after the citation except for O. V. I. cases, which must be scheduled no later than five (5) days, but not the next morning after citation. Defendants that are in jail will be heard the next Court date by video.

Arraignments by written waiver of appearance are acceptable in all minor traffic cases and minor criminal cases; unless the Judge has given prior written approval.

2. **SECOND ARRAIGNMENTS:** Second arraignments will be set within 7 to 10 days after the first arraignment on all first, second, third, and fourth degree

misdemeanors. All minor misdemeanors will be set directly for trial because of the short try-by-time. Counsel must appear at the second arraignment with their calendar. **If counsel is unable to appear, counsel must do the following before the second arraignment:**

- A. File a Written Notice of Appearance. Faxing is encouraged to ensure timeliness with an original to follow. No other criminal pleadings or motions shall be accepted by the Clerk, unless a Notice of Appearance is filed and the attorney has been hired by the defendant to represent him/her on the entire criminal case. Ohio Criminal Procedure does not permit “limited” appearances by counsel on behalf of a defendant.
 - B. File a proposed judgment entry setting forth the type of hearing requested and with a blank space for the Bailiff to insert the hearing date. The Bailiff will contact the attorney/staff to schedule a mutually agreeable date for the next hearing. If the Bailiff is unable to set the case with the attorney’s office, the Bailiff will wait three (3) business days before the case is set with the Court’s calendar.
 - C. A written Waiver of Time must be filed.
 - D. A written Not Guilty Plea must be included.
3. **PRETRIALS:** After the second arraignment, all first degree and second degree misdemeanors shall be set for pretrial by the Bailiff within thirty (30) days of the second arraignment, unless otherwise ordered by the Court. All other misdemeanors shall be set for trial unless the Judge orders a pretrial in said case and the defendant waives his/her right to a speedy trial in writing, on the record, and in open Court.

All written Requests for Discovery must be served, answered and exchanged prior to the pretrial date. At the pretrial the parties must be in the position to either plea the case or set the case for a Motion Hearing, Trial to the Court, Status Hearing or Jury Trial. Second Pre-trials must be requested and will only be granted by the Judge for just cause. Unless otherwise requested by the parties, pre-trials for all misdemeanors shall be given thirty (30) minutes and Public Defender cases shall be determined by the Judge or Bailiff. The pretrial shall be conducted in accordance with Criminal Rule 17.1. **Counsel, clients, and victims as required by law and all other victims as necessary must attend.** Any attorney who fails to appear for pretrial without just cause being shown may be punished for Contempt of Court. All material witnesses shall be present at the pretrial; each side is responsible for notifying these witnesses. The Prosecutor as required by law shall subpoena all victims of violent crimes. If the parties cannot resolve the case, then the case shall be set for trial to the Court unless a jury demand is filed in compliance with Criminal Rule 23. The

Court will not accept a plea agreement other than the one previously proposed at the pretrial, when a trial is the next hearing unless for good cause shown. If the case is set for a status after the pretrial, the Court will accept a plea agreement.

ALL SUBPOENAS MUST BE FILED SEVEN (7) BUSINESS DAYS BEFORE THE HEARING DATE (NOT COUNTING HOLIDAYS OR WEEKENDS OR DAY OF HEARING). BAILIFF NEEDS TO MAKE THREE (3) ATTEMPTS TO SERVE SUBPOENAS. THEREFORE, THE SEVEN (7) BUSINESS DAYS GIVES THE BAILIFF TIME TO SERVE THE SUBPOENAS.

4. **MOTIONS:** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. All motions must comply with Criminal Rule 47. The moving party must obtain a hearing date at the date of filing. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. **MOTIONS TO DISMISS OR SUPPRESS MUST BE FILED SEVEN (7) BUSINESS DAYS BEFORE THE HEARING DATE.**

All motions (except for a continuance) shall be set for oral hearing unless otherwise indicated by the Judge. A motion may be decided without hearing at the joint request of both sides. **Any motion to be decided without a hearing must be accompanied by a proposed judgment entry from each party.**

MOTION IN LIMINE: A Motion in Limine shall be filed not less than three (3) days prior to trial, except for good cause shown.

5. **STATUS:** A status conference will be held at least one (1) week before all scheduled jury trials. **Counsel, clients, and victims as required by law and all other victims as necessary must attend.** The purpose of the status is two-fold. One: to ensure the case cannot be settled. After the status conference the Court will not accept a plea to a reduced charge nor a plea agreement different from the one proposed at the status conference unless for good cause shown. Two: To address all pre-jury trial issues: all Motion in Limine; proposed jury instructions; copies of case law; or trial briefs, which must be filed and discussed at the status.
6. **TRIALS:** Each case not resolved at pretrial shall be set for trial to the Court unless a motion is to be filed. If a Jury Demand is timely filed, then the case will be moved to the jury trial schedule. The Court will not accept a plea to a reduced charge the day of the trial or a plea agreement other than the one proposed at the pretrial, or status. All cases set from pretrial to trial shall be settled at the pretrial unless for good cause shown.

ALL SUBPOENAS MUST BE FILED SEVEN (7) BUSINESS DAYS BEFORE THE HEARING DATE (NOT COUNTING HOLIDAYS OR WEEKENDS OR DAY OF HEARING). BAILIFF NEEDS TO MAKE

THREE (3) ATTEMPTS TO SERVE SUBPOENAS. THEREFORE, THE SEVEN (7) BUSINESS DAYS GIVES THE BAILIFF TIME TO SERVE THE SUBPOENAS.

7. **JURY TRIALS:** The defendant or his/her counsel must notify the court that a jury is not needed by **3:00 p.m. on the day before** the jury trial. Failure to do so shall result in the defendant being assessed all jury costs, subpoena fees, sheriff fees, witness and bailiff fees. The Court will not accept a plea that differs from the proposed plea agreement offered at the status conference without due cause shown.
8. **SENTENCING:** Sentencing shall be done immediately upon conviction. The Court, upon good cause shown, may schedule a sentencing hearing within seven (7) days from the date of conviction.
9. **FINES AND COSTS/REVIEWS:** Fines and costs are due the day of hearing unless an arrangement is made. If fines and costs are not paid by the review date selected by the defendant, a notice may be issued to the defendant at which time a fee will be assessed for the mailing of the notice. If a defendant is on probation the Probation Department will be notified of the “no show” and Probation may issue a violation or a notice will be issued and additional fees may be assessed based upon the issuance. (see court’s scheduled fees on website). Ultimately, a bench warrant will be issued for defendant at which time a fee will be assessed for the bench warrant. At that time the defendant will be ordered to sit out fines in jail unless paid. The defendant will receive \$50 a day credit towards fines, until all fines are sat out or paid. Costs may be paid at that time or cost may have a review date set, sent to the collection agency for collection, or waived based on defendant’s situation. (See current bond schedule for a list of fees on website). The Attorney General is the Courts’ collection agency.

FUNDS DISTRIBUTION: Unless otherwise specified by this Court in an order, the distributing of funds received in a traffic or criminal case is to be applied in the following order:

1. State Court Costs
2. General Court Costs
3. Probation Fees
4. Fines

*Restitution is collected by the Probation Department.

CONTINUANCES: All criminal and traffic continuance requests shall be directed to the Bailiff and civil continuances shall be directed to the Civil Deputy Clerks. No party shall be granted a continuance of a trial or a hearing without a written motion that shall include

a brief statement setting forth the reasons requiring the continuance. No continuance shall be granted without reasonable notice or consent of the other party(s) of their counsel. The Court requests that a continuance be filed seven (7) days from the scheduled hearing date, unless otherwise permitted by the Judge. A judgment entry for the Judge's signature must also be provided. Continuances may be faxed to the court. **Originals to follow.**

The following are seven (7) possible reasons for a continuance:

1. Conflict with prior scheduled court hearing. **
2. Material witness is unavailable due to no fault of the attorney.
3. Subpoena unable to be served.
4. Hospitalization or unexpected illness of the attorney or any party with proper medical excuse.
5. Death in the immediate family of the attorney, witness, or party.
6. Incarceration or in-patient treatment.
7. Good cause shown as decided by the Court.

*Written proof must be provided for 1, 4, 5, 6 and 7. That proof must also contain proof of the date of conflict and the next availability date.

**When a continuance is requested for the reason that counsel is scheduled to appear in another case, the case which was first set for hearing shall have priority and shall be heard on the date assigned. Counsel shall attach a copy of the notice received from the other Court. Criminal cases assigned for trial have priority over civil cases assigned for trial. These continuances shall be ruled upon in accordance with Rule 41 (B) of the Rules of Superintendence for the Courts of Ohio. The granting of a request for continuance of a scheduled hearing is a matter within the discretion of the trial court.

In an emergency situation an oral request for a continuance shall be granted as long as a written motion is filed with the Court within three (3) days of the oral request.

The moving party making the written request must notify all parties, counsel, and subpoenaed witnesses of the continuance. The moving party upon his/her client and all counsel must serve the motion. The court will serve the judgment entry denying or granting the continuance.

SERVICE: All warrants, complaints, traffic tickets, or minor misdemeanor citations must be personally served upon the defendant. A complaint or citation that has not been personally served will be dismissed for improper service.

JUDGMENT ENTRIES: All judgment entries for hearings will be prepared by the Judge unless otherwise ordered. Written motions requiring a proposed judgment entry must accompany this court action without a hearing or the Court shall not accept the motion for filing.

COMMITMENT TO JAIL-NON BONDABLE OFFENSES: If a defendant is committed to jail for which a bail bond is not set (i.e. must be reviewed and set by the Judge), the Court Bond

Information Sheet must be completed by the arresting officer before the defendant is transferred to jail and will be kept at the jail to be used for purposes of setting bond.

REQUIREMENTS FOR FILING LIMITED DRIVING PRIVILEGES (TRAFFIC)

Limited driving privileges can only be granted for the following under 4510.021(A) of the Ohio Revised Code:

1. Employment
 2. School
 3. Court ordered treatment
 4. Probation appointments
 5. Medical appointments
 6. Deputy registrar to obtain a valid license
-
1. Proof of insurance with effective date. (Effective from _____ to _____)
Both from date of offense and date of limited driving privilege.
 - A. Card
 - B. Insurance policy
 2. Proof of work schedule with specific days and hours of employment. A check stub is not acceptable. The schedule should be on company letterhead with address and signed by a supervisor or scheduler with a phone number to contact that person. Proof of a swing shift must be current and carried with these privileges.
 3. Proof of service to the Bureau of Motor Vehicles (BMV) under 4510.13 of the Ohio Revised Code.
 4. BMV unofficial driver abstract (unofficial 2-year driving record. The website where you can obtain this information is www.bmv.ohio.gov . Go to online services, then BMV driving record) dated within two (2) days of filing.
 5. Judgment entry granting Limited Driving Privileges.
 6. \$30.00 filing fee is required at the time of filing. An additional \$10.00 will be assessed for all ignition interlock.
 7. **RESTRICTED PLATES:** Defendant must fill-out a “Restricted Plate BMV application”. It must be signed by the Judge. Defendant takes the application to the Deputy Registrar to get restricted plates. The restricted plates must be presented to the Clerk before the Limited Driving Privilege Judgment entry will be signed by the Judge.
 - Conviction: 1st Offense .17 or above
 - 2nd Offense: -BAC .17 or above or a refusal
 - 3rd Offense-All mandatory
 - A. Proof of vehicle registered in Defendant’s name.
 8. ***IGNITION INTERLOCK*** -mandatory 2nd offense OVI or more within 10 years. Defendant must provide proof of installation of ignition interlock. Privileges

revoked if violated. Defendant is to pay an additional \$5.00 court cost.

**See ignition interlock direction sheet*

9. Affidavit from defendant or attorney stating that the defendant does not possess a commercial driver's license.

ALS TEST (within 10 years)

1st offense-must wait 15 days

2nd offense-must wait 45 days-mandatory ignition interlock

3rd offense-must wait 180 days-mandatory ignition interlock

Underage OVI-must wait 60 days

REFUSAL (within 10 years)

1st offense-must wait 30 days*

2nd offense-must wait 90 days*

3rd offense-must wait 1 year*

4th offense-must wait 3 years*

*Restricted plates, license and interlock optional

AFTER CONVICTION

1st offense (within 10 years)-no privileges until 15 days after citation. Plates-license restriction-interlock all optional.

2nd offense-no privileges until 45 days after citation. BAC <.17-restricted plates optional. Restricted license and interlock required. Refusal or BAC>.17 (within 20 years)-restricted plates, license and interlock required.

3rd offense-no privileges until 180 days after conviction. Restricted plates, license and interlock required.

*Soberlink is optional

**Credit for any Pretrial Suspension*

All limited driving privileges (except ALS) will be granted only if the defendant has proof of "Restricted Plates" (where required) for every vehicle to be driven during the duration of the privileges.

II. **GENERAL CIVIL CASES**

The purpose of this Rule is to establish a system for civil case management, which will achieve the prompt and fair disposal of civil cases. When filing cases or actions on a case the Court requests only ten (10) filings per check. When the plaintiff of a case on the regular civil docket of the court is a corporation or limited liability company, the complaint must be signed and prosecuted by an attorney at law. Noncompliance with this rule shall result in dismissal of the complaint.

SCHEDULING OF EVENTS: The scheduling of a case begins when a civil case is filed.

Thereafter, the case is managed in five (5) clerical steps and six (6) judicial steps:

A. **CLERICAL STEPS**:

1. The summons and complaint shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall timely notify the pro se plaintiff or counsel. Failure to instruct the Court and make good faith efforts to obtain service of summons within six (6) months from the date the case has been filed, then the case may be

dismissed in accordance with Civil Rule 4(E).

2. Upon perfection of service, the Clerk shall notify counsel of the default and that a failure to submit an entry from counsel within seven (7) days may result in the case being dismissed.
3. After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing.
4. If no action has been taken on a file for six (6) months and the case is not set for trial, then the Clerk shall notify the party that the matter may be dismissed within one (1) week unless good cause is shown.
5. When a file has been marked "Settlement Entry to Come" and the entry has not been received within thirty (30) days, the Clerk shall notify the party in writing that his case will be dismissed unless the entry is received within 14 days.

B. **JUDICIAL STEPS:**

1. **PRETRIALS:** For the purpose of this Rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and the attorney of record. **(Pretrial conference by phone is permitted-except for F.E.D.s (Forcible Entry and Detainers); Court must be notified in writing seven (7) days before date and all parties must be on the phone before calling the Court.)** The parties and counsel need to discuss the issues and try to come to an amicable settlement before the pretrial conference. Parties and counsel may be required to produce or reveal any and all evidence, witnesses, documents or other matters intended to be relied upon at trial. In the event of failure of counsel or party to do so, the court may impose sanctions in accordance with Civil Rule 37. Any application for continuance of the conference shall be addressed to the Civil Deputy Clerks. (See Rules for Continuances)

Pre-trials shall be in court unless the Judge approves a telephonic conference. Counsel attending the pretrial shall have client present. If, however, the case cannot be settled at pretrial, the Judge will set the case for trial and issues a pretrial order. Pretrial order shall establish any deadlines for discovery and dispositive motions and indicate the date that the trial brief must be filed. If appropriate, a second pretrial will be set rather than a trial.

A notice of any civil pretrial requiring a personal appearance or parties or counsel shall be mailed, communicated by facsimile transmission or otherwise provided to the parties or counsel not less than 28 days prior to

the date of appearance. This time requirement may be abbreviated with consent of all parties and counsel.

Any attorney for a party to the action, who fails to attend a scheduled pretrial conference, without just cause being shown, may be punished as for Contempt of this Court.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. The Court shall attempt to narrow legal issues, to reach stipulations of facts in controversy and in general, to shorten time and expense of trial.

The Judge shall have the authority to dismiss the action for want of prosecution upon motion of the defendant for failure of the plaintiff, or his counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial as required; or to make such other order as the Court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties and the Court. The Court may file a pretrial statement to become part of the record and the case embracing all stipulations, admissions and other matters which have come before it in the pretrial.

2. **MOTIONS:** All motions must be in writing and accompanied by a written memorandum containing citations and the arguments of counsel and a proposed judgment entry. Opposing counsel shall answer in like manner within 14 days thereafter. All motions will be considered submitted at the end of said 14 day period unless the Court extends time.

Notice of any motion hearing or mediation requiring personal appearance of parties or counsel shall be mailed, communicated by facsimile transmission or as otherwise provided to the parties or counsel not less than ten (10) days prior to the date of appearance.

There will be no oral hearings granted in said Motions unless the parties request an oral hearing in writing and the Court deems it necessary.

3. **STATUS CONFERENCE:** A status conference shall be held at least seven (7) days before the jury trial date to ensure the case cannot be settled and to address all pre-jury trial issues.
4. **TRIALS:** Each case not resolved shall be set for trial to the court unless a motion is to be filed. If a jury demand is timely filed, then the case will be

moved to the jury trial schedule. All cases scheduled for a trial is only scheduled for 30 minutes. If the parties involved in the case anticipate that the trial is going to be longer than 30 minutes, the Clerk of Court must be notified before the case is originally scheduled or at the time the party receives the trial notification.

A notice of any civil trial requiring a personal appearance or parties or counsel shall be mailed, communicated by facsimile transmission or otherwise provided to the parties or counsel not less than 28 days prior to the date of appearance. This time requirement may be abbreviated with consent of all parties and counsel.

ALL SUBPOENAS MUST BE FILED SEVEN (7) BUSINESS DAYS BEFORE THE HEARING DATE (NOT COUNTING HOLIDAYS OR WEEKENDS OR DAY OF HEARING). BAILIFF NEEDS TO MAKE THREE (3) ATTEMPTS TO SERVE SUBPOENAS. THEREFORE, THE SEVEN (7) BUSINESS DAYS GIVES THE BAILIFF TIME TO SERVE THE SUBPOENAS.

5. **JURY TRIAL:** A jury demand fee of Three Hundred and no/100 Dollars (\$300.00) must be posted by the party requesting same no later than ten (10) days before the scheduled jury trial date or the case will be set for trial to the Court.
6. **DEFAULT JUDGMENTS:** The party requesting default judgment must serve a written notice of the application for judgment upon the defaulting party at least seven (7) days prior to the hearing or order on such application. The Court will not hold a hearing as a default judgment application unless requested to do so by either party. The party requesting the default shall file a proposed judgment entry written thirty (30) days of the default or the case will be dismissed for want of prosecution. (If damages are claimed, the Judge may hold a hearing regarding damages separately from liability, which does not need a hearing. The Clerk shall mail the default judgment entry to all parties or, if represented, to their counsel of record.
6. **SETTLEMENT ENTRIES** may be filed at any time before trial. All agreed judgment entries to be prepared by the parties must be filed 14 days after trial or the case will be dismissed. The avoidance of trial by settlement may be allowed with the immediate filing of an entry so long as the court has notice, but such entry shall be filed within 30 calendar days or the case will be set for hearing to show cause why the action should not be dismissed for want of prosecution.

CONTINUANCES: *See traffic and criminal continuances (Page 11)

JUDGMENT ENTRIES: The Court shall prepare all judgment entries for hearings unless

otherwise ordered. However, a proposed judgment entry must accompany written motions not requiring a hearing.

RULE 16-SPECIAL PROCEEDINGS CASE MANAGEMENT

The purpose of this Rule is to establish 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:

1. Small Claims
2. Forcible Entry and Detainers
3. Default Hearings
4. Rent Escrow
5. Replevin
6. Motion to Cite
7. Garnishment Hearings
8. Debtors Exams

The following criminal matters are considered special proceedings:

1. Preliminary Hearings
2. Extradition Hearings
3. BMV 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 not to exceed 90 days.

CLERICAL STEPS: The summons and complaint shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall timely notify the pro se plaintiff or counsel. Failure to instruct the Court and make good faith efforts to obtain service of summons within six (6) months from the date the case has been filed, then the case may be dismissed in accordance with Civil Rule 4(E).

Upon perfection of service, if a party defaults, the party requesting the default judgment must have his/her attorney submit a default judgment entry but within 60 days that plaintiff had notice of defendant's default.

After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so that the matter may be set for a hearing.

If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.

When a file has been marked "Settlement to Come" and the entry has not been received within 30 days, then the Clerk shall notify the parties that the case will be dismissed unless the entry is received within 14 days.

A. SMALL CLAIMS

1. A small claim action is commenced by filing a small claims complaint (See Appendix B), pursuant to O.R.C. 1925.04. No defendant is required to file an answer or statement of defense. If the defendant fails to appear for the hearing, however, after being duly served, then the hearing may proceed without the defendant present. A default judgment may be entered against said defendant. All pleadings will be construed to accomplish substantial justice. If the case involves a written contract or account, same must be filed with the small claim's petition.
2. All small claims cases are 15 minutes. If the parties need additional time, the parties need to notify the court at the time of filing. The case will be scheduled for a longer period of time within reason.
3. The Clerk will provide a party filing a small claim an information sheet (See Appendix A), which explains the procedure of a small claims hearing and how to collect judgments.
4. Notice of any small claims proceeding requiring personal appearance of parties or counsel shall be mailed, communicated by facsimile transmission or as otherwise provided to the parties or counsel not less than ten (10) days prior to the date of appearance.
5. Upon filing of a motion and affidavit, as required by Ohio Revised Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket, if the Judge deems this to be necessary. No transfer will be granted until the filing's costs are paid. A regular civil complaint will need to be filed and served pursuant to the Civil Rules of Procedure.
6. **HEARING:** The Judge 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 Evidence and the Ohio Rules of Civil Procedure may not apply to a hearing in small claims court at the discretion of the Judge.
7. **COLLECTION OF JUDGMENTS:** The Clerk of Court shall assist the prevailing parties in filing bank and/or wage garnishments to collect judgments pursuant to Ohio Revised Code Section 1925.13. No collection actions may occur until after thirty (30) days from the date of the Judgment pursuant to law. Deputy Clerks are not permitted to practice law and are not collection agencies. As to small claims judgments the Deputy Clerks provide the pro se plaintiff with all forms to file garnishments. The plaintiff must provide the necessary information to fill out the garnishments or debtor's exams.

FORCIBLE ENTRY AND DETAINER HEARINGS

1. **HEARING:** All claims for forcible entry and detainer cases shall be set for hearing

pursuant to the time limits set forth in the Ohio Revised Code Chapters 1923 and 5321, and the applicable Ohio Rules of Civil Procedure. If such action in forcible entry and detainer contains an additional claim for money then such additional claim shall proceed under the applicable Ohio Rules of Civil Procedure. The Judge shall file a judgment entry within 14 days of the hearing and cause a copy to be served on the plaintiff and defendant.

2. If an Answer or Jury Demand is filed in a forcible entry and detainer case, then the Clerk shall forward the case to the Judge to be scheduled for the appropriate hearing.

The forcible entry and detainer (FED) complaint must include a copy of any written lease agreements and the Notices to Leave Premises-3-day notice for back rent or drug activity provided by court. **(The Court prefers the use of the Courts' notice form)** (See Appendix D) and 30-day notice followed by a 3-day notice for any reason other than back rent or drug activity. The 30-day notice is not provided by the court. Must have three (3) full days in between serving the notice and filing the complaint with the Clerk of Court.

Regarding the notice-**do not count the day notice is served, holidays or weekends on defendant or place of abode or the date the FED was filed.** Likewise, there must be thirty (30) full days plus three (3) full days between serving the notices and filing the complaint. **(Do not count the day of service, holidays, weekends or the day complaint was filed.) Each defendant named in the F.E.D. Complaint must be served a notice.**

3. Proof of service of 3-day or 30-day notice must be filled out. All notices must list the name of person serving the notice and if not the complainant-the relationship to the complainant and the type of service, i.e. (a) posted at rental premises-place of abode or (b) certified mail or (c) personally served on whom.
4. With respect to a claim for monetary damages, the defendant is required to provide the Court with a current address. Notwithstanding the defendant's compliance with this rule, the plaintiff is required to make a good faith attempt to serve the defendant at his or her last known address. Failure to do so may be grounds for vacating a prior judgment.
5. **WRIT OF RESTITUTION:** A Writ of Restitution shall be executed within ten (10) days of its issuance. If a party fails to request a writ within the prescribed time of this rule or fails to execute on a writ, then the judgment for restitution shall lapse.

- B. **LANDLORD/TENANT-RENT ESCROW:** The 1% charge by the Clerk for rent escrow pursuant to ORC 5321.08 (D) is chargeable only to the landlord unless the court dismisses the rent escrow case as a frivolous case. The tenant cannot be

made to pay the 1% escrow fee.

C. **HEARING FOR DEFAULT JUDGMENT**

The Court shall require a hearing on default judgments for the tear down and vacation of premises requests. No order shall be given solely on the motion of plaintiff. All parties must be notified of a hearing and testimony given by the plaintiff even if the defendant is in default and does not appear at the hearing.

MOTION FOR DEFAULT JUDGMENT

Absent a request for a hearing and agreed to do by the Court, no hearings will be held for default judgments pursuant to Civil Rule 55. Notice of the motion must be served upon the opposite side. (If damages are claimed, the Judge may hold a hearing regarding damages separately from liability, which does not need a hearing.) The Clerk will serve a copy of the judgment entry upon all parties even if they have not appeared.

- D. **MOTION FOR SUMMARY JUDGMENT**: No oral hearing will be held for a Motion for Summary Judgment, unless requested by the parties and agreed to by the court. The filing party must serve a copy of the motion pursuant to the Ohio Rules of Civil Procedure upon the opposite party and show a proof of service on the motion. The filing party must also attach a proposed judgment entry. The court will send a signed judgment entry to the pro se defendant stating the defendant may file a written response with the court prior to the 30 days date stated in the judgment entry or a non-oral hearing will be held.

The court will permit a response to be filed pursuant to Civil Rule 56. After the response time of 14 days has passed, the Court will make a ruling.

- E. **LEAVE TO PLEAD**: Absent good cause shown, the Court will not grant a third leave to plead without the parties or counsel seeking such leave by written motion and personally appearing before the court to explain the need for a third continuance. In all motions requesting leave to plead, counsel shall state the number of leaves to plead and proof of service to all parties or attorneys of record. A proposed judgment entry must accompany the motion.

LIMITED DRIVING PRIVILEGES PETITION (CIVIL) (See Appendix C)

Defendant shall file a Limited Driving Privileges Petition with the civil division and pay the civil filing fee. These Limited Privileges are available (if defendant otherwise has a valid operator

license) for:

Court Suspensions as follows:

1. D. U. S. R. C. 4510.11
2. D. U. S. Under FRA suspension R. C. 4510.16 (**first offense only** needs to show current proof of insurance to Court and pay reinstatement fee to BMV then can drive-limited driving privileges not needed for first time offenders.)
3. D. U. S. Failure to Reinstate R. C. 4510.21
4. D. U. S. O. V. I Suspension R. C. 4510.14
5. Wrongful Entrustment R. C. 4511.203
6. Drug Suspension R. C. 2925.11, 2925.12, 2925.14/City Ord.513.03, 513.06

Bureau Suspensions as follows:

1. Limited privileges to pay reinstatement fee 4510.10 (B) (2)
2. During FRA Suspension 4509.101 (A) (2) (a) & (6)
3. Appeal of 12-point suspension 4510.037 (G)

A written petition (See Appendix C) shall be filed listing with specificity the reason the defendant is under suspension, the purposes, times and places the privileges are requested as listed in R. C. 4510.021. General Conditions for Limited Driving Privileges are given to defendant to read and sign.

Attached to the Petition must be:

1. Written proof (on letterhead signed by the appropriate party) of the hours, days and designation needed,
2. An accurate and current BMV form 1145 driving record abstract,
3. Proof of payment of reinstatement fees if necessary to acquire privileges or payment plan entered into,
4. Proof of current insurance or SR 22 bond,
5. Proof of unexpired license status from BMV (if expired, must renew license before Petition is filed).

A certified copy of the petition must be served by the defendant upon the BMV by certified mail. The defendant must have a pending DUS traffic case or a closed criminal drug case before the court or live within the Court's jurisdiction to file a petition.

*Limited privileges for FRA suspension must attach with the petition proof of payment of reinstatement fees and current proof of insurance per 4509.101 (A) (2). If defendant is unable to pay the reinstatement fees, the defendant must have a pending case in this court and been granted a reinstatement fee plan which BMV form must be attached with the petition. If defendant doesn't have a pending case, defendant must enter into a fee plan with the last court defendant had a suspension case and attach a copy of the BMV fee plan form with the petition.

THIS RULE DOES NOT APPLY TO LIMITED PRIVILEGES FOR OVI AND OVUAC PER 4510.021 (A) AND 4510.13 (A).

The Civil Clerk sends a certified copy of the privileges to the Ohio BMV by certified mail.

RULE 17-PRO HAC VICE

An attorney not licensed to practice law in the State of Ohio, but who is duly licensed to

practice law in any other state or the District of Columbia, may, in the discretion of the Judge and must follow Sup. R. 6, be permitted to represent a party or parties in any litigation pending or to be filed in this Court after completion of all of the following condition:

- A. File a written oath substantially in compliance with Rule I, Section 8A of the Rules for the Government of the Bar as follows;
- B. I, _____, hereby (swear or affirm) that I will support the Constitution and laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Code of Professional Conduct;
In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons.
I will honestly, faithfully, and competently discharge the duties of an attorney at law. (So help me God.)
- C. Certify in writing that he or she has familiarized himself or herself with local court rules and will familiarize himself or herself with the appropriate Criminal or Civil Rules, the Rules of Evidence and the Code of Professional Responsibility;
- D. Be sponsored in writing by an attorney licensed to practice law in the State of Ohio. The motion made by the licensed attorney shall certify such out-of-state counsel's compliance with this rule and the Rules for the Government of the Bar;
- E. The sponsoring attorney shall submit with the motion and certification an entry authorizing the approval of the motion;

The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.

RULE 18-REQUEST FOR INTERPRETER

In a criminal or civil case, the party requesting a court appointed interpreter or translator shall make a written request to the court at least seven (7) days before the date of the trial or hearing. The request shall state the specific language required and any dialect, if applicable. 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 shall be taxed as part of the costs allowed to the prevailing party, unless otherwise directed by the Court. In a criminal case, the interpreter or translator expenses shall be paid out of the court general fund.

RULE-19 BAILIFF SERVICE

The Bailiff shall affect personal or residential service of process only within the territorial

jurisdiction of the court. Any party desiring personal or residential service or process outside the Court's territory shall arrange for a private process server fitting the requirements of the Civil Rules. Request for Bailiff service must be made in writing. An attorney of record in a case may not be a private process server except in the case of witness subpoenas.

RULE-20 BONDS

Bonds posted in criminal and traffic cases shall be held until all court dates are completed by the defendant and/or if the defendant reports to jail and all fines and costs have been paid. Bonds shall be completed on form designed by the Court.

RULE 21-COURT RECORDING

The Court's recording of proceedings shall not leave the custody of the Bailiff, except to be transcribed: by the Prosecutor or Law Director's office; this Court's Clerk; or Common Pleas Court Reporters. All attorneys may have the proceedings recorded by their own court reporter at their expense in addition to the court's recording.

RULE 22-LAW LIBRARY

No Law Library book shall be removed from the Law Library unless application is made by an attorney in writing and agreed to by the Court. Copies may be made by the attorneys themselves in the Clerk's office at a cost of \$0.10 per page payable upon copying.

RULE 23-WITHDRAWAL OF COUNSEL

- A. When the attorney of record wants to withdraw. Withdrawal of an attorney of record shall be made upon application with a judgment entry of approval and, where possible, the name of the successor attorney shall be included in the judgment entry. Upon allowance of withdrawal by the Court, the withdrawing counsel shall serve a copy of said judgment entry on the client and the opposing party or counsel, if any, by regular U. S. mail.

- B. When the defendant wants to substitute counsel. The proposed substituted counsel shall file an application with a judgment entry of approval and the signature of the counsel of record agreeing to the withdrawal with a judgment entry. Upon allowance by the Court the substituted counsel shall serve a copy of the judgment entry on the client and opposing counsel and file a proposed judgment entry rescheduling the case and serve a copy of the judgment entry on the client and opposing counsel. The Court may schedule either application for a hearing. The Bailiff will contact the substituted counsel and reschedule the case if the case had been scheduled for the Public Defender.

RULE 24-EX PARTE COMMUNICATIONS

No ex parte communication is permitted with Judge. Any letters or any type of

correspondence shall be given to the Bailiff for approval.

RULE 25-INMATE LETTERS

Any letters received by the court from a defendant for a modification of sentence will be given to the Prosecutor for recommendations and then presented to the Judge.

RULE 26-FUNERAL REQUESTS BY INMATES

Inmates requesting any funeral requests must be in writing from the defendant (a faxed letter from defendant in jail is acceptable) along with proof of information (i.e. obituary). Funeral request can only be for immediate family only (defined as spouse, children, brother, sister, mother, father, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law or sister-in-law). Defendant can only be transported by the Sheriff's Department (based on availability). This will be done outside of calling hours and only in a funeral home in Columbiana County, Ohio. Also, the Court needs adequate notice.

RULE 27-FILMING AND RECORDING OF TRIALS-MEDIA

The Court recognizes the public interest in the operation of a court that is open and accessible to everyone. Recording and broadcasting of proceedings shall be in accordance with Sup. R. 12., broadcasting, televising, recording, and photographing by news media during courtroom sessions shall be permitted under the following conditions:

- (1) Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing to the trial judge as far in advance as reasonably practical, but in no event later than one (1) hour prior to the courtroom session to be broadcast. Request forms may be obtained from the office of the Clerk of Court. (See Appendix E)
- (2) The trial judge will either grant or deny such request in accordance with Superintendence Rule 12, and this local Rule. Written permission or denial shall be made part of the record of the proceedings.
- (3) Arrangements shall be made between or among media representatives for "pooling" equipment and personnel authorized by the Rule to cover the Court sessions. Such arrangements are to be made outside the courtroom and without imposing on the trial judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.
- (4) Not more than one portable camera (television, videotape, or movie), operated by not more than one in-court camera person, shall be permitted without authorization of the trial Judge.
- (5) Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the trial Judge.

- (6) Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the trial Judge.
- (7) If audio arrangements cannot reasonably be made in advance, the trial Judge may permit one audio portable tape recorder at the bench, which will be activated prior to commencement of the courtroom session.
- (8) Visible audio portable tape recorders may not be used by the news media without prior permission of the trial Judge.
- (9) Only professional quality telephonic, photographic, audio equipment, which does not produce distracting sound or light, shall be employed to cover courtroom sessions. No motor driven still camera shall be permitted.
- (10) No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obstructive, the trial judge may permit modification
- (11) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the trial judge's bench, witness stand and jury rail, or other such places as determined by the court. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this rule or the trial Judge in advance of any session.
- (12) One television camera shall be positioned on a tripod in an area designated by the trial Judge prior to the proceeding and said camera shall remain in that fixed position. This designated area shall provide reasonable access to coverage of the proceedings. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside the courtroom.
- (13) The television broadcast and still camera operators shall position themselves in a location in the courtroom, either standing, or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts, or zooms by the camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of Courtroom session, except to leave or enter the courtroom.
- (14) Television cameras, microphones, and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess. No television film magazine, rolls, or lenses, still camera film or audio portable tape cassettes shall be changed

within a courtroom except during a recess.

- (15) Proper courtroom decorum shall be maintained by all media “pool” participants.
- (16) All media representatives shall be properly attired in a manner that reflects positively upon the journalistic profession.
- (17) There shall be no audio pickup or broadcast of conference conducted in a courtroom between counsel and clients, co-counsel or the trial Judge and counsel.
- (18) The trial Judge shall prohibit photographing or televising by any means the victims of sexual assaults and undercover police officers. The trial Judge shall retain discretion to limit or prohibit photography or televising of any victim, witness or counsel, or his work product, upon objection. NO JUROR SHALL BE PHOTOGRAPHED OR TELEVISED.
- (19) Upon failure of any representative to comply with the conditions prescribed by the trial judge, **the Rules of Superintendence of the Supreme Court or this Rule**, the trial Judge may revoke the permission to broadcast, photograph, or record the Courtroom session at any time during such session.

RULE 28-JURY MANAGEMENT

INTRODUCTION

The purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the East Liverpool Municipal Court.

JURY ELIGIBILITY

To ensure that the jury pool is representative of the adult population of the East Liverpool Municipal Court Jurisdiction, all persons are eligible to serve on a jury, except as follows:

- (1) Are less than 18 years of age or are 75 years of age or older.
- (2) Are not current residents in the City of East Liverpool, Liverpool Township, or St. Clair Township.
- (3) Are not United States citizens.
- (4) I have permanently been excused. Name of Court and date of excuse.
- (5) Have been convicted of a felony and have not had their civil rights restored.

* All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

PROCEDURE FOR JURY SELECTION

1. **Appointment:** The Judge shall appoint the Jury Commissioners. The commission shall consist of two (2) people, one a registered Democrat, and the other a registered

Republican.

2. **Duties:** The commission, or their appointed deputies pursuant to ORC 2313.01, shall draw and prepare jury lists in keeping with these rules pursuant to ORC 1901.25. The commission shall meet no later than eight (8) weeks prior to the new term of court - July one (1) each year to select jurors for the Annual Jury List.
3. **Annual Jury List:** The County Board of Elections shall certify a list of electors from the City of East Liverpool, Liverpool Township, and St. Clair Township and provide this list to the commissioners to be used in selecting the Annual Jury List. This list is then converted by the Court's computer vendor and uploaded into Jury View Program. Then automated data processing procedures and visual display apparatus are used to compose the jury selection list, the annual jury list, and the bimonthly jury selection list for the year. The Commission shall prepare, certify, and file the Annual Jury List in the Clerk's office. These names shall be entered in a book to be known as the "Annual Jury List" and arranged alphabetically and numerically, under precinct divisions. A copy of the answered jury questionnaire (See Appendix F) shall be included in the "Annual Jury List". The "Annual Jury List" shall be added to by a supplementary list as ordered by the Court pursuant to ORC 2313.09. All names shall be selected by automated data processing storage device as provided by ORC 2313.01 to 2313.47 and used for the year.
4. **Drawing of Jurors:** 75 Jurors shall be drawn and summoned to jury duty. The sessions are January/February Session, March/April Session, May/June Session, July/August Session, September/October Session, and November/December Session.

The Jury Commissioners or their deputy, and the Clerk of Court or the Clerk's designated Deputy Clerk, must be present at the drawing. If there are jurors who were excused from one (1) session to another, their name shall be listed first and only that number of names needed to obtain 75 shall be drawn.

The names and addresses shall be listed in the order drawn on a venire prepared by the Clerk or designated Deputy. The Clerk or the Clerk's designated Deputy and all attending officers shall sign the venire and certify all rules were followed.

The Clerk shall give the jury summons to the Bailiff, who will serve them upon the prospective jurors no later than 14 days before date of service. The Bailiff will send juror questionnaires with the jury summons by regular mail. All prospective jurors shall be required to complete a jury questionnaire. The summons shall also clearly explain how and when the juror must respond and the consequences of his/her failure to respond. The Bailiff shall remove from the jury list any summons returned for lack of receipt or other reasons indicating that the prospective juror would not be eligible to serve as a juror in the East Liverpool Municipal Court.

Upon receipt of the answered juror questionnaire, the Bailiff shall compile the original in numeric order within the bimonthly jury term and file these in the Clerk's office. A copy of the questionnaire will be made available to the Law Director and defense counsel at least one (1) day before the trial.

Further, random selection processes shall be utilized to assign prospective jurors to specific panels and for assignment during voir dire.

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service.
2. To excuse or defer prospective jurors.
3. To remove prospective jurors for cause or if challenged peremptorily.
4. To obtain sufficient jurors for a case through the talisman procedure.

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

5. **Confidentiality of Juror Questionnaires:** The Law Director and defense counsel as an aide in voir dire therein shall only use the juror questionnaire or information. No access shall be given to the defendant or any other individual as to juror's address or phone number upon Contempt of Court charges. All questionnaires shall be returned to the Bailiff after voir dire. Under no circumstances may counsel or a party retain any jury questionnaire. No copies may be made unless otherwise ordered by the Court.
6. **Juror Fees:** Jurors shall be paid \$20.00 per day for each day's attendance or as modified by ORC 2313.34. The County shall pay juror fees for cases involving the State law and the City shall pay juror fees for City ordinance cases pursuant to ORC 1901.25.

SUMMONING OF JURORS

Every effort shall be made to resolve cases prior to summoning juries. In criminal cases the Court will not accept a plea to a reduced charge later than seven (7) days after pretrial or later than the Motion to Suppress whichever is scheduled last. In civil case jury trials only, a \$300.00 deposit must be filed no later than ten (10) days before the scheduled trial date or the case will be tried to the Court. A person who is indigent may petition the Court for a waiver of the civil jury trial deposit requirement.

All attorneys shall notify the Court by 3:00 p.m. of the preceding day of a jury trial of any changes in plea or jury costs shall be assessed to their case.

Jurors are instructed to call the Court after 4:00 p.m. the preceding day of each jury trial date for instructions regarding being summoned for service.

EXEMPTION, EXCUSE, AND DEFERRAL

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if determined that

their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excuse, exemption, or deferral must be made on the form provided (See Appendix G) and shall be accompanied by appropriate documentation. The Court shall retain these documents.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service, in accordance with O.R.C.2313.15:

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

No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excused jurors. No person who does not complete the jury excuse deferral or exemption form shall be excused from service. Once a prospective juror has submitted his/her request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

EXAMINATION OF PROSPECTIVE JURORS

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

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

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

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

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

instructions.

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

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

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

If it is determined by the Court, during the voir dire process, that an individual is unable or unwilling to fairly and impartially decide a particular case, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code 2313.14 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, but the basis for challenge for cause shall be made outside the hearing of the prospective jurors at side bar. There shall be no limit to challenges for cause, however peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror. In civil cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be selected.

JURY ORIENTATION

Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the

Court the day of trial, except those which the Court must consider by law or by Rule of Procedure. The status is the hearing where pre-trial motions are addressed.

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

Upon the completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury. These special instructions must be given to the Court no later than the status.

A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation. Jurors shall be permitted to take notes as and when directed by the Court.

Upon appearance for service, all prospective jurors shall be placed under supervision of the Bailiff or other assigned court personnel and jurors shall direct any questions or communications to such court personnel for appropriate action.

All communication between the Judge and the members of the jury panel, from the time of reporting to the Court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

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

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

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

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

CONCLUSION

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

RULE 29-JUDGMENT ENTRIES FOR SIGNATURE

All judgment entries to be signed are directed to the Bailiff who will provide them to the Court for review. No judgment entries shall be personally presented to the Judge. Any entry which Counsel believes needs the immediate attention of the Judge shall be given to the Bailiff who will bring the matter to the attention of the Judge at the next available court break. No Judgment Entry shall be presented to the Judge without the entire file.

RULE 30-COURT SECURITY

The Bailiff and the Deputy Bailiff shall be responsible for providing security for the East Liverpool Municipal Court. The Bailiffs are to assess any situation or individual and determine how to address the issue. The Court and the surrounding areas are monitored by video cameras at all times. Any person entering into the courtroom is subject to search by the use of a hand-held metal detector or in some cases performing a Terry pat down (frisk). The Bailiff will collect and retain any unauthorized firearms or any other illegal or undesirable items from persons entering the Courtroom. Any individual that conceals those items may be criminally charged.

RULE 31-SPECIALIZED DOCKET

A. Establishment of the “Self-Control + Oversight = Success” Addiction Recovery Program

This specialized docket has been established by the Honorable Judge Melissa Byers-Emmerling, and the Addiction Recovery Program Coordinator under the authority of Sup. R. 36.02, Specialized Docket Standards, Appendix I Rules of Superintendence, and Local Rule 31 which states that the S.O.S. Addiction Recovery Program was established and Judge Melissa Byers-Emmerling will preside over the Specialized Docket.

B. Placement in the “Self-Control + Oversight=Success” Addiction Recovery Program

The potential participant in the specialized docket program may be identified pre- or post- conviction, or if the participant is eligible for “Intervention in Lieu of Conviction.” Potential participants can be identified by law enforcement officers, probation officers, prosecutors, defense counsel, case managers, or substance abuse treatment providers. Once identified the presiding Judge will do an official entry requiring the individual to be assessed for the requirements of the Addiction Recovery program.

Legal criteria can include but is not limited to the participant must be at least 18 years of age, is determine that there is a substance abuse issue, and is charged with a 1st or 2nd degree misdemeanor charge, and one of their initial charges must have been related to substance abuse.

Clinical criteria to enter into the program would include but is not limited to, the participant being assessed and assigned a diagnosis related to a substance use addiction. This diagnosis would include alcohol, prescribed prescription medication that is being abused, as well as illicit street substances.

Criteria that would disqualify an individual from admission into the Addiction Recovery Program would be if the participant was charged with a 3rd or 4th degree misdemeanor, if the individual is currently enrolled in a similar program within the same county, or if the individual is not a resident of Columbiana County. The participant’s criminal history will be reviewed and that may determine if the participant would be eligible to participate in the Addiction Recovery Program.

C. “Self-Control + Oversight = Success” Addiction Recovery Program Case Management

If the participant is found eligible for admission into the Addiction Recovery Program, they must adhere to all terms and conditions set forth in their participant agreement, participant handbook, as well as the program description. Once entered into the program, the participant must comply with all substance abuse treatment, complete all medical and mental health assessments, as well as take all medication prescribed. The participant will need to complete their substance abuse treatment, as well as medical treatment through an approved licensed treatment provider. Mandatory meetings with the participant’s probation officer, as well as frequent status review hearings before the Judge as to ensure the participants compliance with the Addiction Recovery Program.

D. Termination from the “Self-Control + Oversight = Success” Addiction Recovery Program

Termination criteria for the participants is listed within the Program Description, Participant Handbook, as well as the Participation Agreement. The participant

within the program would be subject to Successful Termination, Neutral Termination, or Unsuccessful termination. Criteria can include but is not limited to:

Successful Termination- Demonstrating a period of abstinence, Completing Community Service Hours, paying all fees, regular attendance at sober support meetings, demonstrated stability in the community, etc.

Neutral Discharge: A serious medical condition, death, or other factors that would prohibit the individual from successfully completing the program.

Unsuccessful Discharge-On-going non-compliance with treatment, probation, or program rules, non-compliance with prescription medication, continued use of illegal substances, new criminal convictions, continued program infractions resulting in graduated sanctions, etc.

SO ORDERED.

MELISSA BYERS-EMMERLING, JUDGE

DATE

Hours are Monday through Friday from 8:00 a.m. to 3:00 p.m.

FILING A SMALL CLAIMS CASE
SMALL CLAIMS COURT IS FOR THE RECOVERY OF MONEY ONLY
- NOT THE RETURN OF THE PROPERTY

1. You do not need an attorney, however, upon filing a small claims case, you assume ALL RESPONSIBILITY of the filing and all following actions. If INCORPORATED, you must be represented by an attorney. Clerks are not attorneys and are not permitted by Law to render legal advice. The clerk's office does provide complaint forms for you to fill out.
2. The small claims limit is \$6,000.00; any amount over \$6,000.00 will have to be reduced to \$6,000.00, including counterclaims/crossclaims.
3. **A filing fee of \$61.00 for one defendant and \$76.00 for two defendants is due at the time of filing. CASH OR MONEY ORDER ONLY.** If you win the case, the costs are made part of your award.
4. The defendant must live in the city of East Liverpool, St. Clair Township or Liverpool Township; or the cause of action must have occurred in the city of East Liverpool, St. Clair Township or Liverpool Township.
5. You must have the complete name and address of the defendant(s).
6. **SMALL CLAIMS HEARINGS ARE FOR 15 MINUTES ONLY. IF YOUR CASE IS TO RUN OVER THE 15 MINUTES, PLEASE TELL THE CLERK AT THE TIME OF FILING AND THE COURT WILL ALLOW 30 MINUTES.**
7. Bring proof of your claim: Paid receipts; two (2) written estimates of damage or loss; invoices on overdue accounts, witnesses, etc. If your case involves a contract, you must file a copy with the complaint. If evidence is on a smart phone-it must be downloaded to a hard copy.
8. Arrive to file your small claim cases between the hours of 8:00 a.m. to 3:00 p.m. Monday through Friday. The small claims division is open during lunch hours.
9. When filing against a business, you must have the first and last name of the owner of the business, unless the business is INCORPORATED. If incorporated, call the Ohio Secretary of State for the proper name of the company, address and statutory agent.
10. The majority of cases filed will be heard on the date assigned. However, if the court has not received the certified mail receipt, the hearing date may be continued. The Court will notify you in writing with a (postcard) of notice of failure of service.
11. After you have been granted a judgment, it is your responsibility to find out where the other party works, banks, or has assets in order for the court to assist you in filing paperwork to collect your money. There are filing fees for collection actions. A wage garnishment is \$60.00 and a bank garnishment is \$60.00 plus \$1.00 made out to the bank that will be receiving the garnishment.
12. If you have witnesses, bring them to court at the time of the hearing. If you wish to subpoena a witness, do so at least one (1) week before the hearing date. You must have the name and address of the witness, a \$6.00 cash or money order for a witness fee, a \$3.00 subpoena fee, and either a \$5.00 city mileage fee or an \$8.00 township mileage fee.

CAN YOU COLLECT IF YOU WIN?

This is one of the most crucial, but overlooked questions involved in suing in small claims court. If the person you sue has little or no money or property, you won't collect a thing. **The Court will not collect the judgment for you-you must do it.**

Generally speaking, if the person you are suing has a job, or you know where he or she banks, or if he or she owns equity in real property other than a house protected by a local homestead exemption, or if you are suing a solvent business, you will be able to collect your judgment. But if your dispute is with a person or business with no obvious way to pay, you may be wasting your time and money going to Court.

Revised: March 27, 2019

Appendix A

**IN THE EAST LIVERPOOL MUNICIPAL COURT
COLUMBIANA COUNTY**

| | | | |
|-------------------------------|---|-----------------------------------|---|
| | (| CASE NO: _____ |) |
| Defendant's Name |) | | |
| | (| PETITION FOR LIMITED |) |
| Street Address |) | DRIVING PRIVILEGES | |
| | (| CIVIL CASE |) |
| City, State, Zip |) | [NOT 12 POINT SUSPENSIONS] | |
| Plaintiff | (| |) |
| VS. |) | JUDGE MELISSA BYERS-EMMERLING |) |
| Donald Petit, Registrar | (| |) |
| Ohio Bureau of Motor Vehicles |) | | |
| P. O. Box 16784 | (| |) |
| Columbus, OH 43216-6583 |) | | |
| Defendant | (| |) |

1. **YOU MUST NOT BE UNDER SUSPENSION FOR ANY OTHER REASON OR BY ANY OTHER COURT INCLUDING A COMMERCIAL DRIVER'S LICENSE SUSPENSION.**
2. **YOU MUST PROVIDE PROOF OF LIABILITY INSURANCE WITH THIS PETITION.**
3. **YOU MUST HAVE A DRIVER'S LICENSE THAT IS NOT EXPIRED.**
4. **PAY THE CIVIL COURT COSTS-\$99.00. IF IGNITION INTERLOCK IS REQUIRED THERE WILL BE AN ADDITIONAL \$10.00 COURT COST (O.R.C.4510.13 AND H.B. 388).**
5. **ATTACH BMV FORM 1145 "ABSTRACT DRIVING RECORD" (WEBSITE-www.bmv.ohio.gov) DATED WITHIN TWO (2) DAYS OF FILING.**
6. **ATTACH ON LETTERHEAD: PROOF OF EMPLOYMENT AND SIGNED BY SCHEDULER, COURT ORDERED TREATMENT, MEDICAL APPOINTMENT CARD, PROBATION APPOINTMENT CARD, OR SCHOOL WITH ADDRESS AND PHONE NUMBER.**
7. **NO PRIVILEGES WILL BE GRANTED TO DRIVE A COMMERCIAL VEHICLE.**

The undersigned defendant does hereby petition the court to grant him/her the following driving privileges: (*Check applicable space or spaces*)

- _____ To and from place of employment (schedule of day and time on letterhead signed by scheduler)
- _____ During course of employment
- _____ To and from place of schooling
- _____ To and from minor child school, day care, or other location for child care
- _____ To and from place of court ordered treatment
- _____ To and from probation appointments
- _____ To and from any Court proceeding related to the offense that resulted in this suspension
- _____ To and from deputy registrar to obtain a valid license
- _____ To and from medical appointments
- _____ Unlimited driving privileges until BMV installment plan activates

BMV SUSPENSION

During the period of the driving suspension imposed by the BMV pursuant to:

- _____ R.C. 4509.101 (Non-Compliance-FRA)
 - 1st FRA -pay \$150 reinstatement fee to the BMV, using BMV Form 1152 (Court has form) and file SR-22 bond with BMV, which has to be maintained for 3 years.
 - *No need for Driving Privileges, once all requirements are entered into BMV system.**
 - 2nd FRA in 5 years with 15 days wait-\$300.00 plus SR 22 Bond
 - 3rd or more within 5 years – 30 day wait-\$600.00 plus SR 22 Bond
 - Proof BMV fee paid in full attached)
 - Proof Probation monitoring for BMV fee (\$50 a monthly minimum BMV payment fee) have proof of first payment made and \$50 each month thereafter until paid in full.
 - WARNING: If \$50 monthly payment missed, driving privileges revoked.**
 - BMV Form #1145 attached-dated within 2 days of filing.
 - *FRA Suspensions must have an SR 22 Bond.**

COURT SUSPENSION

During a Court suspension for:

- _____ Drug Suspension
- _____ Reckless Operation
- _____ Leaving the Scene of an Accident

The defendant makes the following representations to the court:

(Check applicable spaces and fill in all applicable blanks)

EMPLOYMENT

(Schedule from Employer on company letterhead shall be attached and signed by scheduler)

_____ He/she is presently employed with _____ Hire date
Name of Employer

Employer Address

Name of Supervisor Phone Number

Days _____ Hours _____ Shifts _____

_____ He/she presently has a second job with _____ Hire date
Name of Employer

Employer Address

Name of Supervisor Phone Number

Days _____ Hours _____ Shifts _____

_____ He/she is self-employed under the Business name of _____
located at _____
Business Address Phone Number

Date business started

Days _____ Hours _____ Shifts _____

_____ He/she needs to drive during course of employment for _____
Name of Employer

Using: _____ Personal Vehicle _____ Company Vehicle

EDUCATION

(Copy of school schedule shall be attached)

_____ He/she is presently enrolled as a student at _____
Name of School

located at _____
School Address Phone Number

COURT ORDERED TREATMENT

(Copy of appointment schedule or card shall be attached)

_____ He/she is presently receiving treatment from _____
located at _____

Address of Treatment

Ordered by _____ Court
Name of Court

_____ He/she is presently attending AA meetings at _____
Name of Place AA Meetings Take Place

Address of Meetings

COURT PROCEEDING *(Copy of Court Judgment Entry with hearing, date and time attached)*

_____ He/She has hearing on case # _____

MINOR CHILD SCHOOL OR DAY CARE

_____ Minor child attends _____ school/day care.

Located at _____
(Address of School/Day Care)

Attends: Days _____ Hours _____

_____ **MEDICAL APPOINTMENTS** (Copy of appointment card shall be attached)
_____ He/She has an appointment with Doctor/Physician Assistant _____
Located at _____
(Address of Office)

_____ **PROBATION APPOINTMENTS**
(Copy of appointment card(s) shall be attached)
_____ He/she has an appointment(s) with _____
Name of Probation Department(s)
located at _____
Address of Probation Department(s)
with Probation Officer _____
Name of Probation Officer Phone Number

_____ **DEPUTY REGISTRAR**
(Copy of appointment shall be attached)
_____ He/she has appointment with the deputy registrar's office to obtain a valid license. Located at _____
Address of Office

The undersigned further represents to the court:

- (1) That if the court does not grant limited driving privileges, the license suspension would seriously affect his/her ability to continue the above employment, education, court ordered treatment, medical treatment, probation appointments and/or the ability to obtain a valid license.
- (2) That insurance is in effect and will be kept in effect as per R. C. 4509.101 and carried while operating a Motor Vehicle.
- (3) Has a valid license except for current suspension.
- (4) No pending suspension not on attached 1145 BMV form.

****NOTICE: GIVING FALSE INFORMATION ON THIS PETITION MAY RESULT IN PERSONAL PENALTIES OF IMPRISONMENT AND/OR FINE.****

Date: _____
Defendant's Signature

.....
(THE REMAINDER OF THIS FORM WILL BE COMPLETED BY THE COURT)

- _____ Proof of insurance was shown. (copy attached).
- _____ Proof of License was shown. (copy attached).
- _____ BMV Form #1145 (attached).
- _____ Denied. _____ Re-apply on _____
- _____ Defendant may drive to and from work.
- _____ Defendant may drive during employment.
- _____ Defendant may drive to and from Court ordered treatment programs & AA.
- _____ Defendant may drive to and from school.
- _____ Defendant may drive to and from minor child school, day care, or other location for child care
- _____ Defendant may drive to Probation appointments.
- _____ Defendant may drive to and from any Court proceeding related to the offense that resulted in this suspension
- _____ Defendant may drive to the Deputy Registrar's Office to obtain a valid license.
- _____ Defendant may drive to medical treatment.
- _____ IGNITION INTERLOCK REQUIRED, EXCEPT A WORK VEHICLE DURING WORK HOURS.
- _____ RESTRICTED PLATES REQUIRED ON ANY VEHICLE DRIVEN, EXCEPT A WORK VEHICLE DURING WORK HOURS.

Date: _____
Judge Melissa Byers-Emmerling

(Revised 04/06/2017)

**APPLICATION FOR FILMING AND RECORDING
IN THE EAST LIVERPOOL MUNICIPAL COURT**

Case Number _____

Plaintiff

VS.

Defendant

In accordance with Superintendence Rule 12 and Local Rule 25.

Name of person requesting permission

Name of Agency

Address of Agency

Phone Number of Agency

Request(s) permission to _____ in the
Broadcast, televise, record, videotape, or photograph
Courtroom during the hearing of this matter.

Date: _____
Signature

The above application is (granted) (denied) this ____ day of _____, 20__.

REASONS AND/OR INSTRUCTIONS IF ANY: _____

Judge Melissa Byers-Emmerling

JUROR # _____

East Liverpool Municipal Court
Jury Commission
126 West Sixth Street
East Liverpool, Ohio 43920

JURY QUESTIONNAIRE

READ BEFORE ANSWERING-EXCEPT FOR YOUR TELEPHONE NUMBER, ALL INFORMATION ON THIS FORM MAY BE PUBLICLY DISCLOSED. IF YOU BELIEVE YOUR PRIVACY INTERESTS WILL BE HURT BY ANSWERING ANY OF THE FOLLOWING QUESTIONS, YOU MAY LEAVE THE RESPONSE LINE BLANK AND ONCE YOUR ARE IN THE COURTROOM, ASK FOR A HEARING TO STATE YOUR REASONS FOR LEAVING THE ANSWERS BLANK. THE HEARING WILL BE CONDUCTED BY THE JUDGE, ON THE RECORD, WITH COUNSEL PRESENT. THE JUDGE MAY REQUIRE YOU TO ANSWER THE QUESTIONS. PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS FULLY. THIS DOCUMENT MUST BE RETURNED TO THE EAST LIVERPOOL MUNICIPAL COURT, 126 WEST SIXTH STREET, EAST LIVERPOOL, OH 43920 WITHIN FIVE (5) DAYS UPON RECEIPT.

1. Name and Age: _____
(First) (Middle) (Last) (Age)
2. Home Address: _____
3. Live In: (Check One) ___ City ___ St. Clair Township ___ Liverpool Township
4. Phone Number: _____ E-Mail: _____
5. Years of Residence: _____
6. Place of Birth: _____
7. Last Grade of Education Completed: _____
8. Occupation and Employer: _____

(If retired, write "retired" and give last occupation and employer)
9. Spouse's Name: _____
10. Marital Status (Circle One): Married / Single / Divorced / Widowed / Separated
11. Have you or any member of your family been convicted of a traffic offense or crime? ___Yes___ No If yes, describe type of offense, date, name of court, and sentence _____

12. Have you been convicted of a state or federal crime punishable by imprisonment for more than one year? ___Yes ___No If yes, describe crime, date and sentence.

13. Have you ever served as juror prior to this term? ___Yes ___No

- If yes, state when and where _____
14. Have you or any member of your family been sued, been sued by another person, or have a pending lawsuit of any sort, including a divorce or dissolution?
 ___ Yes ___ No If yes, what type of lawsuit? When filed? What Court? Outcome ?

15. Have you or any member of your family ever suffered any bodily injury?
 ___ Yes ___ No If yes, give details _____

16. Have you or any member of your family ever been a victim of crime?
 ___ Yes ___ No If yes, give details _____

17. Has a claim for personal injury ever been made against you or your family, whether or not a lawsuit was filed? ___ Yes ___ No If yes, please list the relationship and with whom _____

18. Are you or any member of your family related to or a close friend of any law enforcement officer? ___ Yes ___ No If yes, list what officers and the relationship

19. Are you or any member of your immediate family associated with or employed by any insurance company that writes casualty or liability insurance covering personal injuries? Do you or any members of your immediate family own stock in such companies? Do you or any members of your immediate family have any connections to any type of insurance companies? ___ Yes ___ No If yes, give details _____

I AM DISQUALIFIED FROM JURY SERVICE BECAUSE:

(Please check one if applicable)

- _____ No longer reside in the City of East Liverpool, St. Clair Township, or Liverpool Township.
- _____ Age 75 and over, you have the choice whether or not to serve as a Juror. I request not to serve as a Juror.
- _____ I have permanently been excused.
 Court Name _____
 Date Excused _____
- _____ My Civil Rights have not been restored after conviction of certain felonies.
- _____ I am not a United States Citizen.

I do solemnly swear or affirm that the answers to the foregoing questions are true and correct to the best of my knowledge and belief.

Date: _____

Signature: _____

**EAST LIVERPOOL MUNICIPAL COURT
126 WEST 6TH STREET
EAST LIVERPOOL, OHIO 43920
COLUMBIANA COUNTY**

IN RE:

| | | |
|--------------|---|--------------------------------------|
| _____ |) | JUDGE MELISSA BYERS-EMMERLING |
| Juror Name | (| |
| |) | AFFIDAVIT FOR EXCUSE |
| _____ | (| JURY OBLIGATION |
| Juror Number |) | |

STATE OF OHIO
COLUMBIANA COUNTY, SS:

I, _____, being first duly sworn swear that the following facts are true.

- I. I have been notified by the East Liverpool Municipal Court that I have been selected for Jury Duty.
- II. I am unable to fulfill my obligation of serving as a Juror due to (check the applicable excuse set by law ORC 2313.14):
Standards to Excuse Jurors:

A. The Court shall not by law excuse a prospective juror unless: (circle one or more)

- 1. The interest of the public will be materially injured by my attendance. Facts _____
- 2. My spouse or near relative has recently died or is dangerously ill. Facts _____
- 3. I am a cloistered member of a religious organization.
- 4. I have a mental or physical condition that causes the prospective juror to be incapable of performing jury service. Documentation from a physician verifying that the condition renders the prospective juror unfit for jury service for a period of up to 24 months.

MEDICAL EXCUSE MUST BE ATTACHED.

- 5. Jury service would otherwise cause undue or extreme physical or financial hardship to me or a person under the care of or supervision of me.

Undue or extreme physical or financial hardship is limited to the following situations: (Circle one and explain.)

- a. The prospective juror would be required to abandon a person under their personal care or supervision due to impossibility of obtaining an appropriate substitute care giver.

Explain: _____

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

Explain: _____

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

Explain: _____

Undue or extreme physical or financial hardship does not exist solely based upon the fact that the juror will be requested to be absent from work.

Documentation to clearly support the request to be excused based upon undue or extreme physical or financial hardship shall be provided. The Court may deny the excuse if there is a failure to provide satisfactory documentation.

Facts:

_____ I am age 75 years or older and I request to be excused.

_____ I am an active member of a recognized Amish sect and requests to be excused because of a sincere belief that the juror cannot pass judgment in a judicial matter.

_____ Fulltime college student out of area, military service, vacation or seasonal residence. Facts _____

III. Temporary excuse (ORC 2313.13) postponement of service.

I request my Jury Service be postponed. This is my first request.

New Jury Date _____ (no more than 6 months from original service date).

I request postponement greater than 6 months due to an extraordinary circumstance.

Facts _____

Date requested to serve: _____

I request my Jury Service be postponed because I am employed with _____ who employs

less than 25 fulltime employees and another employee is serving jury duty the same time.

IV. I request to be permanently excused from Jury Service

I have a permanent mental or physical condition that causes me to be incapable of performing Jury Service. **Documentation from a physician verifying the condition renders the juror unfit and that the condition is permanent must be attached or the excuse cannot be granted.**

Further Affiant saithe naught.

Affiant/Juror

Sworn to and subscribed in my presence this _____ day of _____, 20 ____.

Bailiff/Clerk/Deputy Clerk/Notary Public

This excuse is granted.

This excuse is not granted. Documentation not provided.

Permanent excuse granted.

Postponed. Date of postponed Jury Service _____

Excused month of _____. Will serve month of _____.

Judge Melissa Byers-Emmerling Date