

Rules of Court

GIRARD MUNICIPAL COURT

LOCAL RULES OF PRACTICE AND PROCEDURE

Revised (11/20)

GIRARD MUNICIPAL COURT

LOCAL RULES OF PRACTICE AND PROCEDURE INDEX

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**GIRARD MUNICIPAL COURT
LOCAL RULES OF PRACTICE AND PROCEDURE**

**RULE 1
GENERAL RULES**

RULE 1.01 Authority

The Girard Municipal Court located in the County of Trumbull and State of Ohio hereby adopts its Local Rules of Practice and Procedure pursuant to Article IV, Section 5(B) of the Constitution of the State of Ohio. These Rules shall take effect on November 1, 2020. These Rules have been promulgated in accordance with Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure and Rule 5 of the Rules of Superintendence for the Courts of Ohio. These Rules should be followed when filing documents, practicing, appearing, or litigating in the Girard Municipal Court in addition to and in conjunction with the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure as applicable.

RULE 1.02 Citations and Construction

These rules shall be known as the Girard Municipal Court Rules of Practice and Procedure and shall be cited as GMC Rule No. _____.

These rules shall supplement and compliment the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Rules of Superintendence for the Courts of Ohio, the Traffic Rules and all other rules promulgated by the Supreme Court of the State of Ohio.

RULE 1.03 Hours of Sessions

The hours for holding the regular sessions of the court shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday, each week, except on those days designated by law as legal holidays or as otherwise determined by the Judge. The Judge may establish earlier opening and closing times and may conduct proceedings on Saturdays and holidays when necessary.

RULE 1.04 Official Notification of Counsel and Client

Publication in the Trumbull County Legal News or on the Girard Municipal Court's internet cite found at girardmunicipalcourt.com shall be deemed official and complete notification to all counsel of record of any assignment of any case for any purpose whatsoever.

Whether or not oral or mail notification is provided to counsel of record for a particular date and time to appear, said counsel shall appear with his/her client at the specified date and time where notice was published as set forth herein above.

RULE 1.05 Official Notification of Pro Se Litigant

Ordinary mail service of written notification or telephone notification when ordered by the court is sufficient notification to require a pro se litigant to appear.

RULE 1.06 Motions for Continuance

Motions for continuance shall be submitted in writing within seven (7) calendar days of a scheduled trial or hearing; said motion shall be accompanied by a \$25.00 filing fee except in exigent

circumstances stated; said motion shall provide the court with specific reasons for the continuance; and said movant shall file a proposed judgment entry with the motion for continuance, leaving the time and date blank for the court to set a new date.

Except on motion of the court, no continuances shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.

When a continuance is requested for the reasons that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in another court of this state, the case which was first set for trial or hearing shall have priority and shall be heard on the date assigned as prescribed in 41.(B)(1) of the Rules of Superintendence for the Courts of Ohio. Under these circumstances neither the counsel nor his client is obligated to pay the \$25.00 continuance fee.

Stipulated continuances shall be approved by the court.

RULE 1.07 Case Files

All papers filed with the Clerk of Court in any action or proceeding shall be typed on 8 ½" by 11" paper and filed under the style and number of the cause; shall include the name of the judge; a notation as to the type of case, a short description as to what type of pleading is being filed and any other information required by the civil or criminal rules. All papers filed shall remain in the Clerk's Office who is and shall remain the official custodian. The clerk may release files to a third-party only upon the order of the court.

The face of the pleadings filed in civil cases shall provide a blank of approximately three inches in diameter in the upper right portion of the pleadings sufficient to permit the clerk's time stamp imprint. And, in addition thereto, the face-sheet of all complaints filed in civil cases shall provide a two-and – half inch type written horizontal line approximately one-half-inch below and parallel to the line provided for the case number.

RULE 1.08 Filing Fees and Costs

The Clerk of the Girard Municipal Court shall not accept for filing any document without a filing fee or security for costs unless otherwise directed by the Court in writing. Further, all judgment entries finalizing the case shall specify how the costs shall be applied.

All demands for jury trials in civil and criminal cases shall be made in writing and in civil cases shall be accompanied by the deposit set forth in the cost structure of these rules.

All fees and costs shall be waived in civil cases upon the filing of an Affidavit in Forma Pauperis stating under oath that the filer does not have the means to produce said fees and/or cost without suffering a hardship.

All fees and costs shall be waived in criminal cases upon the court's determination that the defendant is indigent and is subject to an offense that may result in his/her incarceration.

Any filer who falsifies the truth of his/her assets may be subject to criminal sanctions including but not limited to Contempt of Court.

RULE 1.09 Magistrate

The court may employ one or more magistrates, who may preside over the following cases:

- A.) Small Claim proceedings under Chapter 1925 of the Ohio Revised Code; and
- B.) Civil proceedings where no jury demand has been made; and

- C.) Arraignments and Initial Appearances in criminal and Traffic cases; and
- D.) In addition to the above matters, the judge may refer other appropriate duties to the magistrate (i.e. subpoena's and search warrants) per an administrative order.

RULE 1.10 Copy of Proceedings

The judge of the Girard Municipal Court shall employ an Official Court Reporter for the purpose of taking a record of the proceedings. The court's official reporter shall not transcribe any record while on duty without the approval of the court. The court's official reporter shall reproduce the record of proceedings upon reasonable terms and conditions he/she prescribes without any direction or control by the court.

The official court reporter shall reimburse the Girard Municipal Court for the preparation of any transcript while on duty in addition to other sanctions.

RULE 1.11 Decorum and Conduct

Upon the opening and closing of any court session, all persons in the courtroom shall stand; shall respect the honor and dignity of the court, the litigants, the officers of the court and clerk of court and all those who are in attendance; shall not obstruct or interfere with the court's operation from the point of entering into the Justice Center to the point of leaving.

All persons appearing before the court shall, as far as practical, appear in appropriate dress. The court expects all counsel to call this rule to the attention of clients and witnesses.

No person shall loiter, or conduct himself in an unseemly or disorderly manner in the courtroom or in any halls, entryway or stairway leading thereto, or to otherwise interfere with or obstruct judicial activities or proceedings. Persons and objects who enter the Girard Justice Center leading to the court or probation department are subject to inspection prior to entry into the courtroom.

RULE 1.12 Complaint in Forcible Entry and Detainer

A complaint in forcible entry and detainer filed with the clerk of the Girard Municipal Court based upon a breach of a month to month tenancy shall specifically set forth the reason(s) for the eviction in the body of the complaint and attached thereto a thirty (30) day and three (3) day notice as is prescribed by law.

A complaint in forcible entry and detainer filed with the clerk of the Girard Municipal Court based upon a breach of a written contract shall specifically set forth the reason(s) for the eviction in the body of the complaint and attach thereto a three (3) day notice as is prescribed by law.

RULE 1.13 Trials on Forcible Entry and Detainer Action

Upon the filing of a complaint which includes a count in forcible entry and detainer, the clerk shall bifurcate the hearings in the small claims court by way of setting the forcible entry and detainer count within the time prescribed by law and setting the breach of contract count more than 30 days thereafter. Further, the clerk shall notify the tenant(s) in the body of the summons the date, time and place of each of said hearings.

RULE 1.14 Demand for Jury Trial-Forcible Entry and Detainer Cases

A demand for a jury trial in forcible entry and detainer cases shall be made in writing and filed with the clerk's office not less than three (3) days prior to the date of trial. Such filing shall be accompanied by a jury deposit as prescribed in the cost structure of these rules.

In addition, thereto, the tenant shall post a bond to secure future rent and damages in an amount prescribed by law. In the event all the foregoing conditions have been met, the clerk shall place the forcible entry and detainer case on the jury trial docket and notice each party of the date and time of trial.

RULE 1.15 Continuances – Forcible Entry and Detainer Cases

A motion to continue a forcible entry and detainer case shall be filed not less than three (3) days prior to the date of trial; shall be made in writing specifically setting forth the reason(s) for the request; and shall be accompanied by a motion fee as prescribed in the cost structure of these rules. Said motion shall not be effective unless and until approved by the Judge or Magistrate. Further, the Judge and Magistrate in their discretion may grant the motion subject to conditions including but not limited to requiring the movant to post a bond in a specific amount.

RULE 1.16 Action on Account

Any action filed upon an account shall have attached to the complaint a copy of such account pursuant to Ohio R. Civ. Pro. 10 (D)(1).

The court in its discretion may summarily dismiss, without prejudice, any complaint filed which is not in compliance with this rule.

RULE 1.17 Small Claims Division

The Girard Municipal Court has established a small claims division and docket to serve the interests of those who desire access to the civil process of the court at reasonable costs. The monetary jurisdiction of the small claims division is \$6,000.00. The territorial jurisdiction of the court where defendants may be served is the cities of Girard and Hubbard and the townships of Liberty, Hubbard and Vienna all situated in the County of Trumbull and State of Ohio.

RULE 1.18 Small Claim Complaint and Proceedings

Forms to file a small claim complaint can be secured from the clerk of the Girard Municipal Court or printed from the court's internet cite found at www.girardmunicipalcourt.com. The form must be completed in its entirety, signed and delivered to the Clerk of Court together with a filing fee set forth in the cost structure of the rules. Each party will then be served a copy of the complaint together with a summons setting the date and time the small claim will be heard.

The law requires that all small claim hearings shall be set no less than fifteen (15) days nor more than forty (40) days after the date of the filing.

The Magistrate presides over the small claims hearings and submits its findings and recommendations to the court and the parties. Either party who is not satisfied with the magistrate's decision has a right to object within fourteen (14) days after the filing of the magistrate's decision. If neither party objects to the magistrate's decision, the court upon independent review may approve, disapprove and/or modify the magistrate's decision after the expiration of fourteen (14) days. In the

event a party does not object to a magistrate's decision in a timely fashion, he/she waives the right to appeal an adverse decision of the court to the Eleventh District Court of Appeals.

RULE 1.19 Transfer of Small Claim Cases

A case duly entered on the docket on the small claims division shall be transferred to the regular docket of the court upon the motion of the court made at any stage of the proceedings; upon the motion of defendant, accompanied by an affidavit stating that a good defense to the claim exists; setting forth the grounds of the defense; setting forth the reason such transfer is requested; and the compliance of the defendant with any terms fixed by the court; or by the filing of a counterclaim in an amount greater than \$6,000.00.

If a case is ordered transferred to the regular docket by the judge or magistrate, the judge or magistrate in addition to any other appropriate condition(s) may order a party to pay additional costs within a period of time designated by the court.

In the event the defendant files a counterclaim in a sum in excess of \$6,000.00, the filing fee for a regular docket filing shall apply. (See Regular Docket Filing Fee in the cost structure portion of these rules).

RULE 1.20 Corporation: Presentation of Claim or Defense

A corporation who is named as a real party in interest shall be represented by counsel in all civil actions filed in the Girard Municipal Court.

RULE 1.21 Judgment Entries and Settlements

When ordered or directed by the court, counsel for the party in whose favor an entry, order, judgment or decree is entered in a civil case shall, within ten (10) days thereafter, unless the time is extended by the court, prepare an appropriate Judgment Entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after its receipt and may in case of rejection, file objections thereto in writing with the court. In the event counsel fails to prepare and present a judgment entry within the time required, the court may prepare such judgment entry and journalize at its discretion.

In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a judgment entry. Such judgment entry shall be presented to the court no later than ten (10) days after the parties reported to the court that the case had been settled. Should counsel fail to present such entry within the ten (10) day period, the court may, in its discretion, dismiss all causes of action therein for failure to prosecute.

II

CIVIL CASE MANAGEMENT PLAN

GIRARD MUNICIPAL COURT
RULE II
CIVIL CASE MANAGEMENT PLAN
(Effective for all cases filed after January 1, 2014)

RULE 2.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the Courts of Ohio prescribe that - “A case management plan shall be established for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases.”

RULE 2.02 Civil Case Management Plan

Notice: This Rule does not apply to Small Claims or Forcible Entry and Detainer actions.

(A) Filing of the Complaint/Service/ Leave to Plead

(1) Upon filing of a civil case, the clerk shall within a period of two (2) days, serve a true and accurate copy of the complaint and summons to the defendant(s) in accordance with Rules 4.1-4.6 of the Ohio Rules of Civil Procedure. Fourteen (14) days after service, the clerk shall check the docket to determine whether service was perfected on all parties. In the event service has not been perfected on some or all of the defendants, the clerk shall notify plaintiff or plaintiff’s counsel and request that an alias summons be issued to the defendant(s) proper address or request personal service by the bailiff at a location the defendant(s) may be found. In the event that personal service fails, the plaintiff or plaintiff’s counsel may issue notice by publication and file with the clerk, an affidavit showing publication was made, and a copy of the notice of the final publication.

(2) In the event a party defendant fails, refuses and/or neglects to answer a complaint within twenty-eight (28) days after service, the plaintiff or plaintiff’s counsel shall file a motion for default judgment within a period of forty-five (45) days thereafter and the failure to do so may result in the court sua sponte dismissing plaintiff’s action against the defendant.

(3) The clerk of Court shall deliver any motion to the judge within one (1) day after the filing and the judge shall enter his ruling thereon within seven (7) days thereafter, unless a responsive pleading is filed or the Court grants leave for a responsive pleading to be filed.

(4) Ohio R. Civ. Pro. 12 will be strictly enforced. However, parties may generally obtain one (1) extension of time without leave of court not to exceed thirty (30) days, in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing a Journal Entry with the Clerk of Courts, thereon noting “First Leave” or words of similar import, with stipulation by or notice to opposing counsel. If any additional extension is requested, the party desiring the extension must obtain the approval of the Court.

(5) The clerk shall pull all cases where there has been no activity for a period of six (6) months. Cases that have been on the docket for six (6) months without any proceedings taken in the case, except cases awaiting trial assignment, shall be dismissed after notice to counsel of record, for want of prosecution, unless good cause is shown to the contrary.

(B) Case Management Order

This Order shall apply in all Civil proceedings pending before the Court and shall not be modified except by leave of the Court upon a showing of good cause. The term counsel, as it is used in this order, includes the case attorney and any other attorney designated or authorized to appear in this proceeding as well as any individual or entity appearing *pro se*.

Counsel for all parties and pro se litigants are expected to be fully aware of and comply with the directives set forth herein.

(1) Local Rules and Ohio Rules of Civil Procedure.

All counsel shall familiarize themselves with and follow the Ohio Rules of Civil Procedure and the Local Rules of the Girard Municipal Court. Copies of the Local Rules are available on the Court's website at www.girardmunicipal.com or from the Clerk of the Girard Municipal Court.

(2) Discovery.

Formal discovery shall begin promptly upon the filing of the Defendant's Answer consistent with Ohio R. Civ. P. 26 and, unless so ordered otherwise by the Court, **shall be completed by the one hundred twentieth (120th) day following the filing of the answer.** Counsel are expected to comply with discovery requirements. Counsel conducts "informal discovery" at his/her own peril because "informal discovery" is no substitute for the formal discovery process.

If the parties jointly agree to a discovery plan longer than the one hundred twenty day (120) day period referenced above and timely file such plan with the Court, it is not necessary to file a motion to extend the discovery cutoff through the date specified in the discovery plan. Thereafter, any proposed extension(s) of discovery shall be made by motion, which shall: (i) include a reason for the requested extension; and (ii) be filed prior to the close of the discovery period. If the parties do not file a proposed discovery plan, discovery shall be governed by the one hundred twenty (120) day default provision referenced above.

Discovery disputes may be brought to the Court's attention by appropriate motion, subject to the provisions of the Ohio Rules of Civil Procedure and other provisions of applicable law. The Court will consider appropriate sanctions to parties or their counsel for failure to respond to discovery requests. In the case of a corporate or partnership party, sanctions may be made applicable to officers, partners, agents or employees.

(3) Pre-Trial Hearings.

Following a review of the initial pleadings, the Court may issue an order setting an in-person pretrial conference. Immediately following the close of discovery, the Court shall schedule a pre-trial conference where the parties shall: (i) report on discovery; (ii) discuss whether the case is a candidate for summary judgment; and/or (iii) obtain a final pretrial date. **Telephonic appearances are prohibited.**

(4) Final Pre-Trial Hearings.

The Court shall conduct a final pretrial on the record with counsel and all parties required to be present prior to setting a trial date. At the final pretrial conference, counsel shall be prepared to discuss:

- (a) the estimated time for presentation of its case-in-chief and/or defense;
- (b) any pre-trial motions, including motions *in limine*, the party anticipates filing;
- (c) each cognizable claim and/or defense;

- (d) exhibit and witness lists, which include a summary of the testimony to be presented by each witness;
- (e) the formulation and simplification of issues, including the elimination of frivolous claims and/or defenses;
- (f) the possibility of obtaining admissions of fact and stipulations regarding authenticity of documents;
- (g) the avoidance of unnecessary proof and of cumulative evidence;
- (h) the current status of settlement negotiations, the possibility of settlement and the use of alternative dispute resolution procedures; and
- (i) such other matters as may aid in the disposition of the action.

Unless otherwise instructed and/or so ordered by the Court, counsel **shall appear with clients at the final pretrial**. At the final pretrial conference, at least one of the attorneys for each party shall have authority to:

- (i) settle the case;
- (ii) enter into stipulations;
- (iii) make admissions regarding all matters that participants may reasonably anticipate will be discussed.

(C) Dispositive Motions

(1) Motions for Default Judgment

When a party against whom a judgment for affirmative relief is sought, has failed to plead or otherwise defend as provided by the civil rules, the party entitled to a judgment by default shall promptly apply in writing or orally to the trial judge within forty-five (45) days after the date upon which the defaulting party should have plead or otherwise defended. No judgment by defendant shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other representative who has appeared. If a party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion along with the date and time fixed by the assignment clerk with the concurrence of the trial judge shall be served upon that party. In order for the trial judge to award damages and enter judgment, to establish the truth of any averment by evidence, or to make inquiry of any other matter, the trial judge may conduct hearings or order references, as necessary and proper, and shall, when applicable, accord a right of trial by jury to the parties.

(2) Summary Judgment Motions

All motions for summary judgment filed pursuant to Rule 56 of the Ohio Rules of Civil Procedure shall be deemed submitted to the judge seventeen (17) days thereafter and referred to as the "hearing" date. The respondent shall reply with a memorandum contra and/or a cross-motion for summary judgment. All affidavits, depositions and other evidentiary material permitted by Rule 56 (C) of the Ohio Rules of Civil Procedure in support of or in opposition to the motion for summary judgment shall be filed with the motion or responsive pleading.

No motion for summary judgment shall be filed in any case after the dispositive motion date set at the initial pre-trial hearing unless the court, for good cause, determines otherwise.

(D) Withdraw of Counsel

An attorney who desires to withdraw from representing a client in a civil or criminal case shall file a written motion to withdraw together with a proposed Judgment Entry representing the reasons for the withdraw. In the motion, the attorney shall represent that he notified his client in writing that he is no longer willing to provide further legal services for his benefit; that counsel informed his client that his client should immediately secure the assistance of other competent counsel and further informed his client of any upcoming dates his client is required to attend.

Said motion shall be filed more than ten (10) days before the next scheduled appearance date

**IN THE GIRARD MUNICIPAL COURT
TRUMBULL COUNTY, OHIO**

| | | |
|-------------------|---|------------------------------|
| |) | Case No. |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | Hon. Jeffrey D. Adler |
| |) | |
| |) | |
| |) | JOURNAL ENTRY |
| |) | (First Leave) |
| Defendants |) | |
| |) | |

Pursuant to Local Rule of Court 2.02(A)(4), the Defendant, (Defendant's name), is hereby granted leave to answer or otherwise respond to the Plaintiff's complaint on or before (INSERT DATE). This is Defendant's first leave pursuant to Local Rule 2.02(A)(4).

Date _____

Hon. Jeffrey D. Adler

Submitted by:

Counsel for Defendant

III

CRIMINAL CASE MANAGEMENT PLAN

GIRARD MUNICIPAL COURT

RULE III CRIMINAL CASE MANAGEMENT PLAN

RULE 3.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the courts of Ohio prescribe that “A case management plan [shall be established] for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases.”

RULE 3.02 Scheduling of Events

(A) Initial Appearance

Any person charged with a felony shall be brought to the court in person or via video arraignment within a reasonable period of time which shall never exceed seventy-two (72) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. The court then shall read the complaint to the defendant including the penalty and shall inquire whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the initial appearance pursuant to Rule 46 of the Ohio Rules of Criminal Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purpose whatsoever.

Thereupon, the court and/or clerk shall set the preliminary hearing within ten (10) days after defendant’s arrest if the defendant remains incarcerated in lieu of bond or fifteen (15) days if the defendant makes bail. In the event the defendant waives his right to a speedy preliminary hearing, the court and/or clerk shall set the preliminary hearing within thirty (30) days.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant’s constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his constitutional rights. In the event the defendant requests an attorney for the initial appearance, the hearing shall stop for a reasonable period of time in order to secure the assistance of counsel.

(B) Arraignment

Any person charged with a misdemeanor shall be brought to the court in person or via video arraignment within a reasonable period of time which shall never exceed seventy-two (72) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. Then, the court shall read the complaint to the defendant including the penalty and shall inquire

whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the arraignment pursuant to Rule 46 of the Ohio Rules of Criminal Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purposes whatsoever.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant's constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his/her constitutional rights.

Thereupon, the court shall advise the defendant that he/she shall tender a plea of "guilty," "not guilty," "no contest," or "not guilty by reason of insanity," and shall explain the ramifications of each said plea. After doing so, the court shall order the defendant to declare his/her plea. In the event the defendant refuses to tender a plea at this time, the court shall enter a plea of "not guilty: thereby preserving all of defendant's Constitutional Rights.

Thereupon, minor misdemeanors and misdemeanors of the third or fourth degree shall be set for trial within the speedy trial guidelines at the time of the arraignment. Further the court and/or clerk shall set the balance of the pre-trial hearings within twenty-one (21) days after defendant's arrest if the defendant remains incarcerated in lieu of bond or thirty (30) days if the defendant makes bail. In the event the defendant waives his right to a speedy trial, the court and/or clerk shall set the pre-trial within sixty (60) days.

(C) Written Pleas (Criminal Rule 10(B))

An arraignment without the appearance of the defendant is permitted only if the defendant is represented by counsel; the defendant's counsel orally or in writing secures the approval of the prosecutor; the defendant's consent, plea of "not guilty," and waiver of his right to a speedy trial shall be reduced to a writing and duly signed by the defendant and defendant's counsel.

(D) Pre-trial Conference

The clerk upon the filing of minor misdemeanors, misdemeanors of the fourth degree and misdemeanors of the third degree shall set same for trial within the speedy trial guidelines at the time of the arraignment. All other misdemeanors shall be set for pre-trial conference within sixty (60) days.

The criminal pre-trial conference shall be conducted between the prosecutor and the defendant or defendant's counsel. The judge shall not participate in the pre-trial conference. The prosecutor and the defendant

and/or defendant's counsel shall negotiate in good faith and arrive at an amicable and just settlement. The prosecutor and defendant and/or defendant's counsel shall jointly present the settlement proposal in open court. In the event the court approves the settlement agreement tendered by the parties, the court will issue a disposition consistent with the agreement. In the event the court disapproves of the agreement tendered by the parties, the court may indicate same on the face of the written proposal and set the case for trial in the same manner as herein after provided.

In the event the prosecutor and the defendant and/or defendant's counsel cannot arrive at an agreement, the parties shall report same to the judge in open court at which time the court shall report on the record that the case was called for a pre-trial; that there was no disposition; that the clerk shall set the case for trial at a specified date and that defendant's bond is continued.

The court may call a status conference at any time prior to the trial date.

(E) Motions

All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel together with a filing fee in accordance with the court's cost structure. Motions shall be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall either be ruled upon sua sponte or, if necessary, set for oral hearing.

(F) Trials

Each case not resolved at pre-trial shall be set for trial before the court or before a jury. In the event the case is placed on the jury docket, a status conference shall be set one week prior to the commencement of the jury trials. In the event the case is not settled prior to the jury call by way of a final judgment entry, then the defendant shall be assessed the costs of the jury.

The clerk shall schedule jury trials at least two (2) times per year which shall run for a period of two (2) weeks from Wednesday through Friday. The court, in its sound discretion, may increase or decrease the number of times a jury is called based upon need.

(G) Sentence

After trial and a finding of guilt, the court shall impose sentence without unnecessary delay in the manner set forth in Rule 32 (A)(1)(2)(3) of the Ohio Rules of Criminal Procedure.

(H) Bail Schedule

1) Commencing July 1, 1997, the following is adopted as the Girard Municipal Court's Bail Schedule:

| | |
|---|--------------------|
| Aggravated murder | Court's discretion |
| Felony murder..... | Court's discretion |
| First-degree felony | Court's discretion |
| Second-degree felony | Court's discretion |
| Third-degree felony | \$15,000.00 |
| Fourth-degree felony | \$12,500.00 |
| Fifth-degree felony | \$10,000.00 |
| | |
| First and fourth-degree domestic violence | Court's discretion |
| First-degree misdemeanor | \$7,500.00 |
| Second-degree misdemeanor | \$5,000.00 |
| Third-degree misdemeanor | \$2,500.00 |
| Fourth-degree misdemeanor | \$1,500.00 |
| Minor Misdemeanor | \$1,000.00 |

2) The accused may post a personal recognizance bond, an appearance bond in a sum equal to ten percent (10%) of the amount of the bond, or a bail bond duly executed by an authorized agent of an approved surety company.

3) In the event the accused utilizes an appearance bond, the Clerk shall deposit the ten percent (10%) portion in trust to the credit of each respective accused and upon performance of the conditions of the appearance bond shall apply the ten percent (10%) portion as costs and shall return the remaining ninety percent (90%) of such funds to the accused after applying same to his/her fines and costs, if any.

4) Property bonds and cash only bonds are prohibited.

IV

JURY MANAGEMENT PLAN

I. OPPORTUNITY FOR SERVICE

A. The opportunity for service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

B. Jury service is an obligation of all qualified citizens who reside in the cities of Girard and Hubbard and the Townships of Liberty, Hubbard and Vienna.

II. JURY SOURCE LIST

A. Between December 1 and December 15 of each year, the Commissioners of Jurors shall obtain from the Trumbull County Board of Elections a current and certified list containing the names, addresses, dates of birth, and social security numbers, if the numbers are available, of all the electors who reside within the territorial jurisdiction of the Girard Municipal Court.

B. The Court shall provide the Commissioners of Jurors with five (5) numbers; the Commissioners of Jurors shall take the Jury Source List received from the Trumbull County Board of Elections and shall divide the list into precincts; shall count in numerical sequence until he/she reaches the designated numbers (Example: the fifth name from the top of each precinct list); shall write the name and address of each prospective juror so selected onto a ballot; shall fold the ballot in half and shall insert the ballot into the jury wheel.

C. The Commissioners of Jurors shall not insert any prospective juror who served as a juror in the year before.

D. The Court shall annually review the jury source list for its representativeness and inclusiveness of adult population in the jurisdiction as is feasible. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken

III. RANDOM SELECTION PROCEDURES

A. Notice of Drawings

1. Public Notice: At least six days before the drawing of jurors, the Commissioners of Jurors shall publish notice of the drawing in the **Trumbull County Legal News**
2. Written Notice: At least six days before the drawing of jurors, the Commissioners of Jurors shall serve written notice of the drawing upon the judge, clerk and Trumbull County Sheriff, or their designated representatives.

B. Drawings to be Public

1. All drawings of jurors shall be public on a day designated by the Commissioners of Jurors, not less than fourteen or more than twenty-eight days before the day appointed for a term at which issues of fact are triable by jury.
2. The commissioners of Jurors, the Trumbull County Sheriff, the judge, the clerk or their designated representatives shall attend said drawing to be conducted in the Jury Room of the Girard Municipal Court.

C. The Commissioners of Jurors shall conduct the drawing in accordance with division (A) of Section 2313.21 of the Revised Code.

D. Each officer in attendance or their designated representative shall sign the venues certifying that Sections 2313.01 to 2313.46 of the Revised Code have been complied with and thereupon the clerk shall file the original and deliver a copy thereof to the bailiff for service.

E. The bailiff shall notify each juror named in the venues to attend the term by serving upon him, at least six days before the commencement thereof, a notice addressed to him, stating that he has been drawn as a juror for and is required to attend the term specified in the notice. The bailiff shall serve said notice by regular mail and certify such fact on the venues.

F. Departures from the principle of random jury selection are appropriate only to comply with lawful exceptions.

IV. ELIGIBILITY FOR JURY SERVICE

A. All persons shall be and hereby are declared to be eligible for jury service except those who:

1. Are less than eighteen years of age:
2. Are not citizens of the United States:
3. Are not residents of the jurisdiction in which they have been summoned to serve:
4. Are not able to communicate in the English language: or
5. Have been convicted of a felony and have not had their civil rights restored.

V. TERM OF AND AVAILABILITY FOR JURY SERVICE

A. The time that persons are called upon to perform jury service and to be available shall be the shortest period consistent with the needs of justice.

B. The clerk shall schedule jury trials on Wednesdays, Thursdays and Fridays for a period of time not to exceed four weeks for any one term depending on the amount and complexity of jury cases then pending; that all jury cases shall be set on the first Wednesday unless otherwise directed by the Court; that whenever a juror is excused or is not otherwise selected to hear a case, he shall be ordered to report for jury service the following Wednesday; that when all the jury cases are settled, the clerk shall immediately notify the panel that no further jury service will be required.

VI. EXEMPTION, EXCUSE AND DEFERRAL

A. Upon written documentation, the statutory exemptions shall be automatically excused from jury service. The statutory exemptions are as follows:

1. Firemen.

2. A person currently performing jury service elsewhere.
3. Certain officers and personnel of the Ohio National Guard.
4. Member of the Ohio Military Reserve.
5. Members of the Ohio Naval Militia.

B. Upon written documentation subject to the approval of the Court, the statutorily recognized upon which this Court may temporarily excuse attendance are as follows:

1. Necessarily absent from the jurisdiction.
2. The interests of the public or the juror would be materially impaired.
3. Severe physical or mental impairment.
4. Grieving spouse or close relative of decedent.
5. Other jury service performed in the past year.

C. Upon written documentation, subject to the approval of the Court, jury service may be delayed for a period of no more than three days at a time where the exigencies of business so require.

D. The clerk shall deliver all documented excuses and deferrals to the Commissioners of Jurors who shall insert said persons at the top of the next jury list.

VII. VOIR DIRE

A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

B. To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party on the day on which jury selection is to begin.

C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

D. The judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

E. In criminal cases, the voir dire process shall be held on record. In civil cases, the voir dire process shall be held on record unless waived by the parties.

VIII. REMOVAL FROM THE JURY PANEL FOR CAUSE

A. If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

B. The procedure for exercising challenges for cause shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

IX. PEREMPTORY CHALLENGES

A. The procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

B. In civil and criminal cases, the number of peremptory challenges shall not exceed three for each side. In the event the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three peremptory challenges and thereupon may balance the peremptory challenges of the opposing party.

C. In civil and criminal cases, each side shall be allowed one peremptory challenge in the selection of one or two alternate jurors.

X. ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for the administration of the jury system shall be and hereby is vested exclusively in the Judge of the Girard Municipal Court.

B. All procedures concerning jury selection and service shall be and hereby are governed by the Ohio Rules of Court.

C. Responsibility for the administration of the jury system be and hereby is vested in the Chief Jury Commissioner under the supervision of the Judge of the Girard Municipal Court.

XI. NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:

1. Combined in a single document;
2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
3. Delivered by ordinary mail.

B. The summons shall clearly explain when, where and how the recipient must respond and the consequences of a failure to respond.

C. The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;

2. Providing basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

E. The Bailiff shall report to the Court all failures to appear for jury service no later than 4:00 p.m. on the first day any panel is called. Thereupon, the Prosecutor shall issue notice to the recipient to show cause why he should not be held in contempt for his failure to appear and the clerk shall issue notice of hearing. In the event the juror shows just cause for his failure to attend, the Court may remit the fine required by division (B) of Section 2313.99 of the Revised Code by entering the reason therefore on the journal of the Court. In the event the juror fails to show just cause for his failure to attend, the Court shall fine as is required by division (B) of Section 2313.99 of the Revised Code. In the event the juror fails to attend his contempt hearing, the Court shall issue a warrant for his arrest and the juror may be punished as for contempt of court.

XII. MONITORING THE JURY SYSTEM

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

- A.** The representativeness and inclusiveness of the jury source list;
- B.** The effectiveness of qualification and summoning procedures;
- C.** The responsiveness of individual citizens to jury duty summonses;
- D.** The efficient use of jurors; and
- E.** The cost effectiveness of the jury management system.

XIII. JUROR USE

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

- C.** Jury management and calendar management shall be coordinated to make effective use of jurors.

XIV. JURY FACILITIES

- A.** The Court shall provide an adequate and suitable environment for jurors.
- B.** The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C.** Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

D. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

E. To the extent feasible, jury facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.

XV. JUROR COMPENSATION

A. Persons called for jury service shall be compensated at a rate of \$15.00 per day and shall be paid expenses in extraordinary situations.

B. Such fees shall be paid promptly.

C. Employers shall be and hereby are prohibited from discharging, laying off, denying advancement opportunities or otherwise penalizing employees who miss work because of jury service.

XVI. JUROR ORIENTATION AND INSTRUCTION

A. Orientation programs shall be:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

B. The court shall provide some form of orientation or instructions to persons called for jury service;

1. Upon initial contact prior to service;
2. Upon first appearance at the court; and
3. Upon reporting to a courtroom for voir dire.

C. The trial judge shall;

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available for the jurors during deliberations;
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

5. Recognize utilization of written instructions is preferable.
6. Before dismissing a jury at the conclusion of a case:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or the press;
 - c. Either advise them that they are discharged from service or specify where they must report; and
 - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of deliberation.

D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

XVIII. JURY DELIBERATIONS

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.

B. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.

C. The deliberation room shall conform to the recommendations set forth in Standard 14C.

D. The jury shall not be sequestered except under the circumstances and procedures set forth in Standard 19.

E. A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that the evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

F. Training shall be provided to personnel who escort and assist jurors during deliberation.

XIX. SEQUESTRATION OF JURORS

A. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

C. Training and procedures shall be provided to personnel who escort and assist jurors during sequestration.

V

TRAFFIC VIOLATION BUREAU

IV TRAFFIC VIOLATION BUREAU

A. Authority and Construction. These rules are promulgated pursuant to authority granted the Supreme Court by Section 2935.17 and Section 2937.46 of the Ohio Revised Code as adopted in Rule 13 of the Ohio Traffic Rules. They shall be construed and applied to secure the fair, impartial, speedy and sure administration of justice, simplicity and uniformity in procedure, and the elimination of unjustifiable expense and delay.

B. Establishment. A traffic violation bureau be and hereby is established as part of the operation of the Girard Municipal Court. The clerk of court be and hereby is appointed as a violation clerk and the bailiff who is a law enforcement officer be and hereby is appointed as a deputy violations clerk during the time when the violation clerk is not on duty. The violations bureau, violations clerk and deputy violations clerk shall be under the direction and control of the court. All fines and costs shall be paid to, received by, and accounted for by the violation clerk, the deputy violations clerk and all deputy clerks. The violations bureau shall accept appearance, waiver of trial, plea of guilty, and payment of fine and costs for offenses within its authority.

C. Authority of Violations Bureau. All traffic offenses except those listed in division (C) (1) to (9) of this rule may be disposed of by the Girard Municipal Court's traffic violations bureau in the normal course of business. The following traffic offenses shall not be processed by the traffic violations bureau of the Girard Municipal Court.

- (1) Indictable offenses;
- (2) Operating a motor vehicle while under the influence of alcohol or drug abuse;
- (3) Leaving the scene of an accident;
- (4) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (5) Driving without being licensed to drive, except where the driver's license had been expired for six months or less;
- (6) A third moving traffic offense within a twelve-month period;
- (7) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (8) Willfully eluding or fleeing a police officer;
- (9) Drag racing.

D. Schedule of Fines. The court hereby establishes and publishes a schedule of fines and costs for the offenses which is attached in Appendix 'A' and incorporated hereto by reference. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be prominently displayed at a location in the violations bureau where fines are paid.

E. Defendant's Appearance, Plea and Waiver of Trial.

(1) Within seven (7) days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violations bureau may do either of the following:

- (a) Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket, and pay the total amount of the fines and costs;
- (b) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and money order, or other approved form of payment for the total amount of the fine and costs to the traffic violation bureau.

(2) Within seven days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violation bureau may enter his plea of guilty to the offense, waive his right to trial, and pay the total amount of the fine and costs with a credit and/or debit card either over the internet or at the window.

(3) Remittance of the fine and costs to the traffic violations bureau by any means other than personal appearance by the defendant at the bureau constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

F. Records. All cases processed in the bureau shall comply with the case numbering system consistent with Rule 43 of the Rules of Superintendence for the Court