

IN THE COUNTY COURT OF PIKE COUNTY, OHIO

IN THE MATTER OF:

LOCAL RULES
OF PROCEDURE

GENERAL ORDER

In accordance with Rule 5 of the Ohio Rules for Superintendence for the Courts of Ohio, the Local Rules of Procedure attached to this General Order are hereby ADOPTED for use in the Pike County Court, Pike County, Ohio. These Local Rules shall take effect as of January 1, 2009.


Cassandra Bolt-Meredith, Judge

Distribution:
Local Practitioners of the Bar
Clerk of the County Court

PIKE COUNTY COURT

Local Rules

1. SCOPE, AUTHORITY, AND EFFECTIVE DATE

- 1.01 AUTHORITY. These rules are adopted as the local Rules of Court governing practice and procedure in the Pike County Court. They are adopted pursuant to Article IV, Section 5(B) of the Ohio Constitution; Rule 5 of the Rules of Superintendence for Courts of Ohio; Rule 83(B) of the Ohio Rules of Civil Procedure; Rule 57(A) (2) of the Ohio Rules of Criminal Procedure.
- 1.02 SCOPE. These Local Rules of the Court shall apply in all proceedings in the Pike County Court unless inconsistent with rules promulgated by the Supreme Court of Ohio, with Ohio law or an order of the Judge specific to the case. These local rules are not to be interpreted in any way which conflicts with the various Ohio rules. Should any conflict exist, the Ohio Rules shall govern. These rules are intended to be supplemental and used in conjunction with:
- a) The Ohio Rules of Civil procedure as amended,
 - b) The Ohio Rules of Criminal procedure as amended, and
 - c) The Ohio Rules of Superintendence for the courts of Ohio as amended.
- 1.03 CITATION. These rules shall be known as the "Pike County Court Rules" and shall be cited as "P.C.C. Rule XX".
- 1.04 EFFECTIVE DATE. These Rules are effective as of January 1, 2009 and govern all proceedings filed subsequent to that date and may be revised periodically as required.

2. COURT ADMINISTRATION

- 2.01 OFFICE HOURS. The office of the Court shall be open for the transaction of business Monday through Friday, 8:30 AM to 4:00 PM, with designated holidays, unless otherwise ordered by the Judge presiding at the session. The Court will also be in session on each Monday and Wednesday until completion of business.
- 2.02 COURT SCHEDULE. The Court Schedule shall be as follows:
- a) Monday and Wednesday
 - i) 8:30: Pre-trials;

service.

- 3.02 RECORDING OF PROCEEDINGS. The audio of all proceedings before the Court shall be recorded via digital recording equipment. Copies of all such recordings will be retained for one year after the final disposition of the case is made by the Court.
- 3.03 COPIES. A copy of the digitally recorded audio of the proceedings, or a portion thereof may be requested by written Praeceptum filed with the Clerk. Once the required cost deposit is made, the copy shall be provided within Seven (7) business days, or sooner upon order of the Court.
- 3.04 EXPENSE OF ELECTRONICALLY RECORDED TRANSCRIPTS OF PROCEEDINGS. The expense of copies of electronically recorded audio or such portions as are considered necessary by a party shall be borne by the requesting party or as provided by law. If a party is indigent, the party shall file a motion demonstrating that a valid affidavit of indigency has been filed with the Clerk's office or that the party otherwise qualifies as indigent pursuant to indigency guidelines and request that the transcript be produced at the Court's cost.

4. COURT RECORDS

- 4.01 DOCKETS AND RECORDS. The Clerk shall prepare and maintain the case files, an alphabetical index to the docket, a docket, and such other records as the Court, by rule, may require.
- a) The clerk shall keep all pleadings, documents and filings together in 8 ½ x 11-inch folders in order in which the cases are numbered on the Docket.
 - 1) The Case File shall contain all pleadings, reports, entries, orders (including requests and orders for Temporary Protection) and other filings, which shall be public records of the Court.
 - b) DOCKET. The Docket shall contain the names of the parties, the names of the counsel, and the nature of the petition, issuing of summons, or other process, returns, and/or pleading. All reports (excluding victim's personal information), verdicts, orders, judgments and proceedings of the Court so as to specify clearly the relief granted or orders made in each session. The Docket shall be public records of the Court.
 - c) DOCKET INDEX. The Docket Index shall contain the names of the parties to each judgment direct and reverse. The

names of the parties shall be entered in the index in the alphabetical order of the first letter of the family name. The Clerk shall number the cases progressively on the docket, and shall correspondingly number the papers in each case. The Docket Index shall be public records of the Court.

- d) PRIVACY. At no time, shall the docket contain social security numbers of defendants, victims, complainants, protected persons, etc. At no time, shall the docket contain any personal information which is not mandated by O.R.C. 149.43 to be considered "public record".

4.02 ORIGINAL RECORDS. No papers, dockets or books on file in the Clerk's office shall be removed therefrom for purposes other than use in court. The Clerk shall permit any party to an action, their counsel or agent to make copies of any pleading or other papers in the file, but without removing the original papers from then office of the Clerk.

4.03 NOTARY SERVICES. Officers or employees of the Pike County Court shall prepare or help to prepare any pleading, affidavit, entry, or order in any civil matter, except as provided under Revised Code § 1925.04.

4.04 ORIGINAL PAPERS FILED WITH THE COURT. All papers offered for filing with the Court shall be typewritten or printed and shall be 8-1/2 by 11 inches. Original documents attached or offered as exhibits and official court forms supplied by the Clerk are exempt from the requirements of this Rule.

4.05 REQUIRED FILING INFORMATION. All papers offered for filing with the Court shall be identified by including:

- a) Case number
- b) Judge's last name shall appear below the case number
- c) Title, containing the name and party designation of the party filing it, nature of the document (i.e. Answer, Motion, Interrogatories, etc.)
- d) The typed name, signature, office address, telephone number, facsimile number, email address and Supreme Court Number of the designated Trial Attorney or party *pro se*.

4.06 FILING BY FASCIMILE. All documents filed by facsimile will be accepted by the Court effectively as an original. The original with original signatures must be maintained by the sender and be available upon demand by the Court until such time as the case is closed. The sender bears the risks of transmitting a document by facsimile.

- a) Anyone using facsimile filing is urged to verify receipt and filing by the Clerk.
- b) No additional fee shall be assessed for facsimile filings.
- c) Facsimile filings shall not exceed ten (10) pages in length not including cover sheet. The filer shall not transmit service copies by facsimile.

4.07 PROOF OF SERVICE. All documents, except the Complaint, required to be served on other parties shall contain proof of service in the form provided by Civil Rule 5 (D).

4.08 COPIES OF THE COMPLAINT. Plaintiff(s) shall tender, along with the original complaint, a sufficient number of service copies for all defendants to be served.

4.09 CLERK'S DUTY. The Clerk shall, upon receiving papers for filing, docket same and place the original of said papers in the file jacket without delay. Upon filing of a complaint, summons shall be forthwith issued, signed by the Clerk or Deputy Clerk, and shall bear the seal of the Court.

4.10 LEGIBLE COPIES. All documents filed with the Court shall be sufficiently legible. The Court may order stricken any filed paper which does not comply with legibility.

4.11 COMPUTER REPORTS AND COPY FEES. The Pike County Court of Pike County amends its rule governing costs for the supplying of copies in accordance with The Public Records Act as follows: Effective immediately, upon any oral or written request for copies, the Court will provide, as required by the Public Records Act, copies of anything considered public record when the appropriate fee of \$.10 per page accompanies such request. When a governmental unit in connection with official business such as police agencies, a prosecutor's office or another court makes such request, the fee is waived.

5. COUNSEL OF RECORD

5.01 DESIGNATION OF COUNSEL/PRO SE LITIGANT. Attorneys engaged in civil or criminal practice before the Court shall be registered with the Clerk of Court. Said registrations shall be kept in permanent volumes and shall include counsel's name, office address, zip code, telephone number, email address, and Supreme Court of Ohio Bar Registration Number. Attorneys are requested to provide the Clerk of Court with any changes of address or telephone number.

- 5.02 INITIAL APPEARANCE. An attorney making an initial appearance on behalf of a criminal defendant before any judge or magistrate of the Court shall provide his or her name and Supreme Court of Ohio Bar Registration Number for the record and inclusion in the case file.
- 5.03 SUBSTITUTION OF COUNSEL. Once counsel has been designated, such designation shall remain until termination of the case. A request to substitute counsel must be made by written motion and submitted to the Court accompanied by an entry containing the designation of new counsel, and where possible, the agreement of retiring counsel. Substitution of counsel may be permitted only by the Judge upon good cause shown.
- 5.04 WITHDRAWAL OF COUNSEL. Counsel shall be allowed to withdraw from the case with the consent of the Judge assigned to the case. No such application shall be considered unless:
- a) a written motion is presented stating the reasons for application;
 - b) the motion contains certification of service on opposing counsel and on the client;
 - c) the motion states the date and time of the next scheduled court action (pretrial, motion hearing, trial, etc.) if any has been set;
 - d) the motion contains counsel's statement that if the request is allowed, a copy of the journal entry granting the request will be mailed immediately to the last known address of the client;
 - e) the motion is filed seven (7) calendar days prior to the hearing date or such shorter period as the Court may allow.

6. BEHAVIOR AND CONDUCT

- 6.01 PROPER ATTIRE. All individuals using the Court, including but not limited to Court employees, attorneys, prosecutors, defendants, jurors, media, or observers will be properly attired. No shorts, tank tops or shirts exposing midriffs shall be permitted.
- 6.02 BEHAVIOR. It is hereby declared to be the duty of every person in the courtroom to give respectful attention to the Court at all times when in session. It is declared to be contempt of court and subject to the reproof or punishment by the Court for any person or persons, by conversation or otherwise, to disturb the attention of the court or Jury while Court is in session.
- 6.03 ELECTRONIC DEVICES. Individuals entering the courtroom will turn

electronic devices such as cell phones, pagers, PDA's or portable computers to silent mode or off. No cellular telephone calls shall be initiated or received while in the courtroom while Court is in session.

- 6.04 CONDUCT OF ATTORNEYS. Attorney's in proceedings before the Court shall refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others. This prohibition does not preclude legitimate advocacy when race, gender, or other similar factors, are issues in the proceeding.
- 6.05 SANCTIONS. Failure to comply with the required behavior and conduct may result in contempt of court.
- 6.06 CONTEMPT OF COURT. To insure that decorum and dignity which should characterize the practice of the law and to aid the Court at all times in the discharge of its duties, it is hereby declared to be contempt of the Court for any person to use insulting, vulgar, or profane language in the presence of the Court while Court is in session.

7. CASE MANAGEMENT IN CRIMINAL CASES

- 7.01 FILING OF CRIMINAL COMPLAINT. Pursuant to Rule 4 of the Ohio Rules of Criminal Procedure, the Court designates the Pike County Prosecutor(s) assigned to this Court, as an officer of the Court, to make an initial determination there is probable cause to believe that an offense has been committed, and, that the defendant has committed it, before the Clerk is authorized to issue warrant for the arrest of the defendant, or the summons in lieu of a warrant.
- a) The Clerk of Court may make a probable cause of determination for charges filed by duly authorized law enforcement officers.
 - b) No process, either by way of warrant or summons, shall be issued until such probable cause determination has been made and probable cause been found.
- 7.02 PRIVATE CRIMINAL COMPLAINT. If a private individual elects to file an Affidavit or Complaint charging a person with a crime, and the Prosecutor finds that probable cause does not exist, the Prosecutor shall complete a "Nonapproval" form and file it with the charge(s). The Clerk shall notify the complainant of the time and date at which the prosecutor will request leave of court, pursuant the Criminal Rule 48 and Revised Code § 2941.33, to enter a nolle prosequi, in order that the private complainant may be heard in opposition to the Prosecutor's request for a dismissal of the charge.

- 7.03 CONTENTS OF A CRIMINAL COMPLAINT. The Complaint shall contain specific facts that adequately inform the accused and the Court of the nature of the offense charged, the date and time of the offense, and the identity of the victim(s) of the offense, if any, except where protected by law. It shall not be merely a recitation of the statute or ordinance upon which it is based. Each criminal complaint shall contain or be accompanied by a concise, written summary of the events which form the basis of the offense charged prepared either by the Prosecutor, law enforcement officer or private complainant.
- 7.04 ISSUANCE OF PROCESS (SUMMONS OR WARRANT). In misdemeanor cases other than domestic violence, summons as opposed to warrant shall be the preferred method of original process. This policy shall in no way prohibit the Clerk or other issuing authority from the issuance of a warrant, if in the discretion of the issuing authority, a warrant is deemed necessary.
- 7.05 SERVICE OF PLEADINGS. Service of pleadings shall be accomplished by following the applicable Rules of Criminal Procedure. No pleadings shall be deemed served by leaving a copy with the Clerk or any Court personnel. Neither the Clerk nor any other personnel of the Court have an obligation to forward pleadings left by counsel for the opposing party.
- 7.06 WRITTEN NOT GUILTY PLEAS. A plea of Not Guilty may be entered in writing prior to the date of arraignment. Once the written plea of Not Guilty has been filed, neither counsel nor the defendant need appear unless any of the following apply:
- a) The written plea of Not Guilty does not contain a time waiver;
 - b) The offense is domestic violence or an offense of violence;
 - c) The judge requires a personal appearance by the Defendant.
- 7.07 GUILTY AND NO CONTEST PLEAS. Pleas of guilty and no contest shall be received only by personal appearance of the defendant in open court. Upon a showing of exceptional circumstances, a defendant may enter a plea of guilty by written motion with the approval of the Court pursuant to Ohio Traffic Rule 12.
- a) The following shall be considered "exceptional circumstances" in all traffic cases the defendant has previously appeared personally or through counsel:
 - i) The defendant is not a resident of Pike County, Ohio.
 - ii) The defendant is a resident of Pike County, Ohio, but defendant's personal appearance in Court would cause the defendant to lose one

half (1/2) day or more of gainful employment.

- b) A Written Guilty Plea shall be signed by the Defendant and contain:
 - i) An acknowledgement the Defendant understands and waives his constitutional rights to a trial, to confront witnesses, to compulsory process and to remain silent;
 - ii) An acknowledgement the Defendant understands the maximum penalties;
 - iii) An attorney's trust check, money order, certified check or bank check covering the total amount of the unsuspended portion of any fine and the court costs,
 - iv) Proof that defendant's operation of the vehicle was covered by insurance or other proof of financial responsibility.

7.08 DISCOVERY. A defendant shall make his motion for discovery within twenty-one days after arraignment or seven days before the date of trial, whichever is earlier. The prosecuting attorney shall make his motion for discovery within seven days after the defendant obtains discovery or three days before trial, whichever is earlier.

- a) All discovery disputes shall be brought to the attention of the Court by written motion within seven (7) days after the pretrial conference, or seven (7) days before trial, whichever is earlier.
- b) The Court encourages liberal, informal discovery between the parties.

7.09 EXHIBITS. All exhibits shall be marked prior to trial. Plaintiff shall use numbers; Defendant shall use letters.

7.10 PRETRIAL CONFERENCE. In cases where the defendant is represented by an attorney, a pretrial conference may be conducted in criminal cases prior to being scheduled for trial. The purpose of a pretrial shall be for the exchange of discovery, discussion of trial issues and possible resolution of the case by negotiated plea agreement.

7.11 FINAL PRETRIAL. Upon request of the Defendant or counsel, the case may be scheduled for Final Pretrial with the Judge to whom the case is assigned. Final Pretrials with unrepresented parties shall be conducted in the courtroom and on the record.

7.12 PRETRIAL MOTIONS. Prior to trial, any party may raise by motion any defense, objection, evidentiary issue, or request that is capable of determination without the trial of the general issue. The following must be raised before trial:

- a) Defenses and objections based on defects in the institution of the prosecution;
- b) Defenses and objections based on defects in the indictment, information, or complaint.
- c) Motions to suppress evidence, including but not limited to statements and identification testimony, on the ground that it was illegally obtained.
- d) Requests for severance of charges or defendants.

7.13 TIME FOR PRETRIAL MOTIONS. All pretrial motions except for requests for discovery and/or bill of particulars shall be made within thirty-five days after arraignment or seven days before trial, whichever is earlier. The Court in the interest of justice may extend the time for making pretrial motions.

7.14 SUBPOENA. A praecipe for subpoena of witnesses shall be filed with the Clerk no later than five (5) days (excluding intervening Saturdays, Sundays, and holidays) before the date of trial. The failure to appear of a witness for whom the praecipe was not filed in accordance with this rule will not be grounds for a continuance of the case.

7.15 CRIMINAL JURY TRIAL. In all misdemeanor cases, the defendant shall be tried by the Court unless he or she demands a jury trial.

- a) A demand for trial by jury must be in writing and filed with the clerk of court not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later.
- b) Failure to demand a jury trial as provided herein is a complete waiver of the right thereto.
- c) The jury shall be selected and summoned in the same manner as is provided for the selections and notification of jurors in civil cases in this Court.
- d) Eight (8) jurors and one (1) alternate are to be selected.
- e) After a jury demand has been filed, should the defendant determine that a jury is not desirable, the defendant must waive the jury demand in writing.
- f) If a jury canceled after it has been summoned into Court and the Clerk of Courts is unable to notify all jurors of said

cancellation, the Court may assess costs so incurred to the party canceling the jury demand.

- 7.16 CONTINUANCES IN CRIMINAL CASE. No party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance, endorsed in writing by the party as well as counsel, provided that the trial judge may waive this requirement upon a showing of good cause.
- a) All requests for continuances must be filed seven (7) calendar days prior to the trial or hearing date, except for circumstances which by reasonable diligence could not be determined and the request is made as soon as possible after the circumstances are known.
 - b) All requests for continuance shall certify opposing counsel or party has been notified of the continuance and state the opposing party's position on the continuance.
 - c) Entries shall accompany the motions with blanks for the new trial time and date.
 - d) If a continuance is granted, the Court shall set a new date for the trial or hearing.
 - e) When a continuance is requested due to a conflict in counsel's schedule, the prior trial conflict shall be cited with specificity including the court, case name and case number of the conflict. In the event of conflict, Ohio Sup. R. 41 shall control which case is to be continued.
 - f) Continuances will only be granted upon a showing of good cause.
- 7.17 DRIVING PRIVILEGES. No Driving Letter shall be issued, except where granted by the Judge following a written request or motion.
- a) No Driving Letter shall be issued unless proof of financial responsibility is shown.
 - b) When the defendant has made regular payments towards fine and court costs, the Clerk shall issue a Driving Letter for privileges consistent with the Judge's Order with no expiration date.
- 7.18 COLLECTION OF FINES AND COSTS. All fines and costs must be paid on the date of sentencing, unless otherwise specified by the Judge.
- 7.19 FAILURE TO APPEAR. The Court may order a Bench Warrant for any Defendant who fails to appear for his/her Court date. Prior to the issuance of any Bench Warrant ordered by the Court, the Clerk shall determine

whether the failure to appear was due to the defendant's incarceration in the Ross County Jail, and if so, return the file with a notation to that effect to the Judge for further action.

8. CASE MANAGEMENT IN CIVIL CASES

- 8.01 COURT COSTS DEPOSIT: Any person filing a civil action or proceeding shall deposit with his or her Complaint the corresponding court cost deposit set forth in attached Exhibit A unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.
- 8.02 COSTS DEPOSIT FOR JURY TRIALS IN CIVIL CASES: Any party demanding trial by jury in a civil case shall deposit, in addition to the usual court cost deposit, the sum of \$300.00 with their written demand unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of a jury demand if the deposit is not included. The party shall also file the number of Jurors requested consistent with Civil Rule 48.
- 8.03 SERVICE OF SUMMONS. Upon the filing of each new civil case, the Clerk of Courts shall prepare a Summons, which shall be served in accordance with the Ohio Rules of Civil Procedure consistent the praecipe for service, if any, contained on the complaint. In the event no method of service is specified, the Clerk shall serve all defendants by certified mail. In the event there is a failure of service, the clerk shall notify counsel immediately.
- 8.04 PLEADINGS AND MOTIONS. All motions shall be in accordance with Ohio Rules of Civil Procedure.
- a) Motions will be supported by Memoranda of Law containing applicable statutory and case law citations.
 - b) Pretrial motions shall not be set for oral hearing unless requested, in writing.
 - c) All motions not heard or decided prior to trial will be disposed of at trial.
 - d) All motions where an oral hearing is not required shall be accompanied by a proposed entry.
- 8.05 CONTINUANCES IN CIVIL CASE. No party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance, endorsed in writing by the party as well as counsel, provided that the trial judge may waive this requirement upon a showing of good cause.

- a) All requests for continuances must be filed seven (7) calendar days prior to the trial or hearing date, except for circumstances which by reasonable diligence could not be determined and the request is made as soon as possible after the circumstances are known.
- b) All requests for continuance shall certify opposing counsel or party has been notified of the continuance and state the opposing party's position on the continuance.
- c) Entries shall accompany the motions with blanks for the new trial time and date.
- d) If a continuance is granted, the Court shall set a new date for the trial or hearing.
- e) When a continuance is requested due to a conflict in counsel's schedule, the prior trial conflict shall be cited with specificity including the court, case name and case number of the conflict. In the event of conflict, Ohio Sup. R. 41 shall control which case is to be continued.
- f) Continuances will only be granted upon a showing of good cause.

8.06 PRETRIAL CONFERENCE. All civil cases, except Forcible Entry and Detainer and Small Claims actions, shall be set for pretrial conference.

- a) The Pretrial Conference shall be attended by the attorney who will try the case, and who is authorized to act and negotiate on behalf of the party.
- b) Parties or representatives of liability insurance carriers shall be present or available for immediate telephone conference unless the Court grants permission in advance for a party to be absent. A corporate party may appear by an officer or employee having knowledge of the subject matter of the case and authority to settle the case. A party who is insured concerning the claim may appear by a claim representative from his liability carrier.
- c) Telephone conferences may be arranged with prior approval of the Judge or Magistrate.
- d) Trial counsel has a duty to make a full and fair disclosure of his/her views on the issues at pretrial.

8.07 PRETRIAL STATEMENT. At least seven (7) days prior to the pre-trial conference, trial counsel shall file a pretrial statement. Each pretrial statement shall contain a statement from the trial counsel covering each of the following items as are appropriate to the litigation:

- a) Discovery. Counsel shall advise the Court of the status of discovery and, if not completed, the nature of additional discovery and the time anticipated as necessary to complete.
- b) List of Witnesses. Counsel shall list all lay and expert witnesses who will testify at trial. Failure to list a witness in the pretrial statement shall result in the witness being excluded from testimony at trial, unless excused by the trial judge for good cause shown.
- c) Settlement Negotiations. Status of settlement negotiations.
- d) Exchange of Medical and/or Expert Reports. A copy of each expert's written report is available to counsel prior to the pretrial shall be furnished to all counsel and the Court.
- e) Special Damages. Where appropriate, trial counsel shall list all special damages and furnish opposing counsel with verification of those damages.
- f) Exhibits. Trial counsel shall set those exhibits that he/she expects to introduce into trial. All exhibits shall be marked prior to trial. Plaintiff shall use numbers; Defendant shall use letters.
- g) Unusual Issues of Fact or Law. Trial counsel shall set forth any unusual issues of fact or law he/she expects to arise at trial which are not made apparent by the pleading.
(i.e. Request view scene, possible delays, amendments)
- h) In addition to those sanctions provided in Rule 37, the Court may order the dismissal of an action or the granting of all or part of the relief sought in the complaint or such other orders as the Court deems appropriate for failure of trial counsel to comply with the pre-trial order including the exclusion of certain evidence or the disallowance of the testimony of any witness.

8.08 SUBPOENA. A praecipe for subpoena of witnesses shall be filed with the Clerk no later than five (5) days (excluding intervening Saturdays, Sundays, and holidays) before the date of trial. The failure to appear of a witness for whom the praecipe was not filed in accordance with this rule will not be grounds for a continuance of the case.

8.09 VIEW OF THE SCENE. A request for a view by the Judge or Jury will be made at the time of the pretrial conference. It is at the discretion of the Judge whether or not to permit a view.

8.10 JUDGEMENT ENTRIES. Counsel for the party or parties in whose favor an order or judgment is rendered shall prepare a judgment entry unless the Court agrees to prepare the judgment entry. That entry shall be

submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the judgment entry shall be submitted to the judge or the Court will prepare the judgment entry.

- 8.11 SETTLEMENT ENTRIES. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case may be dismissed for want of prosecution.
- 8.12 DEFAULT JUDGMENT. Where appropriate under the Rules of Civil Procedure, counsel shall submit an application for default judgment within fifteen (15) days or the case may be dismissed for want of prosecution. 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 all damages supported by affidavit, documentary or other evidence. A proposed entry shall accompany the motion as well as an affidavit addressing issues concerning age, competence and military service. An oral hearing may be required in the discretion of the Judge or Magistrate, or where an appearance has been made.
- 8.13 COURT COSTS. All judgments and/or entries which represent the final appealable order of the Court shall state which party will pay the court costs.
- 8.14 DORMANT CASES. If no action has been taken on a file for a three (3) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- 8.15 TRIAL BRIEFS AND JURY INSTRUCTIONS. Trial Briefs and 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, and citations of authority for any instructions requested by counsel. If there is no compliance with this rule, the jury will be deemed waived. Trial Briefs are also required for non-jury cases when there is a substantial conflict of views as to specific questions of law or when the judge so requests.

9. CASE MANAGEMENT IN SMALL CLAIMS

- 9.01 ESTABLISHMENT OF SMALL CLAIMS DIVISION. The Small Claims Division of the Pike County Court is established pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of the Pike County Court. A Small Claims administrator and deputy clerk position are established to assist persons in filing claims, and docketing the same,

setting them for hearing and receiving court cost deposit.

- 9.02 **PURPOSES OF SMALL CLAIMS COURT.** The purpose of the Small Claims Court is to allow the public to resolve minor money disputes quickly, inexpensively and fairly without requiring an attorney's involvement. If an attorney enters his appearance at hearing for a party, the court shall grant the other party a reasonable continuance to obtain legal counsel.
- 9.03 **TYPES OF CASES.** The Small Claims Division handles all types of cases involving amounts not exceeding \$3,000.00. (Such amounts as amended from time to time by the ORC) These include but are not limited to landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of services, and minor property damages.
- 9.04 **PROCEDURE AND LIMITATIONS.** A complaint is filed by plaintiff along with an information sheet. It must be for money only and not to exceed \$3,000.00. (Such amounts as amended from time to time by the ORC) Jurisdiction must be proper under the law. The Plaintiff must bring with him (2) copies of any documents supporting his claim and plaintiff must have the current address of defendant. The Clerk shall also have plaintiff sign a request for regular mail service in the event of failure of certified mail service.
- 9.05 **FAILURE OF SERVICE ON DEFENDANTS.** Upon failure of service on defendant, the Clerk shall notify the plaintiff that the case will be dismissed within (60) days unless plaintiff provides the Clerk a new address for defendant. Any pending case wherein service is not obtained within six months shall be dismissed by the Court sua sponte without prejudice.
- 9.06 **COUNTERCLAIMS.** Counterclaims are claims filed by the defendant against the plaintiff for a sum arising out of the same incident not to exceed \$3,000.00. (Such amounts as amended from time to time by the ORC) The filing fee is \$10.00. The transfer to civil division is accomplished if the amount of the counterclaim exceeds \$3,000.00 and defendant deposits the filing fee with a motion, affidavit and entry. (Such amounts as amended from time to time by the ORC)
- 9.07 **DUTIES OF CLERK AND ADMINISTRATOR.** In addition to the duties as set forth in these rules, the administrator and Clerk shall provide the public with proper explanation of procedures and assistance in completion of all forms.
- 9.08 **CONTINUANCES.** A request for continuance of a case for trial should be directed to the Small Claims Division at least three (3) days prior to the trial date. Requests for continuances shall be in writing which must

include (1) reasons for the request, and (2) the date and time of the current assignment. No continuance shall be granted for more than thirty days, nor shall any party be entitled to more than one continuance except for good cause shown and with the express approval of the court. Failure of the plaintiff to appear at trial unless otherwise excused shall result in a dismissal of the case without prejudice.

- 9.09 TRIAL. The court shall administer an oath to witnesses, and proceed to a trial on the merits. Unless all parties are represented by counsel, trial shall be conducted in an informal manner with the purpose of accomplishing substantial justice. The Ohio Rules of evidence do not apply in small claims court. {(Evidence Rule 101(C) (8) (Effective 03-01-2002)}

10. CASE MANAGEMENT IN FORCIBLE ENTRY AND DETAINER CASES

- 10.01 APPEARANCE. Plaintiff's failure to appear will result in the case being dismissed without prejudice. Defendant's failure to appear after having been duly served will result in a Writ of Restitution for the premises.
- 10.02 PRAECIPE FOR WRIT OF RESTITUTION. The plaintiff shall file with the Clerk a praecipe for a Writ of Restitution within 15 days after the date of the judgment unless the Magistrate or Judge issues the writ at the time of the hearing.
- 10.03 WRIT OF EXECUTION. Upon the receipt of the praecipe or order of the Court, the Clerk shall issue to the Bailiff a Writ of Execution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.
- 10.04 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, under the supervision of the Bailiff; subject to the appropriate security deposits.

11. CASE MANAGEMENT IN SPECIAL CASES

- 11.01 SMALL CLAIMS-DEBTORS EXAM. Upon filing of an order for debtor's exam, the Clerk's office shall issue by ordinary mail to the defendant an Order Requiring Defendant to List Assets, Earnings & Liabilities and return information to the Court. The Order shall contain a show cause hearing date by which time defendant must comply with completion of, and return to, the Court of the Order or appear. Failure to comply will result in a bench warrant for contempt. Plaintiff will not be required to appear unless notified by the Court. Upon receipt of the completed list of Assets, Earnings & Liabilities by the Clerk from the Defendant, the Clerk shall

forward a copy to the Plaintiff for their use in collection of their judgment.

11.02 PROCEEDINGS IN AID OF EXECUTION. Proceedings in aid of execution shall be filed on forms provided by the Court and shall consist of the original, to be retained by the Clerk, as many copies thereof as there are parties to be served in proceedings, and one copy for the Return of Service. The name of the attorney filing the proceedings shall appear at the place provided on the original and upon all copies. In all cases in which an Order Of Attachment of An Order in Aide of Execution is filed against personal earnings, a copy of the written demand and proof of service thereof, as required by Section 2716.02 O.R.C. shall be attached to the original copy of the proceedings to be filed with and retained by the Clerk.

11.03 FAILURE TO APPEAR. Should the plaintiff or his attorney fail to appear at the time for examination set forth on the order, the presence of anyone summoned to appear shall be noted on the docket and the party excused. In such event, the costs of the proceedings shall be taxed to the party who filed the proceedings and be so reflected on the docket, and, counsel may be subject to appropriate action by the Court.

12. FIREARMS OR DANGEROUS WEAPONS IN THE COURT FACILITY

12.01 Pike County Court property includes the space defined by the perimeter walls that fall within the domain of the security force and includes but limited to any and all adjacent sidewalks to the facility. Furthermore this order will extend to any other facilities that the Court may deem, from time to time necessary, for its efficient operation.

12.02 Weapons include but are not limited to handguns, firearms, explosives, knives or ordinances, or any item that can be used as a weapon.

12.03 If employees or visitors have questions regarding whether items are prohibited by this policy, they should contact the Chief Court Officer before bringing the items onto or into the Court facility.

12.04 Any employee failing or refusing to comply with any aspects of this policy will be subject to discipline, up to and including immediate termination.

13. COURT COSTS

13.01 COMPUTERIZATION. The Court has made a determination that for the efficient operation of the Court, additional funds are required to make available computerized records of all cases in the clerk's office, for purposes of docketing, notices, Supreme Court reports, Bureau of Motor Vehicle reports, various monthly reports, and financial distribution, etc.,

and for computerized legal research services. The Clerk is hereby authorized and directed to charge an additional fee of \$3.00 on the filing of each criminal, traffic, civil, and small claims action. All moneys collected under rule for this purpose shall be paid to the Treasurer of Pike County to be disbursed upon an order of the Court for the costs of such computerization and maintenance.

13.02 COMPUTERIZED LEGAL RESEARCH. The Clerk is hereby authorized and directed to charge a fee of \$3.00 on the filing of each criminal, traffic, civil, and small claims action for computerized research, and legal research. All moneys collected for this purpose shall be paid to the Treasurer of Pike County to be disbursed upon an order of the County in an amount no greater than the actual cost of such services to the Court in procuring and maintaining computerized legal research hardware, software, and expenses of maintenance.

13.03 SPECIAL PROJECTS COSTS. The Court has determined that, for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the court pursuant to O.R.C. 1907.24(B) (1). In addition to all other court costs, effective January 1, 2000, the Court will assess an additional \$10.00 in costs to each criminal case, civil action or proceeding, or judgment by confession. All moneys collected shall be paid to the county treasurer for deposit into a general special projects fund or a fund established for a specific project shall be disbursed upon an order of the Court.

14. BAIL

14.01 BAIL GUIDELINES. All persons are entitled to bail except in capital cases where the proof is evident or the presumption great. On Domestic Violence and Violation of Temporary Protection Order offenses, the Defendant shall be held without bond until he or she appears before the Judge and bond is set. At the time of arrest, the officer is given discretion to either issue a summons, accept a cash bond or a surety bond. The only time this would not be the case is when the Judge has approved a specific bond. At times, the Judge will order a bond of a higher amount than usual for a certain degree.

14.02 BOND SCHEDULE. The Court has adopted a bond schedule for the purpose of setting bonds prior to arraignment.

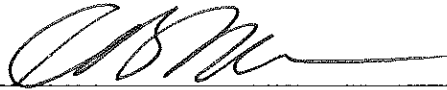
14.03 Officers in charge shall release any person arrested and charged with any of the offenses listed, who give bail or executes bond according to law and satisfactory to the Clerk in the amount indicated after each offense in the Bond Schedule for appearance in the Pike County Court. Those persons shall be given an arraignment date in accordance with the normal procedure where an arrest is not made.

14.04 In all misdemeanor cases (except Domestic Violence Offenses), any police officer, deputy sheriff, trooper or constable on duty in the County shall have the power to admit the defendant to bail and fix the amount of bond schedule, except that the Judge, Clerk, or in the absence of the Clerk, the Chief Deputy Clerk shall have the sole authority to approve the Proposed sureties if not previously on file.

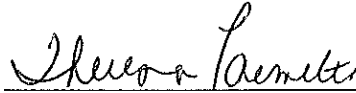
14.05 CREDIT CARDS. Pike County Court does not accept credit or debit cards.

14.06 No attorney, officer, or employee of the Court or member of his/her immediate family shall be accepted as principal or as agent for bail or surety.

Dated: _____



Cassandra Bolt-Meredith
Judge, Pike County Court



Theresa Parmeter, Clerk

Pike County Court

Jury Management Plan

Introduction

This Local Rule is being implemented to comply with the mandate of the Ohio Supreme Court that each municipal/county court develop and implement a jury management plan prior to July 1st, 1994.

(A) Jury Eligibility and Procedure for Jury Selection

Juror eligibility shall be determined and prospective jurors shall be selected by the jury commission of the Pike county Court of Common Pleas in accordance with its policies and procedures for potential service with the Pike County Court.

(B) Summoning of Prospective Jurors

Prospective jurors shall be summoned only on the filing of a written jury demand and pursuant to Pike County Court Rules of Procedure number 7.15.

Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial.

(C) Examination of Prospective Jurors

Examination of prospective jurors shall be limited to matters relevant to the matter before the Court and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code.

The Court may conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

- Questions are to be asked collectively of the panel whenever possible.
- Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual may be removed from the panel for cause. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code Section 2313.42 and Ohio Criminal Rule of Procedure 24 (B) set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternately as presently established by Revised Code Section 2945.23, Civil Rule 47, and Criminal Rule 24, unless prior to trial the parties agree on the

record to another method. Unless otherwise agreed, all challenges shall be made in open court. In special circumstances, challenges shall be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause; however, peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror. In civil cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, an additional alternate juror may be selected.

(D) Jury Orientation

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communication to such court personnel for appropriate action.

The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, along with basic and relevant legal principles as the Court deems necessary and appropriate.

Upon the completion of the cases 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 Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instruction be given to the jury.

A final jury charge may, in the discretion of the Judge, be committed to writing, and may be provided to the jury for its use during deliberation.

All communication between the Judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing 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 such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

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

Upon completion of service, each juror shall be given a personalized certificate of appreciation at the discretion of the Judge.