

OREGON MUNICIPAL COURT

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PART 1 - GENERAL

1.01 SCOPE OF RULES

The rules of the Oregon Municipal Court are adopted, published and periodically revised pursuant to 1901.14 O.R.C. These rules are to be read in conjunction with, and at all times subordinate to the Revised Code, Civil Rules, Criminal Rules, Traffic Rules, and Rules of Superintendence for Municipal Courts and County Courts.

1.02 SESSIONS (amended 6-4-2014)

The Court hours are from 9:00 a.m. to 4:00 p.m., Monday, Tuesday and Friday; from 9:00 a.m. to 12:00 p.m. on Wednesday and from 9:00 a.m. to 11:00 a.m. on Thursday for civil cases, except on those days designated by law as legal holidays.

There shall be a criminal arraignment session beginning at 9:00 a.m. each Monday (excluding holidays).

There shall be a traffic arraignment session each Friday (excluding holidays), commencing at 9:00 a.m. A prosecutor will be available on the above traffic arraignment times for court referrals. (See Rule 3.01A)

The order of call of the docket in arraignment sessions shall be as follows: (1) Cases where the defendant is represented by an attorney, (2) cases where the defendant is in custody, and (3) the balance of the docket according to the order in which the defendant arrives at the Court premises as reflected when the court bailiff takes attendance.

Jury Trials will be heard on Wednesdays at 8:45 a.m.

Small claims sessions shall be scheduled every Thursday, commencing at 9:00 a.m. Dates and times for Mediations vary.

All Court session times are subject to temporary modifications by the Court to meet emergencies or the requirements of particular cases.

The office of the Clerk shall be open for the transaction of business during the hours of 8:30 a.m. until 4:30 p.m. each day of the week except legal holidays.

1.03 NO TERM OF COURT

There shall be no term of Court, but in accordance with Section 1901.29 O.R.C., for the purpose of computing time, ninety days following judgment shall be considered within term and time thereafter shall be considered after term.

1.04 PRACTICE BEFORE THE COURT (amended 3-31-2020)

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

An attorney who has entered an appearance as counsel of record must appear at all proceedings on a case unless an oral or written motion to withdraw or be absent is granted by the Judge.

1.05 REQUIREMENTS OF PLEADINGS

- A. All documents filed with the Clerk, including, but not limited to pleadings, motions, applications, judgments and orders, shall be neatly prepared on 8 1/2" x 11" paper. If consisting of more than one sheet of paper, the sheets shall be securely fastened together. The use of covers or jackets shall not be permitted.
- B. Each document filed by each party represented by counsel shall designate, on the first page thereof, immediately beneath the name of the paper, the name, address, telephone number, fax number, and code number of the attorney responsible for the case.
- C. The mailing address must be given for all parties and counsel and shall include the correct zip code.
- D. It shall be the duty of the plaintiff, or his attorney, to file with the complaint as many copies thereof as there are defendants to be served the summons in said action. Copies shall be clear photo copies. Pleadings which do not conform to this rule may be ordered stricken from the file by the Court.
- E. All motions must be accompanied by an Order.

1.06 FACSIMILE FILINGS (amended 3-31-2020)

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

Pleadings and other documents may be filed by facsimile transmission with the Clerk of Courts to 419-698-7013 subject to the following conditions:

- 1. These rules apply to traffic, criminal, civil, and small claims proceedings in the Oregon Municipal Court.
- 2. The following documents will not be accepted as originals for fax filing: traffic, criminal, civil, or small claim complaints, and cognovit promissory notes.

A. Original Filing

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

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

B. Definitions

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

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

(2) A "facsimile machine" means a machine that can send and receive a facsimile transmission.

(3) "Fax" is an abbreviation for facsimile or facsimile transmission.

C. Cover Page

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

(a) the name of the court

(b) the caption (title) of the case

(c) the case number

(d) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss, etc.)

(e) the date of transmission

(f) the transmitting fax number and the sender's phone number

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

(h) 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.

(2) If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

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

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

(3) The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

D. Signature

(1) 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.

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

E. Exhibits

(1) 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. Said missing exhibit shall be filed with the court, as a separate document, not later than five court days following the filing of the facsimile document. Failure to file the missing exhibit as required by this paragraph may result in the court striking the document and/or exhibit.

(2) 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, caption (title) of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

F. Time of Filing (amended 3-31-2020)

(1) Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Any facsimile document received by the Clerk after normal court hours will be *file* stamped on the next open business day of the court.

(2) The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

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

(4) To verify that a facsimile filing has been filed, you may go to our web site www.oregonmunicipalcourt.us and check the docket page for the entry of your filing.

G. Fees and Costs

(1) Documents which require a filing fee must be received by the Court with said fee.

(2) No additional fee shall be assessed for facsimile filings.

H. Length of Document

Facsimile filings shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

1.06A USE OF ELECTRONICALLY PRODUCED TICKET (added 6-4-2014)

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Oregon 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 offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

1.07 RECORD OF PROCEEDINGS, COURT REPORTERS

All Court proceedings, which are required to be recorded, shall be recorded by an audio-tape machine. A court reporter may be supplied upon the written request of either party or his counsel, provided such request is filed in writing at least five court days prior to trial. In such a case, the reporter's costs shall be borne by the party requesting the same, who shall pay the costs directly to the reporter.

1.08 DOCKETS AND RECORDS

- A. The Clerk shall maintain separate civil and criminal records and dockets as required by law and the Court. The orders of the Court in said dockets shall be validated by the signature of the Judge or a facsimile thereof. The dockets, together with the original papers filed therein, shall be the final record of the cases.
- B. Nothing in this Rule shall be construed to prohibit the recording and storage of the Court's docket records by microfilming or other suitable miniaturizing process as permitted by law.

1.09 JURY SELECTION (amended 12-11-2012)

Jurors shall be drawn as provided by Section 2313.06 of the Ohio Revised Code and shall be assigned by the Jury Commissioner of this Court and selected at random and summoned by an officer of this Court. When a trial is demanded and not used, a jury fee of \$10.00 per juror shall be assessed against the party making the demand unless it is withdrawn by noon of the last working day prior to the date set for trial. A fee of \$10.00 per juror will be assessed as to all prospective jurors in attendance on the day of trial.

Jurors shall be paid for their service as follows:

\$10.00	Half day of Service
\$20.00	Full day of Service

1.10 WITNESSES

Witnesses must answer to their names when called or otherwise claim their attendance each day of trial or hearing in order to be entitled to witness fees.

1.11 SURETY (amended 1-10-2020)

Good and sufficient surety shall be required in all matters where surety, bail, bond or undertaking is offered.

Bonding companies are permitted to post on bonds set at a percent however they are required to post the full bond amount.

Bondsmen must be able to post bond in Lucas County Common Pleas Court in order to be able to post bond in the Oregon Municipal Court.

Bail may NOT be posted for a defendant charged with domestic violence, by a victim or any member of the victim's family.

Neither attorneys nor other officers of the Court shall be accepted as bail or surety, and no bond shall be approved with such person's name or names thereon as surety.

1.12 ORDER AND DECORUM (amended 11-1-2008)

- A. All persons inside the courtroom shall be required to stand during the opening and closing of Court. The wearing of hats and unduly immodest or revealing clothing by any person shall not be permitted in the courtroom.
- B. Food, beverages and cell phones are prohibited in the courtroom. (Attorneys are permitted to have cell phones in the courtroom. However, they must be on silent mode or turned off.) Everyone must behave appropriately within the courthouse. Children must be accompanied by an adult. Security officers shall control the movement of spectators within courtroom sessions for safety and order and spectators may not disturb court proceedings in any fashion.
- C. No smoking shall be permitted within the courthouse at any time.
- D. SANCTIONS: Persons violating this rule shall be removed by the bailiff or security officer and may be brought before the judge for appropriate action.

1.12A MEDIA (amended 3-31-2020)

- A. APPLICATION Written requests for permission to broadcast, televise, record or take photographs in the courtroom must be submitted to the court *bailiff* or fax filed in accord with Gen. R. 1.05 on the designated form at least twenty-four hours in advance of a scheduled proceeding. A file-stamped copy shall be sent to the assigned judge for review and approval.
- B. PERMISSION If the judge presiding determines that media presence would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with a fair trial, the judge shall permit broadcasting, recording, or photographing at court proceedings open to the public as permitted by Sup. R. 12.
- C. LIMITATIONS After considering media requests, the judge shall specify through courtroom bailiffs or security personnel where operators and equipment may be positioned in the courtroom. Victims and witnesses who object and jurors shall **not** be filmed, videotaped, photographed, or audio recorded. Media representative shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.
 - 1) "Proceeding" means any trial, hearing, or any other matter held in open court that the public is entitled to attend.

- 2) There may be no transmission or recording of anything before or after the court is in session and spectators in the courtroom shall not be photographed or recorded at any time without advance permission of the spectator and the Judge.

D. **POOLING** Media representatives must arrange for pooling of equipment without involving the court. If any disputes arise, the judge may exclude all contesting media representatives.

E. **SANCTIONS** Permission to broadcast or photograph a proceeding may be revoked if any media representative fails to comply with conditions set by the judge.

1.13 DESTRUCTION OF CASE FILES (amended 10-21-2008)

Destruction of case files are subject to the provisions set forth in the Supreme Court Rules of Superintendence as follows:

Rule 26. Court Records Management and Retention.

Rule 26.01. Retention Schedule for the Administrative Records of the Courts.

Rule 26.05. Municipal and County Courts – Records Retention Schedule.

Probation Records shall be retained for a period of fifty (50) years from the date of the probationer's last contact with the court system.

1.14 ORDERS OF COURT

Any order, decree, finding, or judgment shall be entered by the Judge upon the journal entry in a criminal or traffic case and upon the jacket in a civil case. The required service of notice of such journal entries shall be made upon the parties by the Clerk of Court. Any appealable order once journalized by the Clerk will constitute the conclusion of the case.

1.15 COURT SECURITY (added 11-1-2008)

- A. **SECURITY PLAN:** A security plan for the Oregon Municipal Courthouse is on file in the office of the Chief Bailiff, but is not subject to public disclosure.
- B. **SEARCH:** All persons entering the courthouse and other court facilities will be subject to security procedures and potential search of any bag, case, or parcel. Discovery of any weapon or illicit substance will subject a person to prosecution.
- C. **WEAPONS:** No persons, with the exception of a judge, a peace officer who is acting within the scope of his or her duties while in the courthouse, and individuals conveying a deadly weapon or dangerous ordinance to be used as evidence in a pending criminal or civil action or proceeding and who have notified the Court Chief Bailiff in advance, will be permitted to possess a deadly weapon or dangerous ordinance in the Courthouse or in any court facility. Only the weapon of a peace officer in the building but not on official business or of a prosecutor or a secret

service officer appointed by the county prosecuting attorney who has been granted specific approval to carry a deadly weapon by the prosecuting attorney, shall be secured while the person is in the courthouse or other court facility. The weapons of other persons, even if they possess a valid permit for a concealed weapon, shall not be brought to nor secured in the courthouse or other court facility.

PART 2 - CIVIL PRACTICE (revised 6-1-2020)

The Rules of Court set forth in Part 2, and bearing the designation “2. __,” pertain to procedures applicable to civil proceedings (including small claims division cases when so indicated in the Rule) of this court in the exercise of its civil jurisdiction.

2.01 CASE MANAGEMENT IN CIVIL CASES

These steps are implemented to establish, pursuant to Rule 5 of the Rules of Superintendence of Courts, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

A. CLERICAL STEPS

1. SUMMONS

The summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date that the cause of action has been filed, then the clerk shall notify counsel or plaintiff if not represented by counsel that the case will be dismissed in thirty (30) days unless good cause is shown to the contrary.

2. PLEADINGS

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

3. DISMISSALS

- a. In accordance with Rule 40 of the Rules of Superintendence for the Courts of Ohio, cases, which have been on the docket for six (6) months without any proceedings taken therein, except cases awaiting trial, shall be dismissed after thirty (30) days written notice to counsel of record or to the plaintiff if plaintiff is not represented by counsel.
- b. When an action in this court is dismissed without prejudice for want of prosecution, for failure to comply with an order of the court, or by the plaintiff voluntarily, all proceedings by the plaintiff in any subsequent suit upon the same cause of action shall be stayed until the costs of the former action are paid, unless otherwise ordered by the court.
- c. Cases dismissed under Rule 40 may be reinstated only upon written motion showing good cause filed within ninety (90) days of

the dismissal. Upon granting of a motion to reinstate, movant shall pay appropriate filing fees to the court.

4. SETTLED CASES

When a file has been marked “settled” and the entry has not been received within thirty (30) days, and then the clerk shall notify the party that the case will be dismissed unless the entry is received within thirty (30) days.

B. JUDICIAL STEPS

1. MOTIONS

- a. Any motion, unless made during a hearing or trial, shall be in writing and shall state with particularity the grounds therefore, and shall clearly state the relief or order sought. All motions must include a proposed order.
- b. All pre-trial motions must be accompanied by a copy of each unreported case cited in the motion.
- c. Any motion, unless made during a hearing or trial, shall be submitted and determined by the court upon the briefs served and filed as hereinafter provided, unless an oral hearing is required or allowed by the court. No oral argument will be allowed except by a party entered prior to final submission of said motion.
- d. The moving party shall serve and file with the motion a brief containing the reason and authorities which support said motion. If consideration of facts not appearing of record is required, movant shall serve and file copies of those documents, exhibits, and affidavits offered in support of the motion simultaneously with the motion.
- e. Unless otherwise ordered by the court, opposing counsel or party shall serve and file an answer brief, along with attachment and materials offered in opposition to a motion, within fourteen (14) days after service of such motion.
- f. Movant may file a reply brief only with the permission of the court, which shall be granted upon a showing of necessity. Therefore, any such brief permitted shall be served and filed within seven (7) days of service of the brief opposing the motion unless otherwise ordered by the court.
- g. Any motion shall be deemed submitted to the assigned judge on the seventeenth (17th) day after such motion is filed with the court

or when an answer memorandum is filed, whichever is earlier. In the event that leave is granted to file a reply brief, the motion shall be deemed submitted on the twenty-fourth (24th) date after such motion is filed or when the memorandum brief is filed, whichever is earlier.

- h. Any motion to strike a pleading shall quote all words which are sought to be stricken.
- i. Motions to withdraw as attorney of record and to revive action shall be considered *ex parte* in nature and shall be accompanied by an order for signature by the judge.

2. CIVIL PRETRIALS

- a. In any civil action, the court may, in its discretion with or without request or motion of a party, assign the case for pretrial conference. The clerk's office shall notify all counsel of record and any unrepresented parties of the time and place of the pretrial conference. The parties and their counsel, if they are represented, shall appear before the court and be prepared to discuss the following:
 - 1. possibility of settlement of the case;
 - 2. if a jury demand has been requested, the possibility of waiver of jury demand;
 - 3. amendments to pleadings and outstanding motions;
 - 4. any existing discovery problems;
 - 5. stipulation of facts;
 - 6. need for expert witnesses;
 - 7. need for trial briefs;
 - 8. determination of trial date and time required for trial; and,
 - 9. jury instructions.
- b. The court may prepare a written order reciting the action taken at the pretrial conference. The order, when filed, shall control the subsequent proceedings in the case unless it is modified in order to prevent manifest injustice to any of the parties.

- c. Unless a settlement is agreed upon in the pretrial conference, the court shall not refer to any settlement negotiation either directly or indirectly in any later proceedings.

3. CONTINUANCES

- a. Except in cases of emergency where good cause is shown, no party shall be granted a continuance of a trial or hearing without a written motion from the party of his/her counsel stating the reason of the continuance.
- b. 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 other trial court or state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.
- c. If a designated trial attorney has such a number of cases assigned for trial to cause undue delay in the disposition of such cases, the court may require the attorney to provide a substitute trial attorney.

4. JUDGMENT ENTRIES

- a. The judgment specified in Rule 58 of the Ohio Rules of Civil Procedure shall be journalized within thirty (30) days of the judgment. If the entry is not prepared by counsel, it shall be prepared by the court and filed with the court for journalization.

2.02 COSTS (effective 6-1-2020)

<u>COMPLAINT FOR MONEY ONLY</u>	\$113.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>FORCIBLE ENTRY & DETAINER</u>	
(Includes personal & ordinary mail service)	
<u>FIRST CAUSE – Restitution of Premises</u>	\$113.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>FIRST & SECOND CAUSE</u>	
Restitution of Premises & Judgment	\$128.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>COMPLAINT/MOTION FOR REVIVOR</u>	\$40.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>MEDIATION</u>	\$10.00
<u>SMALL CLAIMS COMPLAINT</u>	\$53.00 (1 ST defendant)(\$10.00 each additional defendant)
<u>REPLEVIN ACTION</u>	\$91.00
<u>DOG APPEAL HEARING REQUEST</u>	\$56.00

<u>CERTIFICATE OF JUDGMENT</u>	\$15.00
<u>CERTIFICATE OF JUDGMENT/Foreign</u>	
Court Transfer	\$15.00
<u>PROCEEDINGS IN AID OF EXECUTION</u>	
Certified Mail Service	\$20.00 (1 ST defendant)(\$15.00 each additional defendant)
Personal Service	\$35.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>WAGE GARNISHMENT</u>	
Ordinary Mail Service	\$50.00
Certified Mail Service	\$55.00
<u>NON-WAGE GARNISHMENT</u>	
Ordinary Mail Service/Respondent Fee	\$40.00 + \$1.00
Certified Mail Service/Respondent Fee	\$45.00 + \$1.00
<u>APPEALS</u>	
Fee to Court of Appeals	\$150.00
Fee to Oregon Municipal Court	\$45.00
<u>JURY DEMAND</u>	\$300.00
Refundable Amount \$270.00	
<u>WRIT OF RESTITUTION</u>	\$20.00
<u>BMV CASES:</u>	
Revocation – DL-6 Certification	\$15.00
Implied Consent Appeal	\$30.00
12 Point Suspension Complaint/Appeal	\$98.00
<u>EXECUTION</u>	\$95.00
Order of Sale	\$50.00
<u>SUBPOENA</u>	
Certified Mail Service	\$10.50
Personal Service	\$25.00
Plus Witness Fee – separate check to party	\$6.00
<u>MISCELLANEOUS FEES:</u>	
Counterclaim – Civil	\$40.00 plus service if performed by the Court
Alias Praecipe – Civil	\$15.00 per defendant
Amended Complaint – Civil	\$15.00 per defendant plus service costs on additional parties
Counterclaim – Small Claims	\$20.00 per defendant
Alias Praecipe – Small Claims	\$10.00 per defendant
Amended Complaint – Small Claims	\$10.00 per defendant
Judgment Debtor Form – Small Claims	\$7.50 per defendant

<u>THIRD PARTY COMPLAINT</u>	\$113.00 (1 ST defendant)(\$15.00 each additional defendant)
<u>COPY COSTS:</u>	
Certified Copy	\$2.50 / first page
Additional Copies	\$0.10 per page thereafter
Exemplified Copy	\$10.00
Photocopies	\$0.10 per page
Fee for Publication	\$20.00
<u>COSTS OF SERVICE:</u>	
Certified Mail Service	\$15.00
Personal/Residential Service	\$35.00
Foreign Service through Sheriff of Foreign County	\$20.00
<u>FILING OF TRUSTEESHIP</u>	\$25.00
Addition of New Creditors	\$3.00 per creditor
Show Cause Hearing	\$10.00
<u>TRANSFER FROM SMALL CLAIMS TO CIVIL</u>	\$60.00

2.03 EXTENSION OF TIME TO MOVE OR PLEAD

The time within which a party is required by the Civil Rules to serve and file shall be extended, as follows:

- (1) Twenty-eight days for a responsive pleading to a complaint, counterclaim, cross claim or third party complaint;
- (2) Fourteen days for a motion directed to a pleading; provided the party makes advance written application to the Court prior to the expiration of the original rule period.

Additional time thereafter may be granted by the Court pursuant to a stipulation of the parties approved by the Court and pursuant to Civil Rules 6(B) and 6(D) applicable to this rule.

2.04 CALL OF CIVIL CASES FOR DEFAULT

In all cases where no answer, motion or pleading is filed, it shall be the duty of the plaintiff or his attorney to submit an appropriate application for default judgment and proposed default judgment entry, in accordance with Rule 55(A) of the Ohio Rules of Civil Procedure.

When the defendant is in default for answer or appearance, default judgment shall be rendered by the Court in all cases with liquidated claims upon a proper application for

default judgment being filed without the necessity of the plaintiff or the plaintiff's attorney appearing.

If an action is for recovery of money only arising out of damage to personal property, and the defendant is in default, final judgment shall be entered for the plaintiff in the amount of the prayer, provided that an affidavit with sufficient supporting documentation is caused to be filed by the plaintiff or the plaintiff's attorney verifying that the prayer of the plaintiff does reflect the reasonable costs of repairing or replacing said personal property or the diminution in the market value thereof, whichever is less.

If the defendant in a forcible entry and detainer action is in default as to the second cause of action, and the plaintiff or the plaintiff's attorney causes to be filed an application for default judgment for **rent only**, final judgment shall be entered for the amount requested in the application for default judgment, provided that the date of vacation of the premises is specified in said motion and that the total amount of rent claimed can be reconciled from a reading of the complaint in conjunction with information provided in the application for default judgment.

All other actions will be assigned by the Judge for assessment of damages.

2.05 DEMAND FOR TRIAL BY JURY (revised 3-11-2010)

- A. In all civil cases except forcible entry and detainer cases, Civil Rule 38(A) provides: "The right to trial by jury shall be preserved to the parties inviolate," and no local rule may oppose Ohio's Rules of Civil Procedure. Either party may demand a trial by jury within the time specified by Civil Rule 38(B), and not less than fourteen (14) days prior to the date of trial. A jury deposit must be made at least ten (10) days prior to the date set for trial or three (3) days after notice of the trial date is received, which ever is later, or therefore, failure to do so shall constitute a waiver of trial by jury.
- B. The party requesting the jury demand has a duty to provide reasonable notice to all other parties that a jury demand is being requested and the deposit shall be paid no later than ten (10) days prior to trial. The costs of a jury trial shall include the costs for jurors. The party *demanding* a jury shall be required to deposit \$300.00 within ten (10) days prior to trial and shall be charged with full jury costs regardless of the service of the jurors on a case unless a jury demand is withdrawn at least two (2) business days in advance of the scheduled trial. If the demanding party files a withdrawal of the jury demand at least two (2) business days before the trial date, the court shall refund \$270.00 of the deposit.
- C. In any civil jury case, a final settlement pretrial will be held two (2) weeks prior to the scheduled trial date. All attorneys and parties are required to be present with settlement authority.
- D. In any civil jury case, counsel for plaintiff must file a trial brief with the clerk at least twenty (20) days before the date of trial. Copies of the trial brief must be

certified to all opposing counsel or parties unrepresented by counsel. Reply briefs must be filed with the clerk of court at least ten (10) days before the date of trial with copies certified to all opposing counsel or unrepresented parties. All counsel shall file proposed jury instructions and verdict forms at least ten (10) days before trial.

- E. In forcible entry and detainer cases, the failure of a party to advance the security deposit for jury costs at the time of the filing of said demand shall constitute a waiver of trial by jury.

2.06 ASSIGNMENT OF CASES FOR TRIAL

When the issues in any case have been made by the pleadings, the Court, at its own discretion, or upon request of either party, may assign the case for trial or for pretrial. If a party requests trial or a pretrial conference, he shall certify to the Court in writing, that all discovery has been completed and that he is in compliance with all orders of the Court applicable to this cause and filed herein, and that he is not in default in the payment of any cost deposits as required by law or by Court rule.

2.07 FORCIBLE ENTRY AND DETAINER (amended 5-9-2012)

- A. Service of summons on the defendant shall be by any of the methods of service prescribed by Section 1923.06(D) ORC. When service of summons is by personal or residence service, the summons shall state the hearing date on the cause of action for restitution of the premises to be no sooner than thirteen (13) business days from the date of filing. If there is a failure of service within seven days of the date of hearing, the hearing shall be rescheduled.
- B. At the time set for hearing the plaintiff shall be present in Court. Failure to comply with this rule may result in a dismissal of the case.
- C. In the event that the defendant fails to appear at the restitution hearing, no default judgment shall be ordered unless testimony is taken from the plaintiff regarding the proper form and service of the "Notice to Leave Premises" on the defendant and defendant's failure to pay rent when due or other reason why restitution of the premises is being sought.
- D. If the plaintiff's claim for a writ of restitution is granted, then said writ shall be executed within ten days after purchase, unless execution is later as directed by the Court.

2.08 SMALL CLAIMS DIVISION (amended 9-28-2016)

- A. Pursuant to Sections 1925.01 O.R.C. and 1925.02 O.R.C., a small claims division has been established for cases for the recovery of money only, for amounts not exceeding \$6,000.00, exclusive of interest and costs.

- B. Cases filed in the Small Claims Division shall be referred to Mediation prior to going forward on the Small Claims docket. If a case is settled during the Mediation session, the Plaintiff(s) shall be reimbursed by the Court for one-half of the initial filing fee. Cases which are not settled during the Mediation session shall be rescheduled on the Small Claims docket.
- C. Cases filed in the small claims division shall be heard by the Judge or Acting Judge appointed and assigned under Municipal Court Superintendence Rule 4 and Rule 53 of the Rules of Civil Procedure. The Judge or Acting Judge shall hear and determine all cases which come before the small claims division of this Court at each small claims session, including but not limited to making findings incident to cases in which one or both parties have failed to appear and to making findings and recommendations in all contested cases. At sessions heard by an Acting Judge, the Acting Judge shall have and exercise the power to regulate all proceedings in every hearing before him as if by the Court and do all acts and take all measures as necessary or proper for the efficient performance of his duties under this rule. He or she may summon and compel the attendance of witnesses and may require the production before him or her of evidence upon all matters embraced in this reference, including the production of all books, papers, vouchers, documents and writings applicable thereto. The Acting Judge may rule upon the admissibility of evidence and has the authority to administer the oath and may examine then and may call the parties to the action and examine them upon oath. The Acting Judge shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations upon a court sitting without a jury.
- D. Pursuant to Section 1925.10 O.R.C., motions to transfer the cases to the regular civil docket filed by any party, cross claims or counterclaims in the amount of \$6,000.00 or more and motions for continuances shall be referred to the Court.
- E. Motions for a continuance should be filed within forty-eight hours prior to the hearing; however, for good cause, the Court may entertain a motion for continuance on the hearing date.
- F. In cases where motions have been granted to transfer a small claims case to the regular civil docket, the party seeking the transfer shall pay the appropriate filing fee to the Clerk within ten days of the granting of the motion. Failure to pay the fee within the prescribed time will result in the case being assigned a new hearing date on the small claims docket.
- G. No depositions or interrogatories shall be taken in small claims cases.

2.09 TRUSTEESHIP REGULATIONS (effective 6-1-2020)

- A. Filing Information: The filing fee for establishing a trusteeship is \$25.00. The application to establish a trusteeship must include a full, accurate and complete

statement, under oath, of the names of the debtor's secured and unsecured creditors with liquidated claims, their addresses and the amount due to each. Current utility bills, tax bills and debts of less than \$25.00 are not to be included in the trusteeship. Any applicable identifying numbers of the creditors should be included in the statement, such as account numbers, patient numbers, etc. In the event that the creditor has turned over to an attorney or collection agency the collection of a debt, the name and address of the attorney or collection agency must be listed on the statement also. Upon the establishment of the trusteeship, all the creditors will be notified by mail.

- B. Payment Information: The amount of unexempt earnings paid to the Trustee shall be 25% of the debtor's net earnings or the current amount determined according to Section 2329.66 of the Ohio Revised Code. Net earnings are earnings after deductions required by law, excluding deductions for child support, alimony, etc. A payment must be made upon the debtor's receipt of each pay check and is to be accompanied by a pay stub or written statement of the debtor's pay for that period. Payments are to be made into the trusteeship within three working days of the date the debtor received his pay from his employer.
- C. Receipts: When making a payment or calling the office, a debtor should always have available his trusteeship case number since all records are filed by number. If a debtor makes his payments by mail and wishes to receive a receipt, he must send a self addressed envelope with his payment. Otherwise his receipts will be returned to him with his disbursement letter.
- D. Notification of Changes: If a debtor changes his address or employer, he must notify the Trustee immediately. When a debtor is off work for any length of time or when returning to work, he must also notify the Trustee (preferably in writing). A debtor is not expected to pay into his trusteeship when not drawing a pay check, but the Trustee must be aware of the situation so that his records will not indicate that he is delinquent. A judgment creditor may garnishee a judgment debtor's wages when the judgment debtor is not paying the required amount into his trusteeship while employed.
- E. Delinquency: If a debtor fails to pay the Trustee within a thirty day period and there is no information or reason for the nonpayment on file, the debtor will be sent one warning letter. If the debtor does not respond within one week, his trusteeship will be terminated automatically, and the debtor may not refile for a period of six months.
- F. Disbursement to Creditors: A disbursement to creditors is normally made after a debtor has paid at least \$400.00 into his trusteeship or in the event that \$400.00 has not been paid into the trusteeship within six months. Further disbursements to creditors are normally made when a trusteeship has accumulated an additional \$400.00 balance or each six months, whichever comes first. Upon distribution to the creditors, a fee shall be automatically deducted in the sum of 2% of the total

amount disbursed to the creditors. After the first disbursement, there is a \$3.00 charge for the addition of each new creditor into the trusteeship.

- G. Interest: If additional interest accrues on an indebtedness after the trusteeship has been filed, such interest is not includible in the trusteeship, but rather is payable by the debtor outside the trusteeship.

2.10 MEDIATION (revised 4-4-2012)

- A. Introduction: This rule incorporates by reference the R.C. 2710 “Uniform Mediation Act” (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence. The purpose of mediation is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for the court cases through the use of mediation.
- B. Case Selection: Mediation is an option for the parties. Mediation is always voluntary and, while no one will be compelled to participate, it is strongly encouraged. Mediation can be an option for small claims cases. The fee for mediation is \$10.00 (ten) which is to be paid at the time of filing by the initiating party.

In addition, the court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by “Notice of Scheduled Mediation” which shall, at a minimum indicate the date, time, place and contact information of the mediation. Prior to scheduling a mediation session, all cases will be screened for past/potential (domestic) violence involving all parties and/or possible witnesses, as the Court prohibits the mediation of domestic violence disputes, and it shall not be used as an alternative to prosecution or adjudication of domestic violence. If the subject of (domestic) violence arises during the course of the mediation, the mediator is not permitted to address the issue, and the mediation shall not continue. Additionally, the Court will not allow mediation:

- (a) In determining whether to grant, modify or terminate a protection order;
- (b) In determining the terms and conditions of a protection order; or
- (c) In determining the penalty of the protection order.

The Court Mediation Department will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

The court randomly assigns a mediator to the case from the court’s roster of approved mediators.

- C. Procedure: Upon mediation being selected, a deputy clerk will schedule the mediation and have notices issued to each of the parties. Mediations will be scheduled on Wednesdays and Thursdays during court hours. The Court will maintain and assign a list of qualified volunteer mediators to participate in the dispute resolution program. The mediator will oversee the discussion to allow each party a full opportunity to be heard in an atmosphere of cooperation and respect. The parties will be encouraged to generate a solution to the dispute and arrive at a settlement. A settlement will not be imposed on either party contrary to his or her will. When an agreement is reached, it should be reduced to writing and signed by all of the parties. A copy of the agreement will be given to the parties. If mediation in a civil/small claims issue is unsuccessful, the \$10.00 (ten dollar) mediation fee will be applied to the cost of filing a civil/small claims action upon request of the claimant to file a civil/small claims action.
- D. Participation: In any pending case, the parties, their attorneys, and any individuals designated by the parties shall take part in the mediation session. Any participant who fails to attend without being excused by the Judge or who fails to take part in a session, as determined by the mediator, may be subject to appropriate sanctions, including but not limited to, contempt of Court, attorney fees, costs or dismissal of the case.
- E. Confidentiality: All mediation sessions shall be confidential. No communication made during a session, including settlement terms, may be disclosed to third persons or used for any purpose (including impeachment) in any pending or future proceeding. All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, the Rules of Evidence and any other pertinent judicial rule(s).
- F. Termination: If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated.
- G. Continuances: It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown and after a future date has been determined.
- H. Mediator Communications: At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following: (1) whether the mediation occurred or was terminated; (2) whether a settlement was reached on some, all or none of the issues; and (3) attendance of the parties.

Parties may not subpoena any court staff or mediators to testify as to any mediation communications unless the request falls under the UMA. Any party in violation may be subject to appropriate sanctions.

- I. Administrative Dismissal: If the parties fail to dismiss a settled case within the later of sixty (60) days or the time noted in the entry that gave the court notice of the settlement, then the court may dismiss the case administratively.

PART 3 - CRIMINAL/TRAFFIC PRACTICE (revised 3-31-2020)

The Rules of Court set forth in Part 3, and bearing the designation “3. ___”, pertain to procedures applicable to all criminal, quasi-criminal, and traffic proceedings of the court in the exercise of its criminal and traffic jurisdiction.

3.01 CASE MANAGEMENT IN CRIMINAL CASES

Pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio, these steps are implemented to establish a system for criminal case management, which will achieve the prompt and fair disposition of cases.

Scheduling begins after arraignment. Thereafter, the case is managed as follows:

A. PROSECUTOR'S CONFERENCES (PRETRIALS)

1. In all misdemeanor cases in which the defendant is represented by counsel, a prosecutor's conference may be scheduled, upon the request of the defendant's counsel at any time after the filing of the complaint.
2. The defendant's appearance at arraignment is required in all cases in which the defendant is charged with operating a motor vehicle while having a proscribed concentration of alcohol in his blood, breath or urine and/or operating a motor vehicle while under the influence of alcohol. The defendant's appearance at arraignment is required in all felony cases as well as domestic violence, assault, aggravated menacing cases, and other offenses which are violent in nature.
3. At any time after the filing of a complaint in a felony case, a prosecutor's conference may be scheduled so long as the time limitation period for preliminary hearing is waived by the defendant.
4. Both the defendant and the defendant's counsel shall be required to appear for all prosecutor's conferences, unless the Court waives the defendant's appearance prior to the prosecutor's conference.
5. At the conclusion of the prosecutor's conference, the defendant and the defendant's counsel shall forthwith appear before the Court to advise the Court of the results of the prosecutor's conference. On minor misdemeanors, an attorney may have the defendant's appearance waived with proper affidavit signed by their client.
6. A prosecutor's conference will take place during traffic arraignments on Fridays at 9:00 a.m. if the Court finds that there could be an immediate disposition of the case. A prosecutor will be present for traffic arraignment on the above day and time for that purpose.

B. MOTIONS

All motions, unless made during a trial, shall be in writing and shall state with particularity the grounds therefore and shall clearly state the relief sought. Motions must be accompanied by a proposed order and must be filed within the time limits established by the Ohio Rules of Criminal Procedure.

All pretrial motions must be accompanied by a copy of each unreported case cited in the motion.

C. TRIALS

Each case shall be set for trial to the court, unless a jury demand is timely filed pursuant to Local Rule 3.09.

D. SENTENCING

Sentencing hearings shall be held upon entry of plea or after trial if no pre-sentence report is requested. When a pre-sentence investigation is ordered by the court, the probation officer shall set the sentencing date.

3.02 CONCEALMENT OF VICTIM'S ADDRESS, TELEPHONE NUMBER AND SIMILAR IDENTIFYING FACTS

In accordance with Section 2930.07(B) of the Ohio Revised Code, the court file or court documents in a case shall not contain the address of the victim in the case or the victim's representative unless the address is contained in a transcript of the trial or is used to identify the location of the crime. The court file or court documents in a case shall not contain the telephone number of the victim in a case or of the victim's representative unless the number is contained in a transcript of the trial.

3.03 MINOR MISDEMEANOR APPEARANCE AND WAIVER PROCEDURE

Pursuant to Section 4.1 of the Rules of Criminal Procedure, a Violations Bureau for the disposition of minor misdemeanor offenses other than traffic offenses is hereby established. A person charged with a minor misdemeanor offense may, in lieu of appearance in Court and within the time specified in the citation, appear personally at the Clerk's office and pay the stated fine and costs or mail to the Court the stated fine and costs established by the administrative order of the Court.

3.04 TRAFFIC VIOLATIONS BUREAU

Pursuant to Traffic Rule 13, a Traffic Violations Bureau is hereby established. A person charged with a traffic violation waivable under Ohio Traffic Rule 13, may, in lieu of appearance in Court and within the time specified in the citation, appear personally at the Clerk's office and pay the stated fine and costs or mail to the Court the stated fine and costs established by administrative order of the Court. .

3.05 **DIVERSION PROGRAM** (amended 3-31-2020)

The Diversion Program is for certain non-violent misdemeanor offenses, committed by first-time offenders. Defendants may be eligible for this program where, upon successful completion of the program, their charge can be dismissed and the records in the case are sealed from public inspection.

At arraignment, if it appears the defendant is a candidate for the program, and they want to enter the Diversion Program, they need to enter a No Contest Plea when asked by the Judge. With the Court's consent an official screening for the program takes place. This step can also occur following a prosecutor's pre-trial conference with defense counsel.

Officially Screened means the Program Coordinator will review the police reports concerning the case. He/she may speak with the officer who has signed the complaint. A complete criminal history check will be conducted on the defendant, including their Juvenile Court record.

Other factors, such as whether the defendant was cooperative with the law enforcement officer(s) making the arrest; whether the incident is a non-violent offense; whether there is evidence of remorse on the part of the defendant; and whether there are any pending criminal cases or alcohol related traffic offenses pending against the defendant at the present time, will be considered.

Certain individuals may not be admitted into the diversion program if the Court finds a defendant has prior criminal convictions, including a D.U.I. conviction, or the instant offense is connected to a D.U.I. arrest; or the defendant is found to have made false statements or was discovered lying to a law enforcement officer; or the crime involves violence or threats of violence; or there are other criminal offenses charged with the present offense, before the Court. The Court may also decline to admit a defendant into the program if, at their Court appearance, it is found the defendant has an active warrant issued for their arrest.

A defendant is given *three (3)* months from the date the charge is referred to the program in which to complete the program. The cost of the program is *\$100.00*. All participants must complete an educational instruction program, at their own expense. Each person in the diversion program must complete six hours of community service work *and provide a clean drug screen*.

While enrolled in the program, all participants must remain law abiding and have no further criminal offenses or alcohol related traffic offenses. Those individuals who have not graduated from high school could be ordered to obtain a G.E.D. as a condition of the program. In cases where victim restitution may be applicable, the Court could order the defendant to pay restitution to the victim, as well.

3.06 VICTIM ASSISTANCE PROGRAM (amended 3-31-2020)

The Victim Assistance Program has been serving victims since June of 1997, contracting through Suburban Court Services on a part-time basis. There is currently on staff through the Prosecutor's Office one full-time victim's advocate. Oregon's Victim Assistance Program receives referrals through law enforcement agencies, prosecutor's office and the Court. Oregon's Victim Assistance Program provides services to any victim of crime.

3.07 APPEARANCE OF DEFENDANTS IN CRIMINAL CASES

- A. Defendants in criminal and traffic cases shall be required to appear before the court by notice to appear, summons issued for that purpose, arrest, or continuance from a prior court date. Defendants must appear for arraignment and no waiver of arraignment shall be allowed unless made by defendant or legal counsel in person or in writing prior to arraignment date. If waiver of arraignment is made in writing it must be accompanied by a plea and waiver of time requirements.
- B. The citing officer shall issue a notice to appear as the standard means for requiring appearance in all traffic violations not involving intoxication or aggravated breaches of the peace by the defendant.
- C. A summons on forms approved by the court and available to the police department, shall be the standard means for requiring defendants to appear in criminal misdemeanor violations where it does not appear likely to the citing officer or prosecutor that a further aggravated breach of peace will occur.
- D. The prosecutor requesting a summons shall request the court to set a court date to persons summoned to appear for arraignment in misdemeanor and felony cases as defendants.

3.08 CRIMINAL & TRAFFIC COURT COSTS (amended 6-1-2020)

The basic court costs in criminal and traffic cases shall be as follows:

- 1. *\$97.00* for all criminal cases; i.e., general court costs of *\$47.00*, state costs of *\$29.00*, *\$1.00* to the citizen award fund (crime stopper), a computerized legal research fee of *\$10.00*, and a general special projects fee of *\$10.00*.
- 2. *\$106.00* for all traffic cases except those which are not "moving offenses" as that term is defined in Ohio Revised Code Section 2743.70; i.e. general court costs of *\$47.00*, state court costs of *\$39.00*, a computerized legal research fee of *\$10.00*, and a general special projects fee of *\$10.00*.
- 3. *\$77.00* in cases involving traffic offenses that are not "moving offenses".

3.09 JURY TRIALS (amended 7-10-2014)

A criminal defendant charged with a violation other than a minor misdemeanor is entitled to a jury of eight (8) pursuant to Rule 23(A) of the Ohio Rules of Criminal Procedure. A defendant shall be tried by the court unless a jury demand has been filed with a clerk. The demand must be filed in writing with the clerk of court not less than ten (10) days prior to the date set for trial, or on or before the third (3rd) day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this rule is a complete waiver of the right thereto.

Upon written demand for trial by jury, the clerk shall cause notice to be sent to the proposed venire. Should defendant later withdraw said demand after summons have been sent out, costs of notifying the jury in the amount of \$120.00, if incurred, shall be assessed against the defendant. Any extraordinary expenses in connection with a jury shall be born by the party against whom verdict or finding is rendered.

In all criminal/traffic jury trials, all attorneys and the parties are required to be present for a final pretrial one (1) day prior to the trial date. Further, all attorneys and parties are required to be present at 8:00 a.m. on the date of trial.

Should the defendant withdraw said demand for jury trial on the date of the trial, the costs for the jurors (\$10.00 per juror that appears) shall be assessed to the defendant.

3.10 BOND FORFEITURES (added 5-16-2013)

When a bench warrant is issued for the non-appearance of a defendant, the clerk of court will determine if there is a bond posted by the defendant or a surety which is forfeitable. If the court's entry includes a direction to the clerk to set a bond forfeiture hearing, or if the clerk is so directed by the court, the clerk will set a bond forfeiture hearing before the judge issuing the bench warrant pursuant to Ohio Revised Code §2937.35.

The notice for hearing must be sent out within 15 days after the issuance of the bench warrant, weekends and court holidays excluded. Bond forfeiture hearings will be set no less than 45 days and no more than 60 days from the date that the notice was sent. Notice may be sent by ordinary mail. Notice must be sent to the defendant, the bailor and/or the surety. Notice must state the full amount of the bond for which judgment could be entered.

At the bond forfeiture hearing, the judge will make a determination of the release of bond, a judgment of forfeiture, or a remission of the penalty. Also, a judge may, at the request of the surety, continue the case for the appearance of the defendant.

If the surety returns the defendant to the custody of the court before the judge issues a judgment, that surety should take the defendant before the judge. If the court is closed, the surety should return the defendant to the Lucas County Correction Center and appear at the bond hearing to report the defendant's arrest and custody status to the judge and request discharge. It is the surety's responsibility upon receiving information that the defendant is in custody to request discharge or remission from the judgment of bond forfeiture.

Upon declaration and judgment of a forfeiture of a cash bond, the court will enter judgment for the entire bond, unless a lesser amount is specifically stated. The unpaid portion of that bond will be processed in accordance with O.R.C. § 2937.36(A).

The clerk shall forfeit any forfeitable cash bond posted by the defendant in the full amount, pursuant to O.R.C § 2937.35 without hearing unless otherwise ordered by the judge.

The clerk shall process an order of forfeiture of securities pursuant to O.R.C. § 2937.36 (B).

The clerk may refer bond forfeiture judgments to the authorized collections bureau for further action.

3.11 COURT APPOINTMENTS (amended 10-1-2016)

The Court currently has a contractual arrangement with Lucas County for Public Defender Representation. Should a conflict arise the Court may appoint Counsel for indigent defendants in Criminal/Traffic Cases in the following manner:

1. The Clerk will maintain a list of attorneys licensed to practice in the State of Ohio, who have indicated a willingness to be appointed to Criminal/Traffic cases. To be added to said list, an attorney needs to request in writing to the Clerk their desire to be added, provide proof of professional liability insurance as well a Certificate of Good Standing from the Supreme Court of Ohio.
2. Appointment will be based upon the availability of the attorney, time requirements and nature of the charge. Removal from the list will be at the request of the appointee or by the Court. Cause for removal by the Court would be based upon unprofessional conduct or lack of skill and expertise in criminal law.

3. Payment of services will follow the guidelines and fees as established by Lucas County Common Pleas Court. The Ohio Public Defender forms can be located on the Ohio Public Defender website at www.opd.ohio.gov. If the appointee needs assistance, the Clerk will aid them in obtaining the forms. The form must be completed/returned and submitted to the Judge within fourteen (14) days of final disposition of the case. Upon approval by the Judge, the Clerk shall forward the Motion, Entry and Certification for appointed counsel fees to the appropriate agency for payment

The foregoing case management rules of the Oregon Municipal Court shall become effective on March 31, 2020 or June 1, 2020 unless otherwise noted by revision.