

**LOCAL RULES OF THE**  
**CHILlicothe MUNICIPAL COURT**

**I. GENERAL PROVISIONS**

1. Scope and Effective Date.

These revised rules are adopted as Local Rules of Court governing practice and procedure in the Chillicothe Municipal Court. These rules may be cited as “MC. R. \_\_\_\_\_.” These rules govern all proceedings filed subsequent to the effective date of these rules except to the extent that such application would not be feasible or would work an injustice. The effective date of these revised Rules is January 1, 2025.

2. Jurisdiction of Court.

The territorial jurisdiction of the Chillicothe Municipal Court includes all of Ross County. The monetary and subject matter jurisdiction of the Chillicothe Municipal Court shall be as provided in the appropriate sections of the Ohio Revised Code. (See RC 1901.17 & 1901.18)

3. Court Hours.

The Court will be open for the transaction of business from 8:00 a.m. to 4:00 p.m. during Monday through Friday, legal holidays excepted, and whenever cases are being heard in one of the courtrooms. The Court will also close on such other times and dates as may be prescribed by the Administrative and Presiding Judge.

Each judge shall have full discretion in the work of his or her office and shall set the times of convening and adjourning the cases in his or her courtroom. Unless modified by the judge presiding at the session, cases shall be scheduled for hearings between 8:30 a.m. and 4:00 p.m. Monday through Friday, legal holidays excepted.

The judges may hold joint sessions from time to time for the purpose of considering matters of general importance to the Court, and important questions of fact or law involved in any case pending before one of the judges. A joint session shall be called by the Presiding and Administrative Judge.

4. Court Costs and Filing Fees.

The judges shall set the court costs and filing fees, which shall include computer maintenance fees and special projects fees as permitted by law. The court costs and filing fees shall be filed with the clerk and available on the Court’s website.

5. Case Numbering.

When filed with the clerk, cases shall be categorized as civil, criminal, or traffic and serially numbered within each category on an annual basis in accordance with Sup. R. 43. Additional identifiers shall be added to all criminal and traffic cases as follows:

- A. One case number shall be assigned for each defendant charged in an incident. If the defendant is charged with one violation in an incident, the violation shall be assigned as charge “A”. If the defendant is charged with multiple violations in one incident, each charge shall be assigned an alphabetic identifier in alphabetical order.
- B. The clerk will make every effort to assign alphabetic identifiers in descending order of the violation’s possible maximum penalty. For example, if a defendant is charged with a first-degree misdemeanor and a fourth-degree misdemeanor, the first-degree misdemeanor should be assigned as charge “A”; the fourth-degree misdemeanor should be assigned as charge “B”.
- C. For purposes of this rule, an “incident” shall mean the same as any act, transaction, or series of acts or transactions and shall be determined from the date of the alleged violation. For example, if a defendant is charged with an incident that occurred on July 10, 2024, and an incident that occurred on July 11, 2024, the clerk should assign two separate numeric case numbers.

6. Assignment of Cases Between Judges.

Assignment of cases between judges shall be in accordance with Rule 36.01 et seq. of the Rules of Superintendence for the courts of Ohio. Pursuant to Sup. R. 36.011(C), cases involving the same criminal defendant, co-defendant, act, transaction, or series of acts or transactions shall be assigned to the same judge. New criminal cases involving a person who is currently on probation with the court shall be assigned to the judge to whom the probation case is assigned.

Judges shall normally alternate arraignment sessions every week. The Presiding and Administrative Judge may change the arraignment sessions to take into account vacation schedules, trials, illness, or other matters which might interrupt the normal schedule. When the judge who is assigned to a particular arraignment session has a conflict because of jury trial, the remaining judge, if available and not also in jury trial, shall take the arraignment session.

“Arraignment sessions” shall include all criminal, traffic, and civil matters coming before the court that have not been assigned to an individual judge. Criminal and traffic matters shall be randomly assigned to an individual judge by the assignment commissioner when a plea of not guilty is entered.

Civil matters shall be randomly assigned to an individual judge by the clerk when an answer is filed or when a motion, other than one for default judgment, is filed.

7. Preservation of Papers; Records Retention.

The clerk shall file and carefully preserve all papers delivered to the clerk and filed of record. No papers filed with the clerk in any case or proceeding shall be removed from the office of the clerk, except for use in court as requested by a judge, magistrate, or probation. Court files of pending cases assigned to an individual judge may be stored as directed by the individual judge.

Records may be retained in electronic media format, including text and digital images, as an alternative to a paper record. Paper records may be destroyed after the paper records are imaged and saved to the electronic case record in accordance with Sup. R. 26. When pleadings or documents are received or created in, or converted to, an electronic format, the pleadings or documents in that format shall be considered the official version of the record pursuant to R. C. 1901.313.

All records will be retained according to the record retention schedule set forth in Sup. R. 26 and 26.05, or R.C. 1901.41, as adopted by Entry filed July 13, 2010, or its subsequent amendments, and may be disposed of thereafter without notice. The Court may adopt additional orders to ensure that records are retained or disposed of within the timeframes established by the forgoing restrictions or that are not otherwise addressed therein.

Audio records of courtroom proceedings shall be kept for a period of five years.

8. Preparation of Papers.

No official or employee of the Court is permitted to prepare or assist in preparing any pleadings, motions, or other documents on behalf of a party to a case to be filed with the Court or which may be pending before the Court. This prohibition is not applicable to the following:

- a) any entries, decisions, or other documents prepared by the judges or magistrate;
- b) assistance required by law to be rendered to parties in the small claims division of this Court; or
- c) minor assistance, such as corrections of errors or last minute changes on papers filed with the Court, if requested and supervised by the filing party, or ordered by the judge.

9. Holding of Jury Trials.

Jury trials will be scheduled and held throughout the year on Tuesdays, or as otherwise designated by the judge to whom the case is assigned.

If a holiday precedes a jury day, or the assigned judge is otherwise unavailable the day before a regular jury day, no jury trial shall be scheduled the immediately following jury day unless approved by the judge.

10. Designation of Counsel; Change of Counsel; Withdrawal of Counsel.

A. Except as provided in MC.R. 10.B, once counsel has appeared in a case, that counsel shall remain as counsel of record.

When two or more attorneys represent a party, only one attorney shall be designated as counsel of record to receive notices and service on behalf of that party. That designation shall be made on the first document filed by the party with the Court. If no attorney is designated as counsel of record, the first attorney listed for the party on the first document filed shall be considered counsel of record.

Change of counsel may be permitted upon the filing of a substitution of counsel, provided the substitution will not delay the trial of the case. The substitution of counsel shall contain the following:

1. The designation of new counsel.
2. The agreement of prior counsel, or a certification of service to prior counsel.
3. Certification that the client agrees to the change of counsel.
4. Certification of service to the opposing counsel or parties.

Counsel shall be allowed to withdraw from counsel responsibility only with the consent of the judge assigned to the case. No application for withdrawal will be considered unless a written motion and entry is presented stating the reasons for the application. The motion and entry will contain the following:

1. The time and date of trial, if set.
2. A certification of service to opposing counsel.
3. Certification that the client has been notified that the attorney is seeking to withdraw from the case.
4. Counsel's professional statement that, if granted, a copy of the entry will be mailed immediately to the last known address of the client.

B. An attorney may enter a "Notice of Limited Appearance" as authorized by Prof. Cond. R. 1.2(c) and in accordance with Civ.R. 3(B).

11. Subpoenas.

It is the responsibility of each party, in consultation with its attorney, to see that subpoenas are properly requested. The requesting party shall file in the clerk's office a praecipe bearing the signature of the requesting party and the subpoena to be served on each witness. The praecipe and accompanying subpoena may be combined in one document. If time permits, the praecipe and accompanying subpoena should be filed at least seven (7) days prior to the hearing. Once a subpoena is issued by the clerk's office, it is the responsibility of the party to determine whether or not the witnesses have been properly served in order to assure their appearance in court.

12. Recording of Proceedings and Transcripts; Costs.

The official method for recording court proceedings shall be by audio electronic recording devices. The administrative judge may also order the use of any method of recording authorized by Sup. R. 11.

The official record of a case or proceeding is the transcript prepared by the Court Reporter. The Court Reporter shall not permit an audible playback of recorded proceedings without the consent of the judge.

Arraignments, preliminary hearings, pre-trials, motion hearings, trials, and such other matters as may be designated by the judge, shall be recorded. In every case recorded, the fee provided by the court order pertaining to costs in Chillicothe Municipal Court shall be collected as other costs in the case. Except as otherwise provided in this rule, the person requesting the transcript shall deposit with the Court Reporter the estimated cost of the written transcript as determined by the Court Reporter. The requesting person shall make such deposit before the Court Reporter shall begin making a written transcript. At the completion of the written transcript, if the deposit is not sufficient, the balance shall be paid before the written transcript is released to the person.

The compensation of reporters for making written transcripts shall be fixed by the Court. If more than one transcript of the same testimony or proceeding is ordered, the reporter shall make copies of the transcript at cost pursuant to division (B)(1) of section 149.43 of the Revised Code or shall provide an electronic copy of the transcript free of charge. The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases shall be taxed as costs in the case. If, upon final judgment, the costs or any part of the costs are adjudged against a defendant in a criminal case, the defendant shall be allowed credit on the cost bill of the amount paid for the transcript the defendant ordered and, if the costs are finally adjudged against the state, the defendant shall have the defendant's deposit, if any, refunded. All transcripts shall be taken and received as prima-facie evidence of their correctness.

In felony cases, if a transcript of the preliminary hearing proceedings is requested for an indigent defendant, an entry must be approved by a Common Pleas Court Judge ordering such transcript. In such cases, if a governmental agency (e.g., City of Chillicothe, State of Ohio, etc.) requests a transcript, the governmental agency shall pay for the transcript.

13. Public Records Policy.

A. Availability of Information.

In accordance with O.R.C. 149.43, the Chillicothe Municipal Court will conduct a public records check upon request. All information provided is local case information from the Chillicothe Municipal Court only and will not include statewide LEADS information, national NCIC information, victim names, personal identifiers, or other information, the dissemination of which is prohibited by state and federal law. The court does not conduct criminal record or background checks.

The party making a request for a public record must furnish the court with a name and case number or case type. All requests will be answered within a reasonable time.

B. Types of Requests.

The Chillicothe Municipal Court may maintain a public access terminal during normal business hours for public record inquiries. No fee is required for the use of this terminal. Use of the terminal may be limited to a reasonable period of time in order to accommodate other persons. The court also maintains an internet website at [www.chillicothemunicipalcourt.org](http://www.chillicothemunicipalcourt.org) that is accessible to the public 24 hours a day.

Mailed requests are accepted by the court. All fees for mailed requests must be paid in advance. The number of records requested for transmission by U.S. mail is limited to ten per month. Requests in excess of ten per month will be filled, provided the requesting party certifies to the court in writing that the party does not intend to use or forward the requested records or the information contained therein for commercial purposes as set forth in O.R.C. 149.43.

Faxed requests are accepted by the court. Fax requests are limited to a maximum of ten (10) pages per request. A fee of twenty-five cents (\$.25) per page faxed must be paid in advance.

Requests are accepted in person or by telephone. All fees for copies of requests must be paid in advance.

Requests by persons incarcerated are subject to O.R.C. 149.43(B)(8).

C. Format of Response and Costs.

Unless otherwise requested, public record requests will be filled on paper.

Requests for public records via computer disk are accepted provided the information is already available in the format requested.

The court will assess postage and long distance telephone charges for all requests where applicable, and the charges must be paid in advance.

Special extraction requests will be attempted where reasonable and requested. All costs associated therewith must be paid in advance.

Any other medium requested will be at the cost of the requesting party provided it can be reasonably duplicated as an integral part of the normal operations of the court.

All fees must be paid in advance as set forth on the court's costs schedule and made in the form of cash, check, or money order.

14. Fax Filings.

A. Definitions.

- (1) *Facsimile transmission* means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
- (2) *Facsimile machine* means a machine that can send or receive a facsimile transmission either as a stand-alone device or as part of a computer system.
- (3) *Fax or faxes* means an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- (4) *Source document* means the document transmitted to the Court by facsimile machine.
- (5) *Effective Original Document* means the facsimile copy of the source document received by the clerk and maintained as the original document in the Court’s file.

B. Authorization.

This Local Rule has been instituted solely for the convenience of those filing documents with the clerk. Neither the clerk nor the Chillicothe Municipal Court assumes any new or additional responsibilities, obligations or liabilities by virtue of this Rule, except as expressly provided for herein. Further, this rule pertains only to the method of filing; it does not override, alter, amend, revoke, or otherwise change any Local rule or Ohio Rule of Civil or Criminal Procedure respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel. In conformity with Ohio Civil Rule 5(E) and Criminal Rule 12(B), pleadings and other documents may be filed with the clerk by facsimile transmission to 740-774-1101, 24 hours per day, seven days per week, subject to the following conditions:

- (1) This Rule authorizes the filing of facsimile transmissions for civil, small claims, traffic, and criminal cases of all pleadings, motions, and other documents that may otherwise be filed with the clerk. The following documents may NOT be filed by facsimile transmission:
  - a. Any document filed by facsimile that requires a pre-paid filing fee, unless paid by credit card or other financial means resolved through the clerk’s office prior to facsimile filing.
  - b. Criminal or traffic complaints.
  - c. Any documents in excess of twenty (20) pages.
- (2) A document filed by facsimile in accordance with these rules shall be accepted as the effective original filing. The person making a facsimile filing need not file any source document with the clerk. The person shall, however, keep the source document in his or her records and have it available for production on request by the court with original signatures, together with the source document cover page. The source document shall be maintained until the case is closed

and all opportunities for post-judgment relief are exhausted.

(3) The person filing a document by fax shall provide therewith a cover page containing the following information:

- a. The name of the court;
- b. The title of the case;
- c. The case number;
- d. The assigned judge;
- e. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendant's Motion to Dismiss);
- f. The date of transmission
- g. The transmitting fax number;
- h. An indication of the number of pages included in the transmission, including the cover page;
- i. If a judge or case number has not been assigned, state that fact on the cover page;
- j. The name, address, telephone number, fax number, Supreme Court registration number (if applicable) and e-mail address of the person filing the fax document if available.

(4) A party who wishes to file a signed source document by fax shall either:

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

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

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

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

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



(7) If a facsimile document received by the clerk does not conform with these Rules, the clerk may consider it not filed. The clerk is not required to send any form of notice to the sender of a failed fax filing.

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

(8) No document filed by facsimile that requires a filing fee shall be accepted by the clerk for filing until court costs and fees have been paid in full. Civil fax fees may be paid by cash, check or money order. Criminal and traffic fax fees may be paid by cash, check, money order, credit card, or debit card.

15. Admission to courthouse. Prohibited items. Dress Code. Conduct.

A. *Admission to courthouse.* In order to provide a safe, secure, and contraband-free environment for the visitors and employees of the court, Court Security Officers shall inspect everyone who wishes to enter the building. The inspection shall include the person, clothing, belongings, bags, briefcases, packages, and any carried items. The inspection shall be conducted in accordance with the Court's Security Procedures Manual. Anyone refusing the inspection shall not be admitted into the building.

B. *Prohibited items.* The following items are prohibited from being brought into the Chillicothe Municipal Court:

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| 1. firearms  | 14. scissors   |
| 2. switchblades  | 15. razor blades   |
| 3. knives  | 16. nail files   |
| 4. any cutting blade that can be used as a weapon          | 17. large safety pins  |
| 5. brass knuckles  | 18. knitting needles   |
| 6. ammunition  | 19. letter openers   |
| 7. explosives  | 20. handcuffs and handcuff keys                                  |
| 8. chemical agents   | 21. illegal drugs, controlled substances, and drug paraphernalia |
| 9. stun guns   | 22. other tools or items which can be used as a weapon           |
| 10. expandable batons or clubs                             | 23. syringes   |
| 11. hammers, screwdrivers, pliers, and other similar tools | 24. any device used in violation of Local Rule I. E.             |
| 12. box cutters  |  |
| 13. hacksaws and blades                                    |  |

C. *Exemptions.* The following persons are exempted from the inspection provisions of this Rule:

1. On-duty uniformed law enforcement officers,
2. On-duty non-uniformed law enforcement officers who show a visible official ID,

3. On-duty probation officers who show official ID,
4. Court personnel,
5. Attorneys with presentment of a current Ohio Supreme Court registration card,
6. Others pre- approved in writing by the presiding and administrative judge.

D. *Dress code.* The following dress code shall be posted at the court entrance:

The Chillicothe Municipal Court has enacted the following guidelines for all persons appearing before the judges and magistrate. These guidelines were developed in order to maintain order and to uphold the dignity and decorum of the Court. These rules are intended to ensure that persons in the Courtroom do not obstruct or interfere with the orderly transaction of Court business and that they not degrade or insult the dignity of judicial proceedings, judicial officers and employees, witnesses, or others in the Courtroom.

Any person may be removed from the Courtroom for violating these guidelines. This removal could result in an arrest warrant for failure to appear at a scheduled hearing or a default in a civil case.

#### **Guidelines for Dress**

1. Clothing should be consistent with the seriousness and dignity of the judicial process. It should be constructed and worn in such a manner that it is not unduly revealing or offensive.
2. Shirts and shoes must be worn at all times.
3. Shorts may be worn as long as they are at least mid-thigh in length.

#### **Clothing that WILL NOT be permitted includes:**

1. Anything that is obviously dirty, torn, ripped, cut, or mutilated.
2. Anything associated with drugs or gangs.
3. Anything containing words, pictures, or symbols that are obscene, profane, or sexually suggestive.
4. Halter tops, tank tops, tube tops, see-through tops, bare-midriff tops, or tops with open backs.
5. Short shorts (less than mid-thigh in length).
6. Swim wear, bathing suits, lingerie, pajamas.
7. Pants that allow undergarments or bare skin to show such as low cut hip-huggers and loose fitting pants that expose boxer shorts.
8. All hats or headgear unless otherwise approved by a Judge.

E. *Conduct.* No smoking is permitted in the courthouse or on the court premises under any circumstances, including electronic cigarettes or vaping instruments. No eating or drinking is permitted in a courtroom or within the court without the express permission of the presiding judge, except in the employee break room.

No cameras, or audio or video recording devices, including cell phones used for these

purposes, shall be used in the Court facility without permission of the presiding judge. No cellular phones may be used for any purpose in the courtroom without the express permission of the courtroom judge. Any devices used without permission may be confiscated and will be considered contraband. Such items will be returned only with the express permission of the judge.

Any person may be removed from the court premises or the courtroom if the person's conduct is disruptive or otherwise interferes with court proceedings, and may be subject to other sanctions imposed by the Court.

F. *Enforcement.* Security officers or courtroom bailiffs shall interpret all provisions of this rule regarding admission to the courthouse, prohibited items, exemptions, dress code requirements, and conduct. That interpretation shall be final in any dispute. The probation officers and civil bailiffs shall have the same authority in the absence of a security officer or courtroom bailiff.

16. Notice Boxes. Notice boxes in the Court Office are provided for local counsel for making and receiving service. Service on counsel shall be considered complete on the day following placement therein. This rule applies only to the operation of Chillicothe Municipal Court.

17. Media Coverage of Court Proceedings. Media coverage of court proceedings shall be subject to all provisions of Sup. R. 12 and any amendments thereto. The judge presiding over the case in which media coverage is sought may also impose such orders as are reasonable and comply with the Rules of Superintendence.

## II. CIVIL RULES

### 1. Filing of Pleadings, Motions, or Other Documents

A. Paper Filings. Except in small claims cases, all pleadings, motions, and other documents shall be prepared on 8½ x 11 inch paper. Each pleading, motion, or document shall set forth in the caption the names of all parties with complete addresses, if known, whose names appear in the proceeding for the first time.

Every pleading, motion, or document filed on behalf of a party and represented by an attorney shall have printed or typed thereon the name, address, telephone number, fax number if any, email address if any, and attorney registration number of counsel filing the same, and if filed by a law firm, the name of the particular attorney having primary responsibility for the case shall be indicated thereon. A party who is not represented by an attorney shall provide the party's address and telephone number.

Every pleading, motion, or other document shall be signed, by electronic signature or by hand, by at least one attorney of record, if any, or by any party who is not represented by an attorney in accordance with the Ohio Rules of Civil Procedure.

Sufficient copies of every pleading, motion, or document to be served by the clerk, bailiff, or Sheriff, shall be filed with the clerk.

In all cases where the filing of a pleading or amended pleading is not fixed by law or another rule, the pleading or amended pleading shall be served on or before the fourteenth (14<sup>th</sup>) day after the date of the entry requiring or granting leave for the filing of such pleading or amended pleading, or overruling or sustaining a motion, unless otherwise specified in the entry. The opposing party shall move or plead to the pleading or amended pleading so filed on or before the fourteenth (14<sup>th</sup>) day after such pleading or amended pleading is filed, unless otherwise ordered by the Court.

When a case is transferred from small claims court to the regular docket of the court pursuant to R.C. 1925.10, the answer of the defendant shall be filed within fourteen (14) days of the date of entry ordering such transfer.

It shall be the duty of the party or attorney filing a pleading, written motion, or other document subsequent to the complaint to mail or deliver a copy thereof to each other party to the case, or the attorney for such party. Failure to comply with this rule shall be sufficient cause to strike the pleading, motion, or other document from the Court files. If a copy of a pleading is to accompany a summons to be served in the case, it shall be sufficient compliance with this rule to deposit such copy with the clerk. The fact of such mailing or delivery to the adverse party shall be noted on the original. Insofar as the party filing a document is aware of the judge to whom the case is assigned, the party shall note the same between the Case Number and title of the document in the caption.

In the absence of a request to the Court for an oral hearing, notice of which request shall have been previously given to opposing counsel, a motion shall be deemed submitted on written briefs unless the court schedules a hearing or the opposing counsel requests in writing an oral hearing, which request shall be submitted within seven (7) days of receiving the motion.

Pleadings, motions, or other documents not complying with this rule of Court shall not be accepted for filing by the clerk.

B. Electronic Filings. Reserved.

2. Court Costs, Security Deposits, and Jury Demands.

The schedule of costs, security deposits, and filing fees for all cases in the Chillicothe Municipal Court will be as set forth by separate order of this court. These costs, deposits, and fees shall be paid to the clerk at the time of filing, unless otherwise ordered by the court. No action or proceeding shall be accepted for filing by the clerk unless the costs, security deposit, and filing fees are paid to the clerk in accordance with the Court's schedule of costs, unless otherwise ordered by the Court. In the event that a party claims to be indigent, the party shall file a motion to waive the costs, fees, and deposits, along with an affidavit of indigence. The Court will then rule on the motion.

A demand for a civil jury trial shall be made as required by Civil Rule 38 and shall be accompanied by a deposit in an amount as set forth in the Court's fee schedule as security for the first day jury cost. The jury deposit must be paid with the filing of the jury demand. Said sum

shall be applied to the costs of the case in the event that costs are taxed to the party posting such deposit upon disposition of the case. Otherwise, the deposit shall be refunded to the party posting it at the conclusion of the case.

In the event a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of such cancellation, the requesting party shall bear the cost of juror fees for those jurors who report on the day of trial.

### 3. Caseflow Management in Civil Cases.

The purpose of this rule is to establish, pursuant to Sup.R. 5, a system for civil case management which will achieve the prompt and fair disposition of civil cases.

The scheduling of a case begins when a complaint is filed. Thereafter, the case is managed in four (4) clerical steps and five (5) judicial steps.

#### A. Clerical steps:

(1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall immediately notify counsel, or the party if unrepresented by counsel. If counsel, or the unrepresented party, fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel, or the unrepresented party, that the case will be dismissed in ten (10) days pursuant to Civ. R. 41 unless good cause is shown to the contrary. Notification shall be by regular U.S. mail.

(2) After any responsive pleading is filed, the clerk shall randomly assign the case to a judge, and forward the pleading and file to the judge so the matter may be set for hearing. If a motion for default judgment is filed, then the clerk will forward the file to the arraignment judge for disposition.

(3) If no action has been taken on a file for a six (6) month period, and the case is not set for trial, the clerk shall notify counsel or the unrepresented party that the matter will be dismissed within ten (10) days pursuant to Civ. R. 41 unless good cause is shown.

(4) When a file has been marked "settlement entry to come," and the entry has not been received within thirty (30) days, then the clerk shall notify counsel or the unrepresented party that the case will be dismissed pursuant to Civ. R. 41 unless the entry is received within ten (10) days.

#### B. Judicial Steps.

(1) Status Hearing: After an answer or other responsive pleading is filed, the clerk will randomly assign the case to one of the judges, and the clerk will forward the file to the judge. At the discretion of the Judge, the case may be set for pretrial, trial, or status hearing. The status hearing may be heard in court or by phone. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set. The Judge may also assign the case to the

Magistrate for further proceedings unless either party has filed a jury demand.

(2) Motions: All motions must be in writing and accompanied by a written memorandum setting forth the factual and legal arguments of the moving party with appropriate citations of authority. The opposing party may respond to the motion within fourteen (14) days after the motion was served as provided by Ohio Rules of Civil Procedure. Responses to motions for summary judgment may be served within 28 days after service of the motion. A movant's reply to a response to any written motion may be served within seven days after service of the response to the motion. Oral hearings will not be scheduled unless ordered by the court. Except as otherwise provided or limited by Civ.R. 6(B), the court may enlarge the period of time in which to file a motion or a response.

(3) Pretrials: The court may schedule one or more pretrial conferences before trial to accomplish the following objectives:

- (a) consider the possibility of settlement;
- (b) simplify the issues;
- (c) set discovery deadlines, control motion practice, and schedule the trial;
- (d) itemize expenses and special damages;
- (e) discuss the necessity of amendments to the pleadings;
- (f) exchange reports of expert witnesses expected to be called by each party;
- (g) exchange medical reports and hospital records;
- (h) identify witnesses;
- (i) identify and mark exhibits;
- (j) obtain admissions of fact, stipulations, and agreements on admissibility of documents and other evidence to avoid unnecessary testimony or other proof during trial;
- (k) discuss other matters which may aid in the disposition of the action.

The judge may, and on the request of either party shall, make a written order that recites the action taken at the conference. The judge shall enter the order and submit copies to the parties. Unless modified, the order shall control the subsequent course of action.

Counsel for the parties, or the party if not represented, shall attend the pretrial conferences unless prior authorization for absence or to conduct the pretrial by telephone is granted by the judge or magistrate. Upon reasonable notice to the parties, the judge may also require that parties, or their representatives or insurers, attend a conference or participate in the pretrial proceedings. Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. Failure of a party to appear or participate in the pretrial may result in dismissal of the case or default judgment if deemed appropriate by the judge.

(4) Continuances: No party shall be granted a continuance without a written motion from counsel or the unrepresented party stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case at the same time, the motion shall include a copy of the previously scheduled court's order. Criminal cases assigned for trial have priority over civil cases assigned for trial, and the earliest scheduled civil case has priority among civil cases. The granting of any other request for continuance of a scheduled trial

is a matter within the discretion of the trial judge.

(5) Entries: Counsel shall submit a proposed entry with any pretrial motion that is filed. The judge may approve the proposed entry, prepare his or her own entry, or order the counsel for the prevailing party to prepare the entry. If counsel-prepared, the entry shall be submitted to opposing counsel within fourteen (14) days of the judge's decision. Opposing counsel shall approve or reject the entry within seven (7) days. After the seven days, the counsel who prepared the entry may submit the entry to the judge with the notation that it has not been approved by all counsel.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

#### 4. Caseflow Management in Special Proceedings.

A. The purpose of this rule is to establish, pursuant to Sup. R. 5, a case management system for special proceedings to achieve prompt and fair disposition of these matters. The following civil matters are considered special proceedings and shall be heard by the magistrate unless otherwise ordered by the court: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite for contempt, garnishment hearings, debtor's exams, requests for limited driving privileges, designations of dogs as nuisance dogs, dangerous dogs, or vicious dogs, and Bureau of Motor Vehicles appeals.

B. The scheduling of a special proceeding begins when the special proceeding is filed. Special proceedings that have time limits established by law shall be set for hearing within the applicable time limit. All other special proceedings shall be set for hearing within a reasonable time not to exceed ninety (90) days. Thereafter, the special proceeding is to be managed in the following clerical and judicial steps.

#### C. Clerical Steps.

(1) Summons shall be served in accordance with the Ohio Revised Code or the Ohio Rules of Civil Procedure, whichever is applicable to the proceeding. If there is a failure of service, the clerk shall notify counsel or the unrepresented party immediately. If counsel or the unrepresented party fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel or the unrepresented party that the proceeding will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) The clerk shall set the proceeding for hearing and forward the file to the magistrate.

(3) If no action has been taken on a file for ninety (90) days, and the case is not set for hearing, the clerk shall notify counsel or the unrepresented party that the matter will be dismissed within ten (10) days unless good cause is shown.

(4) When a file has been marked "settlement entry to come," and the entry has not been received within thirty (30) days, then the clerk shall notify counsel or the unrepresented party that

the case will be dismissed unless the entry is received within ten (10) days.

(5) If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall assign it to a judge and forward the case to the judge so the case can be scheduled for the appropriate hearing.

D. Judicial Steps.

(1) If the special proceeding has not been scheduled for hearing by the clerk, then the magistrate shall schedule any necessary hearings, including but not limited to pretrials, motion hearings, and trials.

(2) The magistrate shall file a decision and cause a copy to be served on the parties. The magistrate shall inform the parties in writing that they may file written objections to the magistrate's findings within fourteen (14) days.

(3) Objections to the magistrate's decision must comply with Civil Rule 53. The objections shall be specific, and state with particularity all grounds for objection and the relief requested. The objecting party is responsible for providing the court with a transcript of the proceedings or statement of facts, if a transcript is not available. No oral hearing will be granted on the objections unless ordered by the judge. The clerk shall refer the objections to the arraignment judge who will rule on the objections within a reasonable time.

(4) The arraignment judge shall review the findings of the magistrate and enter the appropriate judgment entry.

E. Sales and Proceedings in Aid of Execution.

The bailiff shall follow the procedure set forth in R.C. 2329.13 et seq., in the advertising and conducting of sales on attachment, execution, or foreclosure of chattel mortgages. In all attachments or executions to be levied upon personal property, the attorney or unrepresented party shall describe in detail those items of property which are to be levied upon.

Information must be supplied to the bailiff as to the type, size, and number of items to be levied upon, so that the bailiff can make an accurate estimate as to the cost of the proceedings, and so that the bailiff can require a sufficient deposit to secure costs before proceeding with the execution or attachment.

If the item to be levied upon is an automobile or other motor vehicle, the party or his attorney shall furnish the bailiff with an accurate description of the automobile or motor vehicle, a license number or serial number, and a written statement as to whether there is a lien of record on the vehicle in the office of the Ross County clerk. Before the Bailiff proceeds to levy upon the vehicle, he shall determine whether there are any liens on it, and he shall also determine the fair market value of the vehicle by referring to the appropriate book valuation. If there is a lien on the vehicle, the name of the lienholder shall appear on the notice of sale. If the bailiff determines that the vehicle, when sold, will not bring a sufficient amount to cover the cost of towing, storage,



appraisal, advertising, and other court costs, he shall require the party seeking the levy to post additional deposit for costs to cover these expenses before proceeding with the levy.

If the sale will encompass many items, the bailiff may secure the services of an auctioneer and proceed in accordance with R.C. 2335.021.

F. Garnishment Proceedings.

All garnishment proceedings shall be in the form required by R.C. 2716.03, and the garnishment papers will be properly filled out, including date. They will be accompanied by the proof of service of the demand required by R.C. 2716.04, and by the garnishee's fee provided by R.C. 2716.12. The clerk of this Court shall not accept for filing any garnishment papers not complying with this rule.

G. Judgment Debtor Examination.

If the judgment debtor fails to appear after having been served with the order to appear, it is the duty of the applicant for the judgment debtor exam or his attorney to file appropriate papers to initiate contempt of court proceedings against the judgment debtor, unless the magistrate directs that other action be taken.

H. Forcible Entry and Detainer.

1. Proof of ownership. All eviction complaints filed by persons who are not licensed or otherwise admitted to practice law in the State of Ohio must be accompanied by a copy of the current deed to the rental property and the current property record card from the Ross County Auditor's Office dated within fifteen (15) days of the date of filing of the complaint. These documents are required as evidence at trial to prove ownership of the property and standing of the Plaintiff to proceed pro se.
2. Answers and jury demands. If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to a judge so the case can be scheduled for the appropriate hearing.
3. Eviction and set-out of defendants. If the magistrate recommends, and the court orders, the defendant to vacate the premises, the plaintiff may file a praecipe requesting a writ of restitution. The praecipe shall be accompanied by a deposit in accordance with the Court Costs Schedule. The praecipe must be filed within thirty (30) days of the date of the hearing, unless the time is extended by order of the judge.

When the Writ of Restitution is approved by the Judge, it will be transmitted to the Service Bailiff for red tagging. The bailiff will place a red tag in a conspicuous place at the premises to be vacated, notifying the tenants that they have five (5) days, beginning the day the property is tagged and including weekends and holidays, to vacate.

Plaintiff is to check for occupancy after the five (5) day period and may enter to determine if tenants have vacated. If tenants have not vacated the premises, Plaintiff must file for and purchase a Request for Set-Out at the clerk's office. The Request for Set-Out may also be purchased at the same time Plaintiff files for a Writ of Restitution. The Set-Out will be performed after the five (5) day period has elapsed and before the end of the 10<sup>th</sup> day pursuant to ORC 1923.14.

The Service Bailiff must be contacted during the court's regular business hours to schedule a date for the Set-Out. Set-Outs are performed on a "first scheduled, first served" basis. If Plaintiff does not timely purchase the Request for Set-Out or contact the Service Bailiff to schedule a set-out, the Bailiff may not be available to perform the set-out within the statutory deadline which will require the Plaintiff to recommence the red-tag process within the 30 day period set forth above, including and not limited to payment of the fee established by the court.

The Service Bailiff will meet Plaintiff and Plaintiff's moving crew at the premises at the scheduled time to supervise the Set-Out. If Plaintiff and the moving crew are not at the designated location within fifteen (15) minutes after the scheduled time, the Service Bailiff will assume that his services are not needed and cancel the Set-Out. Plaintiff must provide a sufficient number of adults to move furniture, appliances and all other personal property within three hours. Plaintiff must also provide all supplies and equipment necessary to complete the set-out. If additional time is needed, Plaintiff will be responsible for additional Bailiff costs at \$30.00 per hour. On the day of Set-Out, Plaintiff may not enter the premises until the Service Bailiff arrives, and locks may not be changed until the Set-Out is complete.

Plaintiff shall place all property left in the rental outside in the location designated by the Bailiff. Items should remain for twenty-four (24) hours after which Plaintiff should have the property removed at Plaintiff's expense. Failure to timely remove the abandoned property from the site may result in a nuisance or littering violation against the Plaintiff.

**Cancel by Plaintiff/Landlord.** If a scheduled Set-Out becomes unnecessary, the Plaintiff must call the bailiff to cancel the Set-Out. The Service Bailiff must receive a cancellation call at least one (1) hour before the scheduled time. Plaintiff will receive a refund of the Set-Out fee if timely cancelled and submitted in writing.

**Cancel by Service Bailiff.** The Set-Out may be cancelled at the discretion of the Bailiff under any of the following circumstances:

- (1) If the Landlord and moving crew are not on time for the Set-Out (on location within 15 minutes of the scheduled time), or if the required supplies and workers are not on site to accomplish the Set-Out;
- (2) The Landlord does not complete the Set-Out within 3 hours; or
- (3) If performance of the Set-Out may cause a risk to public safety.

If the Set-Out is cancelled by the Bailiff for any of the above reasons, there will be no refund of the writ fee or the set-out fee. The Landlord must start the red-tag procedure again and pay all required costs.

**Mobile Homes.** The procedure for requesting the red tag and Set-Out apply to the removal of tenant-owned mobile homes from the landlord's property with the exception that Plaintiff must secure the services of a mobile home moving company and a location willing to accept the home before requesting the red tag. The Bailiff will on day of Set-Out only remove the occupants from the home so that it may be towed away. The Bailiff will not remove or supervise the removal of any personal property from the home.

If the tenant-owned mobile home is in a Manufactured Home Park, the Set-Out will involve the Bailiff removing the occupants and allowing the Park Operator to pad-lock the home. The Manufactured Home Park may then proceed under ORC 1923.13 and 1923.14.

#### **I. Small Claims Division.**

A small claims action is commenced by filing a Small Claims Petition, pursuant to Ohio Revised Code Section 1925.04 on the form provided by the clerk of this court. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing after being duly served, then a default judgment may be entered against the defendant. All pleadings shall be construed to accomplish substantial justice.

The hearing in Small Claims Court shall be conducted by the magistrate. In the event that the magistrate has a conflict or is otherwise unable to hear the case, the action shall be assigned to a Judge for hearing. The magistrate shall place all parties who intend 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.

Upon filing of motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

#### **5. Default Judgment.**

A party seeking a default judgment pursuant to Ohio Civil Rule 55 shall file a written motion and a proposed Judgment Entry with the clerk. Military Affidavits pursuant to the Soldiers and Sailors Relief Act shall be filed with the proposed entry, unless filed earlier.

If the claim is liquidated, in addition to the motion, the moving party shall file an affidavit containing sufficient information in support of the claim.

If the claim is unliquidated, or if the party against whom judgment by default is sought has appeared in the action, or both, then a hearing is required. In these cases, the court will schedule

a hearing before a judge or magistrate and serve notice of hearing on all parties. The hearing will not be set less than seven (7) days after mailing the notice of hearing. The moving party shall be responsible to verify that the other parties have been properly served as required by this rule.

At the hearing on the unliquidated claim, the moving party shall present evidence to support the award of the default judgment. The judge or magistrate may require testimony under oath or by affidavit. At the conclusion of the hearing, the judge or Magistrate shall prepare a Decision and file it with the clerk. Copies of the Decision shall be served upon the parties or their attorneys by the clerk. The magistrate's decision will contain notice that Objections to the Magistrate's Decision must be filed within 14 days of the filing of the Decision.

#### 6. Substitution of Parties.

Substitution of parties, at any stage of the proceedings, must be by motion and order of the court. An assignment of judgment or other transfer of interest will not be effective unless it is approved by a judge's entry. The motion for substitution may be made by any party or by the successor of any party and, together with a notice of hearing, shall be served on the parties as provided in Civil Rule 5, and upon persons not parties in the manner provided in Civil Rule 4 through Civil Rule 4.6 for the service of summons.

Collection actions or other proceedings brought by assignees or agents are not permitted in the Small Claims Division. [R.C. 1925.02(A)(2)(a)(ii)] Therefore, any request to substitute parties in such actions must be preceded by a motion to transfer the case to the regular docket of the court.

### III. CRIMINAL RULES

#### 1. Arraignment Time.

Arraignments shall be held commencing at 9:00 a.m. Monday through Friday, when court is in session, and at such other times as the judges deem appropriate.

Arraignments of persons in custody will be conducted via closed circuit video link between the Ross County jail and the arraignment court. These arraignments shall, at the discretion of the arraignment judge, immediately follow or precede the arraignments of those persons who are not in custody. The Ross County Sheriff shall provide facilities for attorney/client conferences prior to and after arraignments, and arraignments may be recessed to permit confidential conferences as requested. A video explanation of a defendant's rights and the possible pleas may be shown to those appearing by video feed from the Ross County jail in lieu of a recitation by the arraignment judge and will be considered a part of the record for those defendants. The counsel for the defendant may appear either with the defendant in the jail via video link or appear in court at the judge's bench via the court link at the attorney's choice. The entire arraignment shall be conducted in open court in accordance with all the constitutional and statutory protections afforded individuals appearing in person for the arraignment session.

#### 2. Electronic Filings. Reserved.

#### 3. Affidavits and Complaints.

All criminal and traffic cases shall be commenced in this court by the filing of a complaint. All complaints shall state the name of the offense charged and shall contain the numerical

designation of the statute or ordinance. All criminal complaints shall be made upon oath before a person authorized by law to administer oaths. Traffic complaints may be made on the Uniform Traffic Ticket.

The use and filing of a traffic complaint that is produced by computer or other electronic means is hereby authorized in the Chillicothe Municipal Court. The electronically produced complaint shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If a complaint is produced electronically at the scene of an alleged offense, the officer issuing the complaint shall provide the defendant with a paper copy of the complaint. In addition, the officer shall file a copy of the complaint with the court either on the electronically generated UTT or by uploading the information to the Ohio Department of Public Safety as regulated by the Ohio E-Citation program. In addition, any other required documentation such as the LEADS print-out, BMV form 2255, probable cause affidavit, etc., shall be delivered to the Court in a timely manner and filed with the clerk if required by law.

If a warrant is requested on a complaint, or if a person was arrested without a warrant and remains in custody, the complaint should be accompanied by an affidavit that the arresting officer has signed, and sworn to, stating that he had probable cause to arrest and setting forth the facts that he relied on. The affidavit, and any attached reports, shall not be filed with the court, but shall be available at arraignment and shall be provided to the Law Director.

Complaints may be in statutory language, but should not contain surplusage from the statute or ordinance which is not involved in the case.

All traffic tickets or criminal complaints shall be filed with the clerk without unnecessary delay. Any ticket or complaint that is not received by the clerk prior to the Defendant's appearance date provided by the law enforcement officer or the Court may be dismissed by the Court.

4. Traffic Violations Bureau.

The Traffic Violations Bureau of this Court is established by separate entry.

5. Posting of Bail.

The Court has established a bail schedule for certain criminal and traffic offenses by separate entry. The Court has also established an optional procedure in minor misdemeanor cases pursuant to Ohio Criminal Rule 4.1.

Bail may be posted by cash, surety, or real estate, and the Court may impose conditions of release as it deems appropriate, in accordance with Ohio law.

Cash bonds will include credit card transactions through the clerk's office or at the Ross County Jail.

Pursuant to Ohio Revised Code §3905.87(A), surety bail bond agents are not required to register with the Court prior to posting a surety bond. They will, however, be required to present all of the following documents prior to posting bail:

- 1) A COPY OF SURETY BAIL BOND LICENSE
- 2) A COPY OF DRIVER'S LICENSE OR STATE I.D. CARD
- 3) A CERTIFIED COPY OF POWER OF ATTORNEY FROM THE INSURER FOR THE SPECIFIC CASE INVOLVED AND IN THE SPECIFIC AMOUNT AS SET BY THE COURT.

Every surety, except a corporate surety licensed as provided by law, shall provide an affidavit describing the property proposed as security for the full amount of the bond as required by R.C. 2937.011(L). The surety shall provide other evidence of financial responsibility as the court or clerk may require.

In all criminal cases where the defendant posts a real estate bond, the defendant's attorney or an attorney for the surety whose property is being used to secure the bond must provide the clerk with a current title search, certifying the following:

- a. A description of the property,
- b. the names that appear on the deed,
- c. the appraised taxable value of the property as shown on the records in the County Auditor's office, and
- d. whether there are any liens on file against the property.

The Court may modify a defendant's bond at anytime while the case is pending if it deems a modification is appropriate.

6. Public Defender System for Indigent Defendants.

A. When the defendant in a criminal or traffic case indicates that the defendant is indigent and desires counsel, and the potential penalty may include a jail sentence, the judge shall refer the defendant to the office of the public defender or to a public defender on duty in the Court. The judge may examine the documents comprising the investigation of the defendant's indigence, but requires only the filing of the prescribed form of the Ohio Public Defenders Office in the Court's file regarding the individual defendant.

B. If the defendant is found to be indigent, then the judge shall appoint counsel for the defendant. Appointment shall be made in the following order of priority: 1) to an attorney from the public defender's office; 2) to a "conflict attorney," who has been approved by and has a current contract with the public defender's office; and 3) to a private attorney willing to accept appointment.

The appointment to a private attorney shall be made by the bailiff/assignment commissioner in accordance with Rule 8 of the Rules of Superintendence for the Courts and OAC 120-1-10. Any attorney desiring to receive appointments shall complete an assigned counsel certification form which can be obtained from the bailiff/assignment commissioner. An attorney may submit a completed certification form at any time for inclusion on the roster. A new assigned counsel certification form may be required by the Court from time to time as the Court deems appropriate.

The bailiff/assignment commissioners will keep the completed forms on file and will create and maintain an appointed counsel roster of attorneys who are qualified to handle the following categories of offenses set forth in OAC 120-1-10: misdemeanor cases, misdemeanor OVI cases, felonies of the 4<sup>th</sup> and 5<sup>th</sup> degrees, felonies of the 3<sup>rd</sup> degree, felonies of the 1<sup>st</sup> and 2<sup>nd</sup> degrees, and life sentence cases. The roster will be shared by both courtrooms.

The bailiff/assignment commissioners will devise a system to insure that appointments are made randomly and that every attorney on the roster has an equal opportunity to be appointed, while taking into consideration the seriousness and complexity of a case and the attorney's qualifications. The court may, in the interest of justice, select an individual attorney whose expertise or experience is particularly well suited to a given case or client.

C. An attorney seeking to be approved for inclusion on the appointed counsel roster shall meet the following requirements:

1. A licensed attorney in good standing with the Supreme Court of Ohio or admitted to appear *pro hac vice*;
2. All requirements set forth in OAC 120-1-10 for the offenses sought for appointment;
3. Shall not require the defendant to travel outside of Ross County for appointments or counseling without approval of the court.

D. The court may remove an attorney from the appointed counsel list if the attorney no longer meets the qualifications set forth in OAC 120-1-10, Sup. R. 8, or this rule.

An attorney may be removed temporarily from the appointed counsel list if a criminal charge, traffic charge carrying a penalty greater than a misdemeanor of the second degree or a formal disciplinary complaint is filed against the attorney. When the charge or complaint is resolved, the attorney may become eligible to accept appointments.

For good cause, an attorney may be removed from a specific case by the presiding judge or from the appointed counsel roster with the approval of the presiding judge. An attorney removed from the roster may seek reinstatement by the presiding judge, who may require the attorney to complete additional requirements.

E. Appointed counsel seeking payment for expenses from the court shall correctly complete the forms prescribed by the Ohio Public Defender's Standards and Guidelines for Appointed Counsel Reimbursement.

7. Demand for Jury Trial.

A demand for jury trial must be filed within the time limits set forth in Ohio Criminal Rule 23(A). The demand must be in writing and filed with the clerk not less than ten (10) days prior to trial date, or on or before the third day following receipt of notice of the day set for trial, whichever is later. Failure to demand a jury trial within the time limits set forth is a complete waiver of the right to trial by jury.

8. Modification of Driver's License Suspension.

In making application for modification of a court order suspending driving privileges, a written application shall be submitted containing the information contained on the Information Sheet and Application For Limited Driving Privileges approved by the Court.

9. Modification of Sentences.

All requests for modification of sentences shall be filed with the clerk and then directed to the probation officer. It is the responsibility of the probation officer to investigate, evaluate, and report on such requests to the sentencing judge.

10. Caseflow Management in Criminal Cases.

A. Purpose. The purpose of this rule is to establish, pursuant to Sup. R. 5, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

B. Filing. A criminal case begins with the filing of a complaint. Thereafter, the case is managed in the following clerical and judicial steps.

C. Clerical Steps.

(1) If the law enforcement officer issued a summons directing the defendant to appear, then the complaint shall be set for arraignment on the prescribed day.

(2) If the law enforcement officer arrested the defendant, then the complaint shall be set for arraignment no later than the first court day following the date of arrest. A defendant arrested after 6:00 a.m. will be scheduled to appear before the arraignment judge the following court day absent approval by the arraignment judge.

(3) If the law enforcement officer is requesting that a summons issue, then the clerk will set a date for arraignment and issue summons to be served on the defendant.

(4) If the law enforcement officer is requesting that an arrest warrant be issued, then the complaint and probable cause shall be presented to the judge by a law enforcement officer with knowledge of the case. In the event the arraignment judge is unavailable due to hearings or other matters, probable cause may be presented to another judge or magistrate of this court.

(5) The arraignment judge shall dispose of all cases in which the defendant enters a plea of guilty or no contest at the arraignment. If the defendant pleads not guilty, the assignment commissioner shall randomly assign a judge to hear the case, and the matter will be set as specified by the arraignment judge.



D. Judicial Steps.

- (1) Upon a Defendant's arraignment and entry of a plea of not guilty, all misdemeanors which carry a possible jail sentence shall be set for pretrial. All misdemeanors which do not carry a possible jail sentence shall be set for trial unless the Judge orders a pretrial in that case.
- (2) When a pretrial conference is ordered the following persons are required to attend: the prosecutor, defendant, and defendant's counsel if defendant is represented. The Court, in its discretion, may order the attendance of the arresting officer, the essential or complaining witness, or other persons it deems necessary to review and address the case.
- (3) If a request for discovery is made by the defendant pursuant to Crim. R. 16, both the prosecutor and defendant's attorney or defendant should complete exchange of discovery prior to the pretrial. In addition, the attorneys shall have talked to their witnesses, shall have the witnesses present for pretrial, or otherwise be prepared to discuss the merits of the case.
- (4) All pretrials shall be conducted in accordance with Criminal Rule 17.1 of the Ohio Rules of Criminal Procedure and a pretrial order setting forth a memorandum of the matters agreed upon shall be filed in the case.
- (5) Each case not resolved at pretrial or by motion shall be scheduled for trial.
- (6) These pretrial procedures do not restrict or prevent the Judge from conducting additional pretrial conferences.

E. Motion Practice.

- (1) All motions other than those normally made during trial, or otherwise made with leave of Court, shall be made in writing and accompanied by a written memorandum containing the arguments of counsel and applicable statutory and case law citations. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure.
- (2) No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case at the same time, the motion shall include a copy of the previously scheduled court's order. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.
- (3) Unless counsel for the moving party requests oral hearing, no oral hearing will be allowed other than upon motion of the Court. A request for oral hearing shall be submitted with the motion and shall be noted prominently in the caption.
- (4) Parties wishing to respond in writing to any motion shall do so not later than seven (7) days following service of the motion or three (3) days prior to the oral hearing date if an oral

hearing was requested, whichever is later. The judge may establish a scheduling order for the filing of responses if the judge deems it appropriate. All motions, where an oral hearing is not required, should be accompanied by a proposed entry.

- (5) An alleged victim may be permitted to file motions in accordance with the time parameters of Crim. R. 12(D) to the extent required by Art. I, Section 10a of the Ohio Constitution or by the Ohio Revised Code.

#### F. Incarcerated Defendants.

- (1) Court proceedings for incarcerated defendants may be conducted via closed circuit video link between the Ross County jail and the Court in accordance with Crim.R. 43(A).

### **IV. JURY MANAGEMENT PLAN**

Each year approximately 2600 jurors to be used in the Chillicothe Municipal Court shall be chosen by the jury commissioners of Ross County as provided in Chapter 2313 of the Ohio Revised Code. Potential jurors shall be randomly drawn from a list of all registered voters in Ross County, using automated data processing equipment in conformity with RC 2313.09.

Approximately 50 jurors shall be summoned for jury duty each week throughout the calendar year. The jurors may be assigned to serve in either courtroom at the discretion of the judges.

In the event the jury panels drawn are insufficient to meet the needs for the court in the calendar year, the Jury Commissioners shall reconvene as necessary to select additional jury panels, in accordance with ORC 2313.01.

The Court shall notify all prospective jurors by regular mail and summon them to appear on the date assigned. Each juror shall be summoned to be on call for a one-week term of jury service. All prospective jurors shall be required to complete a jury questionnaire and, if appropriate, may request an excuse, exemption, or a deferral.

Approximately 25 prospective jurors shall be summoned to appear for each scheduled trial unless the trial judge determines that a lesser or greater number is necessary for a particular trial.

Persons summoned for jury service shall receive compensation in the amount of ten dollars (\$10.00) per half day for persons reporting but not seated as a trial juror. Persons seated as a juror shall be paid twenty dollars (\$20.00) per day.

All requests for excuse, exemption, or deferral must be made on the form provided by the court, and shall be accompanied by appropriate documentation. These documents shall be retained by the court. A request for excuse may also be accepted by telephone. The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

- Juror requests a postponement for less than six months. The court must grant the postponement if the juror has not requested a previous postponement. In exceptional circumstances, the court can grant a second postponement or grant one for longer than six months.
- The juror has a mental or physical condition that causes the juror to be incapable of performing jury service - this condition must be supplied by a physician's documentation.
- The juror would suffer "extreme undue physical or financial hardship," which means the juror would be required to abandon a person under their personal care; the juror would incur costs that would have a substantial adverse impact on the payment of daily living expenses; the juror would suffer physical hardship that would result in illness or disease; the juror is a mother who is breastfeeding a baby and the baby is one year of age or younger.
- The juror is a member of a "Recognized Amish Sect" and holds a sincerely held belief against passing judgment on another person.
- The juror informs the court that they are over 75 years of age and would like to be excused.
- Any person who has served on a jury within the last year.
- The interests of the public will be materially injured by the juror's attendance.
- The juror's spouse or a near relative of the juror or juror's spouse has recently died or is dangerously ill.
- The juror is a cloistered member of a religious organization.
- A person is excused permanently from jury service only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.
- A person on active military duty.
- The juror is no longer a resident of Ross County.

Once a prospective juror has submitted his request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

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

Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel one day prior to the day on which jury selection is to begin. Counsel is permitted to make note of the information contained on the questionnaires, except addresses and telephone numbers. Under no circumstances may counsel or a party remove any jury questionnaire from the court.

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

Upon the completion of the case and prior to jury deliberations, the judge 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.

A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation.

All jurors may be permitted to take notes during the course of the presentation of evidence after proper instruction by the judge and at the discretion of judge.

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

All communications 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 communications, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witness, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room unless other accommodations are necessary and appropriate. Jury deliberation rooms shall include space, furnishings and facilities conducive to reach 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 court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evenings or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors may 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.