

**IN THE MORROW COUNTY MUNICIPAL COURT  
MT. GILEAD, OHIO**

**LOCAL RULES OF COURT**

**(Updated December 31, 2020)**

PREAMBLE

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**IN THE MORROW COUNTY MUNICIPAL COURT  
MT. GILEAD OHIO**

*Effective September 1, 2014 the Clerk of the Morrow County Municipal Court (herein "Clerk") and the Morrow County Municipal Court (herein "Court") began a phased implementation of a new e-Filing system. The phased implementation will begin with a pilot project that includes all case types. Consistent with Ohio Sup.R. 5 & 27, Ohio Civ.R. 83, Ohio Crim.R. 12(B), the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Clerk and the Court hereby adopt the following Draft Local Rules of Court governing Paper filing, Facsimile filing, e-Mail filing and e-Filing. If necessary, the Court may amend these Local Rules to conform to the practices or procedures deemed most efficient by the Court and Clerk and to designate various case types for permissive or mandatory e-Filing. All documents filed in Case types designated for mandatory e-Filing shall be filed electronically after the effective date of such amended local rules.*

**LOCAL RULES OF COURT**

These Local Rules shall apply in all cases filed with the Court except to the extent clearly in conflict with the law or Ohio Supreme Court Rules of Superintendence, Criminal Procedure, Civil Procedure, or are otherwise inapplicable. Digital Copies of these Local Rules will be available on the Court's website. Printed copies are available at cost and may be obtained in person at the Clerk's office or mailed if the Clerk is provided with a stamped self-addressed envelope. Copies may also be e-Mailed or sent via facsimile from the Clerk's office.

The Court hereby adopts the *following* Local Rules:

## **I. GENERAL RULES OF COURT**

- A. **TERMS, HOURS AND SESSIONS OF COURT:** The Morrow County Municipal Court shall sit continuously and not be divided into terms. The Office of the Clerk of the Morrow County Municipal Court shall be open Monday through Friday from 8:00 AM until 4:00 PM, subject to the availability of personnel. All sessions of the Morrow County Municipal Court shall begin promptly at 9:00 AM and 1:00 PM unless otherwise directed by the Judge. The Court shall close for all legal holidays observed by the public offices of Morrow County, Ohio, or when the Morrow 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 Judge of the Morrow County Municipal Court.
- B. **CONDUCT IN THE COURT FACILITY**
1. The public shall be permitted access to attend all court proceedings consistent with the rules contained in the Ohio Supreme Court's Code of Judicial Conduct, except:
    - a. children under the age of ten (10) years, may be excluded from any court proceeding,
    - b. non-parties attending proceedings for specialized dockets, or
    - c. other persons excluded from a proceeding upon order of the Court and for good cause shown.
  2. Upon the opening of any Court session, unless instructed otherwise by the Bailiff, all persons in the Courtroom shall stand except for those physically unable to do so. All persons in the Courtroom shall conduct themselves in such manner as to eliminate background noise and not otherwise interfere with the proper administration of the Court's business. Except as provided for news media in Local Rule I.C.1, all cell phones and other electronic devices shall be turned off.
  3. All persons appearing before the Court shall appear in appropriate dress. All hats, caps, bandanas or sunglasses shall be removed before entering the Courtroom unless worn for religious or medical purposes.
  4. Children under the age of ten (10) years old are not permitted in the Courtroom while the Court is in session without the prior permission of the Judge. Any child under the age of ten (10) years old brought to the Court facility shall remain in the Court's lobby and be accompanied by an adult selected by the child's parent or guardian. Court personnel shall not be placed in charge of any child nor be permitted to supervise them in any way. The parent or guardian shall be responsible for that child's conduct while in the Court facility. If a child causes any noise or disruption of the Court's business, the child will be asked to leave the Courtroom accompanied by his or her parent or guardian.
  5. No person other than a party appearing for Court, his or her attorney, an interpreter appointed by the Court, a victim, or a victim witness representative may with approach the podium or speak to the Court without requesting to do so and receiving permission from the Court.
  6. There shall be no smoking either in the Court facility or on Courthouse grounds. No eating or drinking is permitted in the Courtroom except as provided in this Rule. Attorneys and litigants involved in a trial or hearing may have water at the counsel's table. Witnesses shall be provided with water while on the witness stand, when necessary. Jurors may have water in the jury box. The Judge, Magistrate, and Bailiff may have water, tea or coffee on the bench or in the Bailiff's box.

7. No person shall loiter or behave in a disorderly manner in the Courtroom, lobby, entryway, restroom, confinement cell, or hallways or otherwise interfere with or obstruct judicial activities or proceedings.
8. Failure to comply with any aspect of Rule I.B. may result in appropriate sanction by the Court, including continuance or dismissal of the matter before the Court, removal of the offender from the Courtroom or Court facility and, if a finding of direct contempt is made, the offender shall be subject to immediate confinement in jail, and/or a fine. If a charge of indirect contempt is filed or anticipated, the offender may be confined in jail subject to reasonable bond while the charge is being prepared and filed.

C. NEWS MEDIA

1. Recording or photographing by any person of court proceedings shall not be permitted except upon order of the Court upon written application, see Appendix B, filed with the Clerk of Court and as otherwise mandated by Rule 12, Ohio Supreme Court Rules of Superintendence.
2. Audio recordings or pickup of conferences conducted in Court between counsel and clients, between co-counsel, or between the Judge and counsel are prohibited.
3. Broadcasting, recording or photographing by any means of victims or witnesses is prohibited except upon permission obtained in open Court and shall not be permitted when the witness or victim objects.
4. Questions of the admission of persons to the Courtroom shall be decided by the Court and the Court may remove any persons or news media failing to comply with this Rule or Supreme Court Rules regulating media access.
5. No media recording of proceedings in a Judge's chambers or access to the Judge's chambers shall be permitted, unless expressly granted by the Judge.
6. No media recording shall be permitted in the jury deliberation room at any time during the course of the trial or after the case has been submitted to the jury. No media recordings or pictures of jurors shall be permitted at any time.
7. No media recording shall be made of any document or exhibit before or after it is admitted into evidence, except those which are clearly visible to spectators (e.g. maps, charts, blackboards, etc.)
8. Upon the failure of any media representative to comply with the conditions prescribed by this Rule or the Judge, the Judge may revoke the permission to broadcast or photograph the trial or hearing.

D. COURT RECORD

1. Unless otherwise provided in these Rules, all proceedings before this Court shall be recorded by a digital audio and/or video electronic recording device provided by the Court. All jury trials where the Local Rule I.E. deposit is timely made or waived by the Court and all other proceedings where a written request for stenographic record is filed and the Local Rule I.E. deposit is timely made or waived by the Court, will be recorded by stenographic court reporter.
2. Parties or others who wish to create a typewritten transcript of proceedings at the Court must retain the services of a court reporter. Court reporters are permitted to transcribe a particular hearing as it occurs in the Courtroom, or they may watch and listen to the video and audio recording of a particular hearing after the hearing has taken place. All costs associated with the court reporter's services must be borne by the party employing the court reporter.
3. Copies of a Court record, or a portion thereof, properly redacted, shall be made and certified by the Court for a party or the public.

- a. Paper Copies: A charge of \$.05 per page shall be made for a photo static copy of any document.
  - b. DVD Copies: A charge of \$1.00 per DVD shall be made for copies of the audio-video record of any Court proceeding.
- E. STENOGRAPHIC RECORD: When a written request for stenographic record is filed with the Court, the requesting party shall deposit with the Court the sum of \$75.00 to cover the minimum 1/2 day stenographer's fee. The deposit shall be made with the request for stenographic record or where a jury trial is requested, seven (7) days before the date set for such trial. In criminal cases, this deposit may be waived where an affidavit or other evidence of the requesting party's inability to make the required deposit is filed with his or her request for stenographic record and such request is approved by the Court. Unless the requesting party notifies this Court to cancel his or her request for stenographic record before 3:00 PM on the last business day preceding the date set for trial, the fee shall be assessed against the requesting party whether or not the case proceeds to trial. Failure to timely make this deposit or file for and receive a waiver thereof shall be deemed a waiver of or withdrawal of any request for stenographic record.
- F. INSPECTION OF COURT RECORDS: All indexes, dockets, journals, and file records legally required to be maintained by the Clerk of the Morrow County Municipal 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 or audio electronic court records shall only be inspected with permission of Court. All inspections shall be made under the supervision of Court personnel. Original papers, audio or videotapes, digital audio discs and digital videodiscs shall not be removed from the Clerk's office.
- G. COUNSEL OF RECORD
1. When an attorney is retained or appointed to represent a defendant, he or she shall immediately notify the Clerk in writing.
  2. On all pleadings in civil and criminal cases, the attorney shall include his or her office mailing address, zip code, e-Mail address, contact information for audio/video teleconferencing, telephone, Attorney's Ohio Registration Number, and facsimile number. A law firm shall not be named as the attorney of record.
- H. COURT APPOINTED COUNSEL
1. Attorneys who wish to be appointed by the Court to represent indigent persons in criminal or traffic cases must submit a written application to the Clerk, on the form provided in Appendix C. Upon submitting an application, an applicant interview will be scheduled with the Court. If the applicant appears qualified and is approved, the applicant shall be added to the court appointed counsel list maintained by the Clerk.
  2. Before counsel is appointed, each defendant must file an Affidavit of Indigency or Financial Disclosure form. In addition, each applicant shall be assessed a non-refundable fee of \$25.00 due upon submission of the Affidavit of Indigency/Financial Disclosure form.
  3. When it appears to the Court that a defendant in a traffic or criminal case is indigent and if the offense(s) with which the defendant is charged include(s) the possibility of incarceration, the Court shall utilize and appoint an attorney from the approved appointed counsel list.
    - a. Court appointed counsel shall be selected by the Court from a rotating list, arranged geographically, of all attorneys who have been approved by the Court. The Court will appoint from the list in the following order:

- i. Attorney requested by the defendant and/or currently representing the defendant in a matter pending in this court or another court;
    - ii. The next attorney on the list geographically closest to the defendant; and
    - iii. The next attorney on the list.
  - b. The Court must also follow those factors set forth in Rule 8 of the Rules of Superintendence for Court which include:
    - i. The anticipated complexity of the case;
    - ii. Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
    - iii. The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
    - iv. The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case; and
    - v. Intangible factors, including the Court's view of the potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
  - c. If an attorney appointed by the Court to represent an indigent defendant receives information clearly establishing that the defendant has perpetrated a fraud upon the Court by misrepresenting to the Court that he or she lacks sufficient income or other means to employ counsel, the attorney shall promptly call upon the defendant to rectify the fraud and, if the defendant fails or refuses to do so, the attorney shall reveal the fraud to the Court. If the Court cancels the appointment, the defendant shall be advised by the Court that he or she is free to employ counsel of his or her choice.
4. A Judgment Entry of Appointment shall be sent to the appointed attorney's last known e-mail address. Within three (3) business days following notification, the appointed attorney must return the judgment entry indicating acceptance or rejection of the appointment. A return indicating an acceptance of the appointment shall be deemed an appearance as counsel of record. Failure to return the Judgment Entry within three (3) business days shall be deemed a rejection of the appointment and the Court shall proceed to appoint new counsel. Repeated failures to return the appointment Judgment Entry within the three (3) business day deadline could, at the discretion of the Court, result in removal from the approved appointed counsel list.
5. Counsel appointed by the Court shall diligently perform their duties as warranted by the facts of the cases in which they are appointed. They shall appear as scheduled at all hearings and they shall act in a professional manner at all times. Failure to comply with any of these duties will result in removal from the list of appointed counsel. Upon removal, the attorney is required to cooperate with the Court by identifying all open cases to which the attorney has been appointed.
6. Counsel may be permitted to withdraw as the attorney of record only with the consent of the Court. A Motion to Withdraw as Attorney of Record shall state the reason for the request and include a list of any scheduled Court dates and a certification of service to opposing counsel and the defendant. Withdrawal considerations shall be in conformity with the Code of Professional Responsibility. If counsel has been appointed to one or more offenses which include the possibility of incarceration and counsel voluntarily enters an appearance in a minor misdemeanor and/or unclassified misdemeanor companion case, it is counsel's responsibility to file a motion to withdraw from the non-appointed case(s) when all of the offenses

involving the possibility of incarceration have been resolved. In the event counsel fails to withdraw as counsel in the non-appointed cases, the Court shall not be responsible for payment of the services provided.

7. No appointed counsel shall be paid for his or her services unless a request for payment is made. All requests for payment shall be made by completing the prescribed forms provided by the Ohio Public Defender Commission. This application must be accompanied by a Financial Disclosure/Affidavit of Indigency form completed by the indigent defendant, the entry appointing counsel, and the signed entry concluding the appointed case(s). The application shall be filed with the Clerk's office. The Court may withhold payment to appointed counsel until all necessary forms pertaining to the case are completed and correctly filed.
  8. Any court appointed counsel who fails to file his or her request for payment of court appointed counsel fees within sixty (60) days of final disposition, shall forfeit the right to receive that portion of such fees normally reimbursed to the County by the State. If the fee is paid in full by the County and reimbursement by the State is later refused, the County may deduct the unreimbursed amount of their payment from the attorney's future court appointed counsel fees.
- I. 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 Appendix A. Such schedule together with any amendments or modifications thereof shall be posted at a location in or near the Office of the Clerk of the Morrow County Municipal Court.
- J. PROBATION FEE
1. A fee of \$50.00 shall be charged for each person placed on "Basic Probation", a fee of \$75.00 shall be charged for each person placed on "Intensive Probation" and a fee of \$25.00 charged for each person placed on "Non- Reporting Probation." This fee shall be paid within five (5) days of being placed on probation. Failure to pay the fee shall be considered a violation of the Court Order to do so and shall be subject to charges for indirect contempt of court. All fees collected under this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund, known as the Probation Fund, to be disbursed upon an order of the Court without the need for an appropriation by the Board of County Commissioners.
  2. If the Court determines that the amount of money in the Probation 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 moneys for other appropriate expenses of the Court without an appropriation by the Board of County Commissioners.
- K. COMMUNITY SERVICE FEE
1. Each person placed on "Community Service" shall be charged a fee of \$50.00. This fee shall be paid upon registration with the Community Service Coordinator. Failure to pay the fee shall be considered a violation of the Court Order to do so and shall be subject to charges for indirect contempt of court. All fees collected under this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund, known as the Morrow County Municipal Court Community Service Fund, to be disbursed upon an order of the court without the need for an appropriation by the Board of County Commissioners.
  2. If the Court determines that the amount of money in the Morrow County Municipal Court Community Service 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 moneys for other appropriate expenses of the Court without appropriation by the Board of County Commissioners.

L. LOCAL VIOLATIONS BUREAUS

1. **Criminal Violations Bureau:** The Criminal Violations Bureau is hereby established and the Clerk or the Clerk's Designee, is appointed to be the violations clerk, to collect fines, give receipts therefore and render accounts of the Criminal Violations Bureau pursuant to Rule 18 of the Ohio Rules of Superintendence and Rule 4.1 of the Ohio Rules of Criminal Procedure.
2. **Traffic Violation Bureau:** The Traffic Violations Bureau is hereby established and the Clerk or the Clerk's Designee, is appointed to be the violations clerk, to collect fines, give receipts therefore and render accounts of The Traffic Violations Bureau pursuant to Rule 18 of the Ohio Rules of Superintendence and Rule 13 of the Ohio Traffic Rules.
3. Any person charged with an offense that can be processed by either the Criminal Violations Bureau or the Traffic Violations Bureau who intends to waive appearance and enter a plea of guilty as charged, may do either of the following:
  - a. Appear in person at the Clerk's office, sign the plea of guilty and waiver of trial provision of the criminal citation or traffic ticket, and pay the total amount of the fine and costs. No partial payments will be accepted when paying by waiver.; or
  - b. Sign the guilty plea and waiver of trial provision of the criminal citation or traffic ticket and mail the citation or ticket together with the authorized method of payment for the total amount of the fine and costs to the Clerk's office. No partial payments will be accepted when paying by waiver. (See, Section II.B. regarding Authorized Methods of Payment.)
4. The schedule of fines and costs that shall be charged by the Violations Bureaus is established will be available at the Clerk's office and on line at [www.morrowcountymunict.org](http://www.morrowcountymunict.org).

## **II. FILING DOCUMENTS**

### **A. FILED DOCUMENT REQUIREMENTS**

1. All pleadings, motions, or other documents filed with the Court via Facsimile Transmission, e-Mail, or e-Filing shall include the following information in an attached coversheet:
  - a. The filing attorney's Name (firm name, if any), Mailing Address, Attorney's Ohio Registration Number, Telephone Number (with extension, if any), Facsimile Number;
  - b. Date of facsimile transmission;
  - c. Number of pages of facsimile transmission; and
  - d. The forwarding attorney's contact information for video teleconferencing, if any.
2. A document filed in paper form shall be accepted as the original and redacted as required by Local Rule II.C.
3. All documents submitted to the Court for filing shall be typed or legibly printed on paper approximately 8 1/2 by 11 inches.
4. The caption of the complaint shall state the name and address, if known, of each party.
  - a. All other pleadings and motions shall be captioned with the case number and the name of the first party plaintiff and the name of the first party defendant and the title of the document.
  - b. Any pleading that adds or names a new party or parties shall state the names and addresses, if known, of the new parties.
  - c. Every pleading, motion, or other document filed in a case shall be identified by the caption of the case including the title of the document and shall bear the name, address, facsimile number, e-Mail address, telephone number, contact information for video teleconferencing, if any, and the signature of the individual filing the document.
  - d. Documents filed by an attorney shall also include the name of the attorney, and his or her Attorney Registration Number.
5. All pleadings and motions must be served upon the opposing counsel, or if a party is not represented, then upon the opposing party including a proof of service indicating the date and manner of service in accordance with the Ohio Rules of Civil or Criminal Procedure.
6. Interrogatories, notices of deposition, requests for admissions, and other discovery requests shall not be filed with the Court unless otherwise ordered.
7. Any pleading or motion filed in contravention of this Rule may be stricken from the file at the Court's sole discretion.
8. The proof of service for a document served by e-Transmission shall state the facsimile number and/or e-Mail address of the person to whom the document was transmitted and both the date and time of transmission.
9. If a person has consented to service by e-Transmission and the transmitter receives notice in any manner that the transmission was incomplete for any reason, the transmitter shall promptly notify the person by telephone of the problem and service shall be accomplished as otherwise authorized by law. If necessary, the transmitter shall file an amended proof of service and its grounds.

10. A party who has consented to service by e-Transmission but who can no longer receive service by e-Transmission shall promptly notify the Court and all other parties to the action in writing.
11. If the Clerk finds that a document received by e-Transmission should not be filed for any reason, e.g. illegible, incomplete, or otherwise in violation of these Local Rules, the Clerk shall not time-stamp the document, unless directed by the Judge. The Clerk shall make reasonable efforts to contact the originator of the facsimile or computer operator at the telephone number in the transmission to advise that it has been rejected for filing. The Clerk shall not be required to return the documents transmitted, but may dispose of the documents after notice of rejection is attempted on the party. If a document presented for filing is rejected, the attorney or party who transmitted the document shall promptly notify all parties served with a copy of the document that the document was not filed in the case.
12. If the Judge or Magistrate finds that an e-Transmission accepted by the Clerk for filing violates this Local Rule, the Court may strike the filing or may disregard the transmitted document in rendering a determination, decision, or order with respect to which the transmitted document would otherwise be relevant.
13. The transmitting party shall be solely responsible for ensuring that the document transmitted complies with these Local Rules in every respect and for monitoring the progress of transmission, receipt, filing and consideration. An omission or deviation from this Local Rule that results in the transmission not being considered by the Court shall not be a basis for reconsideration unless the transmitting party demonstrates the exercise of reasonable diligence in compliance with this Local Rule.
14. The person transmitting the document may request a hearing as to compliance with this Local Rule if the transmitting document is rejected by the Clerk or stricken by Court Order and, if compliance is shown, an appropriate Order may be issued to deem the document timely filed.

**B. AUTHORIZED METHODS OF PAYMENT**

1. All payments submitted to the Court shall be as follows, unless otherwise specified:
  - a. Cash payment at the Clerk's office;
  - b. Money Order made payable to the "Morrow County Municipal Court" and mailed to the Court or delivered to the Clerk's office;
  - c. Personal, Bank or Cashier's Check made payable to the "Morrow County Municipal Court" and mailed to the Court or delivered to the Clerk's office;
  - d. Credit Card presented in person at the Clerk's office by the cardholder with photo identification;
  - e. Credit Card, over the phone by the cardholder; or
  - f. Credit Card via the Court's website at [www.morrowcountymunict.org](http://www.morrowcountymunict.org).
2. Paper Filing: Payment must be made on the day of filing in accordance with methods a. through d. above.
3. Facsimile Filing: Any of the above methods of payment, if received within three (3) business days of filing.
4. E-Mail Filing: Any of the above methods of payment, if received within three (3) business days of filing.
5. Electronic Filing: Any of the above methods of payment, if received within three (3) business days of filing.
6. Any document filed that requires a filing fee, other deposit or pre-payment of Court Costs may be rejected by the Clerk unless the filer has complied with one of the

above payment methods within the time specified. See Appendix A for Fee Schedule Information.

C. REDACTION OF COURT RECORDS

1. The filing party shall omit or partially redact the following personal data identifiers from all pleadings, documents and exhibits where inclusion would otherwise be necessary, whether filed electronically or on paper, unless the Court orders otherwise:
  - a. Social security numbers;
  - b. Minors' names;
  - c. Medical records, treatment and diagnosis;
  - d. Employment history;
  - e. Individual financial information; and
  - f. Proprietary or trade secret information.
2. Upon written motion and with leave of Court, a filing party may file under seal a document containing the un-redacted personal data identifiers listed above. If the motion is denied, the Court may require the party to file a redacted copy for the public file. The filing party shall file a redacted copy for the public file and a list of personal data identifiers and their location in the document for the non-public file.
3. The responsibility for redacting personal data identifiers rests solely with the filing party and his or her counsel as required by Sup.R. 45(D).
4. The Clerk's office will not review the documents for compliance with this Local Rule.

D. ELECTRONIC SIGNATURE

1. "Electronic Signature" (often referred to as "Digital Signature") as used in these Local Rules shall have the same meaning as set forth in O.R.C.1306.01(H).
2. All documents, filed by an attorney, must be signed by an attorney admitted to practice in the State of Ohio, admitted *pro hac vice*, appearing for a limited purpose or appearing in absentia.
3. All documents, filed by a party appearing *pro se*, must be signed by the person filing the document.
4. The transmission of a document to the Court, signed using an "electronic signature", by an attorney, or by another under the authorization of said attorney, or by a party *pro se* shall be considered that of the attorney or party it purports to be all purposes. If it is established that the document was transmitted without authority, the Court shall order the document stricken. See, Ohio Civ. R. 11 and Ohio Crim. R. 12 (B).
5. All signatures on the original document submitted to the Court for filing shall be the signature of the person responsible for submission and shall be legible. If the reviewing Clerk cannot read the signature attached, the document shall be returned to the responsible person for re-execution and re-filing.
6. No person shall sign a document to be electronically transmitted on behalf of another person without clearly disclosing the agency status on the face of the document or no person shall cause another person's signature to appear on an electronically transmitted document without that person's knowledge. Any such violation shall be regarded as a contempt of Court.

E. PAPER FILING

1. All documents submitted in paper form to be scanned by the Clerk, must be printed on only one side and be delivered to the Clerk with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or may be delivered to the Clerk in an appropriate file folder.

2. If a filer wants a document that was submitted in paper form to be returned by mail, the filer must deliver to the Clerk a postage paid, self-addressed envelope, large enough to accommodate the requested material.
3. Except as otherwise provided in these Rules, paper documents submitted to the Court will not be retained by the Court.

F. FACSIMILE FILING

1. The Office of the Clerk of this Court shall maintain a private telephone line and facsimile machine for purposes of accepting documents for filing in civil cases, criminal cases and as limited by this Rule. A document filed under this Rule must be transmitted directly through the Clerk's facsimile machine at (419) 946-4070. The risk of transmitting a document by facsimile to the Clerk is borne entirely by the sending party. Anyone using facsimile filing may verify with the Clerk that the facsimile document was received.
2. A facsimile transmission will be accepted for filing as the original document and the signature contained thereon will be accepted as the original signature, in conformity with Civ.R. 5(E) and Crim.R. 12(B). Following the acceptance of and filing of a document by means of facsimile transmission, the source document shall not be tendered to or accepted by the Clerk for purposes of filing.
3. The Clerk shall immediately notify the filing party if the transmitted document cannot be filed for any reason. The document must be legible when received by the Clerk. The reviewing Clerk may reject any document that is illegible, either in whole or in part, and shall notify the sender of any defect as soon as practicable.
4. Facsimiles may be transmitted twenty-four (24) hours per day, seven (7) days a week. Any facsimiles received by the Clerk's office after 4:00 PM on a regular business day or anytime on a weekend or holiday, shall be considered filed on the next regular business day. For purposes of any filing deadline imposed by these Rules or Court Order, a pleading shall be deemed filed on the date and time that the Clerk time-stamps such document. Subject to the provisions of these Rules, all documents sent by facsimile and received and accepted by the reviewing Clerk will be deemed filed with the Clerk as of the date and time of the facsimile transmission.
5. The party filing should not mail or otherwise deliver the source document to the Clerk, but the filing party shall retain in his or her records the original signed copy of the facsimile-filed document, as well as the facsimile cover sheet.
6. A party filing a pleading, motion, or other document by Facsimile Transmission shall be responsible for the cost of transmission. Further, the filing party is responsible for payment of all Court costs associated with the filing of the document. Such costs shall be paid in accordance with II.B.3. above. Failure to timely pay the costs will result in the document being stricken from the file.
7. Documents filed with the Court shall be served in accordance with Ohio Civ.R. 5 and Ohio Crim.R. 49 unless an attorney or a party not represented by an attorney has filed a Facsimile Transmission number or e-Mail address with the Court. Where a Facsimile Transmission number or e-Mail address is on file with the Court, service on the attorney or party by Facsimile Transmission or e-Mail shall constitute service pursuant to Ohio Civ.R. 5 and Ohio Crim.R. 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civ.R. 6(D). Documents served electronically shall contain proof of service setting forth the e-Mail address at which the attorney or party was served.
8. If an exhibit cannot be transmitted accurately by Facsimile Transmission, the exhibit must be replaced by an insert page describing the exhibit and explanation for its

absence or a photograph of the exhibit. Unless the Court otherwise orders, the missing exhibit should be filed with the Clerk, as a separate document, within five (5) Court days after the Facsimile Transmission filing. A cover sheet listing the name of the case, the case number, the assigned Judge's name, and the title of the exhibit shall accompany any exhibit filed in accordance with the paragraph. The exhibit and the signed cover sheet shall be served on all other parties. The Court may strike any document or exhibit, or both, if a missing exhibit is not filed as required by this paragraph.

G. E-MAIL FILING

1. A document filed under this Rule must be e-Mailed directly to the Clerk at [info@morrowcountymunict.org](mailto:info@morrowcountymunict.org).
2. A document filed with the Court by e-Mail must be legible when received by the Clerk. The reviewing Clerk may reject any document that is not legible, either in whole or in part, and shall notify the sender of the rejection as soon as practicable.
3. A party filing a pleading, motion, or other document by e-Mail shall be responsible for the cost of transmission. Such fees shall be paid in accordance. Failure to timely pay the costs will result in the document being rejected.
4. E-Mails may be transmitted twenty-four (24) hours per day, seven (7) days a week. Any e-Mail received by the Clerk's office after 4:00 PM on a regular business day or anytime on a weekend or holiday, shall be considered filed on the next regular business day. For purposes of any filing deadline imposed by these Rules or Court Order, a pleading shall be deemed filed on the date and time that the Clerk accepts the document. E-Mail filing does not constitute Electronic Filing (e-Filing). E-Mailing a document to the Clerk will not generate a notice of e-Filing. The document will not be considered filed until accepted by the Clerk.
5. Documents filed with the Court shall be served in accordance with Ohio Civ.R. 5 and Ohio Crim.R. 49 unless an attorney or a party, not represented by an attorney, has filed an e-Mail address with the Court. Where an e-Mail address is on file with the Court, service on the attorney or party by e-Mail shall constitute service pursuant to Ohio Civ.R. 5 and Ohio Crim.R. 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civ.R. 6 (E). Documents served electronically shall contain a proof of service setting forth the e-Mail address at which the attorney or party was served.

H. ELECTRONIC FILING: (This Rule contains proposed language that may become effective at a later date.)

1. The Clerk shall provide e-Filing service to all Court users for all documents in all case types or any particular case as designated by these Rules.
2. In matters where e-Filing is authorized by Local Rule, the e-Filed document will be part of the official Court record. Paper records, if maintained, will be considered a copy of the official Court record.
3. No attorney shall authorize anyone to electronically file on that attorney's behalf, other than his/her employee or a service provider retained to assist in e-Filing.
4. No person shall utilize, or allow another person to utilize, the password of another in connection with e-Filing.
5. The e-Filing service shall be available twenty-four (24) hours a day, seven days a week. All e-Filing of documents must be completed by 4:30 PM to be considered timely filed that day. Documents transmitted outside of regular Court hours shall be deemed filed on the next normal business day of the Court.

6. The filer shall not be required to file the source document with the Clerk but must maintain the source document in the filer's records, and have the source document available for production on request of the Court, the Clerk or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal are exhausted.
7. Upon the filing of a properly executed and signed User Agreement Form with the Clerk, the Clerk shall establish an electronic filing user account and assign a filer identification number and initial password to be used for e-Filed documents.
8. An e-Filed document shall have a Document Description Form attached. In the event a document is e-Filed without a Document Description Form or with an incomplete Document Description Form, the Clerk shall reject the document and the Clerk shall notify the filer via e-Mail of said rejection.
9. A transaction number will be assigned to each document when it is received in its entirety by the receiving device of the Clerk. The transaction number and the date and time of filing will be displayed on the screen of the filer's computer, with an image of the document filed, upon successful transmission of the document. Filers will be notified via e-Mail if the filing is rejected for any reason. A corrective filing may be transmitted at a later time but not later than five (5) days, if the filer elects to do so. A corrective filing will relate back to the date and time of the original attempt to file the document.
10. The Clerk shall retain rejected documents for a period of five (5) days from the date of transmission.
11. Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the Clerk as a result.
12. Documents submitted must be in a digitized format that can be read or downloaded by the electronic equipment then in use by the Court.

I. ELECTRONIC FILING OF TRAFFIC TICKETS AND CRIMINAL SUMMONS

1. The Morrow County Municipal Court hereby authorizes the use of a ticket or short form criminal summons that is produced by computer or other electronic means (e-Ticket) (e-Summons).
2. An e-Ticket shall not require the signature of the defendant and shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" set forth in the Ohio Supreme Court Traffic Rules. If an e-Ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with a paper copy of the ticket. A law enforcement officer who files an e-Ticket and electronically affixes the officer's signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Supreme Court Traffic Rules.
3. An e-Summons shall conform in all substantive respects to the Ohio Supreme Court Criminal Rules.
4. The Morrow County Municipal Court further authorizes the filing of the e-Ticket or e-Summons electronically by any electronic method approved by this Court.
5. The devices used by any agency filing an e-Ticket or e-Summons in this Court shall be designated by this Court.

### **III. MAGISTRATES**

The Court may employ one or more magistrates. Magistrates shall perform any duty designated by the Court and authorized by the Ohio Rules of Civil Procedure or the Ohio Rules of Criminal Procedure.



#### **IV. CASE MANAGEMENT IN CRIMINAL CASES**

- A. **PURPOSE**: The purpose of this Rule is to establish, pursuant to Sup. R. 5, a system for criminal case management 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.
- B. **JOINDER AND SEPARATION OF CASES**: Criminal and traffic offenses arising out of the same facts and circumstances that are filed at the same time against the defendant will be tried together unless separate trials are ordered pursuant to a motion to sever. Criminal offenses filed against co-defendants arising out of the same facts and circumstances will be tried separately unless combined by agreement of the parties or their counsel.
- C. **DOMESTIC VIOLENCE**
1. Domestic Violence charges will not be dismissed upon request of the alleged victim unless the victim has consulted the representative of victim's advocates and the prosecutor moves to dismiss.
  2. Any "No Contact" order contained in a Journal Entry, Temporary Protection Order or Condition of Release will not be terminated except upon motion of the prosecution, at the request of the alleged victim after his or her consultation with a victim's advocate. The victim shall apply to have the restriction or no contact order lifted, complete a two-week program for victims and file a motion to terminate the no contact provision.
  3. Any domestic violence case where there is a pending divorce or a divorce is later filed in the Domestic Relations Division of the Common Pleas Court or a child custody proceeding is pending or thereafter initiated in the common pleas court may be continued during the pendency of such case with the consent of both parties, a written waiver of time by the defendant and written consent of the victim's advocate. If there is no victim's advocate, the alleged victim shall be referred to a victim's advocate for consultation.
- D. **JUDICIAL STEPS**: All criminal cases shall be managed in the following judicial steps.
1. Arraignment: All criminal and traffic arraignments except prisoner arraignments shall be held at 9:00 AM each Thursday morning except holidays unless otherwise ordered by the Court. If not admitted to Bond, Prisoner arraignments shall be held at least once every forty-eight (48) hours in person or by video teleconference.
  2. Pre-trials:
    - a. There shall be no pre-trial conferences set by the assignment clerk in any criminal or traffic case
      - i. unless the defendant is represented by an attorney,
      - ii. unless Defendant's Attorney requests a pre-trial by motion or in writing
      - iii. the defendant personally or through his or her attorney files a written time waiver as to the time waiving the time in which the case must tried, or
      - iv. when the offense is classified as a minor misdemeanor traffic offense. If the defendant enters a not guilty plea or the Court enters a not guilty plea on the defendant's behalf and a pre-trial is requested in writing, the Clerk will set the matter for a trial and for a pre-trial if the defendant is eligible for pretrial under D(2)(a).
    - b. If the defendant lives within Morrow County or an adjacent county, the Defendant's attorney and Defendant shall be present at the pre-trial. If the Defendant lives outside that area the Defendant must be present or available by telephone.

- c. If a pre-trial is concluded without a resolution, the parties must be prepared to proceed to trial as previously scheduled.
  - d. If an additional pre-trial is requested, the request must be made within 24 hours of the first scheduled pre-trial by motion incorporating the reason for such request.
  - e. If the pre-trial is concluded by a plea agreement, a Supplemental Arraignment (Change of Plea Hearing) will be conducted if all documents are prepared and signed, the courtroom is available and the Judge is present.
  - f. If the Judge or Courtroom are unavailable, the parties shall prepare and submit to the Court a written pre-trial agreement signed by a representative from the prosecutor's office, the defendant and defendant's counsel and the alleged victim, when required by statute. The case shall then be set for Supplemental Arraignment before the Court or in a Traffic case, the disposition may be submitted to the Court as a Supplemental Arraignment by Entry (SAE) pursuant to Local Rule IV. F. If the parties do not comply with Subparagraph IV. E below, the case shall proceed to trial as scheduled.
  - g. Any victim who is required to appear in open-court but cannot or fails to appear on the date scheduled for supplemental arraignment shall be subpoenaed to appear on the record at a later date. The Court will not approve the disposition until the victim is given notice and an opportunity to appear and be heard.
  - h. 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.
  - i. Counsel attending the pre-trial conference must have complete authority to stipulate items of evidence and must have full authority to negotiate and approve a plea agreement.
- E. 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 or the arresting officer was consulted concerning the proposed plea agreement and the officer approved the proposed plea agreement or that officer's approval was unreasonably withheld together with the Prosecutor's or Solicitor's reasons why the withheld approval was unreasonable. The arresting officer 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.
- F. SUPPLEMENTAL ARRAIGNMENT (CHANGE OF PLEA HEARING)
- 1. Personal Appearance: All cases resolved at pre-trial shall proceed immediately to Supplemental Arraignment if the Courtroom and the Judge are available for such purpose. Otherwise, all cases resolved at pre-trial shall be scheduled for Supplemental Arraignment within fifteen (15) business days.
  - 2. Written Appearance: (Supplemental Arraignment by Entry).
    - a. For purposes of Traffic Rule 12, the following shall be considered "exceptional circumstances" in all traffic cases in the Morrow County Municipal Court where the defendant has previously appeared personally, through counsel, or by video teleconference:
      - i. The defendant is not a resident of Morrow County, Ohio, or
      - ii. The defendant is a resident of Morrow County, Ohio, but defendant's personal appearance in Court would cause the defendant to lose one-half day or more of gainful employment.

- b. If the defendant meets either of these “exceptional circumstances”, he or she 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 plea 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. Where there is a plea of No Contest, the entry shall also include an admission that the alleged facts are true and a stipulation to a finding of guilty by the Court. The Agreed Judgment Entry must be approved by the defendant, the defendant’s counsel, a representative of the prosecuting attorney’s office and, in cases where there is damage to persons or property, the victim or a representative of the victim’s family.
- c. Before the Court will accept the Agreed Judgment Entry it must be accompanied by the following:
  - i. Full payment of all fines and/or costs due to the Court and/or any restitution due from the Defendant by one of the accepted payment methods in Local Rule II.B. after application of any bond held by the court.
  - ii. Defendant’s driver’s license, if the defendant’s driver’s license will be suspended and is not presently held by the Court.
  - iii. In all moving violations, proof that defendant’s operation of the vehicle was insured by insurance or other proof of financial responsibility.

#### G. MOTIONS

1. Pursuant to Rule 47 of the Ohio Rules of Criminal Procedure and Rule 11 of the Ohio Traffic Rules, all Motions to Suppress Evidence, Motions to Exclude Evidence, Motions to Determine the Reliability of Evidence or Motions in Limine in O.V.I. cases will be determined without oral hearing upon brief written statements of the reasons in support of and in opposition to the motion and stipulations of counsel, if any. Motions not in conformity with Crim.R. 47 will not be entertained by the Court. For such a motion to be in conformity, it must contain the following:
  - a. The specific grounds upon which the motion is based;
  - b. An affidavit or affidavits of relevant facts that, if uncontroverted, should 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. Case authority from the Supreme Court of Ohio or the Fifth Appellate District shall be cited in all instances where it exists and only thereafter will non-Fifth Appellate District authorities be cited and only thereafter will non-Ohio authorities be cited.
2. All other motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel and an affidavit of fact supporting each argument. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Such motions shall be set for oral hearing.
3. All parties wishing to respond to such motions shall do so in writing not later than the fourteenth (14th) day following service of the motion upon the responding party.

#### H. TRIALS

1. Each case not resolved at an initial pre-trial shall be set for trial to the Court. All court trials shall be held on Monday and Thursday from 1:00 PM to 4:00 PM unless otherwise ordered by the Court.

2. If a written 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 3:00 PM on the last business day preceding trial of any withdrawal of his or her demand for jury or change of plea, otherwise jury costs shall be assessed to the party who filed the demand for trial by jury.
3. Pre-Jury Trial Pre-Trial: All criminal and traffic cases set for jury trial and not resolved at initial pre-trial shall be assigned for a pre-jury trial pre-trial to be held at 9:00 AM on the last business day preceding the day set for jury trial. If the case is not resolved at the pre-jury trial pre-trial, the case shall go to trial at 9:00 AM the following day unless the defendant withdraws his former plea of not guilty and enters an unconditional plea of guilty or no contest to the original charge or the case is dismissed with or without prejudice by the prosecution.

I. TRIAL PROCEDURE

1. Voir Dire: All prospective jurors will be seated in numerical order
2. Time Limitations:
  - a. Voir Dire: Thirty (30) minutes per party.
  - b. Opening Statements: Fifteen (15) minutes per party.
  - c. Closing Statements: Fifteen (15) minutes per party.

J. SENTENCING: Sentencing shall take place after a plea of guilty or no contest, a finding of guilty by the Court or verdict of guilty by the jury or within ten (10) days after a pre-sentence report is received by the Court unless:

1. the Court takes the case under advisement or
2. the presence of a victim and/or a victim's representative is required by statute, in which case, sentencing may be delayed until all participants are notified of the date and time.

K. CONTINUANCES

1. Each defendant may be granted one continuance by telephone if the arresting officer did not previously extend the defendant's Initial Appearance date. Each request for a continuance by the defendant shall toll the time limits set forth in Ohio Revised Code 2945.72.
2. All other requests for a continuance shall be by written motion that must include the:
  - a. Party requesting the continuance and reasons for the request;
  - b. Date and time of the current assignment;
  - c. Approval of all parties, if unopposed;
  - d. Agreed date to be assigned otherwise the date shall be assigned by the Court; and
  - e. If the continuance is requested for a medical reason, the request shall be accompanied by medical documentation signed by a doctor.
3. Each party shall be limited to two (2) requests for a continuance unless an additional continuance is granted for extraordinary circumstances.

## **V. CASE MANAGEMENT IN CIVIL CASES**

- A. **SMALL CLAIMS DIVISION:** (under \$6,000.00)
1. A small claims action shall be commenced by filing a Complaint in accordance with Section 1925.04 of the Ohio Revised Code. A small claims complaint form is available at the Clerk's office or on the Morrow County Municipal Court website at [www.morrowcountymunict.org](http://www.morrowcountymunict.org)
  2. No employee of the Court can provide legal advice. For legal advice you must consult an attorney of your choice or Legal Aid at 1-(740) 383-2162 or toll free at 1-(888) 301-2411.
  3. A defendant is not required to file an answer or a statement of defense. A timely counterclaim or cross-claim may be filed. All pleadings will be construed to accomplish substantial justice. If a defendant fails to appear for a hearing, a default judgment may be entered against that defendant.
- B. **GENERAL DIVISION**
1. CIVIL DIVISION (UNDER \$15,000)
  2. FORCIBLE ENTRY AND DETAINER (Eviction)
  3. GARNISHMENT PROCEEDINGS
  4. PERSONAL INJURY/PROPERTY DAMAGE
- C. **PURPOSE:** The purpose of this Rule is to establish, pursuant to Sup. R. 5, a system for civil case management that will achieve the prompt and fair disposition of civil cases. All judicial steps shall be handled by the magistrate except an objection to the magistrate's decision. Any reference to "the Court" shall be read as "the magistrate" in this section.
- D. **COURT COSTS DEPOSIT:** Any person filing a civil action or proceeding in person or by mail shall deposit with his or her Complaint the corresponding court cost deposit set forth in attached Appendix 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.
- E. **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 sum of \$250.00 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 demand for jury trial shall be filed no later than ten (10) days before the date scheduled for trial and shall contain the number of Jurors requested, consistent with Ohio Civil Rule 38. The Clerk shall refuse to accept the filing of a jury demand unless the required deposit is filed therewith.
- F. **SCHEDULING OF EVENTS:** The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.
1. Clerical steps:
    - a. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action was filed, the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary. Notification may be by e-Mail.
    - b. Upon perfection of service, if no responsive pleading is filed, the Clerk shall notify counsel for the non-defaulting party of the default and that a failure by the prevailing party to submit a Motion for Default within fifteen (15) days may result in the case being dismissed.

- c. After any responsive pleading is filed, the Clerk shall immediately set the matter for hearing.
  - d. If no action is taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within ten (10) days unless good cause is shown.
  - e. When a file is marked “settlement entry to come” or “resolved” and the entry is not received within thirty (30) days, then the Clerk shall notify the party that this case will be dismissed unless the entry is received within ten (10) days.
2. Judicial steps:
- a. Motions:
    - i. All motions must be in writing and accompanied by a written memorandum containing the arguments of counsel along with citations to the applicable statutes and case law. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the Court.
    - ii. There will be no oral hearings granted on said motions unless the parties request an oral hearing in writing and the Court deems it necessary.
    - iii. The Court may also set the matter for oral hearing, without the request of a party, if deemed necessary.
  - b. Pre-trials:
    - i. Pre-trials may be conducted by telephone or video teleconference. 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” used hereinafter shall mean the party or parties to the action, and/or each attorney of record.
    - ii. Any attorney for a party to the action who fails to attend a scheduled pre-trial conference without just cause being shown, may be punished for direct contempt of court.
    - iii. Notice of pre-trial conference shall be given to all parties of record by U.S. mail, e-Mail, or facsimile transmission not less than fourteen (14) days prior to the pre-trial conference. Any application for continuance of the pre-trial shall be addressed to the Civil Clerk.
    - iv. Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.
    - v. The primary purpose of the pre-trial conference shall be to achieve an amicable settlement.
    - vi. 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 statement to become part of the record embracing all stipulations, admissions and other matters that have come before it in the pre-trial. The Court shall, at that time determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.
    - vii. Any Judge presiding at a 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 any pre-trial conference or trial as required; to make such order as the Judge may deem appropriate under all of the circumstances.

viii. If the case is not settled at pre-trial, then the case shall proceed to trial as scheduled.

c. Trials: All court trials shall be held on Tuesday from 1:00 PM to 4:00 PM unless otherwise ordered by 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. All attorneys shall notify the Court by 1:00 PM of the day preceding their trial of any change in the status of the case or any jury costs incurred by the Court shall be assessed to the case.

d. Continuances:

i. No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his or her counsel stating the reason for the continuance.

ii. 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 another Court of this State, the case that was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial and cases assigned for trial in the Court of Common Pleas have priority over civil cases assigned for trial in this Court. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

iii. If a designated trial attorney's volume of cases assigned for trial in courts of this State causes undue delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney.

e. Judgment Entries:

i. The Judgment Entry will be prepared by the Court unless assigned to the prevailing party.

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

iii. 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.

iv. The Judgment Entry shall allocate the court costs between or among the parties.

G. MEDIATION (This Rule contains proposed language that may become effective at a later date.)

1. Parties in civil cases are encouraged to participate in mediation whenever the parties believe that mediation may lead to a resolution of their dispute. If the parties wish, their attorneys and other individuals designated by the parties may accompany the party to any mediation sessions and may participate in the mediation. When a corporation or other legal entity is a party to a scheduled mediation session at the court, a person with the authority to settle the case on behalf of the corporation or other legal entity shall attend the mediation session.

2. If the parties in a civil case are directed by the Court to participate in mediation, the Court shall assign a Mediator to the case.
3. The parties shall provide a case summary to the mediator not less than five (5) days before the first mediation session. That summary should describe the key factual disputes in the case, the status of the parties' compliance with any discovery requests, the amount of damages requested, and the status of any settlement negotiations between the parties.
4. The definitions contained in Section 2710.01 of the Ohio Revised Code apply to mediation sessions held by the Court, as do the privileges contained in Section 2710.03 of the Ohio Revised Code and the exceptions contained in Section 2710.05 of the Ohio Revised Code. The privileges may be waived under Section 2710.04 of the Ohio Revised Code.
5. Information communicated in the course of mediation is confidential, and no one shall disclose any mediation communications unless all parties and the mediator consent to disclosure. The Court may impose penalties for any improper disclosures in violation of this Rule.
6. Continuances
  - a. No party nor parties shall be granted a continuance of a mediation session without a written motion from any counsel for the requesting party or parties.
  - b. Motions for continuance must include the:
    - i. Party requesting the continuance and reasons for the request;
    - ii. Date and time of the current assignment;
    - iii. Approval of all parties, if unopposed;
    - iv. Agreed date to be assigned otherwise the date shall be assigned by the Mediator; and
    - v. If the continuance is requested for a medical reason, the request shall be accompanied by medical documentation signed by a doctor.
  - c. Each defendant or group of defendants or plaintiff or group of plaintiffs shall be limited to one (1) request for a continuance unless an additional continuance is granted for extraordinary circumstances.
  - d. The granting of any continuance shall be solely at the Court's discretion.



## **VI. CASE MANAGEMENT IN SPECIAL PROCEEDINGS**

- A. **PURPOSE**: The purpose of this Rule is to establish, pursuant to Sup. R. 5, 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, Acting Judge, Assigned Judge or Magistrate 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, Acting Judge, or Assigned Judge, to wit: preliminary hearings, extradition hearings, expungements (Sealing of the Record) and motions for temporary protection orders.
- B. **SCHEDULING OF EVENTS**: Special proceedings that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days
- C. **CLERICAL STEPS**
1. In all new special proceedings, if counsel fails to obtain service of summons within six (6) months, the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
  2. Upon perfection of service, if no responsive pleading is filed, the Clerk shall notify counsel for the non-defaulting party of the default and that a failure by the prevailing party to submit a Motion for Default within fifteen (15) days may result in the case being dismissed.
  3. After any responsive pleading is filed, the Clerk shall immediately forward the file to the Judge so the matter may proceed to trial as scheduled.
  4. If no action is taken on a file for a six (6) month period and the case is not set for trial, the matter will be dismissed within ten (10) days unless good cause is shown.

## **VII. JURY MANAGEMENT**

- A. **SELECTION AND NOTICE**: Jurors for the Court shall be drawn at the time and place corresponding to when jurors are drawn for the January, May, and September terms of the Morrow County Common Pleas Court and in the manner provided by Ohio Revised Code Chapter 2313. The number of jurors selected shall be sufficient to ensure that prospective jurors are not called to serve on a rotating basis more than every five (5) to six (6) weeks.
- B. **NOTIFICATION**
1. The Bailiff shall notify each prospective juror of his or her selection for jury service and provide each prospective juror with a juror questionnaire to be completed and returned to the Bailiff within ten (10) days.
  2. The juror may also fill out the jury questionnaire form online and submit it electronically to the Bailiff. All jurors shall be notified of jury service at least two (2) weeks prior to that service by postal card and each juror shall be provided a telephone number (Jury Hotline) to call for a recorded message concerning the current status of that service. Each juror shall call that number after 4:00 PM on the day prior to his or her scheduled service. If a juror reports for service without calling the Jury Hotline number as instructed, no jury service fee will be paid.
  3. The juror may fill out the juror questionnaire and return it to the address provided on the form or he or she may access the court's website at [www.morrowcountymunict.org](http://www.morrowcountymunict.org) and use his or her juror access code to access an online form to be filled out and electronically returned to the Court. If the juror provides an email address, all future notifications will be sent by e-mail or by text message to the cell phone number provided on the form.
- C. **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:
1. **Students**. A full time post high school student, who lives at or near the school he or she is attending, shall be excused from service unless he or she chooses to serve.
  2. **Medical**. A person may be excused for medical reasons if his or her request for excuse is accompanied by a physician's statement describing the nature of the condition and the doctor's opinion that the condition will interfere with or prevent jury service.
  3. **Vacation**. A person may be excused for a scheduled vacation if his or her request for excuse is accompanied by documentation verifying same, i.e., travel or room reservations, etc.
  4. **Prior Service During Term**. Once called and seated as a juror, that juror may be excused from further call unless the number of jury trials necessitates recall.
  5. **Miscellaneous**. A juror may, upon reasonable request, be allowed to transfer his or her service to the next scheduled trial date.
- D. **ALTERNATE JURORS**: Unless the trial is expected to exceed three (3) days only one (1) alternate juror shall be selected.
- E. **JURY ACCOMMODATIONS**: When a juror reports for service, the Bailiff shall give him or her a juror badge and seat the prospective juror in the Courtroom to the exclusion of all persons except other jurors. The jury room shall serve as the jury deliberation room at the conclusion of the trial. All materials except those needed for proper deliberation shall be removed from it. The Bailiff shall be stationed at the door to insure privacy and to alert the Court as to any communication from the Jury.

- F. JUROR COMPENSATION: Persons who are summoned for jury service will be paid the daily rate set by the Morrow County commissioners. All compensation payable to a juror or potential juror will be paid after that person's term of jury service is completed. Persons summoned for jury service will not be compensated for their travel expenses.

### **VIII. EFFECTIVE DATE**

Pursuant to Rule 5 (A) (2) of the Ohio Rules of Superintendence, the court has found there is an immediate need to correct monetary fees being charged to comply with legislative requirement effective December 31, 2020.

The Honorable Jenifer Murphy Burnaugh, Judge  
Morrow County Municipal Court  
Date: December 31, 2020

## APPENDIX A

### **To Local Rules of Court**

Effective December 31, 2020, the Clerk of the Morrow County Municipal Court, in addition to those fees and costs required by O.R.C. Section 1901.26(C) (Legal Aid Societies \$26.00 for Criminal and Civil Actions & \$11.00 for Small Claim Actions), O.R.C. Section 2743.70 (Victims of Crimes \$9.00) and O.R.C. Section 2949.091 (Ohio Indigent Defense Support Fund \$20.00-Moving Violation- OR \$10.00- Non-Moving Violation), shall charge the following fees and costs in all actions and proceedings in the Morrow County Municipal Court:

### **I. COURT COSTS**

|    |   |         |
|----|---|---------|
| A. | For each criminal case, which shall include:  | \$40.00 |
|    | 1. Docketing (placing case in system).  |         |
|    | 2. Emailing documents.  |         |
|    | 3. Preparing cost bill.   |         |
|    | 4. Entering costs on docket and cash book.  |         |
|    | 5. One Dollar (\$1.00) to computerize the court and for computerized legal research services.   |         |
|    | 6. Four Dollars (\$4.00) to computerize the Office of the Clerk of the Municipal Court.   |         |
|    | 7. Ten Dollars (\$10.00) for the Special Projects Fund of the Court for acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, and other related services necessary for the operation of the Court and the administration of justice in Morrow County, Ohio. |         |
| B. | For an alias service of summons (reissuing summons to another location).  | 3.00    |
| C. | For changing a summons to a warrant.  | 5.00    |
| D. | Issuing a warrant   | 5.00    |
| E. | Issuing a long form warrant   | 5.00    |
| F. | Waiver failure letter   | 3.00    |
| G. | For Sheriff's Office bond.  | 3.00    |
| H. | For a mandatory appearance letter.  | 3.00    |
| I. | For each name for issuing subpoena inside of Morrow County.   | 1.50    |
| J. | For each name for issuing subpoena outside of county.   | 3.00    |
| K. | For each continuance filed by Defense.  | 5.00    |

|     |   |                     |
|-----|---|---------------------|
| L.  | For each certified copy.  | 3.00                |
| M.  | Copies  | 0.05                |
| N.  | Mail Large envelope   | 5.00                |
| O.  | For each prepared CD of the court record  | 1.00                |
| P.  | For regular mail.   | 1.00                |
| Q.  | For certified mail.   | 7.00                |
| R.  | For processing each overpayment refund.   | 1.50                |
| S.  | For issuing each search warrant.  | 5.00                |
| T.  | For bind-over to Court of Common Pleas.   | 15.00               |
| U.  | For video teleconference arraignment of prisoner  | 3.00                |
| V.  | For filing commitment to jail paperwork.  | 2.00                |
| W.  | For filing discharge from jail paperwork.   | 2.00                |
| X.  | Issuance of license forfeiture, warrant block or registration block.  | 4.00                |
| Y.  | Release of license forfeiture, warrant block or registration block  | 4.00                |
| Z.  | For waiver late fee.  | 25.00               |
| AA. | For trial by jury, assessed to losing party.  | 100.00              |
| BB. | For seated jury members.  | 12.00               |
| CC. | For each individual appearing for jury duty.  | 8.00                |
| DD. | For witnesses per full day.   | 12.00               |
| EE. | For witnesses per half day.   | 6.00                |
| FF. | For witness mileage.  | .505 cents per mile |
| GG. | For filing an application to expunge or seal a record. Payment shall be in accordance with Local Rule II. B.  | 50.00               |
| HH. | For docketing and indexing each appeal, including the filing and noting of all necessary documents that shall include One Dollar (\$1.00) to computerize the court and for computerized legal research services pursuant to 1901.261(A)(1) of the Ohio Revised Code and Four Dollars (\$4.00 to computerize the Office of the Clerk of Court pursuant to 1901.261(B)(1) of the Ohio Revised Code. Payment shall be in accordance with Local Rule II. B. | 75.00               |
| II. | For each printed copy of the Local Court Rules to be paid for by the  | 5.00                |

party requesting the copy. No fee charged to email Local Court Rules PDF.

|     |                       |       |
|-----|-----------------------|-------|
| JJ. | Community service fee | 50.00 |
|-----|-----------------------|-------|

## II. CIVIL COURT COSTS DEPOSITS

|    |   |        |
|----|---|--------|
| A. | Civil Action or Proceeding (plus \$5.00 for each Defendant over 4). | 105.00 |
| B. | Forcible Entry & Detainer.  | 130.00 |
| C. | Small Claim Filing.   | 55.00  |

The Court Cost deposited in A, B & C. shall include One Dollar (\$1.00) to computerize the court and for computerized legal research services pursuant to 1901.261(A)(1) of the Ohio Revised Code, Four Dollars (\$4.00) to computerize the Office of the Clerk of pursuant to 1901.261(B)(1) of the Ohio Revised Code and Ten Dollars (\$10.00) for the Morrow County Municipal Court Special Project Fund pursuant to 1901.26(B)(1) of the Ohio Revised Code. The court costs deposit in A. and B. shall include \$26.00 for the public purpose of providing financial assistance to legal aid society pursuant to 1901.26(C) of the Ohio Revised Code. The court costs deposit in C. shall include \$11.00 for the public purpose of providing financial assistance to legal aid societies pursuant to 1901.26(C) of the Ohio Revised Code.

|    |  |                     |
|----|--|---------------------|
| D. | Debtor's Exam.                                 | 25.00               |
| E. | Execution.                                     | 50.00               |
| F. | Replevin.                                      | 25.00               |
| G. | Trusteeship.                                   | 35.00               |
| H. | Judgment transferred in.                       | 15.00               |
| I. | Garnishment.                                   | 35.00               |
| J. | Bank Attachment (plus \$1.00 per Garnishee).   | 25.00               |
| K. | Certified Copy – per page.                     | 3.00                |
| L. | Journal Entry – per page.                      | 2.00                |
| M. | For making certificate of judgment.            | 5.00                |
| N. | For trial by jury.                             | 250.00              |
| O. | For witnesses per full day.                    | 12.00               |
| P. | For witness per half day.                      | 6.00                |
| Q. | For witness mileage.                           | .505 cents per mile |
| R. | For each prepared CD of the court record       | 1.00                |
| S. | For certified mail.                            | 7.00                |
| T. | For issuing each out-of-county civil subpoena. | 3.00                |



|    |  |       |
|----|--|-------|
| U. | For issuing each in-county civil subpoena.                               | 1.50  |
| V. | For revivor.   | 25.00 |
| W. | For each writ of restitution.  | 2.00  |
| X. | For each summons issued.   | 2.00  |
| Y. | For Triple Crown/exemplified. (plus \$3.00 for certified copy of entry). | 2.00  |

### III. PROBATION AND MISCELLANEOUS FEES AND CHARGES

|    |  |                    |
|----|--|--------------------|
| A. | To be placed on COMMUNITY SERVICE.                             | 50.00              |
| B. | To be placed on NON-REPORTING PROBATION.                       | 25.00              |
| C. | To be placed on BASIC PROBATION.                               | 50.00              |
| D. | To be placed on INTENSIVE PROBATION.                           | 75.00              |
| E. | Probation-each POSITIVE INSTANT DRUG TEST.                     | 5.00               |
| F. | Probation-each LABORATORY TEST for each drug testing positive. | 15.00              |
| G. | For vehicle immobilization.                                    | 15.00              |
| H. | For mileage to and from vehicle immobilization site.           | .50 cents per mile |
| I. | For driving privileges under a court ordered suspension.       | 30.00              |
| J. | For civil driving privileges filed as a separate civil case.   | 70.00              |
| K. | For a reinstatement fee payment plan.                          | 30.00              |
| L. | For BMV appeal.  | 30.00              |
| M. | For indirect Contempt of Court.                                | 25.00              |
| N. | For prisoner transport to court.                               | 5.00               |

**APPENDIX B**

**To Local Rules of Court**

**IN THE MORROW COUNTY MUNICIPAL COURT  
MT. GILEAD, OHIO**

**APPLICATION TO BROADCAST, TELEVISION, RECORD, OR PHOTOGRAPH  
PROCEEDINGS**

(must be filed by 9:00 AM on date requested)

In accordance with Rule 12 of the Ohio Rules of Superintendence, permission is hereby requested, as indicated below, to broadcast, televise, record, or photograph proceedings of the Morrow County Municipal Court at the time and date indicated with respect to the cases indicated, upon the representation that such activity will be so conducted as not to distract the participants nor impair the dignity of the proceedings nor otherwise materially interfere with the achievement of a fair hearing and *with the understanding that use of additional lighting, use of devices emitting discernible sound during operation, or loading and unloading equipment in the Courtroom is considered distracting.*

Name of Applicant \_\_\_\_\_

Persons who will perform activity \_\_\_\_\_

Type of activity \_\_\_\_\_

Describe equipment to be used \_\_\_\_\_ Date and time activity to be conducted \_\_\_\_\_

Case to be recorded or photographed \_\_\_\_\_ Purpose of activity \_\_\_\_\_

By making this application, applicant agrees to comply with any instructions concerning conduct of the activity that the Presiding Judge of the court panel may deem necessary during the course of the proceedings.

APPLICANT \_\_\_\_\_

DATE \_\_\_\_\_

ENTRY

The foregoing application to broadcast, televise, record or photograph proceedings is hereby granted.

JUDGE JENIFER MURPHY BURNAUGH \_\_\_\_\_

APPENDIX C

IN THE MORROW COUNTY MUNICIPAL COURT, MORROW COUNTY, OHIO

REQUEST TO BE APPOINTED BY THE COURT AS COUNSEL IN  
MISDEMEANOR TRAFFIC AND CRIMINAL CASES, APPEALS AND PRELIMINARY HEARINGS

Please include my name on the court-appointed counsel list. I will accept appointments in the following areas:

- Misdemeanor Criminal
- Misdemeanor Appeals
- Misdemeanor OVI/Traffic
- Felony Preliminary Hearings

NAME: \_\_\_\_\_

SUPREME COURT IDENTIFICATION NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_ FAX NO.: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that I have reviewed this Court’s Local Rules and the Ohio Administrative Code 120-1-10 and state that I am qualified and willing to accept appointments as provided by this section, in the categories indicated hereinabove. I further agree to immediately inform the Court if I am not qualified or should become unqualified within OAC 120-1-10 to accept a certain category of appointments. I also agree to update the Court, on a yearly basis, of my status and desire to accept appointments, and compliance with the OAC 120-1-10 requirements.

\_\_\_\_\_  
Attorney Name Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

State of Ohio                    )  
  )ss:  
County of \_\_\_\_\_)

Subscribed, sworn to, and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public  
My commission expires on \_\_\_\_\_

