

ED JUN 01 2020

ANTHONY J. DATTILIO
CLERK

IN THE COLUMBIANA COUNTY MUNICIPAL COURT
LISBON, OHIO

LOCAL RULES OF COURT

2020 GD18

The Columbiana County Municipal Court ("Court") hereby adopts the following rules, which shall be applicable in all cases filed in this Court.

I. General Rules of Court

1. Hours and Sessions of Court.

The office of the Clerk of the Court shall be open Monday through Friday from 8:00 A.M. until 4:00 P.M. subject to the availability of personnel. All sessions of the court shall begin promptly at 8:30 A.M. and 1:00 P.M. unless otherwise directed by the Judge. The Court shall close for all legal holidays observed by the public offices of Columbiana County, Ohio or when the Columbiana County Courthouse and/or the Municipal County Courthouse is otherwise closed. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Court.

2. Audio Record.

Unless otherwise provided in these rules, all proceedings before this Court shall be recorded by an audio electronic recording device provided by the Court. A party may provide a stenographic court reporter at the party's cost and expense. No record shall be required of any proceeding in the small claims division of this Court.

3. Court Records.

- A. **Inspection of Records.** All indexes, docket, journals, and file records maintained in accordance with law by the clerk of the 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. Other case file material shall only be inspected with permission of the Court.
- B. **Transcription of Records.** 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. All inspections shall be made under the supervision of Court personnel. Original papers shall not be removed from the office of the clerk.
- C. **Personal Identifier Information.** As required by Sup. R. 45 (B)(2) the Clerk of this Court shall provide a form for use by parties to provide "personal identifier" information. The clerk shall make the form available both in paper in the clerk's office and online for remote access. 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.

4. Fee for Copies.

A charge of \$1.00 per page shall be made for a photo static certified copy of any document. Copy fees shall be paid in advance.

5. Counsel of Record.

When counsel is retained to represent any party, such attorney shall immediately notify the clerk in writing of such representation. Any counsel intending to withdraw from representation must submit a written request and such counsel shall appear at the next scheduled court proceeding for such case unless substitute counsel has appeared of record or unless the Court grants prior leave. Withdrawal considerations shall be in conformity with the Code of Professional Responsibility.

6. Probation and Community Service Fee. (amended 10/16/09)

A probation supervision fee of \$200.00-\$400 shall be charged for each person placed on probation. Early termination of probation shall not result in a refund of any probation fees. These fees shall be paid according to the Court's order. In cases where the Court orders the performance of Community Service without an order of probation, there shall be a setup fee of \$60.00 charged and a monthly supervision and maintenance fee of \$20.00 for each month until the Community Service is performed. Failure to pay any fee shall be considered a violation of the Court order and shall be subject to charges for indirect contempt of court or probation violation. All fees collected under this section shall be paid to the clerk of court and shall be placed in a separate fund to be disbursed upon an order of the court. If the Court determines that the amount of money in the fund is more than the amount sufficient to satisfy the purpose for which the fee was imposed, the court may declare a surplus in the fund and expend the surplus money for other appropriate expenses of the court.

7. Fees and Costs.

Pursuant to Ohio Revised Code Section 1901.26, the Court hereby establishes the Schedule of Fees and Costs for civil and criminal actions and proceedings in this Court as set forth in attached Exhibit A, which may be modified at any time by the Judges. Such schedule together with any amendments or modifications shall be posted in the office of the clerk of Courts. Pursuant to Section 2929.111 of the Revised Code, all sums received in criminal and traffic matters shall be allocated as follows:

- A. First, to satisfy local court costs.
- B. Second, to satisfy any State costs.
- C. Third, to pay reimbursements (costs of confinement, probation fees, etc.)
- D. Fourth, to pay fines.
- E. Fifth, to pay restitution.

8. Filings.

All court filings must be original documents, signed, and delivered to the Clerk of Courts. Facsimile documents will not be accepted for filing but may be provided for information purposes only.

8.1 Electronic Filing (E-Filing)

A. Notice

Subject to the provisions of this Rule, filing with the Clerk may be accomplished through electronic filing (E-Filing). All persons desiring to utilize electronic filing must pre-register and be approved by the Clerk. The requirements for pre-registration and approval can be found at the Clerk's website: www.ccclerk.org.

B. Definitions

1. Original Document: the electronic document received by the Court.
2. PDF: Portable Document Format - documents saved as this type have the [.pdf] extension.
3. DOC: Microsoft Word Documents - documents saved as this type have the [.doc] extension.
4. Source Document: the document created and maintained by a User that is electronically transmitted to the Clerk for filing.
5. Submission: a document or other data electronically transmitted over the public Internet to the Clerk for filing.
6. Effective Date and Time of Filing of a Document: means the date and time stamped by the Clerk on the electronically transmitted document.
7. Electronic Filing: the process of electronically transmitting a digitized source document over the public Internet to the Clerk for filing and refers, as indicated by the context, to the means of transmission or to a document so transmitted. Electronic filing does not include a facsimile transmission.
8. Electronic Mail (email): Messages sent by or received by a person through an electronic service system utilizing the public Internet.
9. User: A person approved by the Clerk who electronically transmits a digitized source document over the public Internet to the Clerk for filing.

C. Electronic Filing Policy

1. Applicability

All documents may be electronically filed with the Clerk, subject to the provisions of these Rules.

2. Application of Rules and Orders

Unless otherwise modified by approved stipulation or Court order, these Rules and all applicable Ohio Rules, including Rule 5(E) of the Ohio Rules of Civil Procedure, Rule 12(B) of the Ohio Rules of Criminal Procedure, and the Rules of Superintendence, which are fully incorporated by reference through this Rule, shall apply to all electronically filed documents.

3. Regulation of Electronically Submitted Documents

a. Any electronically submitted document must be signed by an attorney admitted, in good standing, and licensed to practice law in the State of Ohio or person representing themselves.

b. The signature on an electronically submitted document shall be considered that of the attorney or person representing themselves under Rule 11 of the Ohio Rules of Civil Procedure.

c. No User shall authorize any person to electronically submit on that User's behalf any document to the Clerk for filing, except the User's employee or a service provider retained to assist the User in electronic filing.

d. If it is established that any document was electronically submitted without authority, upon motion, a Judge or Magistrate may order the document stricken.

4. User Account Assignment

a. Upon receipt of a properly completed and signed Online Access User Agreement Form, the Clerk shall set up an electronic User account and assign a User-id and initial password to be used for electronically submitted documents. A sample Online Access User Agreement Form is found at **Appendix C**.

5. Hours of Operation

a. The Clerk shall receive electronically submitted documents 24 hours per day, seven days per week, regardless of whether or not the Clerk's Office is actually open.

b. An electronically submitted document will be deemed filed when time stamped by the Clerk. Time at the Court (Eastern Standard) governs, rather than the time zone from which the submission is made. Accordingly, all electronic

submissions should be made in adequate time to permit processing in the event of an imminent deadline.

c. All electronically submitted documents shall receive a confirmation date and time acknowledgement as set forth in this Rule.

6. Document Format

a. Documents must be electronically submitted in PDF or DOC formats and as an attachment to the Web Portal.

7. Fees

a. The Clerk shall charge the User normal filing fees and deposits, which will be collected through the User's credit card at the time the electronic submission is processed. Pursuant to § 301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed in an amount to be determined by the Clerk. Any document electronically submitted will not be filed until all required fees have been paid.

b. A current filing fee and deposit schedule of the Clerk is found at **Appendix D**.

c. The Clerk will not accept personal checks or other forms of payment for filing fees and deposits required with electronic filing.

d. The Clerk will document the receipt of required fees and deposits on the docket.

e. The Clerk will not maintain electronic billing or debit accounts for any User.

8. Filing Acceptance or Rejection Cycle

a. A confirmation number will be assigned to each electronically submitted document when it is received in its entirety by the Clerk's receiving device.

b. The confirmation number and the date and time of the filing will be displayed on the **My Filings** screen of the User's computer upon successful electronic submission of the document.

c. Upon successful processing of the electronically submitted document by the Clerk, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the User.

d. The User will be notified by an electronic mail message if the electronically submitted document is rejected for filing for any reason.

e. If an electronically submitted document is rejected for filing due to technical errors and the User wishes to have a corrective document relate back to the date and time of the rejected document, the User must file a motion with the Court seeking such relief.

f. The Clerk shall retain an electronically submitted document that is rejected for filing for a period of one year from the date of the electronic submission, and it may then be destroyed without further notice to the User.

g. Any User who elects to electronically submit a document to the Clerk is solely responsible for any delay, disruption, interruption, or failure in transmission and/or readability of the document. Each User accepts all risk that an electronically submitted document may not be received, filed, properly filed, or accepted by the Clerk.

9. Electronic Time Stamping

a. Upon successful completion of submission and acceptance by the Clerk, each electronically submitted document will receive a separate electronic time stamp.

b. The electronic time stamp will include the date and time that the Clerk accepted the User's entire electronic submission as well as the case number of the filing, if any.

c. If the Clerk recognizes a processing error, the Clerk will contact the User in an effort to remediate the issue.

d. After a document is electronically time stamped and accepted into the system, it cannot be altered by the User.

10. Disposition and Maintenance of Source Documents

a. An electronically filed document shall be accepted as the original filing, if the User complies with all of the requirements of this Rule.

b. The User is not required to file a paper copy with the Clerk of any electronically filed document, but must maintain in the User's records, and have available for production upon request by the Court, the Clerk, or counsel, the source document of any document electronically filed.

c. A User shall maintain each source document until the final completion of the case, including during the time in which an appeal could be filed or until any appeal is completed.

11. Service of Electronically Filed Documents

a. Electronically filed documents shall be served in accordance with Rule 5 of the Ohio Rules of Civil Procedure and/or Rule 49 of the Ohio Rules of Criminal Procedure, which are fully incorporated through reference in this Rule.

b. Once an attorney or person representing themselves has entered an appearance, the attorney or person representing themselves shall furnish their email address, and service thereafter on such person shall be made electronically when possible.

12. Attachments and Exhibits

a. Attachments and exhibits to an electronically submitted document shall also be submitted electronically.

b. Large attachments or exhibits that cannot be submitted electronically must be submitted in paper copy for service on all other parties.

13. Signatures

a. If an original document requires a signature of a non-attorney, the User shall scan the original document and then submit it to the Clerk electronically.

b. An electronically submitted document requiring an attorney's signature shall be signed in the following manner: "/(attorney name)/." The correct format for an attorney signature is as follows:

- /Ohio Attorney/
- Attorney's name (typed)
- Ohio Supreme Court Number
- Attorney for (Plaintiff/Defendant)
- Address
- Telephone Number
- Facsimile Number
- Email Address

c. For documents requiring two or more signatures, such as stipulations, journal entries, agreed judgment entries, or separation agreements, the following procedure applies: (1) The User shall confirm that the content of the document is acceptable to all persons required to sign the document; and (2) The User will indicate the agreement of other counsel or person representing themselves at the appropriate place in the document, usually on the signature line.

d. If the User elects to file the document electronically the signatories shall be indicated, for example, as /Jane Doe/, /John Smith/, etc.

e. Any person that disputes the authenticity of a signature on an electronically filed document containing multiple signatures must file an objection to the

document or a motion to strike within ten (10) days of receiving the notice of electronic filing.

14. Technical Failures

- a. The Clerk may, at any time, deem its website at www.ccclerk.org subject to a technical failure if the website is unable to accept electronic submissions continuously or intermittently. If known in advance, the period of any system outage will be posted on the Clerk's website whenever possible.
- b. A User who cannot submit or file a document electronically due to any problem of any nature must file a paper copy with the Clerk.
- c. A User whose filing is made untimely as a result of a technical failure of the Clerk's system or website, or as a result of problems or failures in the User's system, may seek appropriate relief from the Court.

15. Correction of Docket Entries / Documents Filed in Error

- a. Once filed, an electronically filed document becomes part of the docket. The Clerk alone is authorized to make any corrections or changes to the docket.
- b. The electronic filing system does not permit a User to make changes to any document or the docket once the transmission has been accepted by the Clerk.
- c. If an electronically submitted document is filed in error, a User should not attempt to re-submit the document.
- d. As soon as reasonably possible after an error has been discovered, the User should contact the Clerk with the case number and document number for which the correction or change is being requested.
- e. A Judge or Magistrate may approve an appropriate judgment entry indicating that an electronically filed document was submitted in error and the Clerk will advise the User if the document may be re-filed.
- f. If an electronically filed document is filed in error (e.g., a document includes the wrong case number), a Judge or Magistrate may order the document stricken.
- g. As soon as reasonably possible after an error has been discovered, the Clerk shall notify the User of the error and if the document needs to be re-submitted.
- h. The Clerk will not delete the relevant docket text, but will note in the docket the deletion or change, the reason for the deletion or change, and that the User has been so notified. (e.g., Stricken from record per JE dated 1/1/2000).

D. Non-Compliance

The Clerk reserves the right in its discretion to deny any person the use or continued use of the E-Filing system, for reasons including that person's non-compliance with these Rules or any other rule governing the use of the E-Filing system, equipment incompatibility issues that are not corrected, or due to any misuse of the E-Filing system.

8.2 Public Access to Court Records and Case Documents

- A. Direct or remote public access to court records and case documents shall be as provided in Rule 45 of the Rules of Superintendence, which is fully incorporated by reference through this Rule.
- B. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper at the Clerk's website at <http://www.ccclerk.org>. The Clerk provides access to some documents online. If not available online, electronically filed documents may be reviewed in the office of the Clerk.
- C. Public access to electronically filed public documents will be available at the Clerk's website as soon as the Clerk has processed the document.
- D. If the Clerk's website is unavailable or is not provided, or if the Clerk is prohibited by the Court or by any law from making the document available at the Clerk's website, the document will be available for review at the office of the Clerk, either by computer terminal or in paper form.
- E. If a court record or case document is sealed or expunged, is filed under seal, or is otherwise not subject to public viewing, it is unavailable for public disclosure or review.
- F. No person, except a Judge or Magistrate of the Court, a member of the court staff, or someone on the Judge's written order, shall be permitted to remove a court record or case document from a file or take a file out of the custody of the Clerk. While used during the trial of a case, every court records and case document shall be considered in the custody of the Clerk.

9. Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Columbiana County Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offence, the issuing officer shall provide the defendant with a paper copy of the ticket.

10. Signature Stamp.

The Clerk is authorized to affix the signature stamp of a Judge of this Court to the types of routine Judgment Entries and Orders of the Court set forth below, in which case, the stamped signature shall be effective as the original signature of the Judge:

- A. Orders of Garnishment and Attachment.
- B. Orders for Debtor's Exam.
- C. Registration Block (Warrant Block), but not the Warrants themselves.
- D. Judgment Entries suspending operator or commercial driving license for failure to pay or appear.
- E. Judgment Entries ordering the Bureau of Motor Vehicles to correct or modify records.
- F. Limited Driving Privilege Form.

II. Case Management in Criminal and Traffic Cases.

11. Purpose.

The purpose of this rule is to establish a system for criminal and traffic case management that will provide for 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 Municipal Court system.

12. Arraignments.

All criminal and traffic arraignments shall be held at 8:30 A.M. each day the court is in session unless otherwise ordered by the Court.

13. Assignment of Cases.

In accordance with Rules 5 and 36 of the Supreme Court Rules of Superintendence, criminal and traffic cases shall be assigned as follows:

- A. The case shall not be immediately assigned to either judge, but shall be set for arraignment before the judge assigned to handle arraignments on the day of initial appearance. In the event the defendant enters a plea of Guilty or No Contest at arraignment, then the case shall be assigned to the arraigning judge.
- B. At the point when a case becomes contested (the entry of a plea of Not Guilty or the filing of a motion in a criminal/traffic case) the Clerk shall randomly assign the case to one of the two judges of this Court, unless the arraigning judge or Administrative Judge determines that for judicial economy or due to conflict, the case should be assigned to a specific judge.

14. Pre-Trials.

There shall be no pre-trial conference in any minor misdemeanor and/or fourth degree misdemeanor and/or third degree misdemeanor case unless the defendant files a written time waiver, or as the Court schedule allows, as to the

time within which said case must be tried under Section 2945.71 of the Ohio Revised Code.

15. Plea Agreements.

Negotiated pleas, where a charge is reduced or dismissed, will be accepted by the Court only where the prosecuting attorney or Village Solicitor provides to the court in writing or on the record a statement that the complaining party, victim, and/or the arresting officer was consulted or given the opportunity to express an opinion concerning the proposed plea agreement and he or she approved the proposed plea agreement or that his or her approval was unreasonably withheld together with the Prosecutor's or Solicitor's reasons why the withheld approval was unreasonable. The arresting officer, victim, and/or the complaining party may also personally appear at the time of disposition and state his or her approval or disapproval along with any reasons therefore before the Court accepts or rejects the proposed agreement.

16. Personal Appearance.

Defendant shall appear at all hearings, except as otherwise provided in these rules. All cases resolved at pre-trial shall proceed immediately to disposition, unless otherwise ordered by the Court.

17. Exceptional Circumstances.

For purposes of Traffic Rule 12, the following shall be considered "exceptional circumstances" in all traffic cases where the defendant has previously appeared personally or through counsel.

- A. The defendant is not a resident of Columbiana County, Ohio.
- B. The defendant is a resident of Columbiana County, Ohio but defendant's personal appearance in court would cause the defendant to lose one half (1/2) day or more of gainful employment.

18. Written Appearance. If defendant meets either of these "exceptional circumstances", defendant may submit, through his or her attorney of record, a written motion pursuant to Traffic Rule 12 and an agreed judgment entry evidencing defendant's pleas of guilty or no contest to the original charge or to an amended charge. The judgment entry shall contain the agreed disposition of the case, a waiver of personal appearance and consent that judgment and sentencing may be pronounced against the defendant in his or her absence. The defendant, the defendant's counsel, and the assistant prosecuting attorney must approve the agreed judgment entry. Before the Court will accept the agreed judgment entry it must be accompanied by the following:

- A. An attorney's trust check, money order, certified check or bank check covering the total amount of the unsuspended portion of the fine and the court costs.

- B. Defendant's driver's license, if the defendant's driver's licenses will be suspended and is not presently held by the Court.
 - C. Proof that defendant's operation of the vehicle was covered by insurance or other proof of financial responsibility as required by Ohio Revised Code Section 4509.101 (A) and 4509.45.
- 19. Personal Appearance Not Required.**
The defendant shall not be required to appear if a written plea of guilty or the defendant has signed no contest and payment of bond is received in the amount set forth in the bond schedule attached as Exhibit B, which may be modified from time to time.
- 20. Motions.** The Court will not entertain motions, which fail to comply with Criminal Rule 47. To be in conformity, the motion must be in writing and filed within the time limits set by the Rules of Criminal Procedure, and must contain the following:
- A. The specific grounds upon which motion is based;
 - B. A recital of facts asserted which, if uncontroverted, would be sufficient to establish a prima facie case for the submitting party;
 - C. Citations to authority in support of the position of the submitting party. Ohio authority is to be cited in all instances where it exists and only thereafter will non-Ohio authorities be cited.
- 21. Trials.**
Each case not resolved at pretrial shall be set for trial to the Court. If a jury demand is timely filed, the case will be moved to the jury trial schedule. Any party filing a demand for trial by jury shall notify the Court by 3:30 P.M. on the last business day preceding his or her trial of any withdrawal of demand for jury or change of plea, otherwise jury costs will be assessed to his or her case.
- 22. Status Conference.**
All criminal and traffic cases set for jury trial and not resolved at pre-trial shall be assigned for a status conference to be held the week preceding the day set for jury trial, unless otherwise ordered by the Court.
- 23. Continuance.**
No party shall be granted a continuance of a trial, pre-trial, or a hearing without a written motion or oral motion on the record by the party or his or her counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. A copy of the notice from the other court shall be attached to the Motion for Continuance. The granting of any other request for continuance is a matter within the discretion of the trial court. Continuance requests made within 24 hours of

the scheduled hearing will be denied unless there are exceptional circumstances. If a designated trial attorney has such a number of cases assigned for trial so as to cause undue delay in the disposition of such cases, the judge may require the trial attorney to provide a substitute trial attorney.

24. Sentencing.

Sentencing shall take place after a plea of guilty or no contest; or after the court issues a finding of guilty by the Court or verdict of guilty by the jury, subject to the victim's rights as required under Ohio law.

III. Case Management in Civil Cases.

25. Purpose.

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.

26. Court Costs Deposit.

Any person filing a civil action or proceeding shall deposit with his or her complaint the corresponding court cost deposit set forth in attached Exhibit A unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.

27. Assignment of Cases.

Upon the filing of a civil action, the Clerk shall randomly assign the case to one of the two judges of this Court, unless the Administrative Judge determines that for judicial economy or due to conflict, the case should be assigned to a specific judge.

28. Costs Deposit for Jury Trials in Civil Cases. Any party demanding trial by jury in a civil case shall deposit, in addition to the usual court cost deposit, the jury trial deposit with their written demand unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of a jury demand if the deposit is not included. The party shall also file the number of jurors requested consistent with Civil Rule 48.

29. Scheduling of Events.

The scheduling of a case begins when a civil case 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 Rule of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel (or Plaintiff, if unrepresented) immediately. If counsel or Plaintiff fails to obtain service of summons within six (6) months from the date the cause of action was filed, then the case will be dismissed unless good cause is shown to the contrary.
2. After any responsive pleading is filed, the clerk shall set the matter for hearing.
3. 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 matter will be dismissed unless good cause is shown.
4. When the court is advised that settlement has been reached, the court shall receive the entry within thirty (30) days. If the entry is not received, the case will be dismissed.

B. Judicial Steps

1. **Motions.** All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of the fourteen (14) day period unless the Court extends time. There will be no oral hearings granted on the motions unless party requests an oral hearing in writing and/or the Court deems it necessary.
2. **Pre-Trials.** For the purpose of this rule, "pre-trial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" shall mean the party or parties to the action and/or attorney of record.
 - a. Personal appearance shall be required unless otherwise ordered by the Court. Any attorney for a party, who fails to attend a scheduled pre-trial conference without just cause being shown, may be punished for contempt of court.
 - b. Notice of pre-trial conference shall be given to all counsel of record by mail not less than fourteen (14) days prior to the conference. Counsel attending the pre-trial 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 as to facts in controversy and, in general, to shorten the time and expense of trial. The court will file a pre-trial entry to become part of the

- record setting forth all stipulations, admissions and other matters, which have come before it in the pre-trial.
- c. The Court shall determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed. The Court may make such schedules and orders concerning discovery, as the Court deems appropriate.
 - d. Any Judge presiding at pre-trial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his counsel to appear in person at any pre-trial 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 trial as required; or to make such order as the court may deem appropriate under all the circumstances. If the case is not settled at pre-trial, then the case will be set for trial at a time agreeable to all parties.
3. Trials. Unless counsel requests and the Court finds good reason to schedule a second pre-trial, each case not resolved at pre-trial shall be set for trial to the Court. If a jury demand is timely filed and the jury trial deposit is timely made or waived by the Court, the case will be moved to the jury trial schedule. The case will be set for a status conference approximately one (1) week prior to scheduled jury trial. All attorneys shall notify the Court by 3:30 P.M. of the day preceding their jury trial of any change in the status of the case or jury costs incurred by the Court shall be assessed to the case.
 4. Continuances. No party shall be granted a continuance of a trial, pre-trial, or a hearing without a written motion or oral motion on the record by the party or his *or her* counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any request for continuance is a matter within the discretion of the trial court. Continuance requests made within 24 hours of the scheduled hearing will be denied unless there are exceptional circumstances. If a designated trial attorney has such a number of cases assigned for trial so as to cause undue delay in the disposition of such cases, the judge may require the trial attorney to provide a substitute trial attorney.
 5. Judgment Entries. Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry, if ordered by the Court. The entry shall be submitted to opposing counsel within five

(5) days of the decision. Oposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the court will prepare the journal entry. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of any entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution. Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution. The journal entry shall allocate the court costs between or among the parties.

IV. Case Management in Special Proceedings

30. Purposes.

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 and may be heard by a judge or acting judge, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite for contempt, garnishment hearings, debtor's exams, and B.M.V. hearings. The following criminal matters are considered special proceedings and may be heard by a judge or acting judge, to wit: preliminary hearings, extradition hearings and motions for temporary protection orders.

31. Scheduling of Events.

Special proceeding that has 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 ninety (90) days.

32. Clerical Steps.

- A. In all new special proceedings, if counsel fails to obtain service of summons within six (6) months, the case will be dismissed unless good cause is shown to the contrary.
- B. After any responsive pleading is filed, the clerk shall set the matter for hearing.
- C. If no action has been taken on a file for a six (6) month period and the case is not set for trial, the matter will be dismissed unless good cause is shown.

V. Jury Management

33. Selection.

Jurors for the Court shall be drawn at the time and place corresponding to when jurors are drawn for the Columbiana County Common Pleas Court and in the manner provided by Ohio Revised Code Chapter 2313. A separate jury pool will be drawn for each judge of this Court.

34. Notification.

The clerk or jury commissioner shall notify each prospective juror of being drawn for jury service. All jurors shall be notified of jury service at least two (2) weeks prior to the service and each juror shall be provided a telephone number to call for a recorded message concerning the current status of that service. Each juror shall call that number after 5:00 P.M. on the day prior to his or her scheduled service. If a juror reports for service without calling the number as instructed, no jury service fee will be paid.

35. Excused absence.

Excuse from jury duty shall be limited to the statutory exceptions unless the Judge finds extraordinary circumstances or any of the following circumstances exist:

- A. Student. *A person is a full time student, who lives at or near the school he or she is attending shall be excused form service unless he or she chooses to serve.*
- B. Medical. A person may be excused for medical reasons if his or her request is accompanied by a physician's statement describing the nature of the condition and the doctor's opinion that the condition will interfere with jury service.
- C. Vacation. A person may be excused for a scheduled vacation if his or her request for excuse is accompanied by documentation verifying travel reservations.
- D. Prior Service During Term. A juror who has served on a jury during his or her term of service shall not be excused, but shall be rotated to the bottom of the potential juror list.
- E. Miscellaneous. A juror may, upon reasonable request, be allowed to transfer his or her service to the next scheduled trial date.

36. Alternate Jurors.

Unless the trial is expected to exceed three (3) days, only one (1) alternate juror shall be selected, unless the court determines additional alternate jurors are necessary.

37. Jury Accommodations.

When juror reports of service, the bailiff shall seat the prospective juror in the courtroom to the exclusion of all persons except other jurors. All material except those needed for proper deliberation shall be removed from the jury room.

VI. Court Security.

- 38.** The court security policy is attached as Exhibit C, which may be modified from time to time.

VIII. Criminal Docket Diversion Program

39. Creation of Criminal Docket Diversion Program.

The Court has created a diversion program known as **Steps Towards Effective & Personal Solutions (STEPS)**, which provides an opportunity for first time offenders to avoid conviction.

40. Placement in STEPS.

In order to qualify for participation in the diversion program, the Defendant must be a first time offender; be charged with a violation of the underage consumption statute; and have no other pending cases. Application for acceptance into STEPS shall be subject to approval by the prosecutor after consulting with the arresting officer and a determination of admission by the Judge assigned to the case.

41. Case Management for STEPS.

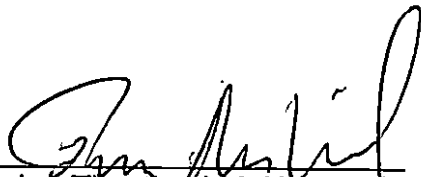
Upon acceptance in the diversion program, Defendant shall enter a plea of guilty with the court making a finding of guilt. Sentencing will be stayed for one hundred eighty (180) days subject to Defendant completing community service and an approved substance abuse program; reporting to the community control department as directed; submitting to random drug screens and/or alcohol monitoring; and submitting a written report to the Court. Upon successful completion of the diversion terms, Defendant will withdraw the plea and the prosecutor will dismiss charges. If Defendant is unsuccessful in completing the diversion terms, the judge assigned to the case will impose sentencing and be responsible for case management.

42. Fees.

A community control fee of \$180.00 shall be charged for each Defendant placed in the diversion program in lieu of the Probation and Community Service Fee described in Paragraph 6 of these Local Rules. In addition to the community control fee, each Defendant shall also pay \$200.00, which shall be remitted by the Clerk of Courts to the Arresting Community and \$20.00 for cost of random drug/alcohol testing.

EFFECTIVE DATE

These Rules will be in effect as of the 1st day of June, 2020.



Judge Timothy J McNicol



Judge Katelyn Dickey

(Amended June 1st, 2020)