

**CAMBRIDGE MUNICIPAL COURT
150 HIGHLAND AVENUE, SUITE 1
CAMBRIDGE OH 43725**

PHONE 740-439-5585/ 740-439-1430

**JOHN MARK NICHOLSON, JUDGE
LOCAL COURT RULES
REVISED JUNE 4, 2021**

ADMINISTRATIVE RULES

1.00 SCOPE AND EFFECTIVE DATE

These rules are adopted as Local Rules of Court governing practice and procedure in the Cambridge Municipal court. They are adopted pursuant to the Court's authority as set forth in the Ohio Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "C.M.C. Rule ()". They are effective as of February 1, 2021 and shall govern all proceedings filed subsequent to that date. All prior rules are vacated.

2.00 COURT SESSIONS

The hours for court sessions and for the Municipal Clerk's Office are 8:30 a.m. until 4:30 p.m. Monday through Friday unless otherwise ordered by the Judge, or a legal holiday. Pre-scheduled arraignments shall be held on Tuesdays, and Wednesdays at 8:30am. All other arraignments shall be held daily at 1:00 p.m.

3.00 MAGISTRATE AND ACTING JUDGES

The Magistrate shall be appointed by the presiding Judge and will have all the authority and power set forth in the Rules of Procedure and Statutes. The Magistrate will hear all matters referred by the judge of this court, and as permitted by law.

Acting Judges shall be appointed pursuant to Section 1901.10 O.R.C. and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

4.00 MUNICIPAL COURT CLERK

- (a) The Clerk shall maintain such dockets, books of record and indices as are required by law or practical necessity as public record, utilizing microfilm and computers for storage whenever possible.
- (b) The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk.

5.00 COURT COSTS/FILING FEES

Costs shall be determined from time to time by the presiding Judge as appended to these Rules.

6.00 FILINGS BY ELECTRONIC TRANSMISSION/ FAX

- (a) **Electronic Mail.** Documents may be filed by electronic transmission only to the following addresses:

Assignment Commissioner: **acfilings@cambridgemunicipalcourt.com**

Traffic/Criminal Clerk: **tcfilings@cambridgemunicipalcourt.com**

Civil Clerk: **civilfilings@cambridgemunicipalcourt.com**

- (b) **FAX.** Documents may be filed by FAX only to the following numbers:

Assignment Commissioner: (740) 439-9405

Traffic/Criminal Clerk: (740) 439-5666

Civil Clerk: (740) 439-5666

6.01 ELECTRONIC SIGNATURES & RECORDS PURPOSE.

Local Rules 6.01-6.04 are established to allow the use of electronic signatures in the Court, to address the authenticity of a signature and to address the use of electronic records. If it is established that a document was electronically signed in violation of these rules, then the party shall notify the court and the opposing party of any suspected violation. If the violation is substantiated, Judge or Magistrate shall order the clerk to strike the unauthorized document from the record.

6.02 SIGNATURE OF JUDGE OR MAGISTRATE.

Documents may be signed by a Judge or Magistrate with an electronic signature. All orders, decisions, entries, permits, judgments, and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature in a conventional manner. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the court's secured network to access the document to be signed. No Judge or Magistrate shall share these passwords with others except for the Court IT Coordinator.

6.03 SIGNATURE OF COURT PERSONNEL

Electronic signatures in case records will be limited to Court personnel. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the court's secured network to access the document to be signed. No personnel shall share these passwords with others except for the Court IT Coordinator.

6.04 SIGNATURE OF ATTORNEY, PLAINTIFF, DEFENDANT OR LITIGANT

Documents may be signed by an attorney, Plaintiff, Defendant, or other litigant while inside the court building or the Guernsey County Jail with an electronic signature on a signature pad or other device. To ensure that the electronic signature is authentic, the signature must be created in the presence of court personnel. Then, the signer or the court personnel that witnessed the signature shall immediately submit the record to the appropriate electronic filing process.

6.05 SEALING OF RECORDS

Applications for Sealing of Court Records shall be made on the form approved by the court. The clerk shall make the court form readily available upon request and the form is to be posted on the court web site.

7.00 RECORDING OF ALL PROCEEDINGS

- a) Pursuant to Rule 11 (A) of the Rules of Superintendence for Municipal and County Courts, the official method for recording court proceedings shall be by audio-electronic recording devices. If counsel or a party desires a court reporter, then the counsel or party must make their own arrangements for the presence and payment of a court reporter.
- b) A person may request, in writing, a full or partial transcript of any court proceeding using the form approved and provided by the court, or upon written motion. The court, once the designated fee is paid or waived by order of the judge or magistrate, will provide an electronic recording of the proceeding. If the person wishes a typewritten transcript, then payment arrangements are to be made with the court's designated court reporting service who will prepare the typewritten transcript.
- c) All audio recordings of proceedings shall be maintained in the custody of the clerk for a period of one year.

8.00 JURY INSTRUCTIONS

Requests for special jury instructions shall be filed in the Judge's Office on all jury cases, seven (7) days prior to trial and shall include the text of the proposed instruction and citations of authority for any instruction requested by counsel.

- 9.00 JURY VIEW:** A request for a view by the trial jury shall be made at least fourteen (14) days prior to trial.

CRIMINAL/TRAFFIC DIVISION

10.00 DUTIES OF COUNSEL

- (a) **Designation of Trial Counsel.** Attorneys may enter as counsel of record by filing a Notice of Appearance which shall include the name, Ohio Supreme Court registration number, office mailing address, attorney's telephone number and electronic mail address.
- (b) **Withdrawal of Counsel.** Counsel shall be allowed to withdraw from trial counsel responsibility only with the written consent of the assigned Judge/Magistrate. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown.
- (c) **Traffic/Criminal Filings.** With the exception of traffic citations, minor misdemeanor citations and those complaints where the officer observed the offense take place, no criminal misdemeanor complaints shall be accepted for filing by the Clerk until and unless the Law Director's Office has first approved the filing of the complaint. to 9:00 a.m. each day to review the investigative reports and meet with law enforcement agencies wishing to file a complaint with the court.
- (d) **Written "Not Guilty" Pleas.** "Not Guilty" pleas may be entered in writing prior to the date of arraignment in compliance with the requirements of Crim.R. 10. If the written plea is approved by the Judge/Magistrate, neither counsel nor Defendant are required to appear at the scheduled arraignment.
- (e) **Continuances.** Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on the opposing counsel or the opposing party. The motion shall set forth the date from which a continuance is requested and reasons for the requested continuance. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel.

No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

- (f) **Motions Practice.** All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure and/or Ohio Traffic Rules. Motions are to be supported by Memoranda of Law containing applicable statutory and case law citations. No motion will be set for hearing unless provided by existing rule or the following statement

appears prominently upon the first page of the motion: “*Counsel Requests an Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called.*”

A date and time for oral hearings on motions must be obtained from the Assignment Commissioner. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the scheduled oral hearing date.

All motions where an oral hearing is not required or requested, shall be accompanied by a proposed entry.

11.00 VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required. In accordance with the Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau, with authority to process and dispose of minor misdemeanors for which no court appearance is required. A schedule of fines and costs shall be prominently displayed in the clerk’s office and shall be attached to these rules.

12.00 CRIMINAL/TRAFFIC DIVISION CASE MANAGEMENT

- (a) **Purpose.** The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for criminal/traffic case management which will provide the fair and impartial administration of criminal/traffic cases. These rules shall be construed and applied to eliminate unnecessary delay.
- (b) **Clerical Steps:**
 - (1) The clerk shall promptly process all complaints filed. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements utilizing the worksheet provided by the Ohio Supreme Court.
 - (2) Upon the filing of a not guilty plea (written or verbal), the clerk shall immediately forward the case to the Assignment Commissioner for scheduling.
 - (3) Upon the filing of a motion, the clerk shall immediately forward the motion and case file to the office of the Judge or Magistrate for review.
- (c) **Judicial Steps:**
 - (1) **Motions.** All motions not heard or decided prior to trial will be disposed of at trial.

- (2) **Court Trials.** In all cases where a jury has not been demanded a court trial shall be scheduled by the Assignment Commissioner to be heard within time period set forth by law.
- (3) **Pretrials/Jury Trials.** In all cases where a jury demand has been filed, a pretrial shall be scheduled by counsel, who are to notify the court in writing of the outcome of the pretrial.

CIVIL DIVISION

13.00 DUTIES OF COUNSEL

- (a) **Designation of Trial Counsel.** Attorneys will designate their capacity as trial counsel on all documents in civil cases and by written notice which shall include name of attorney, office address, zip code, telephone number, and email address.
- (b) **Withdrawal of Counsel.** Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge or Magistrate. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set.
- (c) **Continuances.** Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel.

No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

- (d) **Motions Practice.** All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Civil Procedure. Motions are to be supported by Memoranda of Law containing applicable statutory and case law citations.

No motion will be set for hearing unless provided by existing rule or the following statement appears prominently upon the first page of the motion: "*Counsel Requests an Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called.*"

A date and time for oral hearings on motions must be obtained from the Assignment Commissioner. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the scheduled oral hearing date.

All motions where an oral hearing is not required or requested, shall be accompanied by a proposed entry.

- (e) **Pretrial procedure.** No case, except F. E. & D. cases, shall be called for trial unless a pre-trial conference has been held. It shall be the duty of counsel to do the following at civil pretrial hearings:
 - (1) **Appearance.** The counsel who will be trial counsel and who is authorized to act and negotiate on behalf of the party must be present. Telephone or video conferences may be arranged with approval of the Judge or Magistrate.
 - (2) **Statements.** Each counsel shall present to the Court in writing, at least 48 hours before a pretrial hearing, a written Pretrial Statement on the form provided by the court.
- (f) **Jury Trial.** An advance deposit of Three Hundred Fifty Dollars (\$350.00) is required at least seven (7) days prior to the trial date or the jury is deemed waived.

14.00 DEFAULT JUDGMENT

All Motions for Default Judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All Motions for Default Judgment shall also contain a list of claimed damages supported by documentary or other evidence. A proposed entry shall accompany the motion.

15.00 FORCIBLE ENTRY AND DETAINER ACTIONS

- (a) **Appearance.** Plaintiff's failure to appear will result in the case being dismissed without prejudice.
- (b) **Writ of Restitution.** The plaintiff shall file with the Clerk a *praecipe* for a Writ of Restitution within 30 days after the date of the judgment unless the Magistrate or Judge issues the writ at the time of the hearing.

Upon the receipt of the order of the Court, the Clerk shall issue to the Bailiff a Writ of Restitution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.

- (c) **Set-out Procedure.** Should actual, physical eviction of property be required pursuant to a Writ of Restitution of premises, Plaintiff shall arrange for sufficient workers to be present to accomplish the set out within 1 hour under the supervision of the Bailiff.

16.00 SMALL CLAIMS DIVISION

- (a) **Purpose.** The Small Claims Division of The Cambridge Municipal Court is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of The Cambridge Municipal Court.
- (b) **Hearings.** A Small Claims Magistrate shall hear all cases in accordance with Civil Rule 53, and all proceedings shall be audio recorded.
- (c) **Claim Limits.** No more than twenty-four (24) separate claims can be filed by one person in any one year.
- (d) **Copies.** Plaintiffs are required to submit two (2) copies of all supporting documents for the complaint at the time of filing.
- (e) **Continuances.** No continuance will be permitted less than four (4) days prior to the hearing unless approved by the Magistrate for good cause shown.
- (f) **Counter-claims.** Counter-claims may be filed by Defendant for a claim arising out of the same incident and will be heard and decided at the same time as the complaint.

APPENDICES

**CRIMINAL/TRAFFIC DIVISION
COURT COST SCHEDULE
APPENDIX B**

**CIVIL DIVISION
COURT COST SCHEDULE
APPENDIX C**

**CIVIL POUNDAGE
APPENDIX D**