

PAULDING COUNTY COURT PAULDING, OHIO

RULES OF COURT

These Rules are established to assure, as nearly as possible, the orderly and efficient administration of justice in the Paulding County Court, consistent with the Rules of Superintendence, the Rules of Civil, and Criminal Procedure, and such other Rules as may be adopted and published by the Ohio Supreme Court pursuant to the Ohio Constitution, Article IV, Section 5.

The Ohio Rules take precedence over the Local Rules.

RULES OF ADMINISTRATION

RULE 1.01: DIVISIONS OF THE COURT

The Divisions of this Court shall be the Civil, Criminal, Traffic, Small Claims, and Trusteeship. All pleadings filed in each Division shall be noted with the Division in the case number in the caption.

RULE 1.02: TERM OF COURT

The Court shall be in continuous operation for the transaction of judicial business and all other matters properly brought before the Court. There shall be one term of court from January 1 to December 31 of each year.

RULE 1.03: HOURS AND SESSIONS

The Court offices shall be open from 8:00 a.m. to 4:00 p.m. Monday through Friday and at such other times as may be determined by the Court. The Court will be closed on all legal holidays as promulgated by the Common Pleas Court, Probate Division.

RULE 1.04: ADMINISTRATIVE JUDGE AND DELEGATION OF AUTHORITY

This Court, having only one Judge, said Judge shall serve as Administrative Judge.

In addition to the duties as Administrative Judge, said Judge shall supervise and be responsible for the operation of the Court, and the support staff, including but not limited to the Clerk, Court Administrator, Deputy Clerks, Court Reporter, Bailiff, and Probation Officers.

The Court Administrator shall supervise, and oversee the function of the Court, including personnel, and Court operations, excepting those responsibilities and duties that are exclusive to the Judge of this Court.

The Clerk shall have the responsibility to perform such duties as are specified by statute, and as are delegated by the Judge. The Clerk shall have the authority to delegate and assign to Deputy Clerks, such tasks, jobs and responsibilities as the Clerk may deem necessary, expedient, and appropriate to the efficient operation of the Court.

The Administrative Judge shall set the hours of Court, staff hours, approve all vacations, leave time, set and allocate pay levels, assign specific duties and work to staff, and delegate authority as appropriate.

The Board of County Commissioners, has vested full authority over all Court personnel matters in the Judge of this Court.

RULE 1.05: RECORDS

All indexes, dockets, journals, file records, and case files shall be maintained by the Clerk of this Court pursuant to law, and the direction of the Judge of this Court. Upon reasonable request, all such records shall be open to inspection by any one during regular business hours, providing that such inspection does not interfere with the operation of the Court or the office of the Clerk.

No indexes, dockets, journals, file records or case files shall be removed from the office of the Clerk of this Court, except for use by the Court in the courtroom, chambers, or for storage.

RULE 1.06: DECORUM

The following Rules apply to the entire premises on and in which the Court is located.

All persons entering the Court premises are subject to search.

No firearm, knife, or other instrumentality that could be used as a weapon is allowed on the premises. Licensed law enforcement agents who are on active duty, are excluded from this Rule.

No smoking or chewing of tobacco is allowed.

No food or beverages allowed on the Court premises, including waiting areas.

No alcoholic beverages are permitted.
No person shall engage in the use of profanity or offensive language, making loud or unreasonable noise, engage in fighting, or attempt to restrain any person.

The following Rules apply to the Courtroom.

All persons shall be appropriately attired. No hats allowed. Shoes must be worn. Children are allowed in the Courtroom, so long as they do not interfere with the orderly proceedings of the Court, and remain silent. Except for law enforcement personnel, all pagers, cell phones, and radios will be turned off. No food or drink allowed in the Courtroom.

RULES OF PRACTICE AND PROCEDURE

These Rules define and make consistent, local practice and procedures for the Paulding County Court, consistent with the Rules of Superintendence, the Rules of Civil and Criminal Procedure, the Rules of Evidence, and such other Rules as may be adopted and published by the Ohio Supreme Court pursuant to the Ohio Constitution, Article IV, Section 5.

The Ohio Rules take precedence over the Local Rules.

GENERAL RULES FOR BOTH CIVIL AND CRIMINAL MATTERS

RULE 2.01: CASE PRIORITY

Criminal cases may be taken out of their order of filing and shall have precedence over all civil cases on the trial list.

RULE 2.02: PLEADINGS FORMAT

All pleadings, motions, briefs, and memoranda shall state the name, address, telephone and fax number, and the Ohio Supreme Court Registration Number of counsel for the parties. If counsel is a firm of attorneys, the attorney having primary responsibility for the case shall state such information of the pleadings.

All pleadings shall be on letter size (8 ½ x 11) paper, with the exception of depositions and exhibits. All pleadings shall have a top margin of at least 1½ inches.

RULE 2.03: CERTIFICATE OF SERVICE

Every pleading, motion, brief, and memorandum, made in writing and filed with the Court, and/or the Judge, shall be served upon all opposing counsel, or upon all parties not represented by counsel who are not in default.

Proof of service shall be by certificate of service attached to such pleading, motion, brief, or memorandum.

RULE 2.04: OFFICIAL NOTICE TO COUNSEL AND PARTIES

Notification by the Assignment Commissioner, and/or the Clerk of this Court, by ordinary mail shall be deemed official and complete notification to all counsel and unrepresented parties of any assignment of any case for any purpose whatsoever.

RULE 2.05: CONTINUANCES

When notice of trial, pre-trial or other proceeding requiring the personal appearance of counsel and/or the parties is filed by the Clerk, any motion for continuance shall be filed with the Court no later than seven (7) business days before the scheduled hearing date. Such motion shall set forth the reason for the request, and copies of hearing assignments that were prior in time to this Court's assignment.

If the reason is the illness of counsel, a party, or a witness, a letter from the treating physician shall accompany the motion, and a date that the party will be available to appear in Court.

If the motion is based on the unavailability of a witness, an affidavit shall be attached to the motion, in addition to any other required documents, stating what proof the witness is expected to offer, and its relevance.

If a party or his counsel fails to comply with this Rule, and opposing counsel is present at the time scheduled for such proceeding, the Court may dismiss the case, enter a default finding, or proceed to hear evidence and render a final judgment.

If the reason is a conflict with another Court, a copy of the conflicting assignment notice bearing its filing date, shall be filed with the motion.

RULE 2.06: TRIAL BRIEFS AND JURY INSTRUCTIONS

No later than ten (10) days before the trial, counsel shall file a trial brief including questions of law involved, case citations, other legal research and a summation of the same. Opposing counsel shall be furnished with a copy of the trial brief.

No later than ten (10) days before a jury trial, counsel shall file with the Court complete proposed jury instructions on all issues including opening and closing instructions.

RULE 2.07: TRIAL

A. VOIR DIRE:

Voir Dire examination shall be limited as follows:

1. The case may not be argued in any way while questioning jurors.
2. Counsel may not engage in efforts to indoctrinate jurors.
3. Jurors may not be questioned concerning anticipated instructions on theories of law.
4. Jurors may not be asked what kind of verdict they might return under any circumstances.
5. Questions covered in the jury questionnaire will not be permitted except to expand on vague answers, or an answer which would indicate justification for removal for cause.
6. Questions are to be asked collectively of the entire panel whenever possible.
7. Counsel may inquire, by general questions, concerning the validity and philosophy of reasonable doubt and the presumption of innocence.

B. STIPULATIONS:

Stipulations and private agreements of counsel or the parties concerning the progress or management of any matter touching upon the case that are not made in open Court, will not be recognized, unless the same is reduced to a writing and signed by the parties.

C. EXAMINATION OF WITNESSES:

Only one counsel for each party will be permitted to examine a witness at trial. A witness once dismissed from the stand shall not again be called to further testify until all other testimony for the same party has been given, except by leave of Court.

D. OPENING STATEMENTS AND FINAL ARGUMENTS:

The time allotted for opening statements will be fifteen (15) minutes for each side, unless in the interest of justice, it appears that the Court should extend the time. Opening statements shall be limited to those matters of evidence the party expects to present. Opening statements shall not include statements as to the law or argument.

In all trials, the time allowed for final argument will be twenty (20) minutes on each side unless, in the interests of justice, it appears that the Court should extend the time. The party making the opening argument shall be charged with fifty (50) percent of his allotted time on opening argument, whether he uses it or not.

E. BRIEFS:

At the conclusion of the presentation of the evidence, upon motion of a party or the Court's motion, the parties may be ordered to submit and file briefs. The Plaintiff shall file its brief within seven (7) days and the Defendant seven (7) days thereafter. Upon the failure of either party to timely file the brief, the cause may be disposed of at the discretion of the Court.

F. SUBPOENAS:

All subpoenas for witnesses to be called at trial shall be filed with the Clerk one week prior to the time of trial. Subpoenas for out of county witnesses must have the costs for one day's attendance and mileage attached.

G. RECORDING OF PROCEEDINGS

In all cases other than jury trials, proceedings shall be recorded by audio electronic recording devices, unless a party submits a written request for a stenographic record, not less than fifteen (15) days before trial, and except in criminal cases, the party requesting the same shall pay the costs of the stenographic record. Jury trials shall be recorded by stenographic means.

H: USE OF VIDEOTAPE

Any party wishing to present evidence by way of videotape shall give the Court fifteen (15) days advance notice before trial. Otherwise, all use of videotapes shall be in accordance with Superintendence Rule 10.

RULE 2.08: JURORS

Jurors shall be selected annually in the manner provided by ORC § 2313. A sufficient number of jurors shall be selected, so as far as possible no juror would be required to serve for more than one trial in a calendar year.

The Clerk of this Court shall, within twenty (20) days following the selection of jurors, send a Juror Questionnaire to each of all of the jurors selected for the term of Court, directing that the Questionnaire be completed and forthwith returned to the Court. A stamped, return addressed envelope shall be provided to the juror.

Excuse from jury duty shall be limited to the statutory exemptions.

Absent a request to the contrary, a civil jury shall be eight (8) persons.

Jury cards, summoning jurors to duty, shall be sent out by regular mail 10 business days prior to trial. In cases when the jury pool is insufficient in number, to impanel a jury, jurors may be summoned at call of the Court.

RULE 2.09: JURY QUESTIONNAIRE

Prior to trial, counsel for the parties shall be provided with copies of completed juror questionnaires, by the Assignment Commissioner, or Clerk of this Court.

During voir dire, counsel may not inquire of jurors as to matters satisfactorily and substantially answered in the questionnaires.

Counsel may not copy the juror questionnaires furnished them, and must return the jury questionnaires to the Assignment Commissioner or Clerk, promptly after voir dire.

RULE 2.10: JURY TRIAL COSTS

If a withdrawal of a jury demand is made after the jury is summoned, the party requesting the withdrawal shall be assessed the costs of summoning the jury as well as the cost of notifying the jurors that their services are not required. If a juror appears who did not receive notice, the juror shall be paid one-half of a day of jury service. If both parties agree to the withdrawal of the demand, the parties shall equally share in the aforesaid costs.

In the event a trial is continued or postponed due to the failure of a party or his counsel to appear, such party shall be assessed the per diem cost of the panel,

unless such failure to appear is as a result of an emergency or factor beyond control.

A withdrawal of jury demand made less than seven (7) days prior to the trial date will result in the assessment of the costs for full day of the court reporter fees to the party withdrawing the demand.

RULE 2.11: WITHDRAWAL OF COUNSEL

Any counsel wishing to withdraw from a case, shall file an appropriate motion with a supporting affidavit stating the reasons for the request, with copies certified to the party being represented. The Court may summarily grant the motion or may set the same for hearing. If leave to withdraw is granted, the party shall have fifteen (15) days in which to obtain other counsel and have said counsel enter an appearance. If the party fails to do so, the case will be set for further proceedings in the ordinary course of the docket.

CIVIL RULES

RULE CI 3.01: COURT COST DEPOSITS

The Clerk shall not file any Petition or Complaint or issue any notice thereon until security for costs is deposited with the Clerk in the amount indicated for the respective action.

A schedule of all Filing Fees, Deposits and Additional Costs with the effective date, is attached hereto and made a part of these Rules as if fully incorporated herein and is marked as "Appendix A", and will from time to time be amended and supplemented.

All deposits and advance payments of fees and costs shall be refunded when the actual costs have been paid by the party against whom the same has been assessed. In all property seized under any writ or order, the Clerk of this Court shall require such deposit as deemed necessary. When a Judgment for costs assessed against a Plaintiff remains unpaid, the Clerk shall refuse to accept any new case for filing by said person, unless otherwise ordered by the Court.

A demand for trial by jury must be accompanied by the required deposit and a request for the number of jurors pursuant to Civil Rule 48. If the party demanding a trial by jury is unable to pay the deposit, then, upon motion made to the Court with an affidavit as to the facts, the Court will consider waiving the part or all of the deposit.

RULE CI 3.02: SERVICE

All service shall be made pursuant to Ohio Civil Rule 4.

Service shall be by Certified Mail, U.S. Postal Department unless otherwise specifically requested in writing. If there is a failure of service, the Clerk shall notify the appropriate party. It shall be the responsibility of the party seeking service, to request an alternative method of service. In the event no request for alternative service is made within 30 days of the date of mailing of the notice of failure of service, the case may be dismissed at Plaintiff's costs, without further notice from the Court.

In all cases of service by publication, Civil Rule 4.4 will be strictly applied. It shall be the responsibility of counsel to draft the notices to be published in the newspaper.

RULE CI 3.03: PLEADINGS

A. FORM:

All original pleadings, first responsive pleading, pleadings naming additional parties, and all final Judgment Entries filed with the Court, shall, in the caption, recite the names, residence addresses, social security number and birth date of each party.

Any other pleadings and motions, made pendente lite, need only include the name of the principal parties, without the address, social security number or birth date.

Counsel shall notify the Clerk of this Court, the change of any party's address, in writing.

When any pleading is filed, counsel shall provide the Court with two copies and provide the Clerk with sufficient additional copies for service upon all persons and parties entitled to the same.

B. AMENDMENTS TO PLEADINGS:

Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of Court.

RULE CI 3.04: INTERROGATORIES AND PRODUCTION OF DOCUMENTS

Interrogatories shall not exceed 40 in number, including subparts, without leave of Court first obtained.

Counsel demanding discovery shall file with the Clerk of this Court, a one page certificate bearing the case caption, type of discovery requested, the name of the party required to respond, the name and address of the counsel to whom the demand was directed, and the date of mailing.

RULE CI 3.05: DEPOSTIONS

Any deposition filed with the Clerk of the Court shall not be removed or withdrawn, except by leave of Court.

RULE CI 3.06: VIDEOTAPE DEPOSITIONS AND TESTIMONY

The use of a videotaped deposition and testimony is permissible, providing the following guidelines are met.

- A. When testimony is recorded on videotape pursuant to Civil Rule 40, Superintendence Rule 10 and 12, it will be the responsibility of counsel to instruct the Notary Public before whom the testimony is taken to note by the use of a digital counter, or other clock device connected with the tape, and the point on the videotape where objections are made. The Notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk.
- B. Objections must be made at the conclusions of the question and answer only. Counsel may state the basis for the objections and read citations in to the record at this time. Any objections made prior to the completion of an answer may, in the Court's discretion, be considered overruled.
- C. A transcript of the testimony shall accompany a videotape deposition, at the time it is filed.
- D. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to Superintendence Rule 12(D).

RULE CI 3.07: RULE DAYS AND EXTENSIONS

Extensions of time to move or plead, shall not be granted beyond twenty-one (21) days, except upon motion, notice to opposing counsel, and hearing if requested or ordered.

RULE CI 3.08: CIVIL PRE-TRIAL PROCEDURE

- A. All cases shall be regularly assigned for pre-trial conferences in accordance with Civil Rule 16. The Court shall set each case for pre-trials, also, at a time

chosen by the Court, set a final pre-trial. The Court will set additional pre-trials at its discretion, or for good cause shown at the request of a party.

Trial counsel, will be present at all pre-trial conferences, with authority to discuss all phases of the case, with authority to negotiate toward settlement of the case, enter into stipulations, and conduct good faith negotiations.

If, after notice, counsel for any party fails to appear, at the pre-trial conference, the Court may dispose of the case as though counsel had failed to appear for trial.

B. Counsel shall file a "Pre-trial Brief" at the time of the final pre-trial. Said Brief shall include the following information and documents:

1. Counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party shall personally attend.
2. A written statement of the issues of fact and all issues of law, which are expected to be involved the case.
3. All exhibits which are to be offered in evidence at the trial; an itemization of all special damages claimed; the names and addresses of all expert and lay witnesses expected to be called at trial, with a brief statement of their anticipated testimony; whether or not a view will be requested; whether or not a jury trial, if previously demanded, will be waived, and if not, the number of jurors demanded, and whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability is found.

C. Failure to comply with any portion of this rule may result in the imposition of sanctions under Civil Rule 37 or the dismissal of any non-compliant party's pleading.

RULE CI 3.09: DEFAULT JUDGMENTS AND RELIEF FROM JUDGMENT

Default judgments shall be granted in accordance with Civil Rule 55. All motions for default judgment shall be accompanied with a proposed judgment entry.

No motion for relief from judgment, pursuant to Civil Rule 60(B) shall be granted by the Court unless the movant has demonstrated to the satisfaction of the 'Court by operative facts of evidentiary quality that the movant has a meritorious defense or claim to present if relief is granted; the movant is entitled to relief under on of the grounds stated in civil Rule 60(B) (1) through (5), and the motion is made within a reasonable time.

RULE CI 3.10: ENTRIES

Unless otherwise directed by the Court, counsel for the party in whose favor an order, decree, or judgment is rendered, shall, within seven (7) days of the hearing, prepare and submit a proper entry to counsel for the adverse party, who shall approve or reject the same within four (4) days after the receipt thereof. The names of all counsel and the judge shall be printed on the entry, below their signature lines. When the entry is approved by counsel, it shall be signed by them, and presented to the Court for approval, signature, and filing. If counsel is unable to agree upon the entry, each counsel shall submit an entry and the Court will determine which shall be filed.

If counsel fails to present an entry within twelve (12) days after the order is decreed, or judgment is rendered, the judge may cause the proper entry to be prepared and filed without submission or notice to counsel, or take such action as may be appropriate under the circumstances.

Counsel shall submit an entry of dismissal to the Court following the settlement of any case within ten (10) days of the hearing. If counsel fails to present the entry, the Court may order the case dismissed for want of prosecution.

Counsel will provide the Clerk of this Court sufficient copies of entries for service upon all counsel, parties, and those entitled to a copy of the entry.

RULE CI 3.11: MILITARY AFFIDAVIT

In every action where there is default in appearance or where judgment is confessed on warrant of attorney, the party prevailing shall present to the Court and shall file with the judgment entry, an affidavit in compliance with the Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, App U.S.C.A., Sec. 501 et. seq.).

RULE CI 3.12: DISMISSALS ON THE COURT'S MOTION

In any case in which a Defendant, after having been served with summons as required by the Civil rules, is in default for answer or other appearance, default judgment shall be granted only on the motion of the Plaintiff and hearing of said motion. Failure of Plaintiff or his counsel to appear for hearing on such motion can result in dismissal of the Complaint for want of prosecution.

When any case appears on the docket without any proceedings taken therein for a period of six months, the Court will notify all counsel of record of such fact. If no further action is taken within a period of thirty (30) days thereafter, the Court will dismiss the same for want of prosecution and will assess costs.

CRIMINAL RULES

RULE CR 4.01: PROCEDURE

Criminal cases may be taken out of their order of filing and shall have precedence over all civil cases on the trial list. The rules of practice for civil cases apply to all criminal procedures except where clearly inapplicable.

Traffic offense defendants and criminal defendants may be arraigned jointly.

When a felony and a misdemeanor arise from the same act, transaction or a series of acts or transactions, one case shall be assigned for the felony and one for all other offenses.

RULE CR 4.02: APPEARANCE OF THE DEFENDANT

Persons charged with traffic and/or criminal offenses must be present at the initial appearance as well as all subsequent hearings and pre-trials except as set forth herein. **FAILURE OF THE DEFENDANT TO APPEAR WILL RESULT IN THE ISSUANCE OF AN ARREST WARRANT.**

- A. **LIMITED INITIAL APPEARANCE EXCEPTION:**
Pursuant to rule 10 B of the Ohio Rules of Criminal Procedure, in lieu of the initial appearance, and except as otherwise provided in this rule, an Attorney may enter a plea on a minor misdemeanor case, excepting those minor misdemeanors stated below, or other case at the discretion of the Court, provided that the Attorney and the Defendant sign a speedy trial waiver and request that a pre-trial be scheduled. Such writing must be filed with the Court prior to the date of the initial appearance.
- B. It is mandatory that all Defendants initially appear before the Court except as stated herein. Mandatory appearances are required for the following offenses:
1. All non-minor misdemeanor offenses.
 2. Minor misdemeanor offenses which involve drugs or drug related offenses.
 3. Minor misdemeanor offenses which involve accidents, property damage or restitution issues.

RULE CR 4.03: COST DEPOSITS

There shall be a \$100.00 filing fee for any Complaint filed by any private person, who is not a State, County or Local law enforcement officer, Prosecuting Attorney, or Village Solicitor. The Clerk of the Court shall not accept a private Complaint for filing, unless the Prosecuting Attorney approves the Complaint, in writing, on its face, stating a belief that there is substantial, credible evidence of probable cause and a willingness to proceed with the prosecution.

RULE CR 4.04: CRIMINAL PRE-TRIALS AND PLEA NEGOTIATION

- A. Pursuant to, ORC § 2945.17, all cases shall be regularly assigned for pre-trial conferences in accordance with the severity of the offense and the Defendant's right to speedy trial. Except in the case of minor misdemeanors, each case will be set for one pre-trial, if time allows, or if a waiver of time is filed, for an additional time. For more serious cases, if time allows, and if a waiver of time is filed, the Court shall set each case for two pre-trials and the third pre-trial shall be the final pre-trial. The Court will set additional pre-trials beyond the first two, only for cause shown.
- B. **DISCOVERY:** Discovery shall be in conformity with Criminal Rule 16 and the Local Rules of this Court. Upon a proper and timely request by Defendant, Counsel for the Defendant shall be provided Discovery by the Prosecutor on or before the first pre-trial hearing. All requests for additional Discovery not provided pursuant to Criminal Rule 16 shall be made in writing within seven (7) days after the first pre-trial, unless there is good cause shown.

All video and/or audio tapes made by the State, in any criminal case, shall be preserved until the case is terminated. Upon a demand for discovery, whether generic or specific, said tapes will be disclosed, and made available to the Defendant for viewing or listening on the Courts video and or sound system or any other facility agreed to by the parties. No further pleadings shall be required to either preserve the evidence or to make the same available to the Defendant. The State, the arresting officer, Defendant's counsel, and the Defendant shall all have viewed or listened to the tape before the final pre-trial.

Both the State and the Defendant shall make full and complete disclosures as required by statute. **FAILURE TO COMPLY WITH DISCOVERY DEMANDS IN GOOD FAITH WILL RESULT IN SANCTIONS BY THE COURT.**

- C. **MOTION PRACTICE:** All Motions shall be made in conformity with Criminal Rule 12. All Motions shall set forth clearly and specifically the grounds for the Motion and supporting citations. In Motions to Suppress, the item of evidence shall be specified. Any Motions filed, which are not in compliance with this rule, or with the applicable rules of criminal procedure, or are untimely filed,

may be summarily overruled. Any Motion that is capable of being determined without a hearing may be ruled on without a hearing. All Motions not heard or decided prior to Trial will be disposed of at the time of Trial. In any case where a party or counsel anticipates that a Motion Hearing will require more than one (1) hour, it is the responsibility of the party or counsel to notify the Court so that adequate time can be scheduled.

- D. The final pre-trial shall be conducted with the Judge present. The Defendant shall be present.
1. Counsel for the State and counsel for the Defendant shall be fully authorized to act and negotiate.
 2. All discovery shall have been exchanged and fully reviewed by counsel for both sides, by the time of the final pre-trial.
 3. A Final Pre-Trial Statement of the issues of fact involved and all questions of law which are expected to be involved in the case shall be filed by the State and the Defendant no later than the date of the Final Pre-Trial.
 4. All exhibits which are to be offered in evidence at the trial; the names and addresses of all expert and lay witnesses expected to be called at trial; whether or not a view will be requested; whether or not a jury trial, if previously demanded, will be waived, and if not the number of jurors demanded shall also be included by all parties in their respective Final Pre-Trial Statements.
- E. A negotiated plea will only be considered in open Court and on the record. The basis for the plea agreement will be stated. If the charge is reduced to a lesser offense, or if some, or all, of the charges are dismissed, the State will recite on the record, the basis for the reduction or dismissal.

The Court will make no prior commitment with respect to a proposed amendment of a charge, other than it will not arbitrarily require the State to proceed on the pending charge or dismiss the case.

The Court will make no prior commitment with respect to sentence, other than to give due consideration to a plea recommendation.

RULE CR 4.05: PRE-SENTENCE INVESTIGATION AND SENTENCING

Upon a finding of guilty, sentencing shall occur as soon as reasonably possible, pursuant to the Court's discretion.

Prior to sentencing and in its discretion, the Court may refer the Defendant to the Probation Department for a Pre-Sentence Investigation. Upon completion of this

investigation, the Probation Department shall prepare a written report. Such report, except as stated herein, shall be made available for review by the Prosecution and Defense prior to sentencing, excepting the recommendations section as set forth by the Probation Department.

RULE CR 4.06: COSTS AND FINES

The Clerk of this Court shall use all legal means to collect the fines and costs assessed.

The Clerk shall accept no personal checks, The Clerk is authorized to accept payment by money order, certified check, cashiers check or credit card.

The Clerk shall retain the offender's operator's license until such time as all fines and costs are paid. The Clerk shall proceed with cancellation procedures through the Bureau of Motor Vehicles for Defendant's failure to pay or appear as ordered by the Court.

A portion of the costs, collected in the immobilization, impoundment or forfeiture of a Defendant's vehicle, after the payment of all expenses, and court fees, shall be paid over to the Paulding County Sheriff to be used in the D.A.R.E. Program, in an amount to be determined by the Court.

At the discretion of the Court, in cases where Crime Stoppers has paid a reward for information received, additional costs shall be assessed against the Defendant, in the amount of the reward, and upon collection of the same shall be paid over to Crime Stoppers.

Work release shall be consistent with the Work Release Rules promulgated by the Paulding County Common Pleas Court, and are made a part of these Rules as if fully incorporated herein.

RULE CR 4.07: BONDS

No attorney or officer of the Court shall be accepted as bail or surety, nor shall any bond be approved having the name of such person as surety.

Upon the forfeiture of bond and payment into Court of the sum forfeited, the Clerk shall first satisfy any and all costs in the case. With the written consent of the Defendant, or by Court Order, upon disposition of the case the Clerk will deduct all fines and costs due for the case from the cash appearance bond posted by a Defendant, or by another person on behalf of the Defendant, before any refunds are made. The balance of a cash appearance bond, after deductions if any, will be refunded to the Defendant, or at the request of the Defendant, to the person

who posted the cash appearance bond upon presentation of the receipt when the case is concluded.

Defendant may elect, if he or another person on his behalf has posted a cash appearance bond, to apply the cash bond as a payment for a minor misdemeanor disposition without a Court appearance pursuant to Criminal Rule 4.1, and in appropriate cases under Traffic Rule 13, with written consent of the person posting the cash bond.

In accordance with Traffic Rule 13, and Criminal Rule 4.1, payments may be made for disposition of such cases through the Violations Bureau. If the Defendant's cash, money order or certified check is not received by the Violations Bureau by the Court date, a bench warrant shall issue.

Any bond money received on out of state bench warrants, may be accepted by the Clerk of Courts, and the warrant recalled without hearing.

Unless bail has been set by an order of the Judge of this Court, pursuant to Criminal Rule 46, a person charged for a misdemeanor enumerated in the Court's Bail Bond Schedule, and who is not released pursuant to Criminal Rule 4 (F), or has not appeared before the Judge pursuant to Criminal Rule 5, shall be eligible for release by doing any of the following, at the detainee's option.

1. Post a surety bond, a bond secured by real estate or securities as allowed by law or the deposit of cash, in such amounts as are set in the Bail bond Schedule.
2. A detainee may post a bond by a charge to an approved credit card.

A Bail Bond Schedule, with the effective date, is attached hereto and made a part of these Rules as if fully incorporated herein and is marked as "Appendix B", and will from time to time be amended and supplemented.

RULE CR 4.08: COURT APPOINTED COUNSEL

All duly registered Ohio attorneys, in private practice of law in Paulding County, with the exception of the Prosecuting Attorney, his assistants and partners or associates in private practice with him, shall be entered on the list of counsel available for appointment to represent indigent Defendants. Any attorney may be excused from said service upon written request, and the Court's approval. All appointments shall be made by the Court.

Assigned counsel shall receive compensation for professional services rendered, and shall be reimbursed for expenses, pursuant to ORC § 2914.51. Within fifteen (15) days following the last date of service to the Defendant, counsel will

submit an itemized statement, with four copies, for services rendered and expenses incurred, on a form as required by the State Defender's Office.

The Court will review and consider the statement, and shall determine the amount of compensation due, in the amount of the hourly rate approved by the Board of County Commissioners, Paulding County, Ohio. In the event investigators or other experts are allowed by the Court the expenses for the same shall be filed with appointed counsel's application and made a part of counsel's expense.

RULE CR 4.09: PROBATION TERMS

Incident to sentencing, the Court may place offenders on probation. The following are and will be referred to as the Court's Standard Rules of Probation. Reporting to the Court shall be done through the Probation Officer of this Court, or at his direction.

1. Probationer shall keep the Court informed of his or her current address, and employer. Probationer shall inform the Court of any change of name, address, or employment.
2. Probationer shall provide the Court with all necessary personal information, including, but not limited to, social security number, date of birth, selective service, and military records, and documentation thereof.
3. Probation shall normally be for a period of two years, but shall continue until all fines and costs are paid. Probation periods may be shortened upon application to the Court by the Probation Officer.
4. Probationer shall not leave the State of Ohio without notice and without the permission of the Court.
5. Probationer shall not violate any federal, state or local law, statute, or ordinance.
6. Probationer shall pay all fines and court costs, and any restitution as may be ordered by the Court. Such payments shall be made pursuant to an order of the Court or an order of the Probation Officer.

Probationer shall pay all fees, assessments, and costs, in full, that are incurred incident to the probationers incarceration, to the Paulding County Sheriff or other similar agency.

7. Unless otherwise directed, and at the discretion of the Court, all driver alcohol awareness in house programs, evaluations, counseling, and treatment that are ordered, shall be referred to the following list of approved providers.

Yokefellows, Defiance County, D.U.I. School
A.T.S.I., Van Wert County, D.U.I. School
The Turning Point
Paulding County Mental Health

8. Probationer shall be responsible for keeping the Court informed of compliance with all education, evaluation, counseling, and treatment ordered
9. by the Court. The probationer shall execute such waivers and releases required by any such entity or agency so that progress and final reports can be sent to the Court and any attorney, or other persons designated by the Court.
10. Probationer shall not purchase, possess, or consume any illegal drug or any alcoholic beverage, and shall not go into or frequent any establishment where alcoholic beverages are sold by the single serving.
11. Probationer shall submit to random drug screen or alcohol test, or field sobriety test, when requested by any law enforcement officer, Probation Officer, counseling, or treating agency.
12. Probationer shall not possess, have under his or her control a firearm, dangerous ordinance, illegal knife, or weapon, or be in any situation where a firearm, dangerous ordinance, illegal knife, or weapon is within his or her reach, if convicted of a firearm, drug, or alcohol offense, or if specifically ordered by the Court.
13. The probationer shall immediately notify the Probation Officer of any arrest of the probationer or of any contact by any law enforcement agency investigating any criminal activity.
14. Probationer shall, at any time, allow the Probation Officer to search his residence, person, motor vehicle or other premises upon request.
15. If community service is ordered, the probationer shall comply with all of the terms, conditions, rules, and directives set by the entity for whom the community service is being performed, or the probation officer.
16. If the probationer should fail to strictly adhere to, and comply with these conditions of probation, or pay any fines or restitution, as ordered, probation may be revoked, and any suspended sentence ordered served or paid, and/or the term of probation may be extended.
17. Pursuant to ORC § 2951.02.1, all probationers shall pay a monthly fee of \$25.00 to defray the costs of the criminal justice system and said amount

shall be paid into the Probation and Community Service Fund. Said payment shall be paid in advance, prorated to the first day of the next following month and shall be due and payable each month thereafter as the probation officer shall determine. The maximum allowable fee is \$50.00. This fee may be increased or decreased, from time to time, by addendum hereto made.

RULES FOR SMALL CLAIMS

RULE SC 5.01: RULES OF PRACTICE

The Rules of Practice of this Court, to the extent that they would, by their nature, be clearly inapplicable, shall not apply to the practice and procedure in the Small Claims Division of this Court, which has been established under ORC § 1925.

The Defendant must be a resident of or have its principal place of business in Paulding County, Ohio, for this Court to assert jurisdiction.

The assigned hearing date of a matter in Small Claims, shall be the date of trial, and all parties and their witnesses shall appear in Court on that date, prepared for trial. However, the Court may, on the motion of a party, or on its own motion, treat the initial hearing as a pre-trial or may set the same for pre-trial before a trial.

In Small Claims cases, any Answer will not need to be in writing, unless the Defendant desires to file a counter-claim demanding relief. In the event an answer containing new matter is filed in a Small Claim case, the new matter will be deemed denied by plaintiff and the case may be set for hearing on the filing of the answer.

RULES FOR TRUSTEESHIP

RULE T 6.01: VENUE

Applicant must be a resident of Paulding County, Ohio.

RULE T 6.02: FILING REQUIREMENTS

At the time of Trusteeship Application, applicant shall exhibit to the Clerk, a fifteen-day notice from a creditor listed in the application, that was received within thirty days prior to the filing of the application.

The acceptance of the application by the Clerk will not cause any attachment or garnishee to be dismissed, that was filed prior to the filing of the application.

RULE T 6.03: REQUIRED INFORMATION

The applicant shall present to the Clerk, a list of all creditors, their correct address, with zip codes, and the amount owed to the creditor. The list shall be typed or legibly printed.

The applicant will list for the Clerk his/her current address, telephone number or a contact number, the name and address of his/her current employer, the pay day, pay day schedule, i.e. weekly, by-monthly, etc.

RULE T 6.04: PAYMENT AND DISTRIBUTION

The applicant shall immediately inform the Clerk, if the applicant is laid off, fired, or changes employment, the address of the new employer, and payday information.

On the first pay day after the filing of the application, and each pay day thereafter, the applicant/debtor shall appear and present to the Clerk, as Trustee, his/her pay stub, and shall pay over to the Clerk 25% of his gross pay (before taxes, union dues, child or spousal support, or hospitalization).

The proceeds collected, after the payment of costs, shall be ratably distributed to the creditors.

RULE T 6.05: TERMINATION

In the event the debtor fails to make a scheduled payment, within 10 days thereafter, the Clerk shall give notice to the debtor, by ordinary mail sent to the

debtor's last known address, to appear within 10 days of the date of the letter, to show cause as to why the payment was not made.

If the debtor appears and makes a request, the matter will be set for hearing before the Judge. If the debtor fails to appear as requested, in person, the Trusteeship will be terminated.

If the applicant/debtor should fail to comply with these rules, or any lawful directive of the Clerk or the Court, the Trusteeship will be terminated and the debtor restrained from re-filing an application for a period of six months.

RULES FOR CASE MANAGEMENT

RULE CM 7.01: CIVIL MATTERS

The purpose of this Rule is to deliver prompt and fair disposition of civil cases, pursuant to M.C. Sup. Rule 18. Scheduling commences when the case is filed and is managed in five clerical and five judicial steps.

CLERICAL:

1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event of a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six months from the date the cause of action has been filed, the Clerk shall notify counsel that the case will be dismissed in ten days unless cause is shown.
2. When service is perfected, the Clerk shall notify counsel of the default and that a failure to submit an entry within fifteen days may result in the case being dismissed.
3. Upon the filing of any responsive pleading, the Clerk shall immediately submit said pleadings and the case file, to the Judge so the matter can be set for hearing.
4. If no action is taken on a file for a period of six months, and the case is not set for trial, the Clerk shall notify the party that the case will be dismissed in seven days unless cause is shown.
5. When the Court is advised that a case has been settled, and an entry has not been received within fifteen (15) days, the Clerk shall notify the party that the case will be dismissed unless the entry is received within ten (10) additional days, after such notice.

JUDICIAL:

1. After the filing of an answer or responsive pleading, the case shall be set for a Status Hearing.
2. All motions must be in writing, and accompanied by a written memorandum containing citations, or the arguments of counsel. Opposing counsel shall answer in like manner within 14 days after the date of the filing of the motion. All motions will be considered submitted at the end of the fourteen days unless the Court extends the time.

Oral hearings will not be scheduled unless specifically requested, or at the pleasure of the Court.

3. Pre-trials shall be conducted with the Court to identify the issues, enhance the completion of discovery, and explore amicable settlement. Any attorney who fails to attend a scheduled pre-trial conference, without cause, may be subject to sanctions. Except as may be necessary to the administration of justice, pre-trials will be scheduled fourteen days or more, in advance, with written notice to counsel.

The case shall thereafter be set for a final pre-trial, at which time the names of witnesses, overview of the evidence, and trial briefs will be submitted to the Court.

If the case remains unsettled, the case will be scheduled for trial.

4. Continuances will only be granted for cause shown, and only when one of the parties is not substantially prejudiced.
5. Judgment Entries shall be filed as required by Rules CI 2.10.

RULE CM 7.02: CRIMINAL MATTERS

The purpose of this Rule is to provide fair and impartial administration of criminal cases and to eliminate unnecessary delay and expense to the parties or the judicial system, pursuant to M.C. Sup. Rule 18.

Cases shall be scheduled and managed in four judicial steps.

1. Pre-trials: At the time of arraignment or immediately thereafter, all misdemeanors, except minor misdemeanors shall be scheduled for pretrial within thirty days. Final pre-trials will be scheduled as provided in Rule CR 2.03. All minor misdemeanors shall be set for trial at the arraignment or immediately thereafter. Pre-trials may be scheduled at the pleasure of the Court.

2. Motions: All motions shall be in writing accompanied with a written memorandum and arguments of counsel, within the time limits set by the Ohio Criminal Rules. Hearing, and oral argument, may be set at the pleasure of the Court.
3. Trials: Any jury trial that is not waived within the time limit set by these Rules, will result in the case proceeding to jury trial and no plea will be entertained except a plea of guilty to all charges as set forth in the Complaint. No reduction of charges or negotiated plea will be entertained by the Court.
4. Sentencing may take place at the conclusion of the trial, a date certain within seven days following the trial, or at a later date if a pre-sentence investigation is ordered.

When a bench warrant is issued, the Clerk may remove the case from active status on the Court Reports to the Supreme Court, for three years.

RULE CM 7.03: SPECIAL PROCEEDINGS, FORCIBLE ENTRY AND DETAINER, AND SMALL CLAIMS.

The purpose of these Rules is to provide for the prompt disposition of these matters pursuant to M.C. Sup. Rule 18.

1. Special Proceedings and Forcible Entry and Detainer: Civil matters, such as A.L.S. and B.M.V. hearings, and forcible entry and detainer cases, shall be scheduled and managed pursuant to the requirements of the Ohio Revised Code, and otherwise in accordance with the provisions for civil matters, as set forth in these Rules.
2. Small Claims: All hearings shall be before the Court. The Clerk and the Court staff shall assist the prevailing parties in collecting their judgments, pursuant to ORC § 1925.13.

RULES FOR JURY MANAGEMENT

The purpose of this Rule is to implement an efficient and comprehensive method of jury use and management pursuant to M.C. Sup. Rule 18.

RULE J 8.01: ELIGIBILITY

The jury pool shall be representative of the adult population of the jurisdiction of this Court, and all persons shall be eligible to serve, except persons under the age of 18, non-residents of Paulding County, and persons who are not United States citizens.

RULE J 8.02: SELECTION PROCEDURE

Jury Commissioners, duly appointed by the Common Pleas Court, shall annually convene and select jury panels, at random, to serve during the calendar year from a list of registered voters, in accordance with ORC § 2313.01.

All prospective jurors shall be notified by regular mail, their requirement to appear to serve if called and directed to respond, and complete a jury questionnaire.

RULE J 8.03: SUMMONING OF PROSPECTIVE JURORS

Upon payment of the required deposit, and upon a determination that a jury trial shall in fact proceed, the prospective jurors shall be summoned. If no deposit is made, no jury will be summoned.

Jurors shall be paid \$5.00 for appearing and \$10.00 for serving, for each day of attendance.

In criminal cases, no deposit shall be required.

No person shall be exempted from jury service, except for those persons who are readily determined as unfit or for health reasons unable to serve. Only the Judge of the Court is authorized to excuse jury duty.

RULE J 8.04: EXAMINATION OF JURORS

Challenges for cause, and peremptory challenges shall be considered, but subject to ORC § 2945.23, Criminal Rule 24, and Civil Rule 47. Challenges to the array shall be made in accordance with the Ohio Civil and Criminal Rules.

RULE J 8.05: JURY ORIENTATION

Jurors shall report for duty at such times as the Court may set.

All prospective jurors shall be placed under the supervision of assigned Court personnel and shall direct any questions or communications to such Court personnel for appropriate action.

The Court shall give preliminary instructions to all prospective jurors, and additional instructions to the impaneled jury, explaining the role of the jury, trial procedures and other relevant matters.

Upon completion of the presentation of the evidence and closing arguments, the Court will instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations, pursuant to the Ohio Civil and Criminal Rules.

If necessary, jury instructions may be committed to writing and provided to the jury at the discretion of the Court.

The jury shall be sequestered if necessary. Deliberations shall not continue after a reasonable hour, or over weekends unless it would impose an undue hardship. Jurors shall be consulted regarding the same.

Upon reaching a verdict, the same shall be read in open Court, and in criminal cases the jury may be polled.

TRAFFIC RULES

The Traffic Rules are to establish a Traffic Violations Bureau.

RULE 9.01: TRAFFIC BUREAU

Pursuant to Ohio Traffic Rule 13, the Paulding County Court Traffic Bureau is hereby established, and shall be supervised and controlled by the Court. The Clerk of this Court is designated the Violations Clerk who shall be responsible to receipt and account for all fines and costs paid in to the Bureau.

RULE 9.02: SCOPE OF AUTHORITY

The Violations Bureau shall have authority to process all offenses except those prohibited by Ohio Traffic Rule 13 (B).

RULE 9.03: SCHEDULE OF FINES

The Court shall establish and publish a schedule of fines and costs for all offenses as required by Ohio Traffic Rule 13 (C). All violations shall be processed as provided under said section.

A Bond Schedule shall likewise be published setting forth a bond amount for specified offenses. The Bond Schedule is attached to these Rules, which shall state the effective date of the same.

RULE 9.04: RECORDS

All cases shall be numbered and recorded for statistical purposes, and cases processed by the Violations Bureau and those disposed of in open court shall be separately identified.

RULE 9.05: HOURS OF OPERATION

During those hours that the Paulding County Court is not open, the Ohio State Highway Patrol, and the Paulding County Sheriff's Department shall have the authority to accept payment of fines and costs, as a Clerk of the Bureau, when the Violations Bureau is closed.

RULES OF COURT FOR PROJECT FUNDING

RULES FOR COMPUTER FUNDING

RULE 10.01

The Court shall have two separate funds, one for legal research and the other for computerization of Court operations.

The legal research fund shall be used for computerized legal research and all research incident thereto. There shall be an addition of \$3.00 to Court costs to fund computerized legal research shall continue.

A separate fund shall be maintained for the computerization of Court operations and case management. There shall be an addition of \$10.00 to Court costs to fund computerized of Court operations and case management.

RULES FOR SPECIAL PROJECTS FUNDING

RULE 11.01

Pursuant to ORC § 2902.24(B), there shall be an addition of \$10.00 to Court costs to fund the improvement and maintenance of the Court facilities, including capital improvements and long term equipment acquisition, other improvements, and special projects that are necessary, or as are in the interests of the Court. The Court shall maintain in a separate record those projects being undertaken and being planned.

RULES FOR PROBATION AND COMMUNITY SERVICE FUND
RULE 12.01

There shall be a Community Service Project, whereby criminal offenders will be required to perform a specified number of hours of community service by working for various government, public agencies, and other entities as a part of the Court's sentencing.

The Community Service Project shall be supervised by the Court's Probation Department, the Bailiff of this Court, and from time to time by the Paulding County Sheriff's Department, and other Court authorized persons and entities.

The Paulding County Commissioners shall provide worker's compensation coverage for all participants, and any necessary liability insurance.

Offenders will provide assistance and services to public agencies, charitable, and non-profit associations.

Pursuant to ORC § 2951.02.1, all probationers shall pay a monthly fee of \$25.00 to defray the costs of the criminal justice system and said amount shall be paid into the Probation and Community Service Fund. Said payment shall be paid in advance, prorated to the first day of the next following month and shall be due and payable each month thereafter as the probation officer shall determine. The maximum allowable fee is \$50.00. This fee may be increased or decreased, from time to time, by addendum hereto made.

PRE-TRIAL DIVERSION PROGRAM
RULE 13.01

The Court has reviewed and adopted an alternative sentencing procedure known as the Pre-Trial Diversion Program. The implementation, administration, eligibility requirements, and other factors utilized with the Pre-Trial Diversion Program are set forth in Pre-Trial Diversion Program Report which is attached hereto and incorporated herein as Appendix D.

ORDER AND JUDGMENT ENTRY

Pursuant to the Rules of Superintendence for Courts of Ohio, and in accordance therewith, the Local Rules of the Paulding County Court, anytime prior to the enactment of these Rules shall be revoked in their entirety.

Pursuant to the Rules of Superintendence for Courts of Ohio, and in accordance therewith, these Local Rules of the Paulding County Court, are hereby published and enacted and ordered into execution as of February 1, 2004.

SO ORDERED.

January 27, 2004

Timothy R. Pieper, Judge