

ASHLAND, OHIO MUNICIPAL COURT
LOCAL RULES OF COURT
AND CASE MANAGEMENT

Hon. JOHN L. GOOD

**As Adopted: Thursday, January 29, 2009,
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And February 1, 2013
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GENERAL PROVISIONS

RULE 1. CITATION FOR LOCAL RULES

These Rules may be cited as “Ashland Mun. Ct. Loc. R. _____.”

RULE 2. TERM OF COURT

There is no term in municipal court, but for the purpose of computing time, ninety days following judgment shall be considered within term and time thereafter shall be considered after term. R.C. 1901.29

RULE 3. TIMES OF HOLDING COURT SESSIONS

Not less than two hundred forty days of open session of the municipal court shall be held by the judge during the year, unless all business of the court is disposed of sooner. R.C. 1901.12

The hours for holding the regular sessions of this Court shall be from 8:00 A.M. until Noon, from 1:00 P.M. until 4:00 P.M. on Monday through Friday each week, except for those days designated by law as legal holidays. Said hours and days may be extended or reduced by the Court as it deems necessary to maintain the business of the Court. The office of the Clerk shall be open for the transaction of business from 8:00 A.M. to 4:30 P.M. during Monday through Friday each week, legal holidays excepted. The Clerk’s office may be closed at such other times as the Court may designate.

RULE 4. ATTIRE AND CONDUCT OF PERSONS WHILE IN THE COURTHOUSE

A. Attire

No attorney, party, witness or member of the general public shall appear in the court room or offer testimony while dressed in shorts, “tank tops,” or other clothing which exposes a bare midriff or is otherwise indecent. Hats shall be removed at all times. Clothing containing obscene caricatures or other forms of pornographic expression shall not be permitted.

B. Conduct of Persons

All persons entering the Courthouse and while remaining therein, shall display civil forms of expression, both to court personnel and others. Outburst creating any interruption in the orderly administration of justice shall not be permitted and may result in arrest or removal from the premises.

RULE 5. ARRAIGNMENTS

Arraignments are regularly scheduled for Tuesday and Friday mornings, beginning at 9:00 A.M. In the event any Tuesday or Friday is a legal holiday, the regular arraignment time shall be either the first business day before or after such holiday or at such other time as the Court may designate. Notice of such altered arraignment day shall be given to all law enforcement agencies, as well as available from the Clerk of Court's office.

When a law enforcement officer either arrests or issues a citation or summons to a person being charged with a violation of the law, the arraignment of that person shall be set no later than eight (8) days from the date the Defendant receives his or her citation or summons. Should the Defendant be unable or unwilling to appear at the time so set, the law enforcement officer shall notify the Defendant that it shall be his or her burden to contact the Court to reschedule the time for arraignment. This procedure shall not apply to O.V.I. cases where there is an Administrative License Suspension, requiring the arraignment to be within five (5) days from the commencement of the Administrative License Suspension.

Persons in custody shall be arraigned as soon as possible and at times other than the time set for regularly scheduled arraignments. For cause shown, arraignments may be continued to a later date.

The personal appearance of any person charged with an offense other than a minor misdemeanor is required. If a person is charged with a violation of R.C. 2925.11 (C)(3), "Drug Abuse/Possession of Marijuana, less than 100 grams," a minor misdemeanor, the personal appearance of the person so charged is required, due to the requirement of a license suspension that results on a plea of guilty, or a plea of no contest with a finding of guilty.

Attorneys representing persons scheduled for arraignment shall be prepared to proceed with the arraignment when the case is called. Any attorney accompanying a defendant at arraignment shall be noted as the attorney of record unless the Court is otherwise advised. Unless permitted by law or by leave of court, defendants must personally appear for arraignment.

RULE 6. BAIL OR SURETY

- A.** No attorney at law or other officer of this Court shall be accepted or received as bail or surety on any undertaking of any kind of this Court, nor shall any bond or undertaking be approved having the name of any such person thereon as surety.
- B.** Unless otherwise ordered by the Court, all monies deposited for bail shall be deposited in and receipted to the party making the deposit. A refund of same shall be made to the same party, unless there is due from the defendant on whose behalf the bail was posted a balance of any fine, restitution or costs which has not been secured for payment by an arrangement with the defendant and this Court. In such case, any bail shall be used to satisfy any portion or all of the balance of any fine, restitution or costs owing by the defendant to this court. The person posting such bail shall be informed in writing of this provision and acknowledge the effect of such posting and consent to same. The receipt for the money by the Clerk shall clearly explain to whom and when the refund will be made or applied.
- C.** Pursuant to 2935.27, and in any traffic or criminal case, any defendant not possessing a valid Ohio operator's license or operator's license from a state that is not a compact state, shall give security sufficient to secure the appearance of that defendant in Court.
- D.** In the event a bond is posted using a credit card or a debit card, the Clerk is hereby authorized to impose a fee for the processing therefore.

RULE 7. DEPOSIT OF CASH TO SECURE COSTS, BONDS, ETC.

- A.** On or after the date of adoption of these Local Rules, no civil actions or proceedings shall be accepted for filing by the Clerk unless the party or parties offering the same for filing shall have first deposited a sum of money to secure the payment of costs. Except as provided by law, when applicable, such advance deposit shall be made in the amount contained on the Schedule of Court Costs published by the Ashland Municipal Clerk of Court, and the same shall be incorporated herein as if fully rewritten herein.
- B.** If it is brought to the attention of the Court by the Clerk of this Court, or by any party to the proceeding, that any deposit is insufficient, the Court may require said deposit to be increased from time to time.
- C.** Where the Plaintiff makes an affidavit of inability to pay or secure costs as provided by R.C. 2323.31, the Clerk of Courts shall receive and file such complaint without such deposit or security. However, such affidavit must first be approved by the Court or person designated by the Court.

D. The Clerk of this Court is granted the following discretionary powers:

(1.0) If the costs are not paid at the termination of litigation, any remaining deposit for costs may be applied by the Clerk to the unpaid costs. In such case, should the costs or a part thereof be paid from the deposit of a party against whom the costs were not assessed, such party is granted judgment against the other party for such amount.

(1.1) In order to effectively collect costs, fines, restitutions or other monies due, to apply any deposits, bonds or other monies in the possession of the Clerk; to issue executions for the recovery of said monies; to file Certificates of Judgment with this or any other Court, and effect collection of such monies due by any other legal means.

(1.2) The Clerk may make periodic or partial distribution of monies deposited.

(1.3) The Clerk may refuse to file any paper or pleading not in complete conformity with these rules.

(1.4) The Clerk may refuse any check tendered for any payment unless certified.

E. The Clerk shall periodically review the cost status of all pending cases and advise the parties of the necessity to make further deposits in those cases where the deposit is insufficient or the status of the proceedings is such that the deposit will become insufficient.

F. No files shall be removed from the Clerk's office by anyone excepting counsel involved in the proceedings, and then only after they have receipted for the file in the presence of the Clerk or a Deputy thereof. This does not apply to the Court or Assignment Commissioner.

RULE 8. PLEADINGS, MOTIONS, INSTRUCTIONS FOR SERVICE- GENERAL FORM

A. FILING

**(1.0) SIZE OF DOCUMENTS, PAGINATION AND HEADING
REQUIREMENT**

With the exception of traffic tickets and criminal complaints written by law enforcement agencies on approved forms, all criminal complaints, motions, and applications shall be legibly typewritten on 8 ½" x 11" size paper, and if typewritten, in at least a 12-point regular type font. If more

than one page, all pages shall be secured by a staple at the top left corner of the pages and paginated sequentially. Filings prepared in a pleading format shall reserve a blank space of at least one and one-half inches at the top of the first page, immediately above the centered name of the Court.

(1.1) DOCUMENTS REQUIRING SERVICE OR NOTICE

- a. All documents requiring service or notice upon filing shall:
 - i. Include the address of the plaintiff and defendant in the caption of the document; or
 - ii. Indicate that the addresses of the plaintiffs and/or defendants are unknown if such addresses are in fact unknown.
 - iii. Comply with all the requirements of Ohio Civil Rule 11.
 - iv. Contain the email address of the attorney or party filing the document.

- b. The Clerk shall not accept for filing any document to be served upon counsel or parties which does not designate the names and addresses of each party and/or counsel to be served. In addition, except for documents to be served by the Clerk pursuant to Ohio Civil Rules 54 and 58, the Clerk shall not accept a civil filing or document to be served without separate instructions for service filed with the documents to be served, unless an attorney has obtained permission signed by the Judge or Magistrate to defer service of a summons for a specified period of time. The separate written instructions shall be in the form of a separate document and entitled “Praeceptum for Service,” “Precipe for Service,” “Instructions to the Clerk,” or a similar designation, and shall contain clear and complete instructions regarding the manner of service and all information necessary to properly complete service by the method requested. That document requesting service shall be filed accompanied by all documents or copies of documents to be served.

- c. In the event there is a failure of service of summons, or any other document requested to be served, upon being notified by the Clerk of Court of such failure, the party requesting service or his or her attorney shall make additional effort to obtain the correct whereabouts of the Defendant and must provide service instructions to the Clerk in the form described above. Failure to do so may result in a dismissal of the case for failure to prosecute pursuant to Ohio Civil Rule 41. The attorney of record or the serving party shall be responsible for determining if service of process or any other documents have been properly made and shall timely file the written instructions described above with the Clerk regarding completion of service notwithstanding any provisions in these Local Rules or the Ohio Rules of Civil Procedure which instruct the Clerk to notify the attorney of record or the serving party of failure of service. (Eff. 7-1-2015)

(1.2) ATTORNEY REGISTRATION NUMBER

All attorneys shall include their Attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court.

(1.3) MOTIONS, APPLICATIONS, AND ATTACHMENTS

All motions and applications, and any supporting attachments, shall be filed with the Court with sufficient copies to all parties involved. Pleadings and briefs containing references to statutes or regulations shall specifically state the applicable language of the statute or regulation or have copies of the same attached thereto. If unreported opinions are cited, copies thereof shall be attached to the briefs and furnished to opposing counsel. Failure to do so may be grounds for striking the pleading or brief.

(1.4) PERSONAL AND PRIVATE INFORMATION FILED WITH THE CLERK OF COURTS:

a. **Definitions**

“Personal identifiers” means social security numbers, except the last four digits, financial account numbers, including but not limited to debit card, charge card, and credit card numbers, employer and employee identification numbers, and a minor child’s name, except for the child’s initials or a generic abbreviation such as “CV” for “child victim.” Sup. R. 44. (F)

“Personal Identifiers” also include:

- i. Official State or government issued driver’s license or identification number, alien registration number, government passport number, taxpayer identification number;
- ii. unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
- iii. unique electronic Identification number, address or routing code;
- or,
- iv. telecommunication Identifying information or access device (as defined in section 1029(e) [10USCS § 1029(e).
- v. Dates of birth, if included in a document, should only identify the year in which the person was born.
- vi. Home address, if included in a document, should only identify the city and state of the person.

“Private Information,” includes, but is not limited to such information of an individual or legally recognized business entity that disclosure of which would lead to: public embarrassment or humiliation, loss or impairment of a constitutional or statutory protected privacy right, loss or infringement of a proprietary right, or benefit derived therefrom, or threats of, or actual physical injury to the individual or legally recognized business entity, or the property of such individual or business entity.

- b. Filing parties and/or legal counsel shall not include personal identifiers and/or private information in any document filed with the Court unless such inclusion is necessary and relevant to the case. This requirement extends to and includes exhibits or addenda attached to filings such as preliminary and financial reports which itemize state liens that use Social Security numbers as case numbers or medical records.**
- c. If personal identifiers and/or private information is necessary and must be included in a document, the filing party shall partially redact the following personal data and identifiers from the pleading:
 - i.. Social Security Numbers, Employer Identification Numbers, Taxpayer Identification Numbers: If any of these numbers must be included in a document, only the last four digits of that number should be used.**
 - ii. Financial Account Numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.**
 - iii. Names of Minor Children: If the involvement of a minor child must be mentioned, only the initials of the child should be used, or such other identifier, such as “CV” for child victim.**
 - iv. The responsibility for redacting these personal identifiers and/or private information rests solely with counsel and their parties. The Clerk will not review each document for compliance with this rule.****
- d. Entries and orders that must necessarily include personal identifiers and/or private information shall be partially redacted as set forth in 1.4 (C) of this rule unless it is absolutely necessary to include all digits in a personal data and/or identifier. In the event it is absolutely necessary to include all digits in a personal identifier or private information, the entries and/or orders must be submitted to the Clerk of Court’s Office as follows:
 - i. The original document that includes the personal identifiers and/or private information; and,****

- ii. **A redacted copy in the following format:**
 - (A) **The redacted copy will indicate in the caption, above the title of the action, “Redacted Copy, Personal Identifiers and/or Private Information Redacted.”**
 - (B) **The redacted copy of the document will have the notation “redacted” at all places in the document where such information was removed.**
 - (C) **The Court will sign both entries or orders.**

- e. **The Clerk of Courts may refuse to accept for filing any document that contains personal identifiers and/or private information that has not been redacted or submitted in accordance with this rule. In such event, or in the event it is brought to the attention of the Clerk, that a document has been filed with a personal identifier and/or private information not properly redacted, the Clerk shall notify the person filing such document of such fact, and give notice that, unless, within ten days from date of notice being given, a copy of such document is filed with the proper redaction of private information and/or personal identifiers, such unredacted document will be ordered sealed and not subject to disclosure or use in such case, without an order from the court.**

RULE 9. RECORDS OF THE COURT

A. Court Records-Definitions

For the purpose of the Local Rules of the Ashland, Ohio Municipal Court, the definitions as set forth in Rule 44 of the Rules of Superintendence for the Courts of Ohio are hereby adopted with the following amendments:

- (1.0) **“Personal identifiers” means social security numbers, except the last four digits, financial account numbers, including but not limited to debit card, charge card, and credit card numbers, employer and employee identification numbers, and a minor child’s name, except for the child’s initials or a generic abbreviation such as “CV” for “child victim.” Sup. R. 44. (F)**
 - “Personal Identifiers” also include:**
 - i. **Official State or government issues driver’s license or identification number, alien registration number, government passport number, taxpayer identification number;**
 - ii. **unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;**

- iii. unique electronic identification number, address or routing code; or
- iv. telecommunication identifying information or access device (as defined in section 1029(e) [10USCS § 1029(e)).

(1.2) “Private Information,” includes, but is not limited to such information of an individual or legally recognized business entity that disclosure of which would lead to: public embarrassment or humiliation, loss or impairment of a constitutional or statutory protected privacy right, loss or infringement of a proprietary right, or benefit derived therefrom, or threats of, or actual physical injury to the individual or legally recognized business entity, or the property of such individual or business entity.

B. Court Records- Public Access

(1.0). Presumption of public access.

Court records are presumed open to public access. Sup. R. 45 (A).

(1.0). Direct Access

(a) Any person, including any party to an action, seeking to have access to a court record shall submit, in writing and on forms supplied by the Ashland Municipal Court Clerk of Court, a request to view such case document and/or administrative document, and identify the same with such certainty that the case document and/or administrative document may be located in an expeditious manner.

(b) Before direct access is made available to the person seeking such court record, the Clerk of Court or his or her Deputy Clerk shall verify that all personal identifiers have been redacted. In the event personal identifiers have not been redacted, the Clerk of Court or his or her Deputy Clerk shall make a copy of such case document or administrative document and redact such information as is required to be redacted. The unredacted copy shall be returned to the Case File or Administrative File, and the redacted copy shall be delivered to the person seeking access.

i. In the event the person seeking access believes that material having been redacted is not subject to redaction, such person shall make his or her objection known, in writing, and presented to the Clerk of Court or his or her Deputy Clerk. Such objection shall be presented to the Judge, who shall determine that the redaction was proper or not. If the Judge determines that the redaction was proper, he or she shall

notify the person seeking access of that fact, and give notice of the remedy by which the person seeking direct access may obtain review of such redaction. If the Judge determines that the redaction, or any part of it was improper, he or she shall notify the Clerk of Court to remove such redaction as is determined to be improper, and provide a corrected copy of the court document or administrative document to the person seeking such access.

(c) In the event the court document or administrative document for which access is being sought is excluded by Sup. R. 44 (C) (2) or Sup. R. 44 (E) (2), the Clerk of Court or his or her Deputy Clerk shall so note such exclusion on the form submitted for access, and deny the person access to such document. Such denial shall also be accompanied by a notice of the remedy by which the person seeking direct access may obtain review of such denial.

- (3) The Ashland, Ohio Municipal Court, having no remote access to the records of the court, no provision is made for such occurrence.

C. Rules of Pleading-Omission of Personal Identifiers prior to filing

(1.0). In order to promote access to case documents while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, personal identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court. In such situations where a personal identifier may be partially disclosed without jeopardizing the ability to link such identifier to a particular person, documents filed with the court shall conform with the partial disclosure techniques set forth in Sup. R. 44. (F), or in such other form as is appropriate to both the privacy of the individual and the necessity of such information to the matter in the case.

(1.1). When personal identifiers are omitted in a case document filed with a court or clerk of court pursuant to division (A) of this rule, the parties shall file that information on a separate form provided by the Clerk of Court. Such form and the information provided therein shall not be subject to direct access without approval by a court order.

(1.2). In the event a document has been filed in a judicial action or proceeding containing a personal identifier(s), any party may seek relief pursuant to Sup. R. 45 (E). Persons seeking access to a case document that has been granted restricted public access shall obtain access only pursuant to Sup. R. 45 (F).

D. Maintenance of Administrative Documents

(1.0). Any document maintained by the Court for the proper administration of the Court and the ancillary services it provides or is required to maintain, unless excluded by definition, may be available for inspection upon a proper request.

(1.1) Administrative documents containing any personal identifiers or other information not subject to public disclosure shall not be available for direct access by the public.

(1.2) Persons seeking direct access to administrative documents, but being denied, shall be advised of the remedies they may resort to for such access.

E. Disclosure of Information Contained in Search Warrants

(1.0) Effective January 22, 1998, all search warrants, and affidavits for search warrants as well as the returns thereon, shall be automatically sealed by this Court for a period of thirty (30) days from the date of filing.

(1.1) Upon the expiration of the above mentioned 30-day period, access to the information contained within any search warrant, affidavit, and/or return of same, shall be subject to the redaction of information as set forth in this Rule.

(1.2) This Section shall not operate to preclude unsealing of any search warrant, affidavit, and/or return, prior to thirty (30) days upon proper Motion and Hearing. Conversely, upon proper application, any search warrant and affidavit, or return thereof, may remain sealed, upon a proper showing of the necessity for same, for an additional term of thirty (30) days.

F. Records Retention Schedule

(1.0) The retention of the records of the court shall be in accordance with the requirements of Sup. R. 26 and 26.05.

RULE 10. HEARING AND SUBMISSION OF MOTIONS

A. Civil Motions

Motions involving other than routine or administrative matters shall be in writing, accompanied by a memorandum. Such memorandum shall include the citations relied upon by movant.

- (1.0) Within ten (10) days after service of such motion, each party opposing the motion shall serve and file their opposition memorandums. The moving party may file a reply memorandum within seven (7) days after the service of the opposition memorandum. Upon expiration of the time for filing a memorandum, whether an opposition memorandum(s) or reply memorandum, the matter shall be deemed submitted, unless otherwise ordered by the Court or Magistrate. Failure to file a memorandum at the time required is a waiver and consent to submit the issue or case to the Court or Magistrate forthwith for decision. This rule shall not apply to Civil Rule 12(B) or statute which require a hearing.**
- (1.1) All motions shall be submitted for determination without oral argument unless ordered by the Court or Magistrate. Upon filing any motion which requires oral hearing pursuant to the Ohio Rules of Civil Procedure or any provision of law, the movant shall, upon filing the motion, obtain a date for such hearing from the Assignment Commissioner and cause such notice of such hearing to be served on opposing Counsel or party.**
- (1.2) The Court or Magistrate, for good cause shown, may provide for an early disposition of any motion with or without the filing of memoranda by the parties. Further, to expedite the business of the Court, the Court or Magistrate may decide any Civil Rule 60 (A), without notice to the parties when the motion addresses procedural matters only, is a request for an extension of time or for a correction pursuant to Civil Rule 60(A), if supported by a showing of good cause made orally or in writing to the Court or Magistrate. In the event a party is prejudiced by the granting of such ex-parte relief, the Court or Magistrate will afford an immediate oral hearing which shall be granted priority on the calendar of the Court upon a prompt request from the party complaining.**
- (1.3) The procedure specified in Civil Rule 56 shall apply with following modification:**

The Assignment Commissioner shall set all motions for Summary Judgment for hearing in compliance with Civil Rule 56(C). However,

if an oral hearing is required, movant shall include such request in the motion. If movant does not do so, then any Defendant opposing the motion may file such request anytime within seven (7) days of the hearing date. If no request for an oral hearing is made, the Court or Magistrate shall then consider the matter submitted to it for determination without oral hearing as of the scheduled hearing date. All documents required for a determination of the matter are to be filed by such hearing date unless for cause or in the interest of justice such time is extended by the Court or Magistrate.

- (1.4) A motion for default judgment filed pursuant to Civil Rule 55, seeking a monetary judgment, shall be accompanied by an affidavit made on personal knowledge, and shall show affirmatively that the affiant is competent to testify to the matters stated and shall state the amount sought by the moving party. (See Local Rule 22.)

B. Criminal Motions

In criminal and traffic cases, all motions shall be pursuant to the Ohio Rules of Criminal Procedure, and shall be accompanied with both specificity of the basis of the motion, and an memorandum in support of such motion, citing specific law to support such motion

- (1.0) All motions shall be filed within the time provided in the Ohio Rules of Criminal Procedure. Motions not in compliance shall not be filed without leave of the Court. In the event any motion is orally made at pre-trial or otherwise, such motion shall be supplemented in writing within five days from the oral motion. In no event shall a motion to suppress or dismiss be made without supporting memorandum in support of such motion.
- (2.0) Should any scientific tests be required to be a part of the prosecution or defense case, such tests shall be promptly provided for use in the motion. Delay, for good cause shown, shall extend the time for such hearing on the motion.
- (3.0) The burden of proof in support of such motion shall be decided prior to hearing.
- (4.0) In the event the hearing on any motion requires further memorandum by either party, such memorandum requested or required by the Court shall be filed no later than seven (7) days from the conclusion of such hearing, unless otherwise set by the Court. Opposing Counsel shall respond to such memorandum within five (5) days from the time which additional memorandum shall be submitted.

RULE 11. CASE MANAGEMENT

A. Civil Pre-trials

1.0 Civil cases may be assigned for Pretrial Conference as the Judge or Magistrate determines or, for cause shown, upon the request of either party. Where the Court or Magistrate determines the presence of the parties is not necessary, Pretrial Conferences may be held by telephone conference calls. Unless otherwise ordered by the Judge or Magistrate, the party requesting a telephone pre-trial shall initiate the call. No telephone pre-trial shall be permitted if any of the parties are unrepresented, unless the Court or Magistrate otherwise approves. Otherwise, all parties shall be present, whether with or without counsel. For cause shown, a party represented by counsel may be excused from attendance, but shall empower counsel full authority to stipulate on items of evidence, admissions, and resolve the matter in toto.

1.1 At any Pretrial Conference, the Court or Magistrate may direct all parties to prepare and file a pretrial statement at least three (3) days business before the date of the Pretrial. If ordered, such Pretrial Statement shall include at least the following:

- (a)** A brief statement that the attorneys previous to Pretrial discussed in depth the issues involved, that offers of settlement were made and refused.
- (b)** A brief statement of the facts giving rise to the claim or defense, and/or counterclaim.
- (c)** A brief statement of the issues involved.
- (d)** A brief statement of the applicable law and the authorities upon which counsel relies.
- (e)** List of names and addresses of witnesses who will be appearing on behalf of the party, including a short statement by counsel of what he or she expects their combined evidence to establish.
- (f)** A list of demonstrative evidence or exhibits which will be offered on the date of trial.
- (g)** A demand or offer of settlement.
- (h)** Estimate of trial time.

- 1.2 When the schedule permits, it is the intent of the Court or Magistrate to assign Pretrial and Trial within a short period of time on one another. Accordingly, it is suggested to Counsel that a preparation for a final Pretrial hearing shall encompass the same type of preparation as would be required for Trial. The attorneys shall:**
- (a) Freely discuss the theory or theories of their case, both factual and legal.**
 - (b) Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings.**
 - (c) Discuss simplification of the issues.**
 - (d) Make admissions as to the facts and genuineness of documents and other exhibits which are not in dispute.**
 - (e) Eliminate parties unnecessary to the case.**
 - (f) Give the names and addresses of witnesses whom they intend to call, and state the general nature of their testimony. If the Judge or Magistrate so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record and the Judge or Magistrate at least ten (10) days before trial, or upon leave of Court at the trial, for good cause shown. Unless for good cause approved by the Judge or Magistrate, the refusal or failure of counsel to disclose a witness shall render evidence by that witness inadmissible at trial.**
 - (g) Give the number and nature of exhibits they intend to introduce, and if required by the Judge or Magistrate, produce them for examination by the Judge, Magistrate or parties.**
 - (h) Give the names addresses and specialties of any anticipated expert witness.**
 - (i) Exchange reports of expert witnesses expected to be called by the parties.**
 - (j) Exchange medical reports and hospital records.**
 - (k) Discuss limitations on the number of expert witnesses.**

(l) Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters.

(m) Discuss procedures and time limitations for the completion of any further anticipated discovery.

(n) Submit and consider authorities on unique or controverted issues, or guarantee their submission at least one week prior to trial.

(o) Discuss any other matters that may expedite the trial or disposition of the case.

(p) Counsel shall provide the Judge or Magistrate with Jury Instructions and written transcripts of depositions no later than fourteen (14) days in advance of trial, following the pretrial.

1.3 At the Pretrial Conference, the Pretrial Judge or Magistrate shall have authority to decide any undetermined preliminary matters and to record any admissions, stipulations or agreements; to hear and decide the case with the consent of the parties; to make whatever findings, orders, judgments or decrees which may be warranted or proper under the circumstances and within the scope of the spirit of the Civil Rules; to set the case for trial or dismissal, or take other appropriate action under Civil Rule 37 if counsel fails to appear. The Judge or Magistrate and counsel may take any further action at the Pretrial Conference as authorized in Rule 16 of the Civil Rules.

1.4 The statements of counsel made in the course of any Pretrial Conference shall not be binding on the parties unless expressly made so by written stipulation in the course of the Pretrial Conference.

1.5 Within ten (10) days following the Pretrial Conference, counsel, when directed by the Judge or Magistrate, shall prepare and submit for approval an order reflecting all matters stipulated by counsel and all orders made by the Pretrial Judge or Magistrate, and said orders shall control all further proceedings in the action, subject to the provisions of Rule 60 of the Civil Rules.

1.6 Failure of an attorney to be prepared for Pretrial Conference, and failure of a party or attorney to appear, or to cooperate in good faith in the conduct of the Pretrial Conference, shall subject said attorney or party, in the discretion of the Judge or Magistrate, to any sanctions provided by Rule 37 of the Ohio Rules of Civil Procedure, including an award of

expense and/or attorney fees to any party prejudiced by said failure. In addition, the Judge or Magistrate shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex-parte upon failure of the Plaintiff or Defendant to appear in person or by counsel at Pretrial Conference. In addition, the Judge or Magistrate may transfer the matter to the inactive docket of this Court.

B. Criminal Pretrials

1.0 A Defendant has a right to be present at any Pretrial hearing, and has no obligation to engage in any discussion which may constitute an admission or be considered incriminating. If represented by Counsel, the Defendant may discuss any matters raised during a Pretrial hearing in private with Counsel, and the Pretrial may be continued either to a later time of day the Pretrial was set, or to a later date. Failure of a Defendant or his or her counsel to attend a Pretrial Conference, without just cause, shall extend the speedy trial time computation.

1.1 The Local Rules of Procedure of this Court for civil cases apply to all criminal cases including Pretrial Conferences, and such other proceedings, except where clearly inapplicable.

1.2 Where subsequent Pretrial Conferences are necessary, such Pretrial Conferences shall be set by the Court immediately upon the conclusion of the hearing where a subsequent Pretrial Conference is determined to further the case to its conclusion. Counsel shall have his or her calendar or schedule of appointments present to facilitate the efficient scheduling of the Court's Docket.

1.3 Arraignments continued and combined with a Pretrial Conference do not require a plea from a defendant, unless the Court determines that a plea is necessary to satisfy speedy trial concerns, or where the Defendant's conduct during an Arraignment and Pretrial Conference requires, in the opinion of the Court, the entry of a plea. Pursuant to law, the Court may enter a plea of Not Guilty at any Arraignment and Pretrial Conference.

1.4 Where negotiations are entered into to resolve the matter or any part of the case (where multiple charges are filed), the parties shall clearly state the full agreement of the disposition of the matter on the record. The Court is not bound by any agreed disposition unless and until it gives an indication of approval of the tendered agreement. Failure to include all considerations pertaining to a plea agreement, including but not limited to direct or indirect sentencing, actual incarceration, probation, matters pertaining to a defendant's operator's license, impoundment or immobilization of a defendant's license plates and automobile, restitution,

finest and costs, shall allow the Court, in its discretion, to accept or reject any and all proffers of any negotiated plea agreement.

1.5 Where a Defendant is unrepresented by counsel and agrees to accept a negotiated plea agreement, he or she must, before the Court accepts such agreement, be advised of the rights he or she is foregoing by the entry of a plea of guilty or no contest. Where a Defendant is represented by Counsel, Counsel shall state on the record that the Defendant was advised of the effect of the entry of a plea of guilty or no contest and the rights he or she has foregone by the entry of such plea. Only until the Court is satisfied that the negotiated plea is entered into voluntarily, knowingly, and understandingly can the Court accept such plea.

1.6 Where no disposition of the matter occurs at any Pretrial Conference, the Court shall set the matter for trial. If, in the opinion of the Court, a Status Conference may be of benefit to the parties or the Court, the Court shall also set a Status Conference. Such Status Conference shall require all parties to be present and to indicate to the Court any and all matters which may be disposed of prior to trial. Motions *in limine* and proposed Jury Instructions shall be submitted to the Court at least three days before the date of the Status Conference, unless an extension is permitted by the Court.

RULE 12. ORDERS AND DECREES

A. Unless the Court otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within five (5) days thereafter prepare a judgment entry, and submit it to counsel for the adverse party, who shall approve or reject the same within five (5) days after the receipt thereof. When approved by counsel, it shall be submitted to the Trial Judge or Magistrate for approval. If counsel are unable to agree upon the form of the entry, or if the same is prepared and submitted by the counsel in whose favor the order, decree or judgment is rendered, and counsel for the adverse party fails, neglects or refuses to either sign or return such entry, counsel in whose favor the order, decree or judgment is rendered shall prepare a copy of such entry and submit the copy to the Trial Judge or Magistrate with a notation thereon that the same has been submitted to counsel for the adverse party. Thereafter, the Trial Judge or Magistrate will direct what entry shall be made, or shall approve and file the copy entry submitted.

B. In any event, within fifteen (15) days after verdict, decree order or decision, the judgment entry shall be filed unless opposing counsel reside out of the county and in which event three (3) additional days shall be allowed for each such counsel. If an entry is not presented for filing within such time, counsel,

upon notification from the Court or Magistrate, shall appear before the Court or Magistrate and state on the record the reasons therefore.

C. Counsel shall promptly submit an order of dismissal following settlement of a case. If counsel fails to do so within twenty (20) days after representation to the Court or Magistrate that the case has been settled, the Trial Judge or Magistrate may dismiss the case without prejudice for want of prosecution or file a judgment entry of settlement in accordance with the representations made to the Court or Magistrate, and assess costs. The Court or Magistrate may also sua sponte transfer any matter to the inactive docket upon being advised that the cause has been settled.

D. In a criminal or traffic matter, the Court or Magistrate, in its discretion, may direct the State to prepare and file a written motion to nolle prosequi a case or charge, accompanied by a written judgment entry dismissing the case or charge. Nothing herein shall prevent the Court or Magistrate from accepting an oral motion to Nolle Prosequi and granting the same by notation in the case.

E. Provisions of this Rule shall not be deemed to preclude the Court or Magistrate at any time from sua sponte preparing and filing with the Clerk its own judgment or order.

RULE 13 CONDUCT AT TRIAL

A. Trial counsel shall be available to meet in Chambers with the Court on the day of jury trial at least thirty (30) minutes before the time set for trial unless otherwise directed by the Court.

B. Except when making objections during testimony, counsel shall rise and remain standing when addressing the Court or Jury.

C. The Court Bailiff shall be the official custodian of all exhibits offered during the trial of any case, and the same shall be retained by him or her until otherwise ordered by the Court.

D. After judgment and appeal, or after appeal time has expired without appeal, counsel for any interested party shall, upon issuing a receipt to the Court Bailiff therefore, obtain return of the exhibits introduced into evidence by such counsel and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, counsel shall bring the matter before the Court for determination.

E. In criminal cases, at least seven (7) days prior to trial, or in civil cases, at least three (3) days prior to trial, counsel shall file a memorandum or brief setting forth the issues involved, counsel's position relative to the issues and the authorities upon which they rely. Additionally, for the Court's benefit, counsel

shall at the same time submit proposed Jury Instructions on these issues. Briefs and proposed Jury Instructions shall be exchanged with opposing counsel.

F. Any request for a Jury View shall be made no later than five (5) days in advance of trial, unless good cause can be shown for a later request.

G. At least seven (7) days before trial, any party or counsel desiring special technology audio or video equipment, or other equipment for demonstrative purposes, shall inform the Court Bailiff of such need to determine whether the Court has, or can procure such equipment. If the Court does not have such equipment and is unable to obtain the same before trial, it shall be the responsibility of the party seeking such equipment to so provide it and verify that the use of such equipment is compatible with that of the Court.

RULE 14 COURT ROOM PROCEDURE

A. In any trial where the Court has notified the parties and counsel and those assembled in the court room that any person who is to appear as a witness shall leave the court room and not return until called for the purpose of testifying, it shall then be the responsibility of counsel to see that such witness leave the court room. It shall also be the responsibility of the Bailiff and/or counsel of all parties to thereafter call to the Court's attention the presence of any witness then remaining or who later enters the court room. Any witness who enters the court room and listens to the testimony of other witnesses may not testify if objection is made by the opposing counsel and so ordered by the Court. The Court, in its discretion, may permit the witness to testify if the Court finds that the interests of justice require the testimony of such witness or that the witness heard or observed nothing that would prejudice the opposing party or parties. It shall be the duty of all counsel to advise all witnesses called by counsel on behalf of the party to go to the lobby or witness room and not enter the court room until called as a witness.

B. Counsel are encouraged to use the lectern in opening statements, examination of witnesses, and arguments to the Jury.

C. Grounds for objections shall be stated briefly. On motions or other matters determined by the Court during trial, wherein counsel has had the opportunity to argue their respective positions on the record, prior to the Court's determination thereof, they shall not thereafter be permitted to delay the trial by again restating such positions into the record where the same is merely cumulative to the position previously stated. This in no way applies to the rights of counsel to proffer evidence.

RULE 15 REPRESENTATION BY COUNSEL

A. In all actions filed in this Court, all parties not appearing in propria persona shall be represented of record by a trial counsel who is entitled by the Supreme Court of Ohio to practice before this Court.

B. When two (2) or more attorneys join in a single pleading, only one (1) counsel shall be designated as Trial Counsel. All papers shall either be signed by the Trial Counsel or, if signed by other counsel, shall carry the name of Trial Counsel, Trial Counsel's typed name, official address, zip code, telephone number, Supreme Court Registration Number, and email address and shall otherwise comply with Ohio Civil Rule 11. Should there be a change in the Trial Counsel, the Court shall be notified and the new Trial Counsel's name shall be carried as Trial Counsel.

C. The Trial Counsel shall be responsible for the action and shall either attend all hearings, conferences, pre-trials and the trial or have other counsel knowledgeable in the proceeding and with the same authority attend in his or her place.

D. All notices or communications from the Court and all documents required to be served on parties by law will be sent to the designated Trial Counsel. He or she shall be responsible for notifying the parties, co-counsel and associated counsel of all such matters.

E. It shall be the responsibility of the Trial Counsel to comply with Ashland Mun. Ct. L. R. 8, regarding avoiding the disclosure of personal identifiers and other information required to be segregated from regular pleadings.

F. In all criminal and traffic matters in which counsel is appointed to represent an indigent defendant, it shall be the responsibility of the Trial Counsel to inform the Court when and if the Defendant obtains employment or otherwise acquires funds by which representation may be secured by the Defendant, or he or she becomes financially able to provide some funds for his or her Court-appointed attorney.

G. Only Attorneys of Record shall be considered as representatives of any parties in a case. Withdrawal of such counsel shall be only upon application with Judgment Entry of approval by the Court or Magistrate made seasonably before trial, and where possible, the name of the Successor Attorney shall be included in the Judgment Entry. Upon allowance of withdrawal by the Court or Magistrate, such withdrawing counsel shall serve a copy of said Judgment Entry on the client, together with a letter, a copy of which shall be deposited with the Clerk of Courts.

RULE 16 CONTINUANCES

A. Unless otherwise permitted by the Judge or Magistrate, a continuance may be granted only upon written application, setting forth the reason therefore and the name of the attorney or party making the request. All written requests for continuances shall be accompanied by a judgment entry for the consideration of the Judge or Magistrate. The proposed Judgment Entry shall contain the reason for the continuance, the name of the attorney or party who made the request and the new date certain to which the matter has been continued, which date shall be first obtained from the Assignment Commissioner. The movant shall thereupon notify the opposing counsel or party by sending a copy of such entry with proof of service noted thereon, immediately after filing. All continuances are discouraged. Counsel or any party who plan to be away on vacation or otherwise, should notify the Assignment Commissioner well in advance of the anticipated absence. After a trial schedule is established, any counsel or party who have a conflict with a scheduled trial date should immediately notify the Assignment Commissioner so that their case may be rescheduled and a replacement case inserted in its stead.

RULE 17 RECORD OF PROCEEDINGS

A. This Court hereby adopts the recording of proceedings before the Court by electronic audio recorded transcripts. The Bailiff is hereby directed as the custodian of such transcripts and shall maintain both an original copy and at least a second copy archived for and in compliance with the Rules of Superintendence for the Governance of the Courts of Ohio.

B. Upon proper request, any party may request to hear any transcript of proceedings, or a portion thereof. Copies may be made available to any party upon the payment of a fee, in advance, for the duplication thereof. Such fee shall be set forth in the Schedule of Costs of the Court.

RULE 18 PROBATION DEPARTMENT; COMMUNITY CORRECTIONS

A. The Ashland Municipal Court Probation Department shall supervise all persons subject to direct or indirect sentences and shall adopt rules and regulations for such supervision.

B. All persons placed under the supervision of the Probation Department shall pay a monthly fee. Payment of this fee shall be a condition of such person's probation or supervision; however, the failure of an offender to comply with this requirement shall not constitute the basis for revocation of probation and imposition of any incarceration, but may be considered with any other factor or

factors that may form the basis for revocation of probation or imposition of sentence.

C. In the event of non-payment by the supervised person, when other factors consistent with probation violation are not present, the supervised person shall be subject to additional conditions of probation, including, but not limited to, community work service. No exception to the probation fee requirement shall be made for indigent offenders; however, the probation fee may be modified or waived for those persons on a non-reporting basis. Unpaid probation fees shall be collected in the same manner as court costs.

D. In the Judge's absence, any probation officer is authorized to grant an emergency release to any defendant committed to the Ashland County Jail from the Ashland Municipal Court. The Sheriff is authorized to release defendants committed from the Ashland Municipal Court to the Ashland County Jail in non-emergency situations upon oral authorization of any probation officer, pending later written order from the Municipal Court Judge.

E. The Chief Probation Officer is authorized to consult with the Jail Administrator or his or her designee, as to decisions to release defendants committed from the Ashland Municipal Court to the Ashland County Jail, due to overcrowded conditions, or other reasons, such as medical needs. Such decision shall be subsequently ratified by appropriate Judgment Order.

F. The Community Corrections Division of the Ashland Municipal Court, having heretofore been established, is authorized to supervise those persons referred thereto by the Judge of this Court. Community Corrections Officers shall be empowered to exercise such supervision as is necessary to assure any person so referred thereto remains in compliance with the conditions and restrictions of the referral by Judgment Entry.

G. All persons placed under the supervision of the Community Corrections shall pay a monthly fee. Payment of this fee shall be a condition of such person's probation or supervision; however, the failure of an offender to comply with this requirement shall not constitute the basis for imposition of any incarceration, but may be considered with any other factor or factors that may form the basis for imposition of sentence.

RULE 19 FEES, COSTS, BOND AND WAIVER SCHEDULES

A. To provide for the proper funding of the Ashland Municipal Court and comply with all mandated fees or costs required by law, there is hereby established a Schedule of Fees, Costs, Bond and Waiver charges. Such fees, costs, and bond and waiver schedules shall be maintained in the Office of the Clerk of Courts for public inspection. Such Schedules shall be periodically

reviewed and amended to meet the financial needs of the Court and to comply with any subsequently enacted mandated fees or charges. All Schedules of Fees, Costs, Bond and Waiver charges are incorporated by reference herein as if fully rewritten. Any amendments, revisions or additions thereto made subsequent to the adoption of these Local Rules, shall be incorporated when and as approved by the Judge.

RULE 20 MAGISTRATE'S AUTHORITY

A. Pursuant to the provisions of Rule 53 of the Ohio Rules of Civil Procedure, all issues pertaining to Small Claims cases, may be heard and determined by a Magistrate, as if upon General Order of Reference made by this Court. In the discretion of the Judge, and pursuant to Rule 53 of the Ohio Rules of Civil Procedure, the Magistrate shall have full authority to hear and determine all issues in civil cases upon specific Order of Reference made by the Judge.

B. The Magistrate shall hear all issues of fact and law in the aforementioned hearings, issue an Order or Decision and file the same pursuant to Rule 53 of the Ohio Rules of Civil Procedure. The Magistrate shall exercise the power to regulate all proceedings in every hearing as if by the Court and do all acts and take all measures necessary or proper for the efficient performance of the Magistrate's duties under this Rule. The Magistrate shall exercise all power and authority vested in the Magistrate by Rule 53 of the Ohio Rules of Civil Procedure. A final decree following a Magistrate's Decision shall be journalized by the party designated by the Magistrate, within fourteen (14) days of the expiration of the objection period or within fourteen (14) days after the Court has ruled upon any objections.

C. All exhibits introduced or tape recordings made at a Magistrate's hearing shall be properly marked as to date, case number and case name. The Exhibits and tape recordings shall be placed in the Control of the Magistrate, the Magistrate's designee or the Clerk of Court at the conclusion of the hearing.

D. Any Judgment Entries submitted by counsel following issuance of a Magistrate's Decision shall contain a signature line for both the Magistrate and the Judge and shall comply with all of the requirements of Ohio Civil Rule 53.

E. A party filing a motion to set aside the Magistrate's Order or objections to a Magistrate's Decision shall file said pleading in compliance with civil Rule 53. The Motion or Objection shall state grounds for the relief requested in specific terms. A copy of the motion or objections shall be served on opposing counsel or the opposing party or parties, if unrepresented by counsel

F. Any transcript required or requested to support a motion to set aside a Magistrate's Order or objections to a Magistrate's Decision shall be supplied by the person filing such motion or objection. The person filing such motion or

objection shall arrange to have a Court Reporter transcribe any proceedings which were tape recorded and which are relied upon by the person filing the motion or objections for support thereof. Such transcript shall be filed within thirty days from the filing of the motion or objection. Failure to file such transcript may result in consideration of the legal grounds of the motion or objection only, and not any disputed factual issues.

RULE 21 DEFAULT JUDGMENT-CIVIL CASES

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

B. The moving party shall file an affidavit containing the specific amount requested and sufficient additional information to support the claim.

C. If the claim is unliquidated, or if the party against whom judgment by default is sought has appeared in the action, or both, then a hearing is required before the Judge or Magistrate. In such case, the motion for default judgment must include, on the face of the motion, notice of the date and time of the scheduled hearing on the motion. Service of the motion and notice of hearing shall be made on the opposing party in accordance with Rule 4(C) and not less than seven (7) days before the scheduled hearing. The moving party shall be responsible to show that the other parties have been properly served as required by this rule.

D. At the hearing on the unliquidated claim, the moving party shall present evidence to support the award of the default judgment. The Judge or Magistrate may take testimony under oath or by affidavit.

RULE 22 SMALL CLAIMS DIVISION

Magistrate:

A. All Small Claims cases shall be heard by the Municipal Court Magistrate except as set forth in C below. Unless otherwise specifically required by the Magistrate in a particular case, the Local Rules of Court and Case Management of the Ashland Municipal Court, except for this Rule 23, do not apply to proceedings in the Small Claims Division.

Deputy Clerk:

B. The deputy clerk of the Court assigned to Small Claims Division shall be responsible for assisting persons in filing Small Claims Complaints, entering

these Complaints in the Index and Docket, setting them for hearing, receiving the court costs and money paid on judgments, and accounting for same.

Judge:

C. In instances where the Magistrate is unable to hear a case filed in the Small Claims Division, or when the Judge otherwise deems it advisable to hear such case, the matter shall be heard by the Judge, or an Acting Judge.

Filing:

D. **(Note: All persons wishing to proceed in Small Claims Court are directed to the Court's website at www.ashlandmunicourt.com for further assistance.)** An action in the Small Claims Division shall be commenced upon the filing of a Complaint which shall state the amount and the nature of the claim. When a claim is based on an account, or other written instrument, a copy thereof must be attached or the reason for omission must be stated. The Plaintiff or the Plaintiff's attorney must also state to the Court the Plaintiff's and the Defendant's place of residence and the military status of the Defendant.

1. Notice of the filing of a claim in Small Claims Court shall be served as provided in Ohio Revised Code § 1925.05. If the notice is returned undelivered or if in any other way it appears that the Notice has not been received by the Defendant, the Clerk shall notify the Plaintiff or his/her/its attorney of such failure. If the Plaintiff or his/her/its attorney does not request, within forty-five days, that further notice be issued, the claim will be dismissed without prejudice.
2. The claim may be filed by a real party in interest or by his/her/its attorney. If the Plaintiff is a corporation, the claim may be filed by an attorney or by a bona fide officer or salaried employee of the corporation but if filed by an officer or employee, the corporation must comply with ORC 1925.17.
3. If the claim is related to an automobile accident, the Plaintiff shall provide the Court with two estimates of damage, a police report (if any), the name of any insurance company involved, the amount of the Plaintiff's deductible and a statement of any payments received from any insurance company for damage or injury from the accident.
4. The trial shall be set not less than 15 nor more than 40 days after the commencement of the action.

Continuance:

E. For good cause, the Court may grant a continuance of any hearing or trial for not more than thirty (30) days. A request for continuance must be filed in writing at least seven (7) days prior to the scheduled hearing or trial and must include the current trial date and specific reason for the request. If the Court grants the continuance, the Court shall notify all parties affected. If the continuance is not granted, the Court shall immediately notify the requesting party.

Hearing:

- F. Each case shall first be scheduled for a Pretrial/Conciliation hearing. Attendance of both Plaintiff and Defendant at the Pretrial/Conciliation hearing is required and both parties shall be notified of the date and location of said hearings. In accordance with Sup. Rule 16, parties may, if they wish, appear with or through an attorney.**

Representation; Attendance:

- G. The Ashland Municipal Court, Small Claims Division, will accept filings made by non-attorneys on behalf of corporations or limited liability companies only if the non-attorney is a corporate officer or salaried employee. In addition, the authorized representative may appear at the conciliation hearing but must have the authority to settle or dismiss claims. The authorized representative may also sign for or appear at post judgment collection proceedings.**

- 1. The non-attorney representative of a corporation or a limited liability company will be limited in a trial proceeding. The non-attorney representative will not be permitted to engage in cross or direct examination, argument or other acts of advocacy. See R.C. Section 1925.17.**
- 2. Failure of either party to appear will result in the dismissal of the case or the granting of a default judgment. In the event that Pretrial/Conciliation results in settlement of case, such settlement shall be reduced to judgment and journalized by the Court.**
- 3. In the event that Pretrial/Conciliation does not result in the resolution of the case, the trial shall proceed on the date originally scheduled by the Court or as rescheduled as agreed by the parties.**
- 4. The Court shall administer an oath to the witnesses and proceed to a trial on the merits. Trial shall be conducted in an informal manner with the purpose of accomplishing substantial justice. Substantive Rules of Evidence shall be adhered to; however, the Court may consider as evidence, estimates, bills or other statements which purport to show monetary damages.**

Record:

- H. Trial proceedings in the Small Claims Division shall be recorded by the use of the audio electronic recording devices presently installed in each location of the Court pursuant to Sup. R. 11. Any party may order and purchase a transcript of proceedings.**

Fees for Aid in Execution:

- I. Fees for aid in execution shall be the same as the fees in the regular civil division and bailiff's fee schedules as set forth in Appendix "B" of these Rules.**

RULE 23 JUDGMENT DEBTOR EXAMINATION

- A. Judgment debtor examinations shall be scheduled in front of the Judge or Magistrate, subject to adjournment. Once sworn, the judgment debtor shall accompany the person or counsel seeking examination to a conference room in the courthouse to allow the examination to be conducted. In the event a judgment debtor is unwilling or refuses to cooperate in the examination, he or she shall be brought forthwith before the Judge or Magistrate to continue with the examination. Failure to cooperate in the examination, without just cause, shall subject the judgment debtor to a contempt proceeding.
- B. If the Judgment debtor fails to appear after having been served with the order to appear, it shall be the duty of the applicant for the judgment debtor examination or his or her attorney to file appropriate papers to initiate contempt of court proceedings against the judgment debtor, unless the Judge or Magistrate directs that other action be taken.

RULE 24 FORCIBLE ENTRY AND DETAINER

- A. Unless otherwise scheduled, all Forcible Entry and Detainer actions are assigned to the Magistrate.
- B. Deposit of costs for jury. In an action filed pursuant to R.C. Chapter 1923 the advance jury deposit shall be paid by the party at the time the jury demand is filed. Failure to advance the jury deposit shall constitute a waiver of trial by jury.
- C. Answers in forcible entry and detainer cases. In forcible entry and detainer cases involving residential property, the court may decide all causes of action at the first hearing.
- D. Eviction of defendants in forcible entry and detainer cases - Residential

When a Judgment for Restitution requiring a Defendant to vacate the premises has been rendered and a Writ of Execution issued to the Bailiff, the bailiff shall serve Defendant(s) with the Writ of Execution and a Notice to Vacate Premises or shall post them at a conspicuous place at the premises. The bailiff shall not proceed with set-out until there is filed with the Court a “Request for Set-Out” requesting such action, and the Request shall be accompanied by a deposit in accordance with the Court’s “Court Costs Schedule.”

The Clerk will establish and make available “Instructions for Supervised Set-Out” which may be amended from time to time. Costs and deposits required for supervised set-out shall be determined by the Clerk.

Should actual, physical set-out of property be required pursuant to a Writ of Execution and a Notice to Vacate Premises, Plaintiff shall file with the clerk's office a "Request for Set-Out" on the form designated by the Court, and pay the required fee. The form must be filed and the fee paid within ten days after the issuance of the Writ of Execution.

Unless otherwise ordered by the Court, Plaintiff shall arrange for a sufficient number of workers to be present, at Plaintiff's expense, to accomplish the set-out within two hours, under the supervision of the Ashland County Municipal Court Civil Office. No set-out shall occur until at least five (5) days after service by the bailiff of the Writ of Execution and Notice to Vacate Premises. Request for an immediate set-out from the premises may be made at the time of the eviction hearing.

Some set-outs present circumstances such as an infestation or the existence of illegal or harmful substances that make it hazardous to conduct the set-out. In those cases in which the set-out presents hazardous circumstances, the bailiff, or his/her designee, shall have authority to determine the most appropriate means of conducting the set-out and restoring possession of the premises to the Plaintiff. This determination may be made on the date of or during any set-out. The means of set-out may include, but are not limited to, physical removal of the contents to the curb or disposal of the contents.

The bailiff shall include the following language in a conspicuous place on the Notice and the Notice of the set-out date:

The plaintiff may be allowed to destroy or dispose of any hazardous property, such as infested, illegal or harmful items that you do not remove by the date and time of the set-out. You should contact your attorney if you have any questions about your legal rights.

E. Eviction of defendants in forcible entry and detainer cases - Manufactured Homes

Evictions involving manufactured homes shall be conducted in compliance with R.C. Chpt. 1923 and R.C. Chpt. 3733. The plaintiff in such a case shall contact the assigned bailiff who shall determine the appropriate cost deposit. The eviction shall not proceed until such deposit has been paid to the court. The Plaintiff is responsible for paying any amount by which the actual expenses of the eviction exceed the cost deposit.

RULE 25 JURY USE AND MANAGEMENT STANDARDS

A. The Ashland Municipal Court Jury Use and Management Standards, as adopted May 11, 2011, are hereby reaffirmed and considered a part of these Local Rules of Court. (See Appendix A.)

RULE 26: REVIVOR ACTIONS

To request a revival of a dormant judgment, the moving party shall file a Motion to Revive Judgment, accompanied by separate instructions for service as described in Local Rule 8. The Court shall not accept for filing a “Conditional Order of Revival”, or an “Order to Revive” or similar document at the time of filing the Motion to Revive Judgment. The Clerk shall issue Summons for Service and a copy of the Motion, which shall be in accordance with the procedure described in Ohio Civil Rule 4F.

The party filing the Motion to Revive or his or her attorney shall monitor service as described in Local Rule 8 and, upon completion of service and failure of the debtor to respond in a timely manner, shall file an Order to Revive Judgment, along with a Notice, Motion or such other similar document or documents requesting that the Order to Revive Judgment be granted. (Eff. 7-1-15)

RULE 27. TRAFFIC CITATIONS AND CRIMINAL COMPLAINT

The Court will accept for filing Traffic Citations and Criminal Complaints prepared by electronic means. All such Traffic Citations and Criminal Complaints must conform to the Ohio Uniform Traffic Ticket form, as set forth in the Appendix of the Ohio Traffic Rules, and the Rules of Criminal Procedure, in all substantive respects, including layout and content. Electronically prepared Traffic Citations need not comply with the Uniform Traffic Ticket’s requirements relative to paper weight and color. Electronically prepared Traffic Citations and Criminal Complaints need not be signed by the Defendant, but must be signed in ink and sworn to by the issuing Officer. Electronically prepared Traffic Citations and Criminal Complaints which fail to comply with this Rule shall either be rejected for filing by the Clerk of this Court, or if accepted, are subject to dismissal.

The original electronically prepared Traffic Citation or Criminal Complaint, bearing the signature of the issuing Officer, shall be filed with the Clerk of this Court. The Court does not permit electronic filing of Traffic Citations, Criminal complaints or other pleadings.

All traffic citations and criminal complaints shall be filed with the Clerk no later than 4:00 p.m. on the business day immediately prior to the date scheduled for arraignment. All citations and complaints which are not filed in conformity with this rule shall be subject to dismissal.

RULE 28. ASHLAND MUNICIPAL COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Introduction

The Ashland Municipal Court adopts Local Rule 27 effective November 13, 2014 for the purposes set forth in Section B below. Through this local Rule, this Court incorporates by reference the R.C. 2710 “Uniform Mediation Act” (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

(A) Definitions

All definitions found in the “Uniform Mediation Act” (UMA) R.C. 2710.01 are adopted by this Court through this local rule including, but not limited to the following:

- (1) “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) “Mediator” means an individual who conducts a mediation.
- (3) “Mediation Communication” means a statement, whether oral, in a record, verbal or non- verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (4) “Proceeding” means either of the following:
 - a. Judicial, administrative mediation, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
 - b. A legislative hearing or similar process.

(B) Purpose

To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for cases filed in any court in Ashland County, Ohio and for alternate dispute resolution cases and other matters through the use of mediation. To accomplish this goal, the Ashland Courts’ Mediation Services is established.

(C) Scope

At any time any action under the jurisdiction of any Court of Ashland County or any Court properly established in the State of Ohio may be referred to mediation by the Judge or Magistrate of that Court. Also, any two or more persons or any governmental or private entity or agency involved in a dispute, may request their/its dispute be mediated by Ashland Courts' Mediation Services.

(D) Case Selection

(1) Referral Process

A case in this Court may be referred to Ashland Courts' Mediation Services in the following manner:

- a. For formal proceedings, this Court may order parties to participate in the mediation process.
- b. For formal proceedings, this Court, upon written or oral motion to the Court, may order parties to participate in the mediation process.
- c. For informal cases (pre-filing), a referral to this Court=s mediation program by Court personnel.

The parties to a dispute, if they agree, all persons who are involved in a dispute, disagreement or controversy, or any Court, governmental or private agency, pursuant to its own rules or regulations, may refer matters or may request the assistance of Ashland Courts= Mediation Services in reaching resolution of disputes.

The mediation shall be communicated via a Notice of Scheduled Mediation@ which shall, at a minimum, indicate the date, time, place and contact information of the mediation. All parties and counsel (if agreeable) shall advise the assigned Judge or Magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the referral to mediation order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

(2) Eligibility of Cases

The Ashland Courts= Mediation Services will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral deemed inappropriate.

(3) Mediator Selection and Assignment

The following methods may be used to determine the mediator for the case:

- a. The Ashland Courts= Mediation Services assigns a mediator to the case.
- b. Parties may select a mediator.

(E) Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Ashland Courts= Mediation Services, mediation will be scheduled. The Mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

The Ashland Courts= Mediation Services shall utilize procedures for all cases that will:

1. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
2. Screen for domestic violence both before and during mediation.
3. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

To that end, any of the following may be required:

- “Notice of Scheduled Mediation”**
- “Agreement to Mediate”**
- “Journal Entry”**
- “Mediation Intake Form”**
- “Mediation Intake Information Sheet”**
- “Six-week Email Reminder”**

The Ashland Courts’ Mediation Services may create a brochure to be displayed in public areas and have available by mediators and other staff to distribute to clients as appropriate. The brochure will include: 1) local attorney referral contact information, 3) information regarding Children Services and 2) resource information for local domestic violence prevention, counseling, substance abuse and mental health services, 4). Prohibit the use of mediation in any of the following:

- a. As an alternative to the prosecution or adjudication of domestic violence;
- b. In determining whether to grant, modify or terminate a protection order;
- c. In determining the terms and conditions of a protection order; and
- " In determining the penalty for violation of a protection order.

(2) Party/Non-Party Participation

- ! Parties to informal cases may voluntarily attend mediation sessions. Those Parties shall agree to be bound by any final agreement reached by them.
- ! A Judge, Magistrate or the Mediator may require the attendance of the parties= attorneys at the mediation sessions, if the Mediator deems it necessary and appropriate.
- ! If counsel or any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the Mediator as well as the assigned Judge or Magistrate.
- ! If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the Mediator and have duty to participate in any screening required by the court.
- ! By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court=s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

(3) Confidentiality/Privileges

All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act (UMA) R.C. 2710.01 to 2710.10 and the Rules of Evidence and any other pertinent judicial rule(s). In furtherance of the confidentiality set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written Agreement to Mediate prior to the mediation session. If new or different person(s) attends a subsequent session, their signatures shall be obtained prior to proceeding further in the process. A blank Agreement to Mediate form is available for review by any prospective participant by contacting Ashland Courts= Mediation Services.

(4) Mediator Conflicts of Interest

In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by Ashland Court Mediation Services to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants, any known possible conflicts that may affect the Mediator=s impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and request that the assigned Judge or Magistrate appoint another Mediator from the list of qualified Mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

(5) Termination

If the assigned Mediator determines that further mediation efforts would be of no benefit to the parties or persons involved in the mediation, he or she shall inform all interested parties or persons and the Court that the mediation is terminated using the procedure required by this Court or the persons involved.

(6) Stay of Proceedings

All remaining Court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written Court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the Judge or Magistrate assigned to the case.

(7) Continuances

It is the policy of this Court and Ashland County Courts= Mediation Services to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the Judge, Magistrate or staff Mediator, where applicable, for good cause. Extension of time for compliance with deadlines not involving a Court hearing will be permitted only on a showing to the Court involved that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their disposition, will be recorded in the file of the case.

(8) Mediation Case Summary

Attorneys may, at their option, or must if required on a specific case by the Judge, Magistrate or Mediator, submit a **Mediation Case Summary** which shall contain the following:

- ! Summary of material facts.
- ! Summary of legal issues.
- ! Status of Discovery.
- ! List special damages and summarize injuries or damages.
- ! Settlement attempts to date, including demands and offers.
- ! Any other documents, pleadings, reports, photographs, recordings or materials, whichever will assist the mediator in understanding and resolving the issues.

(9) Mediation Memorandum of Understanding.

The assigned Mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The **ΔMediation Memorandum@** shall be signed by the parties and counsel (if the **ΔMediation Memorandum@** is signed it will not be privileged pursuant to R.C. 2710.05(A)(1)). The written **ΔMediation Memorandum of Understanding@** may become an order of the Court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

(10) Mediator Report

At the conclusion of the mediation and in compliance with R.C. 2710.06 the referring Court shall be informed of the status of the mediation including all of the following:

- ! Whether the mediation occurred or was terminated;
- ! Whether a settlement was reached on some, all or none of the issues; and
- ! Attendance of the parties.
- ! Future mediation session(s), including date and time.

(F) Fees and Costs

All costs shall be determined by the referring Court, if applicable, or by Ashland County Courts Mediation Services. The parties may agree between themselves to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the referring court shall determine the apportionment of the mediation costs to the parties. The Court or Ashland County Courts Mediation Services may waive costs for the parties who are unable to pay. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

(G) Sanctions

If any individual ordered by a referring Court to attend mediation fails to attend mediation without good cause, the Court may impose

sanctions which may include, but are not limited to, the award of attorney=s fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

APPENDIX A: Ashland Municipal Court Jury Use and Management Standards

ASHLAND MUNICIPAL COURT

LOCAL RULE OF PRACTICE

JURY USE

AND

MANAGEMENT STANDARDS

PREPARED

MAY 11, 2011

ASHLAND MUNICIPAL COURT
ASHLAND, OHIO

Ashland Municipal Court, Jury Use and Management Plan

The following Local Rule of Practice is implemented pursuant to Rule 18 (C) of the Superintendence for Municipal Courts requiring a Jury Management Plan prior to July 1, 1994. In addition, this plan addresses the provisions of the Ohio Trial court Jury Use and Management Standards as Adopted by the Supreme Court of Ohio on August 16, 1993.

STANDARD 1 OPPORTUNITY FOR SERVICE – JURY ELIGIBILITY

- A. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. To make certain that the jury pool is representative of the entire adult population, all persons are eligible to serve on jury duty, except the following:
 - 1. Person under the age of eighteen (18) years.
 - 2. Persons who are not citizens of the United States.
 - 3. Persons who are not residents of Ashland County.
 - 4. Persons who are not able to communicate in the English language.
 - 5. Persons who have been convicted of a felony and have not had their civil rights restored.
- C. All practical efforts shall be made to help any juror with special requirements.

STANDARD 2 JURY SOURCE LIST

- A. The court shall submit to the Board of Elections a letter of request stating the number of names needed number to start with and selection sequence, and then the codes for the present year. The court shall receive an alphabetical label list of these potential jurors.

- B. In January of each year, the Jury Commissioners shall be duly appointed by the Court pursuant to O.R.C. 2313.01.
- C. If the court determines that the juror source list is not representative of the entire demographic profile of the entire adult population of Ashland County, additional source lists shall be used as authorized by law.

STANDARD 3 RANDOM SELECTION PROCEDURES

- A. The jury source list received from the Board of Elections shall be printed out on address labels, cut into individual names and addresses and placed in the jury wheel.
- B. Every three (3) months approximately three (3) weeks before the new jury term two hundred and fifty (250) names are drawn from the jury drum.
- C. At the public jury pull, names are drawn at random. Unsuitable names shall be purged as drawn.
- D. Departures from the random selection shall be permitted only as follows:
 - 1. To excuse persons NOT eligible for service.
 - 2. To excuse or defer prospective jurors.
 - 3. To remove prospective jurors for cause or if challenged peremptorily, in accordance with Standard 7.
 - 4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

STANDARD 4 TERM OF AND AVAILABILITY FOR JURY SERVICE

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. A term of service of one day or the completion of one trial.

STANDARD 5 EXEMPTION, EXCUSE AND DEFERRAL

- A. All persons except those who exercise their right to exemption are subject to service.
- B. Eligible persons who are summoned may be excused from jury service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service would be a continuing hardship to them or to members of the public. Persons excused from service shall be deferred and may be a subject to jury service at a later time.
- C. Request for excuse, deferrals and exemptions and their disposition should be written or otherwise recorded. These documents shall be retained by the court.
- D. The following facts constitute a reason for which a juror may be excused or deferred from jury service. This is not an all inclusive list.
 - 1. Any person with previous jury service within the last year.
 - 2. Any person called for jury service who has a scheduled business trip or vacation.
 - 3. Any person for whom jury service would be a continuing hardship to them or to members of the public.
 - 4. Any person for whom jury service would be a considerable hardship.
 - 5. Any person for whom it may be easily determined is unfit for jury service.
 - 6. Any persons for whom it is easily apparent would be unable to perform their duty as a juror.
 - 7. Any other valid excuse.

No person shall be excused from jury service except by the Judge or an individual specifically authorized to excuse jurors.

STANDARD 6 VOIR DIRE

- A. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror of cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The trial judge should conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.
- F. Voir Dire Rules:
 - 1. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
 - 2. Whenever possible questions are to be asked collectively of the entire panel.
 - 3. Jurors may not be asked what kind of verdict they might return under any circumstances.
 - 4. Counsel may not engage in efforts to indoctrinate jurors.
 - 5. The case may not be argued in any way while questioning jurors.
 - 6. Counsel may not question prospective jurors concerning the theories of law or possible instructions.

STANDARD 7 REMOVAL FROM THE JURY PANEL FOR CAUSE

- A. If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Said motion for removal for cause may be made by a party if unrepresented by counsel, or upon motion by the court.

STANDARD 8 PREMPTORY CHALLENGES

- A. Rules determining procedure for exercising peremptory challenges shall be in accordance with .O.R.C. 2945.23, Civil Rule 47 and Criminal Rule 24. There shall be no limit to the challenges for cause. Peremptory challenges shall be limited to the number established by the Rules of Civil and Criminal Procedure.

STANDARD 9 ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility of the Jury system should be vested exclusively in the Ashland Municipal Court.
- B. All procedures concerning jury selection and service should be governed by the Ohio Rules of Court.

STANDARD 10 NOTIFICATION AND SUMMONING PROCEDURES

- A. A summons shall be issued to all prospective jurors notifying them by ordinary mail of their requirement of service. These jurors are required to fill out a jury questionnaire and return it to the court. Said summons shall be worded so it is easily understood by an individual unfamiliar with the jury and legal systems.
- B. The summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond. Each summons shall

be accompanied by a parking map showing the exact location for juror parking.

- C. The juror questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - 1. Determining whether a person meets the criteria for eligibility;
 - 2. Providing basic background information ordinarily sought during voir dire examination; and
 - 3. Efficiently managing the jury system.
- D. Any juror who disregards a served summons shall be charged with a contempt citation and must appear in court to answer said charge. If need be, this juror shall be arrested and held for examination as to why he or she failed to appear.

STANDARD 11 MONITORING THE JURY SYSTEM

- A. Courts shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:
 - 1. The representativeness and inclusiveness of the jury source list;
 - 2. The effectiveness of qualification and summoning procedures;
 - 3. The responsiveness of individual citizens to jury duty summonses;
 - 4. The efficient use of jurors; and
 - 5. The cost effectiveness of the jury management system.

STANDARD 12 JUROR USE

- A. Prospective jurors shall be summoned in sufficient numbers to accommodate trial activity and only upon the filing of a jury demand, if required. Jury panels of twenty-five (25) shall be summoned to serve unless the Court determines that a greater or lesser numbering is needed for a particular trial.

- B. The court shall make every effort to resolve cases before summoning jurors. Only upon the substantial likelihood of trial shall a jury panel be summoned. The court shall schedule at least seven (7) days prior to jury trial a status conference requiring the client(s) to be present. If it appears that the jury trial will go forward, a jury panel shall be summoned.
- C. Court personnel shall secure the safety of all prospective jurors, and shall arrange and conduct all activities to minimize contact between jurors, parties, counsel and the public.

STANDARD 14 JUROR COMPENSATION

- A. Jurors summoned for Jury Duty shall be paid \$15.00 per day of service.
- B. These fees shall be paid promptly to the jurors from the City of Ashland, Village of Loudonville or Ashland Court Treasury, as appropriate.
- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

STANDARD 15 JUROR ORIENTATION AND INSTRUCTION

- A. Jurors shall report for jury duty no later than 8:30 a.m. unless directed otherwise. Prospective jurors shall be provided with written and audiovisual materials, designed to increase prospective jurors' understanding of the judicial system, and prepare them to serve competently as jurors.
- B. The court will give preliminary instructions to all prospective jurors including reporting to the courtroom for voir dire. Then the court will give additional instructions following the impaneling of the jurors to explain the jury's role, the trial procedures of the court and any other relevant legal principals.
- C. All unresolved trial issues must be brought to the court's attention prior to orientation completion. No motions shall be heard by the Court on the day of the trial, except those which the court must consider by rule of procedure of by law.

- D. Upon case completion and before jury deliberations, the court shall instruct the jury panel on the necessary procedures to be followed during deliberations and on the appropriate method for reporting the results of its deliberations. The parties or counsel may request that special instructions be given to the jury.
- E. Jurors are permitted to take notes during the course of evidence presentation and after proper court instruction.
- F. Before dismissing a jury at the conclusion of a case, the trial judge shall:
 - 1. Release the jurors from their duty of confidentiality;
 - 2. Explain their rights regarding inquiries from counsel or the press;
 - 3. Either advise them that they are discharged from service or specify where they must report; and
 - 4. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
- G. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

STANDARD 16 JURY SIZE AND UNANIMITY OF VERDICT

- A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio Law.

STANDARD 17 JURY DELIBERATIONS

- A. Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.
- B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

- C. A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- D. Training should be provided to personnel who escort and assist jurors during deliberation.

STANDARD 18 SEQUESTRATION OF JURORS

- A. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information of influence.
- B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- C. Standard procedures shall be promulgated to:
 - 1. Achieve the purpose of sequestration; and
 - 2. Minimize the inconvenience and discomfort of the sequestered jurors.
- D. Training shall be provided to personnel who escort and assist jurors during sequestration.

APPENDIX B:

CIVIL AND SMALL CLAIMS DIVISION FILING FEES/COSTS Effective January 1, 2018

Civil/Contracts/Collections Complaints

Civil/Contracts/Collections Complaint (includes certified U.S. mail service on 1 or 2 defendants)	\$170.00
Amended Civil/Contracts/Collections Complaint (includes certified U.S. mail service on 1 defendant)	\$40.00
Counterclaim/Crossclaim/Third Party Complaint (includes certified U.S. mail service on 1 party)	\$30.00
Service for Each Additional Party (regardless of method of service; includes certified U.S. mail service if that is the only method of service requested)	\$20.00
Personal/Residence Service by Bailiff (per address/location)	\$50.00
Alias Summons (includes certified U.S. mail service or ordinary U.S. mail service (certificate of mailing) on 1 party)	\$20.00

EXAMPLE #1: Civil complaint filed against 4 defendants with certified U.S. mail service on all 4 defendants **\$210.00**

EXAMPLE #2: Civil complaint filed against 3 defendants with personal/residence service by bailiff on all 3 defendants at same address/location **\$240.00**

EXAMPLE #3: Civil complaint filed against 2 defendants; failure of service on both defendants. Alias summons for 1 defendant by certified U.S. mail and for 1 defendant by ordinary U.S. mail (certificate of mailing) **\$40.00**

Forcible Entry and Detainer (FED)/Eviction Complaints

Forcible Entry and Detainer (FED)/Eviction Complaint (with or without Second Cause of Action; includes ordinary U.S. mail (certificate of mailing) service for 1 defendant and personal/residence/"door knob" service by bailiff at premises)	\$111.00
Amended Forcible Entry and Detainer Complaint (includes ordinary U.S. mail (certificate of mailing) service on 1 defendant and personal/residence/"door knob" service by bailiff at premises)	\$40.00
Counterclaim/Crossclaim/Third Party Complaint (includes certified U.S. mail service on 1 party)	\$30.00
Service for Each Additional Party (regardless of method of service; includes ordinary U.S. mail service (certificate of mailing) and personal/residence/"door knob" service if that is the only method of service requested)	\$20.00
Personal/Residence Service by Bailiff (per address/location)	\$50.00
Alias Summons (includes certified U.S. mail service or ordinary U.S. mail service (certificate of mailing) on 1 party)	\$20.00
Precipe for Execution of Writ of Execution (Set Out) (includes service of Writ of Execution and Notice of Bailiff's Set Out at premises and use of bailiff for set out)	\$75.00

EXAMPLE #4: Forcible entry and detainer complaint filed against 1 defendant with ordinary U.S. mail service (certificate of mailing) on the defendant and personal/residence/"door knob" service by bailiff at premises	\$111.00
EXAMPLE #5: Forcible entry and detainer complaint filed against 2 defendants with ordinary U.S. mail service (certificate of mailing) on both defendants and personal/residence/"door knob" service by bailiff at premises	\$131.00
EXAMPLE #6: Forcible entry and detainer complaint filed against 3 defendants with ordinary U.S. mail service (certificate of mailing) on all 3 defendants and personal/residence service by bailiff at premises	\$201.00

Small Claims Complaints

Small Claims Complaint (includes certified U.S. mail service on 1 defendant)	\$60.00
Amended Small Claims Complaint (includes certified U.S. mail service on 1 defendant)	\$20.00
Counterclaim/Crossclaim/Third Party Complaint (includes certified U.S. mail service on 1 party)	\$30.00
Service for Each Additional Party (regardless of method of service; includes certified U.S. mail service if that is the only method of service requested)	\$20.00
Personal/Residence Service by Bailiff (per address/location)	\$50.00
Alias Summons (includes certified U.S. mail service or ordinary U.S. mail service (certificate of mailing) on 1 party)	\$20.00

EXAMPLE #7: Small claims complaint filed against 1 defendant with personal/residence service by bailiff at 1 address/location	\$110.00
EXAMPLE #8: Small claims complaint filed against 2 defendants with certified U.S. mail service on both defendants	\$80.00
EXAMPLE #9: Small claims counterclaim filed against 2 plaintiffs/counterclaim defendants with certified U.S. mail service on both plaintiffs/counterclaim defendants	\$50.00

Collecting on a Civil/Forcible Entry and Detainer (FED)/Small Claims Judgment

Judgment Debtor Exam (includes certified U.S. mail service on 1 judgment debtor)	\$50.00
Judgment Debtor Disclosure Form (Small Claims cases ONLY) (includes certified U.S. mail service on 1 judgment debtor)	\$25.00
Issuance of Certificate of Judgment (includes ordinary U.S. mail delivery to party that requested issuance)	\$20.00
Certificate of Judgment for Transfer (for certificates of judgment issued from other courts and filed in the Ashland Municipal Court)	\$76.00
Wage Garnishment (includes certified U.S. mail service on garnishee employer)	\$135.00
Bank Garnishment (includes certified U.S. mail service on garnishee bank and ordinary U.S. mail service (certificate of mailing) on judgment debtor; filing must also include separate \$1.00 check or money order made out to garnishee bank)	\$135.00

Personal/Residence Service by Bailiff (per address/location)	\$50.00
Alias Service for Garnishment (includes certified U.S. mail service or ordinary U.S. mail service (certificate of mailing) on 1 party)	\$20.00
Execution (Filing and Deposit, If Necessary)	
Initial Filing: Filing of initial Execution paperwork (includes personal/residence service by bailiff at 1 address/location and inventorying of property by bailiff)	\$100.00
Required Deposit for Sale: If, after inventorying of property, Execution is to proceed, deposit required for bailiff's or other sale	\$600.00
 <u>Miscellaneous Civil and Small Claims Filing Fees/Costs</u>	
Replevin (includes service by bailiff at 1 address/location)	\$220.00
Revivor (includes certified U.S. mail service on 1 or 2 defendants)	\$100.00
Rent Escrow (no initial filing fee; however, any rent escrow funds held by Court on deposit are subject to a poundage fee of 2.00% that shall be retained by the Court upon release of the funds)	N/A
Trusteeship	\$100.00
Civil Driving Privileges	\$100.00
Case Transfer Out of Ashland Municipal Court (filing fees/costs for cases transferred into the Ashland Municipal Court are identical to those for a newly filed complaint of the same case type, <i>i.e.</i> , civil/contracts/collections complaint, small claims complaint, etc.)	\$50.00
Issuance of Subpoena (if prepared by Court; includes certified U.S. mail service)	\$50.00
Issuance of Order to Show Cause (includes certified U.S. mail service on 1 party)	\$50.00
Issuance of Bench Warrant (includes personal service by bailiff)	\$100.00
Jury Trial Deposit (not available in small claims cases; deposit required once notices sent to potential jurors)	\$600.00
Service for Each Additional Party (regardless of method of service; includes certified U.S. mail service if that is the only method of service requested)	\$20.00
Personal/Residence Service by Bailiff (per address/location)	\$50.00
Audio/Video Recording of Hearing (includes delivery by ordinary U.S. mail or by electronic means)	\$20.00

Criminal and Traffic Costs:

Moving Violation

Basic Court Costs	30.00	Per Case
Computer Charge	13.00	Per Case
Special Projects Fund	15.00	Per Count
Victims Reparation Fund	9.00*	Per Case
Indigent Defense Fund	20.00*	Per Case
Misc. Local & State Funds	10.00*	Per Case
(If Bond is Posted) Surcharge	25.00	Per Case (But divide Bond if multiple charges.)
*If Bond Posted, hold these amounts along with Bond		

Non-Moving Violations

Basic Court Costs	30.00	Per Case
Computer Charge	13.00	Per Case
Special Projects	15.00	Per Charge
Indigent Defense Fund	10.00	Per Case

Non-Traffic Violations (Criminal):

Basic Court Costs	30.00	Per Case
Computer Charge	13.00	Per Case
Special Projects Fund	15.00	Per Charge
Victims Reparation Fund	9.00*	Per Case
Indigent Defense Fund	20.00*	Per Case
(If Bond is Posted) Surcharge	25.00	Per Case (But divide Bond if multiple charges.)
*If Bond Posted, hold these amounts along with Bond		

Other Costs: