

Cambridge Municipal Court
Guernsey County, Ohio

Local Rules of Practice

Judge Stephanie L. Williams

Effective January 1, 2025

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ADOPTION OF LOCAL COURT RULES

The following Rules are adopted for the governance of the practice and procedures in the Cambridge Municipal Court effective until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio and have been adopted to provide for the efficient and expeditious management of business before this Court.

The Clerk of Court is ordered forthwith to post this Order and the Rules (attached hereto). The Clerk of Court is further ordered to maintain copies of these Rules for review as requested by litigants and/or their counsel and to provide copies as requested charging only for the cost of copying. The Clerk of Court is further ordered to maintain a copy of these Rules on the Court's website.

IT IS SO ORDERED.

Effective Date: January 1, 2025

/s/ Judge Stephanie L. Williams
Judge Stephanie L. Williams
Administrative & Presiding Judge

GENERAL RULES

RULE NO. 1.01: COURT HOURS

The Clerk of Courts office shall be generally open between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, unless otherwise ordered by the Judge or a legal holiday. Sessions of the Court shall generally be daily Monday through Friday, 8:00 a.m. to 4:00 p.m. The Court shall be in session at such time as the Judge shall prescribe to meet special situations. The Violations Bureau shall close at 4:00 p.m.

RULE NO. 1.02: DECORUM AND CONDUCT

- A.** On opening of any Court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with decorum and in such manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall appear in appropriate dress. Hats and/or sunglasses are not permitted to be worn in the Courtroom.
- B.** Litigants and/or spectators are not permitted to smoke, eat or drink in the courtroom, nor shall they bring food or drink into the courtroom without permission of the Judge or Magistrate.
- C.** No person shall loiter or conduct himself or herself in an unseemly or disorderly manner, in the courtroom or in any halls, stairways, entryways or parking lot areas adjacent to the Courthouse, or otherwise interfere with or obstruct judicial activities or proceedings.
- D.** The Court expects that counsel shall call this rule to the attention of clients and witnesses.

RULE NO. 1.03 USE OF ELECTRONIC AND OTHER DEVICES

- A.** Except as may otherwise be permitted by Local Rule or prior order of the Court, all electronic, photographic or video graphic devices (including cell phones and/or any other device capable of recording audio or video) are prohibited from being conveyed into or possessed within the offices of the Cambridge Municipal Court. The owner of the device is encouraged to not bring the device to the courthouse. Any such device brought into the courthouse will be secured in a locker located at the security station at the entrance to the courthouse. The device will be returned when the person leaves the courthouse. The court will not be responsible for any loss, theft, or damage to the device. Courthouse employees, attorneys, victim advocates, public officials and others specifically authorized by the court are exempt from this rule.
- B.** In no event shall any device permitted within the courthouse be used to audio or video record court proceedings. If any person is found to be recording within the courthouse, the bailiff of the court shall immediately confiscate the device, which will then be held by security officers and returned to the owner when he/she leaves the courthouse.
- C.** Those individuals visiting the court for probation purposes shall place all personal possessions and cell phones into a bin provided at the security checkpoint. The security deputy will provide that bin to probation staff to maintain until the probationer's visit is complete and he/she leaves the courthouse.

- D. Failure to comply with this rule may result in a finding of contempt and imposition of a fine up to \$250.00.

RULE NO. 1.04: PUBLIC USE OF COURTROOMS

- A. Questions of the admission of persons to a courtroom shall be the province of the Judge or Magistrate to whom that courtroom is assigned, within the guidelines of public access to all court proceedings, consistent with the order and dignity of the Court.
- B. Requests for permission to broadcast, record, photograph or televise in the courtroom shall be made in writing to the Judge or Magistrate to whom the case is assigned as far in advance as reasonably practical by a motion form available at the Court, but no later than one-half (1/2) hour prior to the courtroom session unless otherwise permitted by the trial Judge.

RULE NO. 1.05: GIFTS

No Court employee shall accept or permit to be accepted on their behalf a gift, bequest, favor or loan from any person likely to be engaged in a proceeding that ordinarily would come before the Court, from a person likely to do business with the Court or from any other person under circumstances that might reasonably be regarded as influencing or appearing to influence the performance of the employee's official duties.

RULE NO. 1.06: COURT SECURITY

- A. All persons entering the Cambridge Municipal Court are subject to a security screening of their person and property prior to entrance to the building. All persons in the building will follow the directives of Cambridge Municipal Court Security Personnel. Any item deemed to be a weapon by security staff shall be retained by security prior to entrance to the building. That item may be returned to the owner upon exiting the building. Firearms are forbidden in the Cambridge Municipal Court, except for authorized persons (on-duty law enforcement, court security officers, court probation officers).
- A. Law enforcement officer(s) appearing at the Court in their official capacity shall be permitted to retain and carry firearms into the building. Any law enforcement officer present at the Court in any other capacity including as a litigant, spectator or witness shall not be permitted to possess a firearm within the courthouse and, if armed upon entry to the courthouse, shall secure his/her weapon with the security officer.

RULE NO. 1.07: APPEARANCE AND WITHDRAWAL OF COUNSEL

- A. Appearance: Attorneys practicing before this Court (except for pro se litigants) shall designate their capacity as trial counsel on all pleadings, motions, petitions, etc. filed in this Court. A law firm shall not be designated as trial counsel. Upon the entry of appearance of counsel, all documents filed with the Court and all court orders shall be served upon the designated counsel. The first

attorney listed is the primary trial counsel and all communications from the Court will be sent to that attorney. All such documents shall bear, in addition to the original signature of trial counsel, counsel's name, office address, office telephone number, fax and email, as well as the number of counsel's Ohio Supreme Court Certificate of Registration, as provided by Ohio Gov. Bar R. VI, § 4. Civil documents must be signed in compliance with Civil Rule 11.

- B. Pro Hac Vice:** Attorneys who wish to appear pro hac vice must comply with Ohio Gov. Bar R. XII regarding pro hac vice certification and familiarize themselves with these local rules.
- C. Withdrawal:** Once an appearance is made, an attorney may withdraw from a case only with leave of court or notice of substitution of counsel. Withdrawal shall be permitted only upon written motion filed with the court. The motion shall include (1) the specific reasons for requesting withdrawal; (2) the name and address of a substitute attorney, if any; and (3) proof of notification to the opposing attorney and to the client. Said motion shall be filed at least seven (7) days prior to the next scheduled hearing.

RULE NO. 1.08: MAGISTRATES

The Judge may appoint Magistrates who may hear cases by reference, and in accordance with Traffic Rule 14, Criminal Rule 19, Civil Rule 53, and Rules of Superintendence Rule 19 and 19.1.

RULE NO. 1.09: MUNICIPAL COURT CLERK

- A.** The Clerk shall maintain such dockets, book 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.

RULE NO. 1.10: COURT COSTS

The schedules of court costs for criminal/traffic cases as well as for civil/small claims cases shall be determined by the Administrative Judge and are set by administrative order. The schedules are available at the Clerk of Court's office and are posted on the Court's website at www.cambridgemunicipalcourt.org.

RULE NO. 1.11: MOTIONS

- A. Motion Requirements:** All motions, unless made during a hearing or trial, shall be in writing and accompanied by a memorandum stating the grounds for the motion and citing relevant authorities. The motion shall not exceed fifteen (15) pages including any supporting documents/exhibits. The Court may allow additional pages by Judgment Entry upon the filing of a motion and for good cause shown. If a party fails to provide a memorandum or exceeds the 15-page limit without leave

of Court, the Court may overrule the motion without consideration. Excess pages will be destroyed.

- B. All motions shall be accompanied with a proposed entry. Failure to supply a proposed entry may delay the Court ruling on such motion or may result in the motion being denied.
- C. The Court may refuse filing if filed with inaccurate information or filed without proposed entry.

RULE NO. 1.12: INTERPRETERS

- A. The Court will use and pay for certified, provisionally qualified, or language-skilled interpreters in all proceedings in which a party or witness is non-English speaking, deaf, or hard of hearing.
- B. Interpreters shall be used in accordance with the Rules of Superintendence and in accordance with the Court's Language Access Plan.
- C. Any party, or counsel for any party, who is aware that there is a need for interpretive services shall notify the Court of that need in writing no later than seven (7) days following assignment of trial date. Written notice shall include the specific language needed.
- D. The Language Access Plan can be found on the Court's website: <https://cambridgeoh.org/court/>

RULE NO. 1.13: CONTINUANCE OF TRIAL OR HEARING

- A. No case assigned for trial or hearing may be continued except upon written motion and for good cause shown. Such motion shall be filed with the Court not less than seven (7) days prior to the date of the trial or hearing. In the case of unforeseen emergency, this time requirement may be waived. The moving party shall indicate to the Court if opposing counsel/party has no objection to the continuance. The agreement of opposing counsel/party does not guarantee that the continuance will be granted. If counsel is alleging a conflicting trial date as the reason for continuance, the conflicting trial notice MUST be attached to the notice. Failure to attach a copy of the conflicting hearing shall result in a denial of said motion to continue.
- B. Defense counsel is required to contact the Assignment Commissioner to coordinate a new hearing date prior to filing any request for continuance. Coordination of a new hearing date with the Assignment Commissioner does not guarantee the motion will be granted.

RULE NO. 1.14: CONTINUANCE OF PRELIMINARY HEARING

- A. No preliminary hearing may be continued except upon written motion and for good cause shown. Such motion shall be filed with the Court not less than twenty-four (24) hours prior to the scheduled preliminary hearing. In the case of an unforeseen emergency, this time requirement may be waived at the discretion of the Court. Defense counsel must notify the prosecutor's office of the continuance being filed. The moving party shall indicate to the Court whether the prosecutor objects to the continuance. The agreement of the prosecutor does not guarantee that the continuance will be granted.

- B.** The Court will rule on the motion to continue at the scheduled date and time of the preliminary hearing or once the prosecutor's office has notified the Court whether or not there is an objection to the continuance, whichever occurs first. This procedure ensures compliance with Marsy's Law by allowing the prosecutor time to notify victims as required by law.
- C.** Defense counsel is required to contact the Assignment Commissioner to coordinate a new hearing date prior to filing any request for continuance. Coordination of the new hearing date with the Assignment Commissioner does not guarantee the motion will be granted.

RULE NO. 1.15: SERVICE OF VICTIM RIGHTS PURSUANT TO MARSY'S LAW

- A.** This rule is designed to ensure that victims of crime, as defined by Marsy's Law (Ohio Constitution Article 1, Section 10a and House Bill 343), are informed of court proceedings and are afforded their rights under the law.
- B.** Cambridge City Law Director's office/Guernsey County Prosecutor's office shall notify victims, as defined by Marsy's Law, of all court proceedings in a timely manner, this includes but is not limited to notification of arraignment, pretrial, motion, probation violation, restitution hearings and motion to seal hearings. Such notifications shall include the date, time, and location of the proceeding, as well as the defendant's name and the charges against him or her.
- C.** It shall be the duty of the Cambridge City Law Director's office/Guernsey County Prosecutor's office to determine whether an individual is a victim under Marsy's Law and to notify such individuals accordingly. The Cambridge City Law Director's office/Guernsey County Prosecutor's office shall maintain a record of all victims who are notified pursuant to this rule.
- D.** All information regarding victims shall be treated as confidential by the court and the Cambridge City Law Director's office/Guernsey County Prosecutor's office, except as required by law or as necessary to carry out the purposes of this rule.
- E.** Failure to comply with this rule may result in appropriate sanctions, including but not limited to a continuance of the proceeding, a finding of contempt, or other appropriate action as determined by the Court.

RULE NO. 1.16: ASSIGNED JUDGE/ACTING JUDGE/RECUSAL

- A.** Should a judge recuse himself or herself from hearing any individually assigned case, said judge shall cause a Journal Entry to be made setting forth the recusal and the reason therefore. The case shall thereafter be referred to an Assigned Judge or Visiting Judge so designated by the Supreme Court of Ohio.
- B.** Acting Judges shall be appointed pursuant to Revised Code Section 1901.10 and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

RULE NO. 1.17: FACSIMILE FILINGS

This rule implements the Model Facsimile Filing Rule issued by the Supreme Court of Ohio.

A. Applicability: These rules apply to all proceedings in the Cambridge Municipal Court, except cognovit promissory note actions which must be filed as the original document.

B. Definitions: As used in these rules, unless the context requires otherwise:

1. A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A “facsimile machine” means a machine that can send and receive a facsimile transmission.
3. A “source document” means the document transmitted to the Court by a facsimile machine.
4. A “fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
5. An “effective original document” means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the court’s file.
6. An “effective date and time of filing” means the date and time that a facsimile document is accepted by the Clerk of Court for filing.

C. Procedure:

1. Pleadings and other documents may be filed with the Clerk of Court by facsimile transmission to 740-439-5666.
2. A document filed by fax shall be accepted as the effective original filing.
3. The original (source) document and cover sheet filed by facsimile shall be maintained by the person making the filing and made available for inspection by the Court upon request. The document and cover sheet shall be maintained until the case is closed and all opportunities for post judgement relief are exhausted.
4. Facsimile filings shall not exceed fifteen (15) pages in length, excluding the cover sheet. Service copies shall not be transmitted by facsimile.
5. Facsimile filings may NOT be sent directly to the Court for filing but may only be transmitted directly to the dedicated facsimile equipment operated by the Clerk of Court.
6. The Clerk of Court may, but need not, acknowledge receipt of the facsimile transmission.
7. The risks of transmitting a document by facsimile to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court.

- D. Fax Cover Page:** The person filing a document by fax shall also include a cover page containing all the following information:
1. The case caption;
 2. The case number;
 3. The title of the document being filed (e.g. Defendant Jones Answer to Amended Complaint; Plaintiff Smith’s Response to Defendant’s Motion to Dismiss);
 4. The date of the fax transmission;
 5. The transmitting facsimile number;
 6. The name of the judge to whom the case is assigned, if any;
 7. The number of pages included in the transmission, including the cover page;
 8. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the document, if available.
- E.** A sample cover page is available under “Forms” on the Court’s website or from the Clerk of Court. <http://cambridgeoh.org/court/>.
- F.** If a document is sent by fax to the Clerk without the cover page information listed above, the Clerk may, at its discretion,
1. Enter the document in the Case Docket and file the document; or
 2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure, and the document **shall not** be considered filed with the Clerk of Court.
- G. Failed Fax Submission:** The Clerk of Court may, but is not required to, send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.
- H. Signature:** A party who wishes to file a signed source document by fax shall either:
1. Fax a copy of the signed source document; or
 2. Fax 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 in the signed source document.
- I.** A party who files a signed document by fax or email represents that the physically signed source document is in his/her possession or control.
- J. Exhibits:**

1. Each exhibit to a facsimile that cannot be accurately transmitted via facsimile 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 document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
2. 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, caption of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" with Plaintiff Smith's Response to Defendants Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

K. Time of Filing:

1. Subject to the provisions of these rules, all documents sent by fax 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 document received as opposed to the date and time of the fax transmission. The Clerk of Court office will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business. However, the fax machine will be available to receive facsimile transmission of documents 24 hours per day, seven days a week, including holidays.
2. Documents received outside of normal business hours of the Clerk of Court will be queued in the order of their receipt as documented by the date and time imprinted by the receiving facsimile machine and time-stamped accordingly.

L. Fees and Costs:

1. No document shall be accepted by the Clerk of Court for facsimile filing if it requires a filing fee or service by the Clerk of Court.
2. No additional fee shall be assessed for facsimile filings.

RULE NO. 1.18: FILING BY ELECTRONIC TRANSMISSION

A. Filing Pleadings, Motions

1. Documents may be filed by electronic transmission only to the following addresses:
 - a. Traffic/Criminal Clerk: tcfilings@cambridgemunicipalcourt.com
 - b. Civil Clerk: civilfilings@cambridgemunicipalcourt.com
2. Documents submitted to any other e-mail address will be rejected and not considered properly filed.

3. Documents must be submitted by 3:50 p.m. local observed time in Cambridge, Ohio on or before the date they are due.
4. Documents submitted after 3:50 p.m. will not be reviewed by the Clerk's office until the next business day.
5. Documents that do not comply with the Local Rules of Practice cannot be accepted for filing.
6. A copy of any documents filed electronically via email shall be served upon all opposing parties or counsel as required by Ohio Rules of Procedure.

B. Documents

1. All documents submitted for filing, with the exception of proposed orders and entries (or other documents requiring a Judge's signature) shall be filed in Portable Document Format (PDF). Such documents may either be signed by hand or scanned or they may be signed electronically as set forth in this Rule.
2. Proposed orders and entries (or other documents requiring a Judge's signature) shall reference the specific motion to which they apply, and shall be filed in Microsoft Word document format, and shall not contain any mail merge fields or macros embedded in the documents.
3. The Clerk will print order/entries and notices of attachments and submit them to the Judge or Magistrate.

C. Acceptance of Documents

1. Submission: Documents may be submitted to the Clerk of e-filing 24 hours per day, 7 days per week. The filing is considered filed when accepted by the Clerk and "time-stamped". The Clerk will process e-filing throughout normal business hours, except on holidays per Court Holiday Schedule.
2. Receipt: Upon receipt, the Clerk will send the "time-stamped" copy to the filer as confirmation of submission. However, if the filer is a pro se litigant requesting a continuance, the Clerk will instead respond with the Judge's decision.
3. Judge Review: After the Judge reviews the filing, the filer will receive notification from the Clerk that the submission has been accepted or rejected by the Court.
 - a. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document after correcting deficiencies. By way of examples, notification of deficiencies may be given for reasons including, but not limited to, incorrect case docketing codes, the use of incorrect electronic file format; failure to pay correct filings fees; incomplete or inaccurate party information; and incorrect case number.
 - b. If the submission is accepted, the document shall be docketed and filed.

4. System Errors: If a submission is not received by the Court because of a system error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was submitted.

D. Filing of Initial Proceedings

1. When any complaint or third-party complaint is submitted for electronic filing, the filing party shall file a case designation sheet. Consistent with the Ohio Rules of Civil Procedure, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and may charge a fee of .10 cents per page for production of service copies, which shall be assessed as costs.

E. Documents Filed Subsequent to Complaint or Indictment

1. In accordance with Civil Rule 5(B)(2) and Criminal Rule 49, the filer, **not the Clerk**, shall be responsible for serving all documents filed subsequent to the original complaint on all parties and/or their attorneys.
2. After the Judgment Entry has been signed and filed, the Clerk of Courts shall serve copies upon the parties in the case.

F. Exceptions to e-Filing

1. Deposition transcripts and transcripts from court proceedings shall be filed in physical form with the Court and are not subject to public record. Only the Notice of Filing/Mailing may be e-Filed.
2. All documents related to Civil Protection Orders, Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk.
3. Bonds filed in criminal cases shall be filed in paper form with the Clerk.
4. Subpoenas which are to be issued by the Clerk shall be filed in paper form with the Clerk.
5. Criminal case documents filed at arraignment and prior to arraignment.
6. Motion, Entry and Certification for Appointed Counsel Fees.
7. All filings related to and regarding Garnishments and monies received from garnishment orders.
8. Evictions.

G. Collection of Filing Deposits and Fees

1. Any document requiring payment of filing deposit or fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other e-Filed document.

RULE NO. 1.19: ELECTRONIC SIGNATURES

A. Electronic signatures and records purpose: Local Rule 1.15 is 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, the Judge shall order the Clerk to strike the unauthorized document from the record.

B. Any document submitted electronically with the Clerk that requires an attorney's or a submitter's signature (other than hand-signed documents scanned in PDF format) shall be signed with a conformed signature of "/s/(name)". The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name, Registration Number

The conformed signature on an electronically submitted document is deemed to constitute a legal signature on a document.

C. Multiple signatures: When a stipulation or other document requires two or more signatures:

- 1.** The submitting party or attorney shall sign the stipulation or document himself or herself as follows: "/s/John Smith".
- 2.** The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.
- 3.** The submitting party or attorney shall then submit the document electronically, identifying all of the other signatories as follows: "/s/ Jane Doe, with written authorization, by John Smith," etc.

D. Third party signatures: A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as a hand-signed, scanned-in PDF document.

E. 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 Administrator and/or Clerk of Court.

F. 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 the Court Administrator and/or Clerk of Court.

- G. Signature of Attorney or Litigant:** Documents may be signed by an attorney or any 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.

RULE NO. 1.20: TECHNOLOGY PLAN

- A.** In accordance with Ohio Rule of Superintendence 5(E), the Court has adopted and will maintain a Court technology Plan which includes:
 - 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.
 - 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.”
 - 3.** This plan will be available from the office of the Clerk of Court and posted on the Court’s website.

RULE NO. 1.21: COURT OFFICIAL RECORDING AND TRANSCRIPTS

- A.** Pursuant to Rule 11(A) of the Rules of Superintendence for the Courts of Ohio, 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.
- D. Copy of Record of Proceeding:** All requests for copies of the electronic recording of any court proceeding shall be directed to the Clerk of Court and a copy, produced as a flash drive, which will be provided for a nominal fee. Said flash drive may not be used to create an official transcript of

proceedings unless procedures in section (B) of this Rule are followed. All requests shall be made on a form provided by the Clerk's Office.

RULE NO. 1.22: PUBLIC ACCESS/PRIVACY

A. Public access to documents through the website of Clerk of Courts

1. Members of the public may obtain copies of or review electronically filed documents at: <https://henschen.cambridgemunicipalcourt.com/recordSearch.php?k=acceptAgreementsearchForm3020>
2. Public access to any electronically filed public document is available on the website of the Clerk of Court as soon as the Clerk has processed the document.
3. If the website is unavailable or if the Clerk of Courts is prohibited by the Court or by law from making the document available via the website, the document will, absent a Court order sealing or expunging it, be available for review during regular business hours at the office of the Clerk of Courts, either by computer terminal, in paper form, or on microfilm.

B. Public access to documents through the Office of the Clerk of Courts

1. Any request for copies of pleadings or other documents from a case file must be made in writing and must be accompanied by the appropriate copying fee.
2. No file, deposition, or transcript may be removed from the office of the Clerk of Courts by any person for any reason, except the Clerk or any employee of the Clerk's office.
3. No file may be taken apart for purposes of copying or for any other reason by any person except the Clerk or any employee of the Clerk's office.

C. Privacy

1. Filing parties must omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Judge orders otherwise:
 - a. Social security numbers with the exception of the last four digits;
 - b. State or federal tax identification numbers;
 - c. Driver's license numbers;
 - d. Minors' names in abuse, neglect, or identification numbers;
 - e. Employer and employee identification numbers;
 - f. Individual financial information; and

- g. Proprietary or trade-secret information.
2. With leave of Court, a party may file, under seal, a document containing the unredacted personal data identifiers listed above.
 - a. The party seeking to file an unredacted document must file a motion to file the document under seal.
 - b. In granting the motion or application to seal, the Judge may require the party to file a redacted copy for public record.
 3. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk’s office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

RULE NO. 1.23: COURT RECORDS MANAGEMENT AND RETENTION

- A. The Cambridge Municipal Court maintains records in accordance with the Ohio Supreme Court Rules of Superintendence, the Ohio Revised Code, and applicable case law concerning record retention. Pursuant to Ohio Superintendence Rule 26(G), a court may establish retention schedules for any records not listed in Sup. R. 26.01 to 26.05. The following schedule shall be followed by the Cambridge Municipal Court:

DOCUMENT	RETENTION PERIOD
Blank Juror Questionnaire Form	Retained permanently.
Jury Information for Criminal Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 50 years after the final order of the court, just as the case file is maintained.
Jury Information for Civil Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 2 years after the issuance of the audit report by the Auditor of State, just as the case file will be maintained.
Jury Information for Traffic Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 25 years after the final order of the court, just as the case file will be maintained.
Jury Information for Cases that Never go to Trial (Summons, Jury List, Juror Questionnaire).	All Electronic
Permanent Juror Excusals	All Electronic
Juror Excusals for Term	Retained for 1 year from the end of the applicable term of service and thereafter may be destroyed.
Probation Files/Records/Pre-Sentence Investigations	Retained for 2 years after probation ends.
Probation Referral Resources (Referrals to community agencies)	May be destroyed in the normal course of business as soon as they are considered to be of no value.
Courthouse Surveillance Video	Retained until recorded over by the system.

Competency/NGRI Evaluations	Retained for 50 years (criminal) or 25 years (traffic) just as the case file is maintained.
Case Exhibits, Depositions, and Transcripts	After the conclusion of litigation, retained for 60 days after notice of destruction to tendering party, unless collected earlier by the tendering party.
Substantiated Internal Employee Investigations	Retained for 10 years after separation from employment.
Search Warrants	Retained for 5 years

- B.** All convictions for Domestic Violence, Violation of a Temporary Protection Order, Cruelty to Animals, Vehicular Manslaughter, and Operating a Vehicle while under the influence of alcohol shall be retained in their original form.

RULE NO. 1.24: 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’s website: <https://cambridgeoh.org/court/>.

RULE NO. 1.25: COURT SECURITY PLAN

Pursuant to Rule 9(B) of the Ohio Rules of Superintendence, the Cambridge Municipal Court has determined the entire Security Plan be maintained as confidential and not a matter of public record.

RULE NO. 1.26: REMOTE APPEARANCES

- A.** Remote appearances may be permitted at the discretion of the Court for non-evidentiary hearings. Remote appearances will not be permitted for evidentiary hearings, motions involving contested facts, or trials.
- B.** To request permission for remote appearance, parties must submit a completed Remote Appearance Request Form, available on the Court’s website: <https://cambridgeoh.org/court/>. The completed form must be submitted to videoappearances@cambridgemunicipalcourt.com.
- C.** Requests must be submitted no later than 48 hours before the scheduled hearing. Failure to submit the Remote Appearance Request Form within the 48-hour period may result in a denial of the request and the party may be required to appear in person.
- D.** Approval of the remote appearance is at the discretion of the Court and may depend on factors including, but not limited to, the nature of the hearing, the technology available, and other considerations the Court deems relevant.
- E.** If approved, the party will be provided with the necessary instructions and technical requirements for appearing remotely.

RULE NO. 1.27: USE OF ARTIFICIAL INTELLIGENCE

- A.** Definition: Artificial Intelligence (AI) is any computerized or automated system substituting for human-generated content. For purposes of this rule, it does not include basic legal research tools or grammar assistance.
- B.** Transparency and accountability are required in the use of all AI to ensure the integrity of the court process. Attorneys are reminded of their obligations to safeguard confidential client information and to affirm all pleadings to the court are well-grounded in fact and warranted by existing law.
- C.** Attorneys and parties must disclose the use of any AI-assisted technology in the creation or editing of all documents, pleadings, and motions submitted to the court. A certificate shall be provided when the document is submitted, notifying the court that a portion or all of the document was drafted by generative AI (such as ChatGPT, Harvey.AI, or Google Bard). The certification shall include a general description of the AI technology used and its role in the preparation of the materials, together with an attestation that all language drafted by generative artificial intelligence has been checked for accuracy using traditional legal resources by a human being.

All parties and their counsel have a duty to immediately inform the Court if they discover the use of undisclosed AI in any document filed in their case.

- D.** Failure by any party to disclose the use of AI may result in sanctions, including, but not limited to Civil Rules 11 and 37 and the Model Rules of Professional Responsibility

CRIMINAL / TRAFFIC CASE MANAGEMENT

RULE NO. 2.01: VIOLATIONS BUREAU

- A.** 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.
- B.** In accordance with Rule 18 of the Rules of Superintendence for the Court of Ohio and Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanors 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 available on the Court's website: <https://cambridgeoh.org/court/>.

RULE NO. 2.02: ARRAIGNMENT

- A.** The Clerk of Court shall require the filing of a written complaint, E-ticket, or Uniform Traffic Ticket before placing an individual's name on the traffic/criminal docket. If the E-ticket is not filed by the arraignment date and time, the case will be dismissed. If a paper ticket is filed after the arraignment date, the ticket will be returned.

- B. Use of Electronically Produced Traffic Tickets (E-Tickets):** The use and filing of tickets produced by computer or other electronic means, which conform to the requirements of Ohio Traffic Rule 3 are hereby authorized.
- C. Use of Electronically Produced Criminal Complaint and Summons:** The use and filing of criminal complaints and summons by computer or other electronic means, must conform in all substantive respects to the Ohio Rules of Criminal Procedure and Ohio Crim. R. 4(G).
1. If a criminal complaint and summons is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the criminal complaint and summons as required by Ohio Crim. R. 4(D).
 2. A law enforcement officer who files a criminal complaint and summons pursuant to this rule and electronically affixes the officer's signature thereto, shall also have his/her signature attested to by either a peace officer, judge, clerk, or deputy clerk after which the complaint and summons shall be considered to have been certified and shall have the same rights, responsibilities, and liabilities as with all other criminal complaints and summons issued.
- D. Plea by Personal Appearance:** The defendant, either on his own behalf, or by and through counsel, may enter one of the following pleas at arraignment:
1. Guilty,
 2. Not guilty,
 3. No contest, or
 4. Not guilty by reason of insanity (except in traffic cases where a not guilty plea by reason of insanity is not applicable).
- E. Written Not Guilty Plea:** A defendant may enter a written plea of not guilty prior to defendant's scheduled arraignment provided that the written not guilty plea is sent by counsel for offenses other than those listed in Section F of this rule. The written not guilty may demand or waive the defendant's right to a speedy trial, demand or waive the defendant's right to a jury trial if the offense is one that provides a right to a jury trial and indicate if the defendant is willing to have his case heard by a magistrate. If the right to a speedy trial is not addressed, the Court will presume that the right to speedy trial is not waived and schedule accordingly.
1. Prior approval from the City Law Director is required.
 2. Conditions of bond shall be submitted with the plea.
 3. A Written Plea of Not Guilty is subject to approval by the Judge.
- F. Written Not Guilty Plea Prohibited:** The defendant must personally appear before the Court for arraignment if charged with any of the offenses listed below. The Court will not accept a written Not Guilty Plea filed by or on behalf of a defendant when a victim may be eligible to obtain a Criminal Domestic Violence Temporary Protection Order pursuant to O.R.C. 2919.26 or a Criminal Protection Order pursuant to O.R.C. 2903.213.

The following crimes, when the victim is a family or household member (O.R.C. 2919.26):	Other Criminal offenses (O.R.C. 2903.213):
Domestic Violence (R.C. 2919.25)	Assault (R.C. 2903.13)
Aggravated Trespass (R.C. 2911.211)	Aggravated Menacing (R.C. 2903.21)
Criminal Mischief (R.C. 2909.07)	Menacing by Stalking (R.C. 2903.211)
Criminal Damaging (R.C. 2909.06)	Menacing (R.C. 2903.22)
Any offense of violence as defined in R.C. 2901(9)(a) through (d), or a violation of a substantially similar municipal ordinance.	Any sexually oriented offense as defined in R.C. 2950.01(A)(1) through (13), or a violation of a substantially similar municipal ordinance.
	Aggravated Trespass (R.C. 2911.211)

G. Request for Continuance: Defendant may request a reasonable continuance of initial arraignment by filing a written motion or defendant may appear in Court at arraignment to request a continuance. Supporting documentation shall be attached to any motions to continue the hearing date. The Court may deny the continuance if there is no time waiver.

RULE NO. 2.03: INCARCERATED ARRAIGNMENT AND INITIAL APPEARANCE

- A. Considerations:** This rule is intended to provide an efficient process for the arraignment or initial appearance of incarcerated defendants which complies in all respects with the Pretrial Release and Detention requirements of Ohio Revised Code Section 2937.011.
- B. Hearings Shall be Conducted by Video:** All incarcerated defendants shall appear for arraignment or initial appearance by video from the jail unless the Court, upon motion of either party, for good cause shown, or upon the Court’s own motion, orders the defendant to appear in Court.
- C. Prosecutor’s Duties:** The State, through the appropriate Prosecutor or Assistant Prosecutor, shall attend incarcerated arraignment and initial appearance hearings. Prosecutors representing any of the Court’s jurisdictions shall comply with Marsy’s Law, Ohio Constitution Article I, Section 10(a) and all applicable provisions of Chapter 2930 of the Ohio Revised Code (Victims’ Rights).

The State shall be prepared to make recommendations to the Court which address all statutory, constitutional, and criminal rule pretrial release or detention considerations, including those listed in Ohio Revised Code Section 2937.011. The State shall specifically address the issues of victim protection and public safety in all cases alleging offenses of violence or sexually oriented offenses.

The State may file recommendations in writing prior to the times of the hearing and in lieu of appearance, provided that those recommendations address all the above-mentioned considerations. The Court may order the Prosecutor to appear at any hearing, even if written recommendations have been filed.

- D. Designated Court-Appointed Attorney:** An attorney from the Court’s Court-Appointed Attorney list shall attend all arraignment and initial appearance hearings for incarcerated defendants and shall be appointed for that purpose by the Court. During the hearing, the Court will determine whether counsel shall be appointed for future proceedings. If private counsel appears at the hearing on behalf of the defendant, the appointment will be withdrawn.

The Court-Appointed Attorney shall appear remotely from the jail with the incarcerated defendant. The Court-Appointed Attorney shall be prepared to respond to any pretrial release or detention recommendations of the State and to present all other relevant information in support of pretrial release on behalf of the defendant.

The Court-Appointed Attorney should make every reasonable effort to consult with incarcerated defendants at the jails prior to hearing.

RULE NO. 2.04: PRETRIAL RELEASE AND SUPERVISION

If the defendant is placed on pretrial supervision, the defendant must report to the courthouse immediately upon release from the jail. The defendant will review and sign pretrial supervision agreement setting forth all requirements of supervision. If the defendant fails to abide by any terms of pretrial supervision, the probation staff may file an affidavit with the Court requesting a warrant for the arrest of the defendant.

RULE NO. 2.05: DISCOVERY IN CRIMINAL CASES

- A.** Pursuant to Ohio Criminal Rule 16(L)(1), discovery in criminal cases shall be conducted as follows:

- 1.** All discovery shall be conducted between parties/counsel pursuant to Criminal Rule 16 and completed not less than seven (7) days prior to the date of pretrial or date of trial if no pretrial has been set. No written demand for discovery, notice of response to demand, or demand for reciprocal discovery shall be filed with the Court.
- 2.** A motion to compel discovery may be filed in accordance with Criminal Rule 16(M).

RULE NO. 2.06: JURY PRACTICE IN TRAFFIC/CRIMINAL CASES

- A.** Any party desiring a jury trial in a criminal/traffic case shall demand the same in accordance with Criminal Rule 23. The jury demand must be in writing by separate instrument. The procedure of the Court has permitted the jury demand to be filed outside of the time frame set forth in the applicable Rule. However, any demand made outside of that time frame may result in a time delay in bringing the case to trial. Any delay in scheduling a jury trial necessitated by the demand for a jury trial made outside of the time frame set forth within Criminal Rule 23 shall be charged to the Defendant.
- B.** When a jury demand is filed, the Court will preserve that right by written demand. Counsel for the defendant is required to schedule a pretrial conference directly with the City Law Director’s office prior to the Court setting the date for a jury trial.

- C. Counsel for the Defendant shall notify the Court, in writing, the results of the pretrial. If no negotiated resolution is met, the Court will set the case for trial by jury. A Scheduling Order will be entered by the Court. All pretrial motions, including motions in limine, shall be filed at least fourteen (14 days) before the final pretrial.
- D. Motions will be considered without a hearing on the date of the final pretrial unless an oral hearing is requested in the original motion. If an oral hearing is requested, a date will be selected at the final pretrial. Proposed jury instructions shall be filed at least seven (7 days) before the final pretrial.
- E. Voir dire will be conducted by the questioning of all prospective jurors collectively. Counsel will have the opportunity to question the prospective jurors pursuant to Criminal Rule 24(B) and Ohio Revised Code Section 2945.27. All challenges, for cause and peremptory, will be made at the bench. After all challenges are exercised or waived, the eight jurors and one alternate juror remaining in numerical order will be seated in the jury box to be sworn. Written objections to this procedure shall be filed with the Court prior to the final pretrial.
- F. Electronic Media Evidence (DVD/flash drive) shall be brought to the final pretrial so that compatibility with court equipment can be determined. Any questions should be directed to the Court Reporter.
- G. Counsel may pick up copies of Jurors' Questionnaires at the Clerk's Office on the business day before trial. Questionnaires may be faxed or emailed to counsel upon request received by noon on the business day before trial. Please contact the Assignment Commissioner.

RULE NO. 2.07: COURT APPOINTED COUNSEL

- A. Appointments and Qualifications: The Court maintains a list of private attorneys who wish to serve on the appointed counsel list. Appointment of defense counsel shall be made by the Court from said list.
 - 1. The Court Administrator and/or Clerk of Court will conduct a periodic review to ensure an equitable distribution of appointments among attorneys on the list and utilize a rotary system from a graduated list that pairs the seriousness and complexity of the case with the qualifications and experience of the attorney to be appointed.
 - 2. The qualifications of appointed counsel shall conform to Ohio Administrative Code 120-1-10.
- B. Process for Inclusion on Appointed Counsel List: Attorneys who desire to be on the appointed counsel list shall contact the Court Administrator and provide all information necessary. Attorneys desiring to be removed from the appointed counsel list shall notify the Court Administrator in writing. Attorneys on the appointed counsel list are required to notify the Court of any changes in contact information or attorney status.
- C. Affidavit of Indigency: Appointed counsel shall obtain from each alleged indigent defendant an affidavit of indigency setting forth the facts in support. Ohio Public Defender form OPD-206R shall be utilized.

- A. Compensation and Expenses: All requests for compensation for payment shall be made by accurately completing the prescribed Ohio Public Defender forms and submitting them to the Court within thirty (30) days after withdrawal by counsel or termination of the case, whichever is sooner.
- B. The rate of compensation shall be commensurate with the applicable Ohio Public Defender Guidelines.

RULE NO. 2.08: PAYMENT PLAN PROGRAM FOR FINES AND COSTS

- A. The Cambridge Municipal Court utilizes the Payment Plan Program to promote payment compliance among offenders who owe the Court money as a result of financial sanctions and/or court costs issued by the Court. The Program will allow offenders who owe the Court money to enter into a payment plan with the Court. The Court will review compliance with payment plans on a regular basis. Pursuant to R.C. 2929.28(F)(3), the Court may “charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.”
- B. Failure to comply with Payment Plan Program will result in account being sent to collection.

RULE NO. 2.09: WAIVERS FOR VIOLATION OF CODIFIED ORDINANCES AND OHIO REVISED CODE

Pursuant to the requirements of Criminal Rule 4.1(E), and Traffic Rule 13, the Court has established a waiver schedule by Administrative Order. The schedule is available at the counter in the Clerk's Office and on the Court's website at <https://cambridgeoh.org/court/>.

RULE NO. 2.10: METHOD OF ASSIGNING PAYMENTS

- A. Pursuant to ORC 2949.111(C), the Clerk of Court shall assign payments as defined in Ohio Revised Code Section 2949.111 as follows:
 - 1. If the Court ordered the offender to pay any restitution and if all court costs and reimbursements that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the restitution until it has been entirely paid.
 - 2. If the Court ordered the offender to pay any reimbursement and if all of the court costs that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.
 - 3. If the Court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of those court costs until they have been entirely paid.

4. If the Court ordered the offender to pay any fine and if all court costs and reimbursements, and restitution that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of fine until it has been entirely paid.
5. If the Court ordered the offender to pay any state fine or costs and if all court costs and reimbursements, restitution and any fine that the Court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of fine until it has been entirely paid.
6. If a person who is charged with a misdemeanor is convicted of or pleads to that offense and if the Court orders the offender to pay any combination of court costs, reimbursements, restitution, fines and state fines or costs, the Court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in sections 1 through 5 of this Rule by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of payment, the Clerk of Court shall assign the payment in the matter prescribed by this Court.

CIVIL AND SMALL CLAIMS CASE MANAGEMENT

RULE NO. 3.01: CIVIL CASE MANAGEMENT

- A. **Costs:** No action, proceeding, motion or other document shall be accepted for filing by the Clerk of Court unless there first shall be deposited the sum of not less than the amount specified in the civil costs section as security for costs, unless otherwise ordered by the Court or otherwise exempted by law. The schedule of court costs in the civil division is set by administrative order. The schedule is available at the Clerk of Court's Office or at the Court's web site. Those persons unable to post the required security for costs may be excused from the same upon filing of an appropriate affidavit, when approved by the Judge or Magistrate.

Each complaint shall be accompanied by a separate check.

- B. **Summons:** The summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk of Court shall notify counsel or pro se party.
- C. If counsel/pro se party fails to obtain service of the summons and complaint or any post-judgment proceeding within six (6) months from the date the case already has been filed and the party on whose behalf such service was required cannot show good cause why such service was not made, the action shall be dismissed as to that defendant without prejudice upon the Court's own initiative with notice to such party or upon motion.
- D. **Assignment of Cases:** If an answer or other responsive pleading is filed, the Clerk of Court shall assign a date for a scheduling pretrial.

RULE NO. 3.02: SERVICE OF PROCESS

- A. The Clerk of Court shall accept service of process methods as outlined in Civil Rule 4.1 which methods shall include “virtual” service of process utilizing advanced postal technology for service by eCertified mail. This advanced postal technology does not modify Civil Rule 4.1(1), but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the court’s website to show to whom the mail was delivered, the date of delivery, address where delivered, and the electronic signature of the recipient, all in accordance with the now-existing Civil Rules.
- B. All service of process of complaints or other documents served with virtual services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through the Clerk’s Office.

RULE NO. 3.03: PLEADINGS AND MOTIONS

- A. All motions, unless made during a hearing or trial, shall be in writing and accompanied by a memorandum stating the grounds for the motion and citing relevant authorities. The motion shall not exceed fifteen (15) pages including any supporting documents/exhibits. The Court may allow additional pages by Judgment Entry upon the filing of a motion and for good cause shown. If a party fails to provide a brief or memorandum or exceeds the 15-page limit without leave of Court, the Court may overrule the motion without consideration. Excess pages will be destroyed.
- B. Motions and responses must be filed within the time guidelines set forth in the Ohio Rules of Civil Procedure.
- C. Motions may be ruled on without a hearing unless otherwise requested in writing, at the court’s discretion.
- D. Motion to Compel/Discovery Sanctions: No party shall file a motion to compel discovery or a motion for sanctions regarding alleged discovery violations until the parties have contacted the presiding Judge or Magistrate either by telephone conference or in open court to discuss and narrow the issues.
- E. All motions shall be accompanied with a proposed entry. Failure to supply a proposed entry may delay the Court ruling on such motion or may result in the motion being denied.
- F. The Court may refuse filing if filed with inaccurate information or filed without proposed entry.

RULE NO. 3.04: SCHEDULING PRETRIAL AND SETTLEMENT CONFERENCE

- A. The Court may set a scheduling pretrial with counsel to establish a case management plan. The Court may also set a settlement conference to narrow and clarify issues, agree to stipulations, and attempt to reach a settlement.

- B. Attorneys and parties are required to appear at the settlement conference and failure to appear may result in sanctions. Counsel attending a settlement conference must have full settlement authority. Insurance adjusters shall be available by telephone

RULE NO. 3.05: JURY DEMAND IN CIVIL CASES

- A. Any party desiring a jury trial in a civil case must demand the same in accordance with Rule 38 of the Ohio Rules of Civil Procedure. The jury demand must be in writing by separate instrument. The jury demand must be filed in compliance with the time frame set forth in the applicable Rule.
- B. The party demanding the jury in a civil case shall pay the Civil Jury Cost at the time of the request. The cost requirement may be waived upon the presentation of evidence which establishes the indigency of the party demanding the jury, and upon approval of the Judge.
- C. Each party shall file a complete set of instructions suitable for charging the jury in the captioned matter no later than the day of the scheduled Final Pretrial.
- D. Failure to comply with these requirements may result in a jury waiver or other appropriate sanctions.

RULE NO. 3.06: JOURNAL ENTRIES

The Court shall prepare Journal Entries. However, when ordered by the Court, counsel for the party in whose favor an entry, order, judgment, or decree is entered, shall prepare a proper Journal Entry and submit it to the Court within fourteen (14) days of the order.

RULE NO. 3.07: DEFAULT JUDGMENTS

Motions for default judgement shall be supported by an affidavit of proof of damages. For cases based on an account, the account statement must be submitted, along with proof by affidavit that no subsequent payments have been made on the account and proof of all assignments/transfers of the account. Upon notice to the plaintiff, failure to file a motion for default shall result in dismissal of the complaint for want of prosecution.

RULE NO. 3.08: FORCIBLE ENTRY AND DETAINER

- A. Complaint: A complaint in Forcible Entry and Detainer shall be filed and shall set forth the grounds for the eviction and shall be accompanied by a copy of the notice under ORC § 1923.04.

By order of the Ohio Supreme Court, only the legal titled owner of the rental property, or a licensed practicing attorney, may file a complaint for eviction against a tenant. A corporate officer, L.L.C. member, Trustee, building manager or agent designated by the landlord (other than an attorney) may not sign or file a complaint for eviction, or appear on behalf of, the legal owner in any court proceeding. For further information, see Cleveland Bar Association v. Picklo, 96 Ohio St. 3d 195

(2002). Failure to comply with this requirement may be grounds for dismissal of the case at any stage of the proceedings.

- B. Trial:** Defendant shall be served with the summons and complaint at least seven (7) days prior to the date set for trial, unless time constraints require otherwise. Motions shall be heard at the trial, unless the assigned Judge or Magistrate directs otherwise.
- C. Continuance:** A continuance may be granted as provided in Ohio Revised Code § 1923.08 which reads: “No continuance in an action under this chapter shall be granted for a period longer than eight (8) days, unless the plaintiff applies for the continuance and the defendant consents to it, or unless the defendant applies for the continuance and gives a bond to the plaintiff, with good and sufficient surety, that is approved by the court and conditioned for the payment of rent that may accrue, if judgment is rendered against the defendant.”
- D. Enforcement of First Claim Judgment – Writs and Set-Outs:** If judgment is for plaintiff on the complaint for Forcible Entry and Detainer, unless otherwise ordered by the Court, the plaintiff may apply for a Writ of Restitution through the Clerk’s Office. Plaintiff shall remit a fee, established by the most recent cost schedule, with the application for the Writ. Plaintiff may apply for the Writ after the Court ordered move-out date has passed and schedule a set-out date and time with the Bailiff.

Writs must be timely applied for. Timely application is determined according to the following:

1. Within thirty (30) days of the date of the judgment unless the judgment orders otherwise.
 2. Where the judgment is more than thirty (30) days old, but less than sixty (60) days old, plaintiff must file a Motion for Leave to Apply for a Writ and serve a copy of the motion on the defendant(s). The Court may schedule a hearing on the motion or decide the motion on the filings of the parties. Upon the granting of the motion, plaintiff may remit the fee established by the most recent cost schedule for the Writ and schedule a set-out.
 3. Writs must be executed upon (the scheduled set-out must occur) within fifteen (15) business days of issuance by the Clerk’s office. If a set-out is delayed or canceled by the plaintiff, and more than fifteen (15) business days pass after the date the Writ was issued, the plaintiff must apply for a new Writ and pay another fee.
- E. Set-Outs:** Every set-out scheduled pursuant to a Writ of Restitution shall be supervised by the Bailiff. The actual physical set-out of defendant’s belongings shall be conducted by movers obtained by the plaintiff.

On the scheduled date and time, the Bailiff will meet the plaintiff, or his/her agent, at the premises. The Bailiff may inspect the premises to determine if inhabitants need to be lawfully removed. If there are occupants who refuse to vacate the premises, the Bailiff shall contact the appropriate police agency for assistance. The plaintiff’s movers may then conduct the actual physical set-out.

RULE NO. 3.09: CHANGE OF VENUE CERTIFICATION OF PROCEEDINGS

- A.** Court as Transferor: The Clerk shall not transfer any case pursuant to venue change in application of Civil Rule 3(C) until all costs are paid. It shall be the responsibility of the plaintiff's attorney to ascertain the filing cost in the transferee court.
- B.** Court as Transferee: The Clerk shall not file and docket any case transferred to this Court pursuant to venue change in application of Civil Rule 3(C) until a sum sufficient to secure costs has been deposited. Failure to comply with this rule within fourteen (14) days from receipt of the file from the transferor court may form the basis for returning the file to the transferor court.
- C.** Certification to Common Pleas Court: It shall be the responsibility of any party filing a counterclaim, crossclaim or third-party complaint exceeding the monetary jurisdiction of the court to also file a motion to certify the case to the Court of Common Pleas. The motion shall be accompanied by a check or money order made payable to the Court of Common Pleas, in a sum of not less than the amount specified as security costs for that court. Failure to comply within thirty (30) days of the filing of such counterclaim, crossclaim or third-party complaint shall be grounds for dismissal under Civil Rule 41(B).

RULE NO. 3.10: SMALL CLAIMS

- A.** Complaint: A small claims action is commenced by filing a small claims complaint pursuant to Ohio Revised Code Section 1925.04. A defendant is not required to file an answer or a statement of defense. A timely counterclaim or crossclaim may be filed. All pleadings will be construed to accomplish substantial justice. Should the defendant fail to appear for the hearing, following proper service, judgment in favor of the plaintiff.
- B.** Continuances: No case scheduled for trial, or hearing may be continued except on written motion accompanied by appropriate deposit and for good cause shown. Such motion shall be filed with the Court not less than seven (7) calendar days prior to the trial or hearing. In the event such continuance is filed by an attorney, a proposed entry **MUST** accompany the motion. In the case of unforeseen emergency, this time requirement may be waived.
- C.** Transfer to the Regular Civil Docket: Motions to transfer a small claims case to the regular civil docket shall comply with Ohio Revised Code 1925.10 and shall be accompanied by appropriate filing fee.
- D.** Request for remote appearances shall be governed by Rule 1.23.