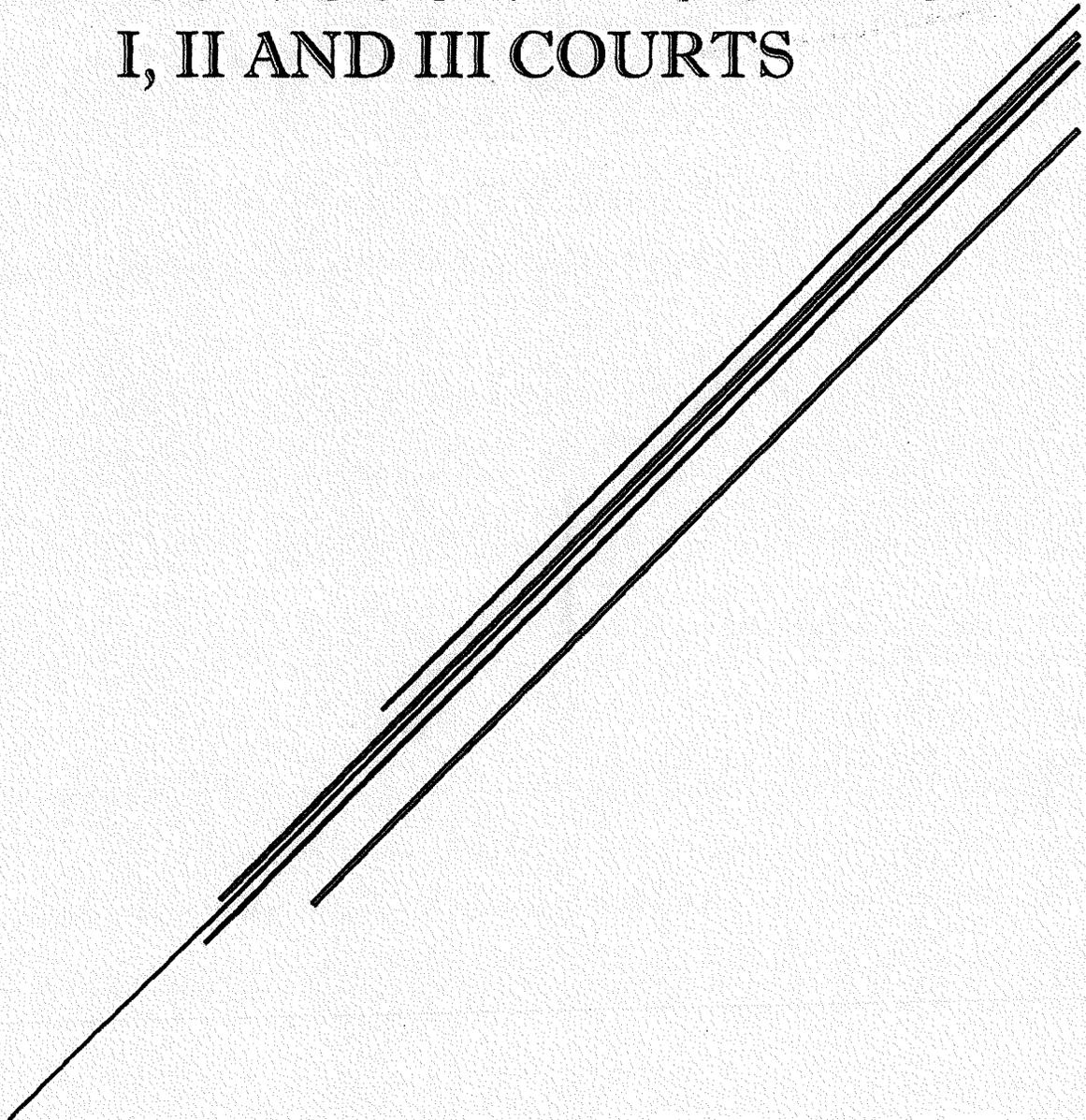


**FILED**

JAN 29 2020

CLERK OF COURT  
JEFFERSON COUNTY, OHIO

# JEFFERSON COUNTY DISTRICT I, II AND III COURTS



Effective January 1, 2020

**Jefferson County Court, District I**  
**The Honorable Lisa Ferguson, Judge**

1007 Franklin Street  
Toronto, Ohio 43964  
[court1@jeffcch.com](mailto:court1@jeffcch.com)

(740) 537-2020- Phone  
(740) 537-1866- Fax

Monday- Thursday 8:00a.m. until 4:00p.m.  
Friday 8:00a.m. until 12:00p.m.

**Jefferson County Court, District II**  
**The Honorable Michael C. Bednar, Judge**

30 Talbott Drive P.O. Box 2207  
Wintersville, Ohio 43953  
[court2@jeffcch.com](mailto:court2@jeffcch.com)

(740) 264-7644- Phone  
(740) 264-3909- Fax

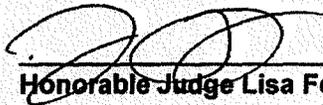
Monday- Friday 8:00a.m. until 4:00p.m.

**Jefferson County Court, District III**  
**The Honorable David J. Scarpone, Judge**

174 Smithfield Street  
Dillonvale, Ohio 43917  
[court3@jeffcch.com](mailto:court3@jeffcch.com)

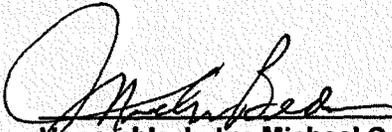
(740) 769-2903- Phone  
(740) 769-7640- Fax

Monday- Friday 8:00a.m. until 4:00p.m.



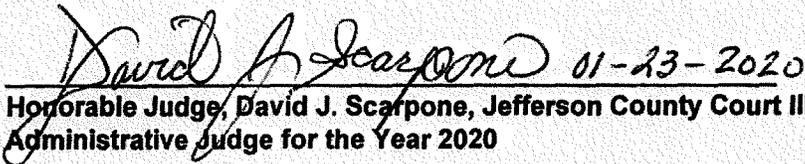
1-23-2020

Honorable Judge Lisa Ferguson, Jefferson County Court I



1-23-2020

Honorable Judge Michael C. Bednar, Jefferson County Court II



01-23-2020

Honorable Judge, David J. Scarpone, Jefferson County Court III  
Administrative Judge for the Year 2020

2. COURT ROOM DECORUM	Pg. 4
A. PROPER ATTIRE	Pg. 4
B. BEHAVIOR	Pg. 4
C. ELECTRONIC DEVICES	Pg. 4
D. CONTEMPT OF COURT	Pg. 5
RULE 1.03 ADMINISTRATIVE ACTIONS	Pg. 5
RULE 1.04 RECORDS OF THE CLERK	Pg. 5
RULE 1.05 FILING AND ASSIGNMENT OF CASES	Pg. 6
RULE 1.06 COURT APPOINTED COUNSEL	Pg. 7
RULE 1.07 BONDS	Pg. 7
RULE 1.08 RECORDINGS	Pg. 8
RULE 1.09 DEPOSIT FOR COSTS	Pg. 8
RULE 1.10 JURY MANAGEMENT	Pg. 9
RULE 1.11 JURORS/JURY TRIALS	Pg. 9
RULE 1.12 BROADCASTING AND PHOTOGRAPHING	Pg. 9
RULE 2.01 CRIMINAL PRACTICE AND PROCEDURE	Pg. 10
RULE 3.01 PROBATION DEPARTMENT	Pg. 11
RULE 3.02 CIVIL PRACTICE AND PROCEDURE	Pg. 11
RULE 3.03 COMPLAINT	Pg. 11
RULE 3.04 SERVICE OF PROCESS	Pg. 11
RULE 3.05 MAIL SERVICE	Pg. 12
RULE 3.06 SERVICE BY PUBLICATION	Pg. 12
RULE 3.07 EXTENTION OF TIME FOR FILING PLEADINGS AND MOTIONS	Pg. 12
RULE 3.08 COPIES OF PLEADINGS	Pg. 12
RULE 3.09 JOURNAL ENTRIES	Pg. 13
RULE 3.10 MOTIONS	Pg. 13
RULE 3.11 SMALL CLAIMS	Pg. 14
RULE 3.12 ANSWER TO SMALL CLAIMS	Pg. 14
RULE 3.13 GARNISHMENT	Pg. 14
RULE 4.01 TRUSTEESHIP RULES	Pg. 14
RULE 4.02 PROCEDURE GOVERNING CRIMINAL PRE-TRAIL CONFERENCE	Pg. 15
RULE 5.01 CASE MANAGEMENT RULES FOR CRIMINAL CASES	Pg. 15
B. SCHEDULING OF EVENTS	Pg. 16
1. PRE-TRIALS	Pg. 16
2. MOTIONS	Pg. 16

B. SCHEDULING OF EVENTS	Pg. 16
C. CLERICAL STEPS	Pg. 16
1. SUMMONS	Pg. 16
2. PERFECTION OF SERVICE	Pg. 16
3. PLEADING FILED	Pg. 16
4. NO ACTION	Pg. 16
5. SETTLEMENT ENTRY COMING	Pg. 17
D. JUDICIAL STEPS	Pg. 17
1. STATUS HEARING	Pg. 17
2. MOTIONS	Pg. 17
3. PRE-TRIAL	Pg. 17
4. CONTINUANCE	Pg. 18
5. JUDGMENT ENTRY	Pg. 18
RULE 7.01 CASE MANAGEMENT RULES FOR SPECIAL PROCEEDINGS	Pg. 18
A. PURPOSE	Pg. 18
B. SCHEDULING OF EVENTS	Pg. 18
C. CLERICAL STEPS	Pg. 18
D. PERFECTION OF SERVICE	Pg. 18
E. PLEADING FILED	Pg. 18
F. NO ACTION	Pg. 18
G. SETTLEMENT TO COME	Pg. 18
RULE 8.01 CASE MANAGEMNT RULES FOR FORCIBLE ENTRY & DETAINER	Pg. 19
RULE 9.01 CASE MANAGEMENT RULES FOR SMALL CLAIMS COURT	Pg. 19
A. SMALL CLAIM ACTION FILED	Pg. 19
B. FILING OF MOTION AND AFFIDAVIT	Pg. 19
C. HEARING	Pg. 19
D. COLLECTION OF JUDGMENT	Pg. 19
RULE 10.01 IMPLEMENTATION OF E-CITATION OHIO STATE HIGHWAY PATROL	Pg. 19
EFFECTIVE DATE	Pg. 19

any divisions or among the three divisions at the discretion of the Judges.

## **Rule 1.01 SCOPE AND APPLICABILITY OF RULES DIVISION OF COURT**

The Rules hereinafter set forth shall apply to the following Courts for the conduct, government and management of business, operations, proceedings and other functions and the service of the Court. The Court may amend and supplement the Rules from time to time:

The Courts consist of Civil, Small Claims, Traffic, and Criminal Divisions.

These Rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes in their application and administration in proceedings in Court.

## **Rule 1.02 TERMS OF COURT**

### **1. Hours and Sessions of Court.**

The office of the Clerk of the Court shall be open Monday through Friday from 8:00 a.m. until 4:00 p.m. subject to the availability of personnel. District I Court in Toronto, Ohio shall be opened Monday- Thursday 8:00 a.m. until 4:00 p.m. and Friday 8:00 a.m. until 12:00 p.m. All sessions of the court shall begin promptly at 9:00 a.m. and 1:00 p.m. unless otherwise directed by the Judge. The Court shall close for all legal holidays observed by the State of Ohio and the public offices of Jefferson County, Ohio. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Court.

The term of the Courts is one (1) calendar year.

### **2. Courtroom Decorum**

#### **(A). Proper Attire**

All individuals using the Court, including, but not limited to court employees, attorneys, prosecutors, defendants, jurors, witnesses, media, or observers will be properly attired.

#### **(B) Behavior**

It is hereby declared to be the duty of every person in the courtroom to give respectful attention to the Court at all times when it is in session. Any person or persons may be found to be in contempt of court and subject to the reproof or punishment by the Court for any person or persons, by conversation or otherwise, who disturbs the attention of the court or jury while Court is in session.

#### **(C) Electronic Devices**

Individuals entering the courtroom will turn electronic devices, such as cell phones, pagers, PDA's and portable computers, to silent mode or off. No cellular telephone calls shall be initiated or received in the courtroom while Court is in session. Except as provided in Local Rule 1.08, there will be no recording of proceedings or taking of pictures from cell phones, etc. A violation of this section may result in confiscation of the electronic device and a finding of contempt by the Court.

### **RULE 1.03 ADMINISTRATIVE ACTIONS**

The Judge shall have full control over the administration, docket, and calendar of the Court, cause cases to be assigned to any individual Judge and to particular sessions pursuant to these rules, and formulate accounting and audit systems with the Court and in the Clerk's office which insure the accuracy and completeness of all reports required by the Rules of Superintendence.

### **RULE 1.04 RECORDS OF THE CLERK**

No files may be removed for any cause except to go into the Courtroom without express consent of the Deputy Clerk in charge.

The Clerk shall keep and have in his/her custody the following records:

1. The clerk shall separate the docket into a civil docket, a trusteeship docket, and a criminal docket. Each docket shall list all cases filed in its category. Each docket shall be in order of filing, and as to each case shall list the number and title by plaintiff and defendant of each case. Each docket shall include the date of filing, the nature of the charge or claim, of each motion or pleading, a minute of each order of the Court with respect thereto.
2. A journal which shall consist of a daily record of all orders of the Court showing as to each the caption and number of the case, civil, criminal, or trusteeship. No case shall be considered disposed of, nor shall any order concerning it be made unless the text of the order be reduced to writing, signed by the Judge making it, and be entered in the Journal which shall be a bound volume of permanent record. Entries made therein may be copies in typescript, by rubber stamp impression, by photographic process, or by binding in the volume an exact duplicate or the order signed.
3. A record which shall be a permanently bound volume in which each pleading, motion, order, verdict, and judgment concerning a case shall be transcribed, in the chronological order of filing, in each case. No case shall be transcribed into record except on order of Court made on motion of a party interested, or on the Court's own motion.
4. One or more cash books which shall be in such form either by electronic or paper means as approved by the appropriate state agency. The cash books shall show a separate line of entries for each case or proceedings in which funds are collected by the Clerk, and shall show the distribution of such funds received, the number of the receipt given therefore, and the number of the check or voucher disbursing funds.
5. From the date of filing of original pleadings in criminal cases from five (5) days after filing (if there has, in the meantime, been no final disposition), the trial docket shall be kept on single separate sheets or by electronic means as approved by the Clerk. All journal entries shall be signed by the Judge, however if an entry of such order is not presented to the Judge by counsel of record within five (5) days of decision, the entry shall be prepared by the Clerk from such trial docket notation signed, presented to the Judge for signature, and entered in the Journal.
6. Case File - the clerk for each case presented will maintain a separate case file. The Clerk shall insert all individual documents pertaining to each case securely into the file. When finally disposed of, each file folder will be placed in chronological order. The folder shall carry on its face the title and number of the case and such information as the Clerk deems pertinent.

(A) Consecutive Numbers:

All civil and criminal actions brought by this Court shall be numbered consecutively as filed, and shall be entered upon the civil docket or criminal docket as numbered. Subsequent filings shall include the number of the case.

(B) Continuances:

No continuances will be granted except by written motion set down for hearing. Hearing may be waived by opposing counsel. Requests for a continuance shall be to a time certain.

(C) Dismissals:

No case, once filed, shall thereafter be dismissed except by the Judge assigned thereto on preliminary hearing, trial on the merits, on motion in open court, or on good cause shown by written entry.

(D) Disqualification:

When necessary or proper, a Judge may disqualify himself or herself from a particular case. In those circumstances, written entry shall be attached to the case setting out the disqualification, and a new Judge assigned, and said case be transferred to the appropriate Court.

(E) Re-filings:

In accordance with the Rules of Superintendence, in any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the Judge originally assigned by lot to hear it unless for good cause shown that Judge is precluded from hearing the case.

(F) Attorneys of Record:

Appearance: All pleadings and motions served and filed on behalf of any party represented by counsel shall be signed by one attorney in his or her individual name as the trial attorney with office address including zip code, telephone number, email address and Ohio Supreme Court registration number. Firm names and the names of co-counsel or associate counsel may appear for information only as "Of Counsel." All copies of pleadings or other court filings and notices of all subsequent proceedings shall be serviced upon the trial attorney, or the party if unrepresented. The attorney of record shall appear personally at all stages of the proceedings unless excused by the Judge.

(1) Withdrawals: Trial attorneys may withdraw from a matter pending only on written motion, hearing and entry.

(2) Any and all attorneys who are not the original attorney of record, "**MUST AND SHALL FILE A NOTICE OF APPEARANCE**" prior to the filing of any pleading and prior to appearing before the Judge.

(3) Retained Counsel shall immediately notify the clerk in writing of such representation. Any counsel intending to withdraw from representation must submit a written request. Such counsel shall appear at the next

Indigent Court appointments and attorney qualifications shall be in accordance with Rule 8 of the Ohio Rules of Superintendence and OAC Section 120-1-10.

### **RULE 1.07 BONDS**

- (A) All persons, except those who may be denied bail under Article I, Section 9 of the Ohio Constitution, are entitled to bail and the purpose of bail to ensure that the defendant appears at all stages of the criminal proceedings subject to any conditions imposed by the Court under Criminal Rule 46. Where summons has issued and the defendant has appeared, the Judge shall, absent good cause, release the defendant on his personal recognizance or execution of an unsecured appearance bond.

Unless application is made for discharge of the surety, the same bond shall continue as a matter of right until the final disposition of the case.

- (B) No attorney at law or other officer of the Court, or police officer of Jefferson County or any political subdivision therein, shall be accepted as a surety nor shall receipt for cash bail be issued to them unless they are defendants.
- (C) Upon the forfeiture of bond and payment into Court of the sum forfeited, the Clerk shall first satisfy any and all costs in the case. With the written consent of the person posting a cash bond, upon disposition of the case the Clerk will deduct all fines and costs due from the case from the cash appearance bonds posted by a Defendant or by another person on behalf of the defendant before any refunds are made. The balance of a cash appearance bond after deductions, if any, will be refunded to the person who posted the cash appearance bond upon presentation of the receipt when the case is concluded.
- (D) Defendant may elect, if he has posted a cash appearance bond, to apply the cash bond as a payment for a minor misdemeanor disposition without a Court appearance pursuant to Criminal Rule 4.1 and in appropriate cases under Traffic Rule 13 with written consent of the person posting the cash bond.

In accordance with Traffic Rule 13 and Criminal Rule 4.1, payments may be made for disposition of such cases through the violations bureau. If the Defendant's cash, money order or certified check is received by the violations bureau within thirty (30) days after the Court date, no bench warrant shall issue even though the Defendant failed to appear. If defendant does not post cash, money, or certified check by date specified in this paragraph, then the Clerk shall proceed in accordance with law.

- (E) Any bond money received on out-of-state bench warrants may be accepted by the Clerk of Courts and the warrant recalled without hearing.
- (F) Unless bail has been set by order of any Judge of the Court pursuant to Criminal Rule 46, a person charged for a misdemeanor enumerated in the Court's bail bond schedule, and who is not released pursuant to Criminal Rule 4(F), or has not appeared before a Judge pursuant to Criminal Rule 5, shall be eligible for release by doing any of the following at the person's option:
- (1) Posting in the amount set by the bail bond schedule, a surety bond, and a bond secured by real estate or securities as allowed by law, or the deposit of cash at the option of the defendant.

(A) All matters which come before the Court shall be recorded by any means and media approved by the Presiding Judge which includes but is not limited to digital audio and visual recording devices and medium of any type as well as digital or analog tapes. Use or placement of a type of recording media or device to be used to record court proceedings in any place in the courthouse shall be deemed to be compliance with this rule and approved by the Presiding Judge. Authorized court reporters may remove recording media of any type and description from the court upon their signature alone. Transcription of the recording media of any type or description approved by the Presiding Judge shall be at the expense of the requesting party. Recording media of any type and description shall be stored for the time period as required by law unless by request for a longer period.

(B) A party may provide a stenographic Court reporter at the party's cost and expense.

(C) Court Records.

1. Inspection of Records. All indexes, docket, journals, and file records maintained in accordance with law by the clerk of the Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk's office. Other case file materials shall only be inspected with permission of the Court.
2. Transcripts of Records. The audio electronically recorded court proceedings shall not be inspected but may be transcribed by a certified court reporter approved by the Court upon request and upon payment of appropriate deposit. All inspections shall be made under the supervision of Court personnel. Original papers shall not be removed from the office of the clerk.

#### **RULE 1.09 DEPOSIT FOR COSTS**

No civil action shall be accepted by the Clerk for filing without a deposit to secure the costs. The Clerk may require the said deposit to be increased from time to time, or a deposit to be made by a counter, cross or third party claimant, so as to secure all costs that may accrue.

Where any party required to deposit or secure costs by affidavit shows inability to pay, the Clerk shall submit such affidavit and claim to the assigned Judge, for review before accepting for filing.

In all criminal cases, refer to the Courts costs schedule. In all criminal cases, costs shall also include Sheriff's costs at the rate fixed by the Judges of the Jefferson County Courts, plus witness fees, mileage and service, court ordered costs as provided by law, and fees. A list of costs shall be compiled per the ORC on an annual basis and shall be posted in the office of the Clerk of Courts.

In addition, costs shall include service of execution of process whenever necessary.

No civil matter will be assigned jury trial date without a deposit of Four Hundred Fifty Dollars (\$450.00) as one (1) day's jury fees.

#### **RULE 1.10 JURY MANAGEMENT**

service at least two (2) weeks prior to the service and each juror shall be provided a telephone number to call. Each juror shall call that number before 4:00 p.m. on the day prior to his or her scheduled service. If a juror reports for service without calling the number as instructed, no jury service fee will be paid.

(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. Student. A person is a full time 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 is accompanied by a physician's statement describing the nature of the condition and the doctor's opinion that the condition will interfere with jury service.
3. Vacation. A person may be excused for a scheduled vacation if his or her request for excuse is accompanied by documentation verifying travel reservations.
4. Prior Service During Term. A juror who has served on a jury during his or her term of service shall be excused, but shall be rotated to the bottom of the potential juror list.
5. Miscellaneous. A juror may, upon reasonable request, be allowed to transfer his or her service to the next scheduled trial date.

#### **RULE 1.11 JURORS/JURY TRIALS**

Jurors in the County Court shall be chosen and summoned by the Jefferson County Clerk of Courts as provided by law.

Jurors reporting, impaneled or sworn in any case shall receive the same prevailing compensation of Jurors in the Court of Common Pleas.

Demand for a jury trial must be made in writing in accordance with Criminal and Civil Rules.

All jury demands properly filed will be set by the Clerk on the next pretrial docket of the assigned Judge.

#### **RULE 1.12 BROADCASTING AND PHOTOGRAPHING**

The Court finds it necessary for the safety, security and maintenance of all court proceedings to issue certain orders governing the conduct of all participants and those in attendance at trials.

In issuing these orders the Court considers the physical facilities in which the court proceedings are conducted, the ingress and egress available to the courtroom for all participants, including the jury, the jury room and court office facilities, the length and width of the available hallways and stairways leading to the courtroom, the exits available from the courtroom, and the rights of all parties and participants to have free access to the area of the trial.

It will be the order of the Court that all recording and photographic equipment, including still, moving, video, and digital equipment, together with lights and accessories, tape recorders, etc., will not be permitted closer to any door of the courtroom or Clerk's office than ten (10) feet.

It is further ordered that all broadcasting, televising, recording, and taking of photographs in the courtroom by news media during sessions of the Court, including recesses between sessions, shall be subject to Canon 3 of the Code of Judicial Conduct and Superintendence Rule 12, as effective July 1, 1997, October 1, 1997, or as amended and conditions imposed there under. A written application and permit shall be filed by 2:30 p.m. of the business date before the start of the day's proceedings to be covered under Canon 3 and Superintendence Rule 12.

The Court considers the physical access to and conditions within the courtroom, the rights and privileges of all parties, ordering as follows:

- (A) Due to limited space facilities only two (2) portable cameras (television, video, digital or movie) with one operator shall be permitted in the courtroom. In the event more than one (1) application is filed for the same date or time, the Rules of Superintendence shall control.
- (B) Due to limited space facilities not more than two still photographers shall be permitted to photograph trials proceedings. In the event more than two (2) applications are filed for the same date and time, the Rules of Superintendence shall control.
- (C) Due to limited space facilities and exits from the courtroom all persons using photographic and recording equipment in the courtroom shall be in the designated area before Court convenes and shall not leave until Court recesses or adjourns for the day.
- (D) No witness, party or juror who has objected to recording will be recorded unless the Court has determined that there is no reasonable cause for such objection.
- (E) The Court may record by digital means any public proceeding, trial, hearing, arraignment, or other Court proceedings under this Rule and the use of such recordings shall be in accordance with law or by order of this Court.

#### **RULE 2.01 CRIMINAL PRACTICE AND PROCEDURE**

- (A) Criminal cases may be taken out of their order of filing and shall have precedence over all civil cases on the trial list. The rules of practice for civil cases apply to all criminal procedures except where clearly inapplicable.
- (B) Traffic offense defendants and criminal defendants may be arraigned jointly.
- (C) Affidavits shall be executed in the presence of the Judge, Clerk or Deputy Clerk, and the Clerk may require same to be approved by the Prosecuting Attorney before receipt for filing.
- (D) Where a felony and a misdemeanor arise from the same act, transaction, or series of acts or transactions, one case shall be assigned for the felony and one (1) for all other offenses.

#### **RULE 3.01 PROBATION DEPARTMENT**

(B) All uncontested civil cases that have not been disposed of on a default docket within six (6) months will be set for dismissal at the next regularly scheduled civil session.

### **RULE 3.03 COMPLAINT**

(A) Civil actions, except small claims, shall be commenced by filing in the office of the Clerk, a pleading on 8-1/2 x 11 inch sheets of paper subscribed by the Plaintiff, his/her agent, or attorney, which shall be known as a Complaint and which shall contain:

- (1) Full name and, if known, the residence address of each plaintiff or an address at which service of process may be obtained.
- (2) The full name and, if known, the residence address of each Defendant.
- (3) A statement in plain and direct language of the facts constituting the causes of action with sufficient certainty fairly to inform the Defendant(s) of the nature of the case he is called upon to defend.
- (4) If in contract, set forth whether the agreement was oral or in writing; and, if in writing, set forth the substance thereof fully or annex a copy thereof.
- (5) A statement of the amount claimed or the relief demanded.
- (6) Any civil complaint filed which contains a jury demand shall be set for pretrial hearing before the presiding Judge upon receipt of an answer therein or after thirty days from the date of filing, whichever comes first.
- (7) See Rule 1.09 – Deposit for Costs.

(B) Counsel must represent corporations and Limited Liability Companies.

### **RULE 3.04 SERVICE OF PROCESS**

On filing of complaint and payment of deposit for costs as prescribed by rule, the Clerk shall forthwith issue summons by certified mail.

Said complaint shall be dated the day it is received and be made returnable according to law.

If the action is for money only, or money and other relief, there must be endorsed on the writ the amount stated in the complaint for which, with interest, judgment will be taken if the Defendant fails to appear or answer.

If the action is for the recovery of property, forcible detention, or equitable relief, the summons shall be so endorsed.

The summons shall state the date within which the Defendant(s) is required to answer or on which he/she is to appear, to avoid default.

Unless a definite street address, or if rural, a description of Defendant's house and the road on which it is situated is furnished in the petition or by precipe, the Sheriff may forthwith return the summons endorsed "not found."

Service of process on second and third causes of actions in forcible entry and detainer actions shall be obtained in accordance with Civil Rules 4 through 4.6, and no action for default judgment or trial on second or third causes of actions shall be determined until at least thirty-one (31) days have passed since service was obtained under the Civil Rules.

Service of process as to first causes of actions in forcible entry and detainer actions shall be in accordance with R. C. 1923.06.

### **RULE 3.05 MAIL SERVICE**

In an ordinary mail service, the writ or summons shall be enclosed in a sealed envelope, bearing proper postage and such envelope shall be addressed to the party to be served at his residence address. In case of a corporation, domestic or foreign, or partnership, the envelope shall be addressed to the corporation or a partnership to be served at its office or place where it regularly receives mail, if within the jurisdiction of the Court. The envelope shall bear a request for return of the envelope to the Clerk in case of non-delivery after three days, and the instruction in bold type "DO NOT FORWARD."

No writ or summons shall be served by mail unless it appears to the Clerk that mail delivery is made to the residence of the Defendant(s). This provision shall not apply in cases where property or earnings of the Defendant within the territorial jurisdiction of the Court has been attached and the Defendant is a non-resident of the territory of the Court; in such case, notice by ordinary mail may go forward to the Defendant wherever his residence may be.

### **RULE 3.06 SERVICE BY PUBLICATION**

Service may be made by publication in those cases in which such service is authorized by the laws of Ohio, in which this Court has jurisdiction, and such service shall be made in the manner and form as provided in law and such service shall be deemed completed and the rule days computed from the last publication in the same manner as provided for Common Pleas Court.

### **RULE 3.07 EXTENTION OF TIME FOR FILING PLEADINGS AND MOTIONS**

Leave for extension of time to plead will be granted only on approval of opposing counsel or on motion, in writing, showing good cause accompanied by proof of notice to opposing counsel.

Leaves to move will ordinarily not be granted, notwithstanding approval of opposing counsel.

Leaves to plead for more than ten (10) days will require showing of cause, notwithstanding approval of opposing counsel.

### **RULE 3.08 COPIES OF PLEADINGS**

It shall be the duty of the Plaintiff or his counsel to furnish to the Clerk, at the time of filing of Complaint, one copy of the Complaint for each Defendant to be served and the Clerk shall issue such copies with summons. It shall be the duty of the party or his counsel filing any suit pleading or motion either (1) to show proof of mailing copy to opposing party or counsel at the address of record, or (2) to furnish the Clerk with sufficient additional copies thereof for mailing to all adverse parties or counsel, in which case, Clerk shall immediately mail such copies to them at their respective addresses of record.

Failure of party offering pleading or motion to comply with this rule may be cause for striking the same from the files.

counsel. If the opposing counsel refuses to approve within ten (10) days, or if there be no opposing counsel, the same shall be submitted to the Court. If no entry is received, an entry shall be prepared by the Court and filed within thirty days of trial. Default entries, including an order to garnishee in wage attachment cases, will be prepared by Plaintiff's counsel or Plaintiff, and submitted to the Court within five (5) days after default or answer of garnishee, whichever is later.

In the event of an appeal, counsel for Appellant shall prepare an Entry of Judgment for signature by the assigned Judge.

In the event that the prevailing party is not represented by counsel and the matter is a contested one, Court may prepare its own Entry or direct the Clerk to prepare the appropriate Journal Entry.

**(B) Criminal Cases:**

In criminal cases, the attorney for the defendant shall immediately prepare the Judgment Entry and shall be filed forthwith.

**RULE 3.10 MOTIONS**

- (A) Any motion made during a hearing or trial once case has been assigned, shall be heard by the Judge presiding. A motion for new trial, for judgment notwithstanding verdict, or for relief from a judgment or order shall be heard by the Judge who rendered the judgment or order from which relief is sought.
- (B) All motions, unless made during a hearing or trial, shall be made in writing and the Clerk shall accept for filing only those motions (other than motions for a new trial pursuant to Civil Rule 59) which are accompanied by a memorandum in support of the motion which shall be a brief statement of the grounds for the same, with citation of authorities relied upon, and (except in the case of an ex parte motion or an agreed entry situation) proof of service in accordance with Civil Rule 5.
- (C) Any memorandum contra to said motion shall be served upon movant's attorney, or if there be none of record, upon movant, within seven (7) days from the date of memorandum in support of the motion and proof of service thereof, was served. Failure to serve and file a memorandum contra may be cause for the Court to grant the motion as served and filed. A reply memorandum may be served and filed within seven (7) days of the service of the memorandum contra. The time periods set forth in this paragraph may be extended by the Court, for good cause shown, upon applications therefore.
- (D) All motions for a definite statement, pursuant to Civil Rule 12(E) and all motions to strike pursuant to Civil Rule 12(F) shall set out the language in full, sought to be stricken or claimed to be indefinite.
- (E) Upon the filing of any motion which requires a notice of hearing by reason of the Ohio Rules of Civil Procedure or any other provision of law, or upon which oral argument is automatically granted in accordance with this paragraph. Further, the filing of any motion (other than one which may be heard ex parte) or an agreed entry situation the attorney filing such motion shall obtain a date for such hearing and shall promptly notify the other parties to the action. Accordingly, their respective attorneys of record shall verify with the Clerk the date and time of the hearing and shall file proof of service of said notice prior to the hearing. Other than motions interposed

### **RULE 3.11 SMALL CLAIMS**

- (A) The Rules of Practice of this Court, to the extent that they would, by their nature, be clearly inapplicable, shall not apply to the practice and procedure in the Small Claims Division of this Court, which has been established under Ohio Revised Code Chapter 1925.
- (B) In order to avoid multiple court appearances, the assigned hearing date of a matter in Small Claims Court shall be the date of trial, and all parties and their witnesses shall appear in Court on that date, prepared for trial.

### **RULE 3.12 ANSWER TO SMALL CLAIMS**

In Small Claims cases, no written answer pleading will be required unless defendant desires to file a counter-claim demanding relief. In the event an answer containing new matter is filed in a small claims case, the new matter will be deemed denied by plaintiff and the case may be set for hearing on the filing of the answer.

### **RULE 3.13 GARNISHMENT**

Garnishment for personal earnings shall be accepted by Clerk, as provided for by law.

### **RULE 4.01 TRUSTEESHIP RULES**

Applicant must be a resident of Jefferson County.

At the time of application, applicant shall exhibit to the Clerk of legal fifteen (15) day notice received from a creditor listed in his/her application within thirty (30) days prior to filing of Trusteeship application.

The acceptance of the filing by the Clerk of the debtor's application for trusteehip will not cause any attachment or garnishee filed prior to application to be dismissed by the court.

List of Creditors:

Applicant must present to the Clerk a list of all creditors, their correct addresses with zip codes, and the amount of money due each (on separate sheet of paper).

Lay-Off, Change of Employment, or Address.

Debtor will report to the Clerk any lay-off or change of employment, or his address at the regularly scheduled pay day, whether pay is received or not. Failure to do so will be grounds for termination of Trusteeship.

Payments:

At the time of application, Debtor shall disclose to the Clerk his pay day and whether it is weekly, bi-weekly, semi-monthly, or monthly and at the time of filing must make a full payment; and every pay day thereafter, shall appear and show pay

is due, mail a letter, by ordinary mail, to Debtor at the address listed by him, requiring him to appear at a date not less than five days more than ten days from date of letter, to show cause why the trusteeship shall not be terminated. If Debtor appears, the hearing may be had before the Judge at Debtor's insistence. If he shall fail to appear, the Clerk shall forthwith prepare an entry terminating the Trusteeship for cause.

Any Debtor whose Trusteeship is terminated for cause, shall not be eligible to be reinstated for a period of six (6) months from the date of termination, except on motion to and by the order of the Court.

#### **RULE 4.02 PROCEDURE GOVERNING CRIMINAL PRE-TRIAL CONFERENCE**

Pursuant to this local rule, once a criminal case has been assigned and given a pre-trial date and the defendant is represented by counsel, it shall be incumbent upon the State and the defendant's counsel, to confer at the earliest possible time with one another relative to any issues of discovery as requested and permitted under the Ohio Rules of Criminal Procedure.

At the time and place set forth for pre-trial conference, all parties and their representatives to the criminal proceeding, that is, the Prosecutor for the State of Ohio, the defendant, and defendant's attorney of record, shall be present and shall have authority to act and consider all matters pursuant to this rule as are relevant to the case in issue and Criminal Rule 17.1 of the Ohio Rules of Criminal Procedure.

At the pre-trial conference, the State shall present its position on the case at bar, and the defendant and the defendant's attorney shall, upon review of the State's position, determine whether or not this matter shall be set for trial on the merits, pending motions in limine or to suppress evidence, or disposed of through negotiated plea with concurrence of the defendant.

In the event that no agreement is reached between the State of Ohio and the defendant, then the case will be set for trial with notice and a memorandum in accordance with Rule 17.1 of the Ohio Rules of Civil Procedure as to date and time of trial being given personally by the Court to all parties present to the date and time of trial. No continuances will be granted once a trial date has been set other than for good cause shown and upon motion and entry signed by the parties and approved by the Court.

Based on the requirements of this local rule, it is incumbent upon all parties to the case to be present at the pre-trial when called and be prepared to proceed forthwith in accordance with this rule. Failure to adhere to this rule may result in appropriate sanctions as permitted by law and found necessary in the circumstances by the Court.

Pre-trial conferences will be set by the Clerk of the Court in blocked intervals of one-half hour of time periods with four (4) hearings allotted within each block.

#### **RULE 5.01 CASE MANAGEMENT RULES FOR CRIMINAL CASES**

(A) The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for criminal case management, which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

(B) Scheduling of Events:

The scheduling begins after arraignment. Thereafter, the case is managed in four (4) judicial steps:

If the parties cannot resolve the case, then the case should be set for trial to court unless a jury is demanded.

- (1) **Motions:** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Motions may be set for oral hearing.
- (2) **Trials:** Each case not resolved at pre-trial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the court by 9:00 a.m. of the day preceding their trial of any change in plea or jury costs will be attached to their case.
- (3) **Sentencing:** Sentencing hearings shall be set within seven (7) days from trial if no pre-sentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within seven (7) days.
- (C) **Bench Warrant.** When a bench warrant is issued, the Clerk may remove this case from active status for three (3) years court reports.

#### **RULE 6.01 CASE MANAGEMENT FOR CIVIL CASES**

- (A) **Purpose.** The purpose of this rule is to establish, pursuant to M. C. Sup. R 18, a system for civil case management, which will achieve the prompt and fair disposal of civil cases.
- (B) **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.
- (C) **Clerical Steps:**
  - (1) 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 the cause of action has been filed, then 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, the Clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
  - (3) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the judge so that the matter may be set for a hearing.
  - (4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.

...the hearing. After an answer is filed, the Court will then set a status hearing. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set.

- (2) **Motions:** All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court.

There will be oral hearings granted in said motions.

- (3) **Pre-trials:** For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record. Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the Clerk not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge to whom the case has been assigned.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.

The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit.

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 pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters, which have come before it in the pretrial. 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.

Any judge presiding at pretrial 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 pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

- (4) **Continuances:** No party shall be granted a continuance of a trial or hearing without a written motion from the party or his counsel stating the reason for the continuance.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned.

... substitute trial attorney. If the trial attorney was appointed by the court, the court shall appoint a substitute trial attorney.

- (5) Judgment entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the judge, or, thereafter, the court will prepare the journal entry.

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

Upon notification from the Clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court costs.

#### **RULE 7.01 CASE MANAGEMENT RULES FOR SPECIAL PROCEEDINGS**

- (A) Purpose. The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, 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, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite for contempt, garnishment hearings, debtor's exams, and BMV hearings.
- (B) Scheduling of Events. Special proceedings cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed one hundred twenty (120) days.
- (C) Clerical steps. In all new cases, 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.
- (D) Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
- (E) After any responsible pleading is filed, the Clerk shall forward said pleading and file to the judge so the matter may be set for a hearing.
- (F) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- (G) When a file has been marked "settlement to come" and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

so the case can be scheduled for the appropriate hearing.

#### **RULE 9.01 CASE MANAGEMENT RULES FOR SMALL CLAIMS COURT**

- (A) A small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
- (B) Upon filing of motion and affidavit, as required by Ohio Revised Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.
- (C) Hearing: the hearing in small claims court shall be conducted by the court. The judge shall place all parties who plan to offer evidence under oath, and then allow the plaintiff and the defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court to the extent such rules of procedure and evidence are inapplicable in accordance with law.
- (D) Collection of Judgments: The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

#### **RULE 10.01 IMPLEMENTATION OF E-CITATION OHIO STATE HIGHWAY PATROL**

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Jefferson County Courts. 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.

#### **EFFECTIVE DATE**

These Rules will be in effect as of the 1<sup>st</sup> day of January, 2020.