

WADSWORTH MUNICIPAL COURT LOCAL RULES

INTRODUCTION: The following rules are incorporated by reference herein:

1. The Supreme Court Rules for the government of the Bar of Ohio
2. The Code of Professional Responsibility
3. The Ohio Rules of Criminal Procedure
4. The Ohio Rules of Civil Procedure
5. The Ohio Traffic Rules
6. The Rules of Superintendence for the Courts of Ohio
7. The Ohio Rules of Evidence and any amendments thereto

These rules and any amendments thereto not in conflict with any of the above shall govern practice and procedure in the Wadsworth Municipal Court.

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GENERAL

RULE 1

DAYS AND TIMES OF SESSIONS:

The session in the Wadsworth Municipal Court shall be from 8 a.m. until 12 Noon and from 1 p.m. until 4 p.m., Monday through Friday. The offices of the court, including the offices of the Clerk of Court, shall be open between the hours of 8 a.m. and 4 p.m., Monday through Friday.

These hours may be extended or reduced by order of the Court to accommodate special circumstances at the discretion of the Court, or as circumstances require.

RULE 2

PLEADINGS AND CONTINUANCES:

All pleadings filed in this court shall be on 8 1/2" by 11" paper without cover or backing. Compliance with this rule will be mandatory.

All pleadings, motions and other papers filed in an action shall bear the case number and the name, address and telephone number of the attorney or other person filing the same. All attorneys shall also include their individual Supreme Court number on all pleadings. Other than the original complaint, every pleading, motion or other paper filed with the clerk shall contain a certification of notice to the other parties to the action. In every proceeding where there is an attorney of record, the service shall be made upon such attorney.

When notice of trial, pre-trial or other proceeding requiring personal appearance of the parties and/or counsel is mailed from this court, a written motion for continuance shall be filed with the court as soon as possible. Notice of such motion for continuance shall be served upon opposing parties or counsel by the moving party. Such motions shall set forth good cause. Consent of opposing parties or counsel shall not, in and of itself, constitute good cause.

Motions for continuance shall be accompanied with a separate judgment entry expressive of the motion for the Court's signature. Any motion for continuance submitted fewer than three days prior to the date of hearing may be granted only upon

showing good cause constituting hardship, unforeseen circumstances or unavoidable conditions.

RULE 3

WITHDRAWAL OF COUNSEL:

It shall be the duty of any attorney who has made a formal appearance in any proceeding in this court to request by motion to withdraw from representation as attorney of record with proof of service to be made on all parties including the affected client.

Where no formal appearance has been made by counsel, a letter of non-representation will be accepted.

RULE 4

COURT REPORTERS:

The official record of the court shall be taken by digital recording as authorized by the Rules of Superintendence for Municipal Courts. Parties and/or their attorneys shall be allowed to arrange for a shorthand reporter to take a record of proceedings in the court, provided that permission of the Court is obtained prior to the hearing. In the event that such a record is taken, however, it shall not be an official record of the proceedings nor shall it be represented or certified as such. The responsibility for arranging for the attendance of the court reporter shall rest with the attorney and/or party desiring the same.

RULE 5

DISPOSITION OF FILES:

The Clerk may destroy or otherwise dispose of case files which have been terminated by the Court as set forth in Ohio Revised Code Section 1901.41 as amended.

RULE 6

CONFLICT OF TRIAL ASSIGNMENT DATES:

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

date assigned. The party moving for the continuance **SHALL** attach a copy of the trial notice from the other court to the motion for continuance. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the Trial Court.

ENGAGED COUNSEL:

If a designated trial attorney has such a number of cases assigned for trial in this court so as to cause undue delay in the disposition of such cases, the Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney fails to provide a substitute trial attorney, the Judge shall remove him or her as counsel in the case. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

RULE 7

MOTION PRACTICE:

Motions made during a hearing or trial may be made orally or in writing to the Judge presiding. All other motions shall be made in writing unless waived by the Judge. All written motions shall be accompanied by a judgment entry expressive of the motion.

Motions will not be set for a hearing except as the Court, in its discretion, orders. A party desiring a hearing should request the same. When a motion is set for hearing, the court shall notify the parties to the action of the date and time of the hearing. See also Rule 37(A), Judicial Step 2 and Rule 50(A)(1).

RULE 8

EXHIBITS:

All evidence of a tangible nature to be offered at trial:

1. Shall be marked Plaintiff's or State's Exhibit 1 (to 99) OR Defendant's Exhibit A (through Z)
2. Shall be prepared in numbers sufficient to provide one copy each for the Court, the witness and each attorney
3. Shall be available at time trial commences

It is the responsibility of the court's Bailiff or Deputy Bailiff to accept such evidence on behalf of the Court and to store and safeguard such evidence for the purpose of maintaining the record of the particular case.

RULE 9

PUBLICATION OF THESE RULES:

The Clerk of Court shall order production of copies of these rules and amendments made thereto. Such copies shall be made available by the Clerk of Court at the cost of production. A copy of these rules will be available at this Court's website, to wit: www.wadsworthmunicipalcourt.com.

RULE 10

JURY STANDARDS:

This local rule is being implemented in compliance with the Rules of Superintendence for the Courts of Ohio, Rule 5 (B)(2). Its purpose is to implement an efficient and comprehensive system of jury use and management.

JURY ELIGIBILITY:

To ensure that the jury pool is representative of the adult population of the jurisdiction of the Wadsworth Municipal Court, all persons are eligible to serve on a jury, except those who:

1. Are less than 18 years of age
2. Are not residents of one of the following: the city of Wadsworth; the villages of Lodi, Seville or Westfield Center; the townships of Gloria Glens Park, Guilford, Harrisville, Homer, Sharon, Wadsworth or Westfield; and those portions of the city of Rittman and the village of Creston located in Medina County
3. Are not citizens of the United States
4. Are not able to communicate in the English language
5. Have been convicted of a felony and have not had their civil rights restored

OPPORTUNITY FOR SERVICE:

Jury service is an obligation of all qualified citizens. 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 particular group.

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

SELECTION OF PROSPECTIVE JURORS:

Pursuant to Ohio Revised Code Section 1901.25 (A)(1), jurors shall be chosen and summoned by the jury commissioners of the county as provided in Chapter 2313 of the Revised Code. Selection shall be made from residents within the territory and those outside the territory shall be returned to the annual jury list.

Jurors shall be impaneled in the same manner, shall have the same qualifications, and shall be challenged for the same caused as jurors in the court of common pleas.

The Court shall appoint a Deputy Juror Commissioner, at the request of and to assist the County Jury Commissioners. The Deputy Jury Commissioner may be an employee of the Court and shall receive an additional stipend to serve in that capacity. The stipend shall be set by this Court's Judge.

SUMMONING OF PROSPECTIVE JURORS:

Prospective jurors shall be summoned for a period of one week. Every effort shall be made to ensure that actual service consists of no more than one trial. Summons shall be sent by regular mail no less than four (4) weeks prior to the date of service. The summons shall include the following information:

1. Date and time of service
2. Directions to the courthouse and parking information
3. Instructions on how to find out if trials are canceled
4. Instructions on how to secure an exemption
5. Other basic information to begin to familiarize the prospective juror with the Court's procedures for jury duty

COMPENSATION FOR JURY DUTY:

Persons reporting for jury duty shall receive compensation in the amount of \$20 per day. Such fees shall be paid from the city or county treasurer, whichever is appropriate for the particular case.

JURY DEMANDS:

In criminal or traffic cases, a Jury Demand must be filed in accordance with Criminal Rule 23. No jury deposit is required in these cases.

In civil cases, a Jury Demand must be filed in accordance with Civil Rule 38. In these cases, a jury deposit of \$500 must be paid to the Clerk of Court no later than 14 days prior to the date of trial. In the event that the deposit is not paid as set forth above, the trial shall be heard by the Court.

RESOLUTION OF CASES:

Every effort shall be made to resolve cases prior to bringing a jury in on the trial date. To this end, the Court has adopted a policy, for traffic and criminal jury trials, of not dismissing a case or amending a charge once a jury has reported for service. Once a defendant makes a Jury Demand and has a trial date set, counsel for the defendant must notify the Court if the case is settled. Such notice must be made prior to the court closing on the last business day prior to the date of trial. Therefore, once a jury has reported for duty on a particular case, the defendant in that case must either proceed to trial by jury or plead "guilty" or "no contest" to every charge against him or her.

If a guilty or no contest plea is made on the day of trial, the defendant shall be responsible for paying the jury fees for that day. In the event that multiple trials are set for the same date, jury fees shall be assessed to the last case to be settled on that day.

EXEMPTIONS AND EXCUSES:

The Ohio Legislature established the grounds for excusing a prospective juror.

A juror may be excused, or obtain a postponement, by the Judge or a person authorized by the Judge to perform this duty. A request for an excuse or postponement must be made in writing and must fall within one of the following categories:

To be excused:

1. The interests of the public will be materially injured by the juror's attendance.
2. The juror's spouse, or a near relative of the juror or the juror's spouse, has recently died or is dangerously ill.
3. The juror is a cloistered member of a religious organization.
4. The juror has a mental or physical condition that causes the juror to be incapable of performing jury service.
5. Jury service would cause undue or extreme physical or financial hardship to the juror or a person under the care or supervision of the juror.
6. The juror is over seventy-five (75) years of age and requests to be excused.
7. The juror is an active member of a recognized amish sect and requests to be excused.
8. The juror has been called as a juror for trial in a court of record in the county within the same jury (calendar) year.

For postponement:

A juror may also request a postponement of his or her jury service provided that the juror has not previously been granted a postponement and the juror and the appropriate court employee agree to a specific date on which the juror will appear for jury service.

VOIR DIRE:

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. In order to shorten the voir dire process, basic background information on each member of the panel shall be given to counsel prior to trial, in the form of the Jury Questionnaire. After the Judge conducts a preliminary voir dire examination, each party shall have a reasonable amount of time to question the panel. Questions shall be directed at the eight prospective jurors seated in the jury box and not at the whole panel.

CHALLENGES FOR CAUSE:

The Judge may remove from the panel any prospective juror who he has determined to be unable or unwilling to hear the particular case at issue fairly and impartially. Such a determination may be made on motion of counsel or by the Trial Judge.

PEREMPTORY CHALLENGES:

In civil cases, each side shall have the right to exercise three peremptory challenges. If the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three peremptory challenges.

In traffic and criminal cases, each side shall also have three peremptory challenges. If there is more than one defendant, each defendant shall have three peremptory challenges. In any case where there are multiple defendants, the prosecuting attorney shall have an equal number of peremptory challenges as allowed all defendants.

In all cases, each side shall be permitted to exercise one additional peremptory challenge when an alternate juror is to be impaneled.

JUROR ORIENTATION AND INSTRUCTION:

In addition to the Summons to report for jury duty, each prospective juror shall receive basic information about serving as a juror.

When prospective jurors report for jury duty, the Bailiff or other court personnel shall speak to them briefly about the procedures that the Court will follow throughout the trial. The Bailiff shall also administer an oath to the entire panel for the purpose of the voir dire examination.

Prior to the beginning of voir dire, the Judge shall give preliminary instructions to all prospective jurors. Once a jury is impaneled, the Judge shall give additional instructions to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principles.

Upon completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

The final jury charge may be committed to writing and may be provided to the jury for its use during deliberations.

JURY DELIBERATIONS:

All jury deliberations shall be conducted in the jury deliberation room. Once deliberations have begun, the jury is placed under the supervision of the Bailiff. No one shall be permitted to enter the jury room and jurors shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the Judge determines that it would not impose an undue hardship upon the jurors, or that it is necessary in the interest of justice. Jurors shall be consulted prior to any decision.

All communications between the jurors and the Judge or counsel shall be committed to writing. Likewise, any answer or response shall either be in writing or made orally to the jury with approval of both parties or placed on the record in open court. Counsel for each party shall be informed of any communication and shall be given the opportunity to be heard as to any response.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict shall be read in open court. In criminal and traffic cases, either party may request that the jury be polled.

ADMINISTRATION OF THE JURY SYSTEM:

The Deputy Jury Commissioner shall be responsible for administering the jury system. These duties include: mailing summonses, monitoring and recording jury questionnaires, handling requests to be excused, setting up venues and assisting and supervising the jury on the day of trial.

RULE 11

JURY TRIAL BRIEFS AND PROPOSED JURY INSTRUCTIONS:

In the event the Court determines that the issues in a particular action require it, the Court may require the parties or their counsel file with the court trial briefs and/or jury instructions at least five days before such trial is to commence.

RULE 12

DECORUM AND CONDUCT:

1. Upon the entering of any Court session, all persons in the courtroom shall stand except for those physically unable to do so. All persons at the Court shall conduct

themselves with decorum and in a manner not to interfere with the proper administration of the Court's business. Although the Court is open to the public, persons attending any Court session who are not parties or called as witnesses may not make any statements unless permitted by the Court and identified on the record.

2. Appearance and Dress. All persons appearing before the Court shall, to the extent practicable, appear in appropriate and clean dress.

3. Cell phones. All cell phones are to be turned off or silenced in the courtroom and the use of cell phones is not permitted in the courtroom when the court is in session. In the even a person needs to make or take a call, the person is required to leave the courtroom unless otherwise permitted by the Court. Tablets, laptop computers, notebooks, cell phones, and other electronic devices may not be used in the courtroom except as a research aid or tool during a hearing or trial.

4. Record Devices. No person shall use any recording devices in the courtroom without prior written approval by the court. This includes, but is not limited to cell phones, iPads, laptops, cameras or any digital or other record devices. The court expects that counsel will bring this rule to the attention of their clients and witnesses in court.

5. Food and Beverage. No smoking, eating, or drinking is permitted in the courtroom. No one is permitted to bring food or drink into the courtroom unless permitted by the Court. Attorneys and litigants may have water at their trial table. Witnesses may be provided with water when necessary. Jurors may have water in the jury box during the trial. The Judge, Magistrate, and Court staff may have water in the courtroom as needed.

6. Loitering. No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or any hall, lobby, waiting room, entryway, or stairway, of the court or otherwise interfere with or obstruct judicial activities or proceedings.

7. Contempt. Failure to comply with any aspect of this rule may result in appropriate sanction by the Court, including continuance or dismissal of the matter before the Court, confiscation of well phones or other electronic devices pending the conclusion of the Court proceedings, and/or a charge of contempt of court.

RULE 13

COURT SECURITY:

1. The Wadsworth Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the Court. Accordingly, appropriate level of security should exist in the court to protect the integrity of court proceedings, protect the rights of individuals before the Court, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the court and assure that court facilities are secure for all those who visit and work there.

2. Therefore, all persons entering the Court and court's lobby must pass through the security gate checkpoint and are subject to screening by a metal detector. With the exception of law enforcement officers, bailiffs, or court security officers on official court business and appearing in their official capacity, under no circumstances are weapons or potential weapons allowed in the Court building, including the entire building occupied by the Court and all waiting areas and courtrooms. All persons entering the courtroom and/or the court's lobby are subject to being searched.

3. All persons shall follow the directions of the Wadsworth Municipal Court Security Officers or the Wadsworth Police Department and/or responding law enforcement agency in the event of an emergency or security incident.

4. Pursuant to the Rule 9 of Superintendence for the Courts of Ohio, the Court establishes a Local Security Advisory Committee, and a local Security Policy and Procedure Plan and a Security Operations Manual which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

RULE 14

CASE NUMBERING:

In order to aid in computerization of the court's records and to conform with the Supreme Court's Rules on case numbering, all cases shall be numbered using the following method:

Cases shall be designated as civil, criminal or traffic and serially numbered within each category on an annual basis beginning January 1 of each year. The letter designation shall be first, followed by the last two digits of the year in which the case is filed, followed by the five digit case number.

Civil cases shall be designated by the letters "CV" following the year.

The following letters shall follow the CV designation to further categorize the case:

E - Personal Injury/Property Damage

F - Contract

G - Forcible Entry and Detainer

H - All other civil

I - Small Claims

J - Cases originally filed for collection of judgment from other courts

L - Rent escrow cases

Criminal cases shall be designated by the letters "CR" following the year.

The following letters shall follow the CR designation to further categorize the case:

A - Felony

B - Misdemeanor

Traffic cases shall be designated by the letters "TR" following the year.

The following letters shall follow the TR designation to further categorize the case:

C - Operating a motor vehicle under the influence of alcohol/drugs

D - Other traffic

Parking citation cases shall use the designation of "PRK."

The remaining five digits of the case number shall be the serial number within each CV, CR or TR category.

RULE 15

SUPREME COURT FILING:

In accordance with Rule 83 of the Ohio Rules of Civil Procedure, these Rules of Local Practice shall be filed with the Supreme Court of the State of Ohio along with any amendments hereto.

RULE 16

DEFAULT OF PAYMENT BY BONDSMAN:

Any bondsman or bonding company having failed to honor an obligation to this Court shall not be permitted to act in such capacity until such default of payment is rectified in full.

The Clerk of Court shall, before acceptance of any bond, investigate financial capacity of the bondsman or bonding company, and if she is not satisfied as to the status of such bondsman or bonding company, she may refuse to accept anything other than a cash deposit for bond.

RULE 17

INQUIRES TO THE COURT REGARDING BONDSMAN AND ATTORNEYS:

No employee of this court shall recommend or summon a bonding company, bondsman or attorney under any circumstances. Any person making inquiry for such information shall be directed to the telephone directory. No advertising material of any kind pertaining to bonding service or attorneys shall be displayed in any of the offices of this court.

RULE 18

AMENDMENTS TO THESE LOCAL RULES:

Additional rules and amendments of these rules may be promulgated from time to time and shall be effective with or without general publication, but no party or counsel shall be prejudiced by any such rule when the Court is satisfied that no reasonable opportunity for notice of such additional rule or amendment was provided.

RULE 19

PHYSICAL CASE INVENTORY:

Pursuant to Rules of Superintendence for the Courts of Ohio, Rule 38, this court will conduct an annual physical case inventory of all cases reported as pending on the monthly statistical report form filed by the Judge. Said annual physical case inventory shall be completed on or before the first day of September of each year. Completion of the physical inventory shall be documented in the appropriate space on the Individual Judge Report.

RULE 20

SERVICE OF PROCESS:

All documents required to be served in any case pending in the Wadsworth Municipal Court shall be directed to the Medina County Sheriff's Office or any other agency designated in a praecipe.

The fees charged shall be those authorized by Ohio Revised Code Section 311.17.

RULE 21

REMOTE APPEARANCES:

The intent of Local Rule 21 is to promote uniformity in the practices related to remote appearances in cases where such an appearance is permitted by these rules, court order, statute, or other rules of court. "Remote" is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, a judge may order a party's personal appearance in Court for any conferences, hearing, or proceeding.

Telephone Appearances. The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.

Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

The Court may require a party to appear in person, including video conferencing, at a conference, hearing, or proceeding in which a telephone appearance is otherwise

permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance, including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

Video Conferencing. The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

All evidentiary proceedings involving a video conference appearance must be recorded and reported to the same extent as if the participants had appeared in person.

Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

The Court may require a party to appear in person at a conference, hearing, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

If at any time during a conference, hearing, or proceeding conducted by video conference the Court determines a personal appearance, the Court may continue the matter and require a personal appearance.

Confidential Attorney-Client Communications. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

Witnesses. A witness may testify via telephone or video conference if not otherwise permitted by this Rule, statute, or other rules of court.

Technical Standards and Equipment. The equipment and platform used in any hearing or proceeding conducted under this Rule must conform to the following minimum requirements:

All participants must have the ability to hear and communicate with each other simultaneously.

All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.

The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.

The equipment or platform must be able to be used by people with disabilities to accommodate their disabilities under the American Disabilities Act.

The use of telephone or video-conferencing platform used to conduct the conference, hearing, or proceeding shall in no way abridge any right of the public.

Hearing Management Plan. The Court may conduct conferences, hearings, and proceedings in the following manner unless for good cause show:

<u>Type of Proceeding</u>	<u>In Person</u>	<u>Video</u>	<u>Telephone</u>	<u>Hybrid</u>
Arraignments	X	X		X
Plea Hearings	X	X		X
Pretrial Hearings	X	X	X	X
Review/Status Hearings	X	X	X	X
Evidentiary Hearings	X	X		X
Sentencing Hearings	X	X		X
Post-Conviction Proceedings	X			
Motion Hearings	X	X	X	X
Traffic Proceedings	X	X		X
Civil Proceedings	X	X		X
Administrative Proceedings	X	X	X	X

In Person: A hearing is conducted where the Court and all participants appear physically in the same location.

Video: A hearing is conducted using Zoom or Microsoft Teams, or any other format authorized by the Ohio Supreme Court where the Court and all participants appear remotely.

Telephone: A hearing conducted where the Court and all participants appear using a telephone.

Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types (e.g., the Court appears in person in the courtroom and the remaining participants appear via Zoom, Microsoft Teams, or telephone).

[Some types of proceedings may require the consent of one or both parties to be conducted remoting using video-conferencing technology]

[Some types of proceedings may require the consent of one or both parties to be conducted in a hybrid manner]

RULE 22

FACSIMILE OR EMAILING FILINGS:

In conformity with Rule 5(E) of the Ohio Rules of Civil Procedure and Rule 12 (B) of the Ohio Rules of Criminal Procedure, pleadings and other documents may be filed with the Clerk of Court by facsimile transmission ("fax," "faxes" or "fax filings") to 330-335-2723, or by email to www.courts@wadsworthcity.org, subject to the following conditions:

1. A document filed by fax or email shall be accepted as the original filing, consistent with Rule 5(E) of the Ohio Rules of Civil Procedure if the person sending the fax or email complies with all of the requirements set forth in this local rule. The person making a fax or email filing need not file the original copy with the Clerk of Court, but must however maintain in his or her records and have available for production on request by the Court the original copy of any document filed by fax or email, with the original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing and maintain same until the case is closed and all opportunities for post judgment relief are exhausted.
2. Subject to the provisions of these rules, all documents sent by fax or email and accepted by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the documents received, as opposed to the date and time of the fax transmission or email. The office of the Clerk of Court will be open to receive facsimile transmission or email of documents 24 hours per day, seven days per week; however, all documents received after the close of business will be time-

stamped the next business day in the order in which they were received. The risks of transmitting a document by fax or email to the Clerk of Court shall be borne entirely by the sender. Anyone using facsimile or email filing is urged to verify receipt of such filings by the Clerk of Court through whatever technological means are then available. The Clerk of Court may, but need not, acknowledge receipt of a facsimile or email transmission.

3. The person filing a document by fax or email shall also provide therewith a cover page containing the following information:

- A. The caption of the case
- B. The case number
- C. A description of the document being filed
- D. The date and time of transmission
- E. The transmitting fax number or email address
- F. An indication of the number of pages included in the transmission, including the cover page

If a document is sent by fax or email to the Clerk of Court without the cover page information listed above, the Clerk may, at her discretion enter the document in the case docket and file the document, OR deposit it in the case jacket without entering it into the case docket and consider it a nullity and thereby stricken. The Clerk of Court is not required to send any form of notice to the sender of a failed fax or email filing.

4. A party wishing to file a signed source document by fax or email shall either: a) fax or email a copy of the signed source document, or b) fax or email a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears on the signed source document. A party filing a signed document by fax or email represents that the physically signed source document is in his or her possession or control.

5. Each exhibit to a facsimile or email produced document that cannot be accurately transmitted via facsimile or email transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile or email document. Failure to file the missing exhibit as required by this paragraph may result in the Court striking the documents and/or exhibit. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, and the title of the exhibit being filed

and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

6. A "fax transmission or email" as referred to in this local rule shall be limited to only one (1) document filing per transmission. If more than one document is to be filed in a case, then the sender must use separate cover sheets for each such filing and must transmit each filing separately. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof or a proposed entry shall be considered as part of a single filing for purposes of this rule.

7. Anything stated or implied above to the contrary notwithstanding, the following documents may NOT be filed by facsimile or email transmission: Any filing for which the Clerk of Court must collect a specific filing fee or for which the Clerk of Court is required to effectuate service and summons.

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

9. This local rule has been instituted solely for the convenience of those filing documents with the Clerk of Court, and neither the Clerk of Court nor the Wadsworth Municipal Court assumes any new or additional responsibilities, obligations or liabilities by virtue of this local rule except as expressly provided for herein. Further, this local rule pertains only to the method of filing; it does NOT override, alter, amend, revoke or otherwise change any Local Rule or Ohio Rules of Civil Procedure respecting the requirements of, for example, obtaining the consent of the parties or counsel or obtaining signatures or the authorization to sign for opposing counsel as to any filings.

RULE 23

ELECTRONIC FILING (E-FILING)

1. The clerk shall provide electronic filing service to all court users for all documents in any category of cases or any particular case as designated by an administrative order of the presiding judge.

2. In matters where electronic filing is authorized by administrative order, the electronically filed document will be part of the official court record. Paper records, if maintained, will be considered a copy of the official court record.

3. The following definitions shall apply herein, unless the context requires otherwise:

- A. "Electronic filing" means the transmission of a digitized source document electronically via the internet to the clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.
- B. "Electronic mail" means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the court by electronic mail is not considered a legal communication of any form and will not be received or rules upon by a judge or entered into the court record.
- C. "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper or photographic exhibit, order, notice, and any other filing by or to the court, except trial exhibits that have not yet been admitted into evidence by the court.

4. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or party not represented by such an attorney.

- A. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the document stricken.
- B. No attorney shall authorize anyone to electronically file on that attorney's behalf, other than his/her employee or a service provided retained to assist in electronic filing.
- C. The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.
- D. No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

5. The electronic filing service shall be available twenty four hours per day, seven days a week. All electronic filing of documents must be completed by 3:00 pm EST to be considered timely filed that day. Documents transmitted outside of regular court hours shall be deemed filed on the next normal business day of the clerk.

6. A document electronically filed shall be accepted as the original filing if their filer complies with all the requirements set forth in this rule. The filer shall not be required to file the source document with the clerk but must maintain the same in the filer's

records, and have the same available for production on requires of the court, the clerk or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.

7. The system shall establish an electronic filer user account and assign a filer identification number and initial password to be used electronically filed documents.

8. In the event a document is electronically filed without or with an incomplete Document Description Form, the clerk shall reject said document and the clerk shall notify the filer via electronic mail of said rejection.

9. Any attorney, part or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.

10. Normal filing fees, deposits, and copy costs will be collected via filer credit card or deposit at the time the filing is processed by the clerk. Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has complied with the mechanism established by the court for the payment of filing fees.

11. Documents submitted must be in a digitized format specified by an administrative order of the presiding Judge.

12. Documents filed with the court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.

13. The following documents may be filed by electronic means with the court subject to the conditions set forth herein:

A. Ohio Uniform Traffic Tickets

1. When an Ohio Uniform Traffic Ticket is filed by electronic means, the issuing officers shall provide the Defendant with a paper copy of the ticket pursuant to Ohio Traffic Tule 3(E)
2. A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket which shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

B. Small claims complaints shall comply with Ohio Revised Code 1925.04(B).

- C. No filer shall electronically file any document containing the following information:
- (a) Social security numbers of any person;
 - (b) Account numbers for an individual's bank account, security account, debit card, credit card; or other financial institution.
 - (c) Information concerning victim(s) name(s), image(s), date(s) of birth, age, telephone/cell phone number, email address, employer or address.
 - (d) Information concerning minor(s) name(s), image(s), date(s) of birth, age, telephone/cell phone number, email address, employer or address.

RULE 24

TECHNOLOGY PLAN:

In accordance with Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the "Americans with Disabilities Act".

This plan will be available from the office of the Clerk of Court.

RULE 25 RESERVED

CIVIL DIVISION

RULE 26

CIVIL DIVISION-CIVIL ACTIONS GENERALLY:

In the civil division of this court, all cases shall be designated as general civil actions, with the exception of actions in forcible entry and detainer, replevin, small claims and such other special statutory proceedings exempted under Rule 1(C) of the Ohio Rules of Civil Procedure.

RULE 27

FORCIBLE ENTRY AND DETAINER:

Actions in forcible entry and detainer shall be filed and proceedings conducted in accordance with provisions of Ohio Revised Code Sections 1923.01 through 1923.15 and any amendments made thereto. If such action in forcible entry and detainer contains an additional cause of action for money, then such additional cause of action shall proceed under the applicable Rules of Civil Procedure.

RULE 28

ACTION IN REPLEVIN:

Actions in replevin shall be filed and proceedings had in accordance with provisions of Ohio Revised Sections 2737.01 through 2737.20 and any amendments thereto. If other causes of action for money judgment are included within the action for replevin complaint, then such causes shall be separately stated and numbered and proceed under the applicable Ohio Rules of Civil Procedure.

RULE 29

SMALL CLAIMS:

Actions filed in the small claims division of this court shall be filed and proceedings had in accordance with provisions of Ohio Revised Code Sections 1925.01 through 1925.18 and any amendments thereto.

No employee of this court shall render legal advice to any petitioner in the small claims division. Assistance to such petitioner shall be limited to furnishing of necessary forms and explanation as to the form's use.

RULE 30

DEPOSITS FOR COST:

No civil action or proceeding shall be accepted for filing by the Clerk of Court unless there is deposited the sum of money set forth in the schedule of deposits established from time to time by this Court. A copy of such schedule shall be made available by request to the Clerk of Court.

In the event that a party wishing to file an action in this court is indigent, the party or his counsel shall file an affidavit of indigency. Upon finding that such indigency does exist, the deposit and payment of costs by that party shall be waived.

RULE 31

JURY TRIAL DEMANDS IN CIVIL ACTIONS AND FORCIBLE ENTRY AND DETAINER ACTIONS:

The provisions of Ohio Civil Rule 38(B) relating to jury demands shall be a rule of this court in all civil actions, except in forcible entry and detainer actions where the jury demand shall be filed and notice given to all parties not later than three days before the appearance of trial date. The party filing the jury demand shall at the same time file a motion to continue the prior scheduled non-jury hearing of the action and such moving party shall notify all other parties.

RULE 32

JURY DEMAND WITHDRAWAL:

The provisions of Ohio Civil Rule 38(B) relating to jury demands shall follow in this court in all civil actions, except in those instances where the jury demand shall be filed and notice given to all parties not later than three days before the appearance of trial date.

A \$500 deposit for costs shall be required to accompany a demand for jury trial. Said deposit must be paid to the Clerk of Court no later than 14 days prior to date of trial. In the event that the deposit is not paid as set forth above, the trial shall be heard by the Court.

Notice to the Court of withdrawal of the jury demand SHALL be made to the Court no later than three days prior to the date of the jury trial.

In the event a panel of jurors appears for service and the trial is continued or postponed due to the failure of a party or his or her counsel to comply with this rule, such party shall be assessed the per diem costs of the panel unless such failure to

comply is as a result of extreme emergency, conditions beyond the control of the party or his or her counsel, or such compliance is waived by the Court.

The party withdrawing the jury demand shall at the same time file a motion to continue the scheduled jury hearing of the action and such withdrawing party shall notify and have the consent of all other parties.

RULE 33

CIVIL PRETRIALS:

Purpose: The following pretrial procedure shall be in effect for the purpose of ensuring the readiness of civil cases for trial, as ordered by the Court. A pretrial conference shall be conducted in all civil cases except for forcible entry and detainer actions, small claims and Bureau of Motor Vehicle license suspension appeals, unless waived by the Court.

Pretrial Defined: For the purpose of this rule, a "Pretrial Conference" is defined as a court supervised conference designed to produce an amicable settlement, to establish the procedure to be followed in the case, to establish time limits to be observed in the case, to establish procedures to inform the Court as to the law and as to jury instructions and to limit the issues at trial. A pretrial conference may take place either at the court or by telephone, as the Court orders.

Notice: Notice of pretrial conference shall be issued by the Clerk to all parties or their counsel of record not less than fourteen days prior to the conference.

Settlement Authority: Counsel shall have complete authority to stipulate on all items of evidence and admission and shall have full settlement authority. In the absence of such authority, counsel shall require the presence of the party represented at the pretrial conference.

Pretrial Order: Subsequent to the completion of the pretrial conference, the Court shall enter upon the record a pretrial order embracing all stipulations, admissions and other matters which have come before the Court. The Court may require a pretrial memorandum of law and/or proposed jury instructions, where applicable.

Continuance: All continuances of pretrials are discouraged. A continuance of a pretrial conference may be granted only upon written motion stating the reason therefor. Motions for continuance shall be accompanied by a judgment entry expressive of the motion. If counsel cites a conflicting court appearance as being the reason for the need for a continuance, the motion shall be accompanied by a copy of

the notice of the conflicting hearing. A continuance in a civil matter shall be granted only if it appears from such notice that the conflicting court hearing was set prior to the date of the notice of the pretrial in this court.

RULE 34

SATISFACTION OF JUDGMENT-PAYMENT OF COSTS:

No satisfaction of judgment shall be entered by the Clerk unless and until all court costs in such action have been paid.

No person other than the Clerk of Court or Deputy Clerk may enter a satisfaction of judgment upon the records of the court.

RULE 35

PUBLICATION OF COURT NOTICES:

The Clerk of Court is authorized to publish notices of trial lists, Bailiff's sales and other notices authorized by the Court or by law in the *Medina County Gazette*, Trading Post or other newspaper of general circulation in the county of Medina or within the confines of the Court's jurisdiction.

Upon the filing of a praecipe for publication notice in a particular cause of action, the party filing such request shall deposit with the Clerk of Court the costs of such publication as established in the Court's list of costs. No publication notice shall be made until such deposit has been received.

RULE 36

JUDGMENT ENTRIES:

Except as to the first entry granting leave to move or plead and to matters in which the Court prepares a proper entry, counsel for the party in whose favor an order, decree or judgment is rendered shall prepare a judgment entry expressive of such order, decree or judgment and submit such entry to counsel of the adverse party. Counsel for such adverse party shall approve or reject the same within five days after its service and return said entry to the counsel who prepared it. Upon approval of the entry within the time limits herein prescribed by all counsel concerned, counsel for the prevailing party shall cause such approved entry to be delivered to the court and when said entry

is approved and signed by the Court, said entry shall be forthwith entered by the clerk of the record.

If counsel for any adverse party on such submission does not approve of the entry, he or she shall either state in writing his or her objections and attach the same to said entry and sign his or her name thereto, or if he or she desires, prepare what is in his or her opinion a proper entry and return both the entry prepared by the prevailing party and his or her own entry to counsel for the prevailing party for delivery to the Court. No entry shall be entered upon the record until it has been submitted to the Court for examination and approval. In the event of disagreement concerning the content of the entry, the Court may hold a hearing. In such event, notice shall be given to counsel for all parties and a time for hearing for the purpose of determining a proper entry will be scheduled by the Court.

If by reason of the absence of counsel for the adverse party or parties or for other cause, such entry cannot be submitted to such counsel for approval, it shall be journalized by the clerk when approved by the Court.

In the event of non-compliance with this rule, the Court may make such further orders in the case as may appear proper or are required by law.

Nothing in this rule shall prohibit the Court from putting on its own judgment or journal entry. In the event that the Court does so, the Clerk of Court shall notify all attorneys and parties appearing pro se of the Court's entry and the date that it was journalized.

RULE 37

CASE MANAGEMENT IN CIVIL CASES:

The purpose of this rule is to establish, pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 5(B)(1), a system for civil case management which will achieve the prompt and fair disposal of civil cases.

Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five clerical steps and four judicial steps.

CLERICAL STEPS:

1. Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six months of the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in ten days unless good cause is shown to the contrary.
2. Upon perfection of service but default of answer, the clerk shall notify counsel of the default and that a failure to submit an entry within 15 days may result in the case being dismissed.
3. After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing or ruling.
4. If no action has been taken on a file for a six month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one week unless good cause is shown.
5. When a file has been marked “settlement entry to follow”, and the entry has not been received within 30 days, then the clerk shall notify the party that his or her case will be dismissed unless the entry is received within ten days.

JUDICIAL STEPS:

1. Pretrial Conference: After an answer is filed, the case will be given to the Assignment Commissioner who will set the case for a pretrial conference. Said conference shall be held in accordance with Local Rule 33 of the Wadsworth Municipal Court as set forth above. Such conference shall be scheduled no sooner than 60 days after the answer has been filed and no later than 120 days after the answer has been filed.

2. Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like within 14 days after the motion is filed with the court.

All motions will be considered submitted at the end of said 14 day period unless time is extended by the Court. There will be no oral hearings granted on said motions unless the parties request an oral hearing in writing and the Court deems it necessary.

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

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case that was first set for trial shall have priority and shall be tried on the date assigned. Said request for continuance shall include a copy of the notice of trial from the other court. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the Trial Court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

4. Judgment Entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five days of the decision. Opposing counsel shall approve or reject the entry within five days. Within 15 days of the decision, the journal entry shall be submitted to the Judge or thereafter, the Court will prepare the journal entry.

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

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

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

RULE 38

CASE MANAGEMENT IN SPECIAL PROCEEDINGS:

The purpose of this rule is to establish, pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 5(B)(1), a case management system for special proceedings

to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a Judge, to wit: small claims, forcible entry and detainer, default hearings and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by a Judge, to wit: preliminary hearings, extradition hearings and Bureau of Motor Vehicle hearings.

Scheduling of Events: Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed 90 days.

CLERICAL STEPS:

1. In all new cases, if counsel fails to obtain service of summons within six months, the clerk shall notify counsel that the case will be dismissed in ten days unless good cause is shown to the contrary.
2. Upon perfection of service but default of answer, the clerk shall notify counsel of said default and that a failure to submit an entry within 15 days may result in the case being dismissed.
3. After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing.
4. If no action has been taken on a file for a six month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one week unless good cause is shown.
5. When a file has been marked "settlement to follow" and the entry has not been received within 30 days, then the clerk shall notify the party that his or her case will be dismissed unless the entry is received within ten days.

FORCIBLE ENTRY AND DETAINER HEARINGS:

All forcible entry and detainer cases shall be set for hearing before the Judge, pursuant to the time limits set forth in the Ohio Revised Code. At the hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied.

If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to the Judge so the case can be scheduled for the appropriate hearing.

SMALL CLAIMS COURT:

1. A small claims action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
2. A small claims action may be transferred to the regular civil docket, at the Court's discretion, upon the filing of a motion and affidavit as required by Ohio Revised Code Section 1925.10. If, at the discretion of the Court, the case is to be transferred to the regular civil docket, the moving party shall pay the deposit costs for filing.
3. The hearing in small claims court shall be conducted by the Judge. The Judge or Bailiff shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court.
4. Collection of judgments: The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

RULE 39 RESERVED

RULE 40 RESERVED

RULE 41 RESERVED

RULE 42 RESERVED

RULE 43 RESERVED

RULE 44 RESERVED

RULE 45 RESERVED

CRIMINAL/ TRAFFIC DIVISION

RULE 46

VIOLATIONS BUREAU:

The violations bureau of the Wadsworth Municipal Court shall process all traffic and criminal minor misdemeanors.

RULE 47

CONSENT OF COURT DISMISSAL:

No criminal or traffic case shall be dismissed or rendered A Nolle Prosequi without consent of this Court.

RULE 48

INSPECTION OF TRAFFIC AND CRIMINAL CASE FILES:

All records of traffic and criminal cases shall be accessible to the public as required by law. The Clerk of Court, as the person statutorily responsible for the maintenance and safeguarding of the court's records, may establish reasonable procedures in order to allow public access to the court records without jeopardizing the security and integrity of such records and to allow for the efficient operation of the Clerk's office and the court.

RULE 49

JURY DEMAND - CRIMINAL/TRAFFIC

All jury demands must be filed within the time limits established by the Ohio Rules of Criminal and or Traffic Procedures and or the Ohio Revised Code. The jury demand may be signed by counsel on behalf of the defendant.

A jury demand does not have to be filed if the offense is a serious offense as that term is used in the Ohio Rules of Criminal and/or Traffic Procedure.

No cash deposit for costs shall be required to accompany a demand for jury trial. Notice to the court of withdrawal of the jury demand SHALL be made to the Court no

later than three business days prior to the date of the jury trial. A withdrawal of the jury demand **MUST BE SIGNED BY THE DEFENDANT**. It may not be signed by counsel on his or her behalf.

In the event a panel of jurors appears for service and the trial is continued or postponed due to the failure of a party or his or her counsel to comply with this rule, such party shall be assessed the per diem costs of the panel unless such failure to comply is as a result of extreme emergency, conditions beyond the control of the party or his or her counsel or such compliance is waived by the Court.

RULE 50

CASE MANAGEMENT IN CRIMINAL AND TRAFFIC CASES:

The purpose of this rule is to establish, pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 5(B)(1), a system for criminal and traffic case management that will provide the fair and impartial administration of criminal and traffic cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

Scheduling of Events: The scheduling begins after arraignment. Thereafter, the case is managed in three judicial steps:

1. **Motions:** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure and or the Ohio Rules of Traffic Procedure. The Court shall determine whether or not a hearing will be held on the motion, but no hearing shall be held unless it is requested by a party to the proceeding. Motions must conform to the requirements set forth in the Criminal and Traffic Rules.

2. **Trials:** Each case in which a not guilty plea has been entered shall be set for trial. Each case not resolved at pretrial shall proceed to trial. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the Court by 3 p.m. of the day preceding their trial of any change in plea, or juror costs will be attached to their case.

3. **Sentencing:** Sentencing hearings shall be set within seven days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven days.

RULE 51

COURT-APPOINTED COUNSEL:

1. When it appears to the Court that a Defendant in a traffic or criminal case is indigent, and if the offense with which the Defendant is charged includes the possibility of incarceration, the Court shall utilize a list of attorneys available for appointment to represent the Defendant. A \$25.00 application fee will be assessed to the Defendant unless waived by the Court.

2. Attorneys in private practice who wish to be appointed by the Court to represent indigent Defendants must first have their names added to the list of court-appointed counsel that is maintained by the Court.

Any eligible attorney whose name does not appear on the list may have his or her name added thereto upon approval by the Court.

In order to be approved by the Court, an attorney must be licensed in Ohio and in good standing and must maintain professional liability (malpractice) insurance in the amount required by the Ohio Rules of Professional Conduct.

Attorneys appointed by the Court shall diligently perform their duties as warranted by the facts of the cases in which they are appointed, they shall appear as scheduled at all hearings, and they shall act in a professional manner at all times. Failure to comply with any of these duties will result in removal from the list of court-appointed counsel.

3A. If an attorney who was appointed by the Court to represent an indigent Defendant receives information clearly establishing that the Defendant has perpetrated a fraud upon the Court by misrepresenting to the Court that he or she lacks sufficient income or other means to employ counsel, the attorney shall promptly call upon the Defendant to rectify the fraud, and if the Defendant fails or refuses to do so, the attorney shall reveal the fraud to the Court. If the Court cancels the appointment, the Defendant shall be advised by the Court that he or she is free to employ counsel of his or her choice.

B. The attorneys who serve as court-appointed counsel shall be compensated pursuant to the Resolution of the Medina County Commissioners relating to the compensation of attorneys for indigent Defendants that was in effect on the date that the attorney was appointed.

C. In order to assist Medina County in obtaining reimbursement from the State Public Defender's Office, all attorney fee applications from assigned counsel shall be filed with the Court within thirty (30) days from the date on which the case is finally

disposed by the Court. Any application for attorney fees received more than thirty (30) days from the date on which the case is finally disposed of in this Court shall not be paid.

D. The Court will review the list of court-appointed counsel that is maintained by the Court at least once a year and will attempt to ensure an equitable distribution of appointments for the attorneys on said list.

For copies, please contact the Bailiff at 330-335-2730.