Miami County

# MUNICIPAL COURT

**215 W. Main Street, Troy, Ohio 45373, (937) 440-3910**

Judge Elizabeth S. Gutmann

Judge Gary A. Nasal

Clerk of Court Jan Mottinger

# *LOCAL RULES OF PRACTICE*

(Updated December, 2013)

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# MIAMI COUNTY MUNICIPAL COURT LOCAL RULES

## SCOPE AND AUTHORITY

The following rules are adopted by the Miami County Municipal Court for the purpose of promoting the administration of justice by conforming this court's rules to the uniform rules of practice and superintendence in effect in the State of Ohio.

The rules shall be applied, construed, and enforced so as to avoid inconsistency with the rules of court and statutes governing proceedings, functions, and services of this court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just, expeditious and inexpensive determinations of all actions and proceedings.

These rules are intended to be supplemental and are to be used in conjunction with the following rules:

1. Ohio Rules of Civil Procedure,
2. Ohio Rules of Criminal Procedure,
3. Ohio Rules of Superintendence,
4. Ohio Traffic Rules,
5. Rules of Superintendence of the Supreme Court of Ohio,
6. All amendments or supplements thereto as may occur from time to time.

These local rules are not to be interpreted in any way that will conflict with the various Ohio Rules and should any conflict or contradiction be found, the Ohio Rules shall, in all cases, prevail over the Supplemental Local Rules as per Ohio Civil Procedure Rule 83.

The rules of practice of the Common Pleas Court of Miami County, Ohio may be followed when a situation arises for which no provision has been made.

These rules shall supersede all previous rules adopted by any Judge or Judges of the Miami County Municipal Court.

## RULE 1 - HOURS OF COURT SESSIONS AND TERM OF COURT

**RULE 1.1.**
The general business hours of the Court are Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M. excepting legal holidays and other times as are ordered by the Court.

**RULE 1.2.**
The sessions of the court shall be as follows: All sessions of the Miami County Municipal Court shall be from 8:00 A.M. until 4:00 P.M. on each day except Saturday, Sunday, legal holidays and as otherwise ordered by the Court.

**RULE 1.3.**
There shall be no term in Municipal Court, but for the purpose of computing time, ninety (90) days following judgment shall be considered within term and time thereafter shall be considered after term.

**RULE 1.4.**
All holidays shall be observed, time computed and the court closed on those days and in the manner as set forth in section 1.14 of the Ohio Revised Code (hereinafter referred to as ORC) and 124.19 ORC.

**RULE 1.5.**
Court sessions and the general business of the Court shall not be held when weather or other causes require the court to be closed as determined by the Presiding Administrative Judge.

**RULE 1.6.**
The Presiding Administrative Judge shall be responsible for the preparation and filing of a Schedule for sessions with the Clerk of Court.

# RULE 2 THE JUDICIARY AND COURT ADMINISTRATION

**RULE 2.1 THE PRESIDING AND ADMINISTRATIVE LAW JUDGE**

A. The Presiding Judge shall also be the Administrative Judge who shall have full control over the administration, docket, and calendar of the court, pursuant to Rules of Superintendence for the Courts of Ohio (hereinafter referred to as Sup. R.) Rule 4.

B. The position of Presiding and Administrative Judge shall be pursuant to statute between the two judges. The term of office shall be the calendar year. Before commencement of the term of office, the Presiding and Administrative Judge shall notify the Chief Justice of the Supreme Court of Ohio of his/her selection.

C. The other Judge shall serve as Acting Administrative Judge in the absence of the Administrative Judge.

**RULE 2.2 UNAVAILABILITY OF JUDGE OR MAGISTRATE**
In the absence of a judge or magistrate, the Presiding and Administrative Judge may appoint an acting judge or magistrate to carry out the duties of the absent judge or magistrate, pursuant to the Ohio Revised Code.

**RULE 2.3 PUBLIC USE OF COURTROOMS**
Questions of the admission of persons to a courtroom shall be within the province of the Judge to whom that courtroom is assigned and within the guidelines of public access to all court proceedings consistent with the order and dignity of the Court. No recordings shall be made of any court proceedings without approval of the Judge conducting the proceeding and pursuant to the Rules of Superintendence.

**RULE 2.4 ASSIGNMENTS TO AN INDIVIDUAL JUDGE**
The method employed by the Miami County Municipal Court for the individual assignment of cases to judges shall be known as a "true lot". A true lot is defined as the possibility of each case having any one of the judges sitting on the Miami County Municipal Court bench assigned to the case. On a plea of not guilty in multiple related cases, these cases may be grouped for assignment to the same judge. Cases relating to different defendants, even if arising out of the same transaction, shall be separately assigned, unless a motion for consolidation has been granted by the Court. After a case has been individually assigned pursuant to Sup. R. 36, it shall not be reassigned to another judge without that judge's consent. All transfers of assignments shall be affected by a properly recorded entry.

A. A civil case shall be assigned by true lot to an individual judge upon the filing of an answer or motion other than a motion for default judgment.

B. A misdemeanor, traffic, or criminal case shall be assigned by true lot to a judge when a plea of "not guilty" or "not guilty by reason of insanity" is entered.

C. When a case has been assigned to an individual judge by true lot, that judge shall be responsible for the determination of every issue and proceeding in that case until its termination.

**RULE 2.5 SESSIONS**
Session assignments shall be for two week intervals. Session assignments for cases that are assigned by subject category rather than by the individual assignment system shall be equally alternated between the judges and magistrate. Sessions shall include initial appearances in felony cases, traffic and criminal arraignments, and preliminary hearings.

**RULE 2.6.1 - DISPOSITION OF SEIZED PROPERTY AND EVIDENCE NOT CLAIMED**
Pursuant to ORC 2933.41, all property in the custody of a police agency within the jurisdictional limits of the Miami County Municipal Court, except contraband, which is no longer needed as evidence and that the police department (including the Sheriff's Department), despite reasonable efforts, has been unable to locate the person or persons entitled to possession, may periodically be sold at public auction. Contraband which is no longer needed as evidence and is not otherwise subject to other provisions of the law may be destroyed upon receipt of an appropriate order of the court. Firearms and dangerous ordinance suitable for police work may be given to law enforcement for that purpose. Firearms suitable for sporting use or as collectors' items may be sold at public auction. Other firearms and dangerous ordinance shall be destroyed pursuant to ORC 2933.41 (D) (2).

**RULE 2.6.2 - UNCLAIMED RESTITUTION FUNDS**
All funds, including restitution, unclaimed after one year and after notice is given pursuant to ORC 1901.031 shall be treated as unclaimed funds by the Clerk of Court and paid to the County Treasurer.

**RULE 2.7.1 - PRACTICE BEFORE THE COURT**
Only attorneys regularly admitted to the practice of law in the State of Ohio or those certified to specially practice by the Supreme Court of Ohio or those authorized by the Court shall be permitted to practice in this Court. This rule shall not prohibit a party from acting as his or her own counsel in any proceeding in this Court.

**RULE 2.7.2 - WITHDRAWAL OR CHANGE OF TRIAL ATTORNEY**
No attorney who entered his or her appearance in any case, shall withdraw except by an entry of the court and upon a showing of good cause. Withdrawal of counsel shall not be permitted within five (5) court days of any hearing assignment. Change of trial counsel shall be permitted by the Judge assigned to the case only upon the filing of an entry containing the designation of new trial counsel and provided such change will not delay the hearing.

**RULE 2.8 - REQUEST FOR INTERPRETER OR TRANSLATOR**
In a criminal or civil case, the party requesting a court appointed interpreter or translator shall make a written request to the Court at least seven (7) days before the date of the trial or hearing and the Court shall determine if an interpreter or translator is necessary. The party requesting the translator in a civil case shall post a security deposit of $100.00 with the Municipal Clerk of Courts at the time that party requests a court appointed interpreter. The expenses for the interpreter or translator in a civil case shall be taxed as part of the costs allowed to the prevailing party, unless otherwise directed by the Court. In a criminal case, the interpreter or translator expense shall be paid out of the same funds as witness fees**.** Any case who is hearing-impaired or who does not speak English must be provided with state-certified court interpreters in all legal proceedings "when available", and courts are required to "use all reasonable efforts" to avoid the appointment of interpreters who may have a conflict of interest, and shall make available an interpreter, to ensure the "meaningful participation" of an offender.

# RULE 3 - RECORDS AND PLEADINGS

**RULE 3.1.1 - NUMBERING OF CASES**
Rule 43 of the Rules of Superintendence for the Courts of Ohio shall be followed and all actions brought in this Court shall be numbered consecutively as filed and shall be entered on the docket and indexed as numbered. Thereafter, in filing any papers therein or calling the attention of the Court to any case, its number must be given and the name of the judge to whom the case is assigned indicated below said numbers.

**RULE 3.1.2 - FORM AND SIGNING OF PLEADINGS**
Rules 10 and 11 of the Ohio Rules of Civil Procedure shall be followed.

**RULE 3.1.3 - PROOF OF SERVICE**
Except for original complaints, all filings shall contain certificates or proofs of service as provided by Ohio Civil Rule 5D.

**RULE 3.2.1 - RECORDS OPENS FOR INSPECTION**
All indexes, dockets and journals maintained in accordance with law by the Clerk shall be open to inspection by anyone at any time during regular business hours. Original papers; however, shall not be removed from the office of the Clerk of Court. The same shall apply to all affidavits, warrants and other documents filed of record.
This rule shall not be construed to allow the right to examine certain documents, such as accident reports, alcoholic influence reports, arrest reports and other forms that are discoverable only upon court order pursuant to Ohio Criminal Procedure Rule 16.
All inquiries regarding any case filed with the Miami County Municipal Court must be made in writing. Information pertaining to the case shall be provided only to a party to a case or to his/her attorney. A self addressed stamped envelope shall be enclosed with any written inquiry made. Failure to include such envelope will result in the inquiry not being answered. No information pertaining to any case shall be given over the telephone by any clerk or deputy clerk

**RULE 3.2.2 - COURT FILINGS AND REMOVAL OF PAPERS FROM CUSTODY OF CLERK**
The Clerk shall file and preserve in his/her office all papers delivered to him/her for that purpose. All pleadings, motions, and other forms filed in an action shall be filed in compliance with the Ohio Rules of Civil Procedure or the Ohio Rules of Criminal Procedure. All pleadings, including motions that are not filed in compliance with those rules shall be reported by the Clerk of Courts to the Judge assigned to the case or to the Administrative Judge and these pleadings may be stricken from the record upon the motion of the Court. No papers, documents, or exhibits on file in the office of the Clerk of Court shall be allowed to be taken from the custody of the Clerk except as hereinafter provided.
Excepting Court personnel, original papers, which shall include transcripts or depositions filed in the action, shall not be taken from the files except upon filing an entry approved by the Court and a written receipt which shall be retained by the Clerk until the file is returned. In no event shall the file be removed for longer than three (3) days, except by court personnel. By order of a judge of this Court, any exhibit may be returned to the witness or party by whom it was produced after the substitution of a photo static copy thereof; provided, however, that such order may dispense with such substitution in the case of an original record, paper, or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a receipt shall be given, or when a written stipulation of all the parties consenting thereto is filed. The application for such an order shall be supported by an affidavit stating all the pertinent facts except where it is made on stipulation. The Clerk shall, upon request, furnish extra copies of pleadings or other papers upon the payment of a reasonable fee. In small claims cases, the exhibits may be returned to the party submitting the exhibits at the expiration of the appeal period.

**RULE 3.3 - COPIES OF COMPLAINT**
Plaintiffs shall tender with the original complaint a sufficient number of service copies for all defendants to be served.

**RULE 3.4 - RELEASES AND ASSIGNMENTS**
Any assignment, cancellation or release of judgment shall be in writing and filed as other papers in the appropriate case, if requested.

**RULE 3.5. - FACSIMILE FILING**
Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 937-440-3911 subject to the following conditions:

**DEFINITIONS**
As used in these rules, unless the context requires otherwise:

**3.5.01** A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

**3.5.02** A “facsimile machine” means a machine that can send and receive a facsimile transmission.

**3.5.03** "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document as transmitted.

**APPLICABILITY**
**3.5.04** These rules apply to civil, criminal and small claims proceedings in the Miami County Municipal Court.

**ORIGINAL FILING**
**3.5.05**
**A.** A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court. The person must, however, maintain and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.
**B.** The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

**COVER PAGE**
**3.5.06**
**A.** The person filing a document by fax shall also provide therewith a cover page containing the following information: [See appendix for cover page form.]

the name of the Court;
the title of the case;
the case number;
the assigned judge; if a judge or case number has not been assigned, state that fact on the cover page;
the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
the date of transmission;
the transmitting fax number;
an indication of the number of pages included in the transmission, including the cover page;
the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available;

**B.** If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Courts
**C.** The Clerk of Court is not required to send any from of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

**SIGNATURE**
**3.5.07**
**A.** A party who wishes to file a signed source document by fax shall either:
fax a copy of the signed source document; or
fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
**B.** A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

**EXHIBITS**
**3.5.08**
**A.** Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
**B.** Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. [See appendix for sample exhibit cover sheet.]

**TIME OF FILING**
**3.5.09**
**A.** Subject to the provision of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. However, the fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays.
**B.** Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.
**C.** The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
**D.** The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

**FEES AND COSTS LENGTH OF DOCUMENT**
**3.5.10**
**A.** No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until such fee has been paid. Court cost and fees may be paid by credit or debit cards or through an escrow account established with the Clerk. The forms necessary for the authorization of payment by credit card or escrow account shall be available at the Clerk's office during normal business hours. Documents tendered to the Clerk without payment of fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed. [See appendix for sample credit card payment form.]
**B.** No additional fee shall be assessed for facsimile filings.

**LENGTH OF DOCUMENT**
**3.5.11** Facsimile filings shall not exceed five (5) pages in length. The filer shall not transmit service copies by facsimile.

# RULE 4 - SUBPOENA - TIMELINESS OF FILING

**RULE 4.1**
Praecipes for the service of subpoenas shall be filed within the following time limit:
A. In-County Party at least five (5) working days before the subpoenaed party is to appear.
B. Out-of-County Parties at least fifteen (15) working days before the subpoenaed party is to appear.
If this rule is not complied with, the failure of the subpoenaed party appear because of failure of service shall not constitute grounds for a continuance. This rule applies unless it can be shown that the person filing the praecipe was unaware of the name or the location of the persons sought to be subpoenaed in sufficient time to comply and that such information could not reasonably have been obtained in time.

# RULE 5 - PLEADING APPEARANCE NOT REQUIRED

**RULE 5.1**
In criminal matters every attorney of record shall appear before the court to enter the appropriate plea, however, written pleas of not guilty may be accepted by the Court at the discretion of the Sessions Judge. If acceptable, such Entries of Appearance may be accepted by means of fax, until the original, signed pleading is filed. In all cases, original entries must be filed with the Court. All such pleadings shall be signed by the attorney representing the party to appear before the Court and shall include their address, phone number and attorney identification number on the pleading.

# RULE 6 - SMALL CLAIMS, FORCIBLE ENTRY AND DETAINER AND MISCELLANEOUS CIVIL ACTIONS

**RULE 6.1 - APPEARANCE CALL FOR CERTAIN CIVIL ACTIONS**
Appearance call for following civil actions shall be held at such places, times and dates as ordered by the Court, before the Magistrate of the Miami County Municipal Court for the following actions:
1. Forcible Entry and Detainer,
2. Objections to Applications for the Appointment of a Trustee under ORC 2329.70,
3. Garnishment and Bank Attachment,
4. Aid of Execution and Citations in Contempt.

In four (4) types of actions set forth above in which the plaintiff or plaintiff's attorney does not appear, the action shall be dismissed without prejudice. In actions in Aid of Execution where the plaintiff or plaintiff's attorney does not appear at the time for examination as set forth in the order, the presence of anyone summoned to appear shall be noted on the docket and the party excused. In such event, the cost of that proceeding shall be taxed to the party who filed the proceedings and be so reflected on the docket, and counsel may be subject to appropriate action by the court.
The failure of any person to appear in examination or to hold funds, as directed under proceedings in Aid of Execution, shall be grounds for the issuance of a citation in contempt against said person. Such citation shall be issued on forms prescribed by Court and heard by the magistrate.
On motion reciting that personal service of the proceedings in Aid of Execution was made upon the person who failed to appear or to hold funds as directed therein, an order may issue for the appearance forthwith of said person to show cause why he/she should not be punished for contempt of court.

**RULE 6.2 - FORCIBLE ENTRY AND DETAINER ACTIONS**
Actions in Forcible Entry and Detainer shall be filed and all proceedings conducted in accordance with provisions of ORC 1923.01 through 1923.14 and any amendments made thereto. Should any such action contain an additional cause of action for money judgment, then such additional cause of action shall proceed under all applicable Ohio Rules of Civil Procedure. If the Defendant is present in such action, the Court may proceed to the issue of damages at the time of hearing on the Forcible Entry and Detainer.
When a case is called, it shall be disposed of as follows, unless otherwise ordered by the Court:
If the Defendant, upon proper service, fails to appear the Court shall receive evidence on the necessary elements pursuant to the Ohio Rules of Evidence. Plaintiff or Plaintiff's agent shall appear and give testimony, based upon personal knowledge of the facts concerning the forcible entry and detainer; or in lieu thereof, a sworn affidavit attesting to such facts may be submitted at the time of the hearing. The Court encourages Plaintiff to attach copies of the Notice to Vacate and an affidavit attesting to such facts may be submitted no later than at the time of the hearing. The Court shall further require all Plaintiffs to attach copies of the notice to vacate and an affidavit or ownership or agency to the complaint at the time of filing the complaint for forcible entry and detainer. Should Plaintiff or Counsel for Plaintiff fail to appear, the case shall be dismissed upon the motion of the Court.

The Court shall no longer hire or utilized moving and storage companies when executing Writs of Restitution. Plaintiff shall continue to pay court costs pursuant of the Cost schedule of the Municipal Court; however, movers and storage companies shall not be required to be retained for execution of the Writs for Restitution. By this Order, after proper posting by the Bailiff of the Writ of Restitution, all property shall be removed from the premises by persons of the Landlord's choosing and placed at the curb of the residence address. It shall be responsibility of the Plaintiff (Landlord) to provide manpower and materials for removal of property at the time and date designated by the Court's Bailiff. It shall not be necessary for the Bailiff to be present at the time of the move out, it not being part of the function of the position of the Bailiff to serve as a peace officer.

**RULE 6.3.1 - ORDERS IN AID OF EXECUTION IN CIVIL CASES**

Orders in Aid of Execution shall be served and scheduled pursuant to Statue and Civil Rules.

**A.** Service thereof may be made by regular United States mail.

**B.** No Order in Aid of Execution shall be accepted by the Clerk unless the name and Ohio Supreme Court attorney identification number of the Attorney filing the same appears at the bottom of each copy.

**C.** The Clerk shall not accept such orders unless one copy is furnished for each party to be served and one copy for the Clerk.

**D.** In the event that the Plaintiff or his attorney fails to appear for the examination of a Debtor, the presence of the party shall be noted on the Docket and the party excused.

**E.** A Debtor may obtain a release of wages upon delivery to the Court of a singed statement from his employer as to his earnings for the past thirty (30) days and upon payment to the Clerk of the amount required by law to be withheld. This provision shall not relieve the debtor of his duty to appear at the time assigned if he has been ordered to appear for examination.

**F.** Except for good cause made known to the clerk, no citation in contempt for failure to appear may be issued where more than sixty (60) days have elapsed after the date on which the debtor was ordered to appear.

**G.** Order in Aid and Citations in Contempt shall be filed by the party requesting the orders and in a form approved by the Court.

**RULE 6.3.2 - PRAECIPES FOR EXECUTION**

All Praecipes for Execution shall describe specifically and in detail (including model and serial number if known) all property to be seized by the Bailiff or sheriff on execution. When an execution is issued, and unless otherwise ordered by the Clerk, the Court shall require a deposit of not less than Three Hundred ($300.00) Dollars to secure the estimated basic costs of pick-up and storage of the items that are to be executed upon, plus costs and estimated mileage. This Deposit shall be made prior to any action by the Court.

**RULE 6.4 - DEBTOR'S EXAMS IN SMALL CLAIMS CASES**

Debtor's exams in small claims cases shall not be set for hearing in accordance with ORC 1925.13B. Upon the filing of a request to conduct a debtor's exam, the Clerk will mail a questionnaire to the judgment debtor(s). Upon the Court's receipt of the answered questionnaire, a copy will be
forwarded to the party requesting the debtor's exam by regular U.S. Mail. The filing fee for such a debtor's exam shall be Fifteen ($15.00) Dollars plus an additional Three ($3.00) Dollars if service is requested to be by certified mail.

**RULE 6.5 - SALES AND CONFIRMATION**

A copy of the notice of the sale of personal property shall be mailed by the Bailiff to all parties and to the attorneys of record in the case; however, failure to mail such notice shall not invalidate the sale. Entries of confirmation and distribution shall be prepared by the party who requested the sale and shall contain a statement that the sale was regular and proper in every respect unless otherwise directed by the Court and also a statement of the balance, if any still due on the judgment.

# RULE 7 PRE-TRIAL CONFERENCE

**RULE 7.1 - PRE-TRIAL CONFERENCE**
All civil jury cases and such other civil and criminal cases as the court requires shall be pre-tried.

**RULE 7.1.1 - PURPOSE**
The purpose of a pre-trial shall be to accomplish the objectives set forth in Rule 16 of the Civil Rules and Counsel shall cooperate fully in such procedure.

**RULE 7.2 - PRE-TRIAL APPEARANCES**
The parties and their respective counsel shall appear at each pre-trial session. A corporate party may appear by an officer or by an employee having knowledge of the subject matter of the case. A party who is insured concerning the claims of the case may appear by a claims representative of and/or the attorney for his public liability insurance company. However, if the court finds that the presence of the insured party is essential to the conduct of the pre-trial, the hearing officer may direct such party also to appear. A party unable to appear by reason of illness or other disability, or residing outside the jurisdiction of the court, may be excused from appearing.

**RULE 7.3 - PRELIMINARY ISSUES**
The hearing officer shall have authority to decide any undetermined preliminary matter; to record any admissions stipulations or agreements; to hear and determine the case with the consent of the parties, to make such findings, orders, judgments, or decrees as may be warranted and proper under the circumstances and within the scope and spirit of this rule, including the consideration of any pending motions; to set the case for trial or dismissal or to take other appropriate action if either or all of the parties and their respective counsel fail to appear at a duly assigned pre-trial hearing.

**RULE 7.4 - EVIDENCE**
At the pre-trial, supporting evidence for claims of special damages shall be available and photographs, reports or physical examinations and any proposed exhibits shall be available for disclosure to the Court and all counsel.

**RULE 7.5 - PARTY STATEMENTS**
Statements of the parties or their Counsel made in the course of any pre-trial hearing shall not be binding upon the parties unless expressly made so by written stipulation in the course of the pre-trial.

**RULE 7.6 - PRE-TRIAL DISCLOSURES**
Counsel shall, at least five (5) days before the pre-trial conference, provide opposing counsel with a list of names, identities, and whereabouts of each witness expected to be called at the trial, together with a brief statement of what counsel proposes to establish by the testimony of each such witness. Only such material points which counsel proposes to establish by the testimony of such witness need be disclosed, but the refusal or willful failure of any counsel to disclose a material point may render evidence on that point inadmissible at the trial. If such disclosure is made and counsel discovers the name of an additional witness or names of additional witnesses on that point which were not known at the time of the previous disclosure, the same information required to be disclosed previously shall be furnished opposing counsel forthwith by a copy of the original of such disclosure, which shall be filed with the clerk.

**RULE 7.7 - COMPLETION OF DISCOVERY PRIOR TO PRE-TRIAL**
Counsel shall complete all necessary discoveries prior to the pre-trial conference. If discovery has not been completed and cannot be completed prior to the pre-trial conference, counsel shall so advise the court within five (5) days after receipt of assignment of the pre-trial conference with request for continuance signed by the Attorney and the party requesting the continuance and the other parties to action. Such continuance shall not be granted except for good cause.

**RULE 7.8 - PRE-TRIAL PROPOSED WRITTEN ORDERS**
Each counsel present at the pre-trial shall submit to the Court and opposing counsel a proposed written order which recites the action taken at the pre-trial conference, in order to assist the Court in entering such an order. Such proposed orders shall be submitted within ten (10) days after the conference.

# RULE 8 - MOTIONS

**RULE 8.1 - NOTATION OF MOTIONS**
Motions shall be noted in the docket and submitted to the judge on brief or memoranda. When oral argument or testimony is desired, the motion shall contain a request for assignment for hearing.

**RULE 8.2 - FORCIBLE ENTRY AND DETAINER MOTIONS**
Motions in forcible entry and detainer cases shall be disposed of at the commencement of the trial.

**RULE 8.3 - TIME FOR FILING OF RESPONSE**
In all motions directed to the Court, unless otherwise provided in the Ohio Rules of Civil Procedure, the failure of the party against whom a motion is directed to file a brief or memorandum in opposition within fourteen (14) days from the date of service of such motions, may be construed by the Court as an admission that the motion may be granted. Extensions of time for filing such brief or memorandum in opposition shall be requested prior to expiration of the fourteen (14) day period.

**RULE 8.4 - MOTION HEARINGS**
The Court on its own motion may set any motion for hearing or oral argument.

**RULE 8.5 - ATTACHED MEMORANDA**
Upon the filing of a motion, the movant shall attach a memorandum setting forth a concise argument in support of the motion and which shall contain any appropriate legal citations which the movant desires the Court to consider before ruling upon the said motion. Failure to include such a memorandum may result in the Court's overruling of the filed motion.

# RULE 9 - JOURNAL ENTRIES TO BE FURNISHED

**RULE 9.1 - JOURNAL ENTRIES**
In any case in which a judgment, decree or order is made by the Court sustaining or overruling motions, unless the journal entry is to be prepared by the Court, the prevailing party shall, within the time ordered by the Court, or within fourteen days after the mailing of such decree, judgment or order, prepare and submit to the opposing counsel in the case a journal entry of such judgment, decree or order. When such journal entry is submitted to opposing counsel such counsel shall approve or reject the same within in seven (7) days thereafter. If opposing counsel fails to approve it or reject it within such time, it shall be submitted to the Court who shall make any necessary correction and order its entry. If the prevailing party fails to furnish such entry to opposing counsel within such time, it shall be submitted to the Judge who shall approve the entry in the form he considers proper, or the clerk on the application of Counsel for the losing party shall call the case to the attention of the Court who may dismiss the same for want of prosecution or make such other order as may be proper under the circumstances.

# RULE 10 - BRIEFS

**RULE 10.1 - SUBMISSION OF BRIEFS**
A case shall be submitted to the Court for decision unless arrangements for briefs are made at the conclusion of trial.

**RULE 10.2 - TIMELINESS FOR SUBMISSION OF BRIEFS**
When requested by a party or by the Court, briefs shall be submitted to the Judge by the plaintiff or moving party within fourteen (14) days and by the opposing party within fourteen (14) days thereafter. A reply brief shall be filed within seven (7) days thereafter if desired. Upon failure of either party to file a brief within time, the cause may be disposed of at the discretion of the Judge.

**RULE 10.3 - FORM OF BRIEF**
All briefs shall be submitted on 8½" by 11" stationary.

# RULE 11 - CONTINUANCES OF HEARINGS

**RULE 11.1 - MOTIONS FOR CONTINUANCE**
When notice of trial, pre-trial, or any other proceedings require personal appearance of the parties and/or counsel is mailed from this court, a motion for continuance shall be signed by both the Attorney filing the continuance and the party he represents and filed with the Court within ten (10) days from the mailing date of such notice if continuance is desired; notice of such motion shall likewise be served on opposing parties or counsel. Such motions shall set forth good cause; consent of opposing parties or their counsel shall not, in and of itself, constitute good cause for granting the motion for continuance. No continuance shall be granted by anyone except the assigned Judge or Magistrate. If a matter is set for hearing, it will remain set at that time and on that date, unless the continuance is granted by the Court. This procedure applies equally to all cases set before the Court. It is the rule of this Court that continuances are granted only at the sole discretion of the Court and that no one is entitled to any continuance as a matter of right.

**RULE 11.2 FAILURE TO COMPLY WITH REQUIREMENTS**
Any motion for continuance submitted beyond the aforementioned ten (10) day period may be granted upon showing good cause constituting extreme hardship, unforeseen circumstances or other unavoidable conditions. When a party or their counsel fails to comply with this rule and opposing counsel is present, the court may, upon its own motion, dismiss the case, enter a default finding or proceed to hear evidence and render a final judgment.

# RULE 12 - JURY DEMANDS

**RULE 12.1 - JURY DEMAND**
Jury demands shall be made pursuant to the Ohio Criminal and Civil Procedure Rules. If the withdrawal of a jury demand is made following the summoning of jurors, the party requesting the withdrawal shall be assessed the costs of notifying such jurors that their services will not be required. In civil cases, if the request for withdrawal of a jury is agreed upon by more than one party, all consenting parties shall equally share such cost irrespective of the party prevailing at trial. Any juror who appears for service in error by the Court, shall be paid the per diem fee for one half' days service and such fee shall be chargeable as indicated heretofore.

**RULE 12.2 - COSTS OF JURY FOR DELAYS DUE TO FAULT OF PARTY**
In the event a panel of jurors appears for service and the 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 extreme emergency or conditions beyond the control of the party or counsel as the same may be determined by the Court.

**RULE 12.3 - FAILURE TO COMPLY WITH RULES**
The failure of a party demanding the jury to comply with any provisions of the Ohio Rules of Civil Procedure or Ohio Rules of Criminal Procedure or these Local Rules, shall constitute a waiver of the jury and the matter may be submitted to and decided by the Court. After a jury has been demanded, unless the jury is waived in writing not less than seven (7) days prior to the date set for trial, the party who requested that jury, and thereafter within such seven (7) days prior waives same shall pay all jury fees and expenses incurred as a result of such demand.

# RULE 13 - JURY MANAGEMENT PLAN

**RULE 13.1 – JURY MANAGEMENT**
Pursuant to Rule 5 (B)(2) of the rules of Superintendence for the Courts of Ohio, the Miami County Municipal Court has adopted and implemented the following Jury Management Plan for the purposes of ensuring the efficient and effective use and management of jury resources.

**RULE 13.1.1- SERVICE**
Jury service is an obligation of all qualified citizens of Miami County, Ohio and the opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious beliefs, income, occupation, disability or any other factor that discriminates against a cognizable group. The jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

**RULE 13.1.2 – THE RESPONSIBILITY FOR ADMINISTATION OF THE JURY SYSTEM**
The Miami County Jury System is vested exclusively in the judiciary. All procedures concerning jury selection shall be governed by the Ohio Rules of Court. Responsibility for administering the jury selection is vested in the Court Administrator of the Miami County Court of Common Pleas, acting under the supervision of the administrative Judge of the Miami County Court of Common Pleas.

**RULE 13.1.3 – MONITORING THE JURY SYSTEM**
The Miami County Court of Common Pleas collects and analyzes information regarding the performance of the jury system on a regular basis in order to evaluate the representativeness and inclusiveness of the jury source list, the effectiveness of qualification, the responsiveness of individual citizens to jury duty, the efficient use of jurors, and the cost-effectiveness of the jury management system.

**RULE 13.2.1 – JURY SOURCE LIST – RANDOM SELECTION PROCEDUERS**
The Miami County Municipal Court has adopted the Miami County Court of Common Pleas' Jury Source list and Random Selection Procedures as follows; The County jury commissioners shall receive a certified jury source list from the Board of Elections containing a list of registered voters no later than December 31st of each year. Pursuant to Court order, the Court shall fix the number of jurors upon the annual and supplemental jury list, to be selected from the list certified to the jury commissioners. The Court of Common Pleas shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service and shall designate a starting number for the purpose of using the key number. The annual and supplemental jury list shall be drawn no later than sixty days prior to the commencement of a jury year. The jury year is hereby established from May 1st to April 30th of each year. The jury year shall be divided into three terms, commencing May 1st, September 1st, and January 1st. By Municipal court order/agreement, petit jurors shall be drawn by the Court of Common Pleas, no later than thirty days prior to the commencement of each term from the annual and supplemental jury list. The Court further adopts the use of magnetic tapes and/or disks and the use of an automated information retrieval system in randomly selecting the annual jury list and the jurors for each term. The Common Pleas Court will periodically request the Miami County Board of Elections to review the Voter's Registration List to ensure the list is representative and inclusive of the adult population in Miami County. If improvement is needed in the representativeness or inclusiveness of the source list, appropriate corrective action shall be taken. The Miami County Common Pleas Court and the Miami County Municipal Court will periodically evaluate the demographic profile of jurors reporting for service. This will be used as an indicator of the representativeness and inclusiveness of the jury source list. Random selection procedures shall be used throughout the juror selection process pursuant to the agreement between the Miami County Common Pleas and Municipal Court.

**RULE 13.2.2 - ELIGIBILITY FOR JURY SERVICE**
All persons shall be eligible for jury service except the following:

A. A Person under 18 years of age;
B. Non-citizens of the United States;
C. Non-residents of the Miami County Municipal Court jurisdiction;
D. Those not able to communicate in the English language;
E. Felons who have not had their civil rights restored;
F. Any person adjudged to be an incompetent.

**RULE 13.2.3 – JURY OREINTATION AND INSTRUCTINOS**
Jury orientation is designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as prospective jurors'. Juror orientation shall be presented in a uniform manner using a combination of oral and written materials. The Miami County Municipal Court shall provide some form of orientation or instructions to persons called for jury service upon initial contact, prior to service, and upon first appearance at the Municipal Court for jury duty.

**RULE 13.2.4 - TERM OF JURY SERVICE**
The time that persons are called upon to perform jury service and be available will be the shortest period consistent with the needs of justice. Jurors shall be "on call" for a one month period. They do not report unless told to do so.

**RULE 13.2.5 - EXEMPTION, EXCUSE AND RESCHEDULING**
There are no automatic excuses or exemptions with the exception of statutory exemptions from jury service. Prospective jurors may be exempt, excused, or deferred from jury service in accordance with the Ohio Revised Code and Standard 6 of the Ohio Trial Court Jury Use and Management Standards. Requests to be excused because their service would be a continuing hardship to them or to members of the public must be approved by the Miami County Common Pleas Court or the Miami County Municipal Court respectfully. Deferrals for jury service for reasonably short periods of time may be permitted by the Miami County Municipal Court. Requests for excuses, deferrals, and disqualifications and their disposition are recorded relevant to each respective Court. Exemptions and rescheduling must be in writing and submitted to the Deputy Jury Commissioner who shall forward them to the appropriate Judge for decision.

**RULE 13.2.6 - JUROR USE**
The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Miami County Municipal Court shall determine by agreement with the Miami County Court of Common Pleas, the minimally sufficient number of jurors needed to accommodate trial activity. The Miami County Municipal Court will coordinate with the Court Administrator of the Miami County Court of Common Pleas to make effective use of jurors pursuant to the agreement. If there are not enough persons to constitute the required panel, the Municipal court may order the panel filled from the bystanders, or from among the citizens from within the territorial jurisdiction of the Court, or may order additional jurors from the Jury Commissioners of Miami County. 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.

**RULE 13.2.7 - JUROR COMPENSATION**

A. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority.
B. Such fees shall be paid promptly.
C. Employers shall be prohibited from discharging, laying off, and denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

**RULE 13.3 - NOTIFICATION AND SUMMONING PROCEDURE**

A. Every person summoned as a regular juror shall be served at least forty-eight (48) hours before the time he or she is to appear in Court to answer said summons.
B. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
    1. Combined in a single mailing;
    2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury system; and,
    3. Delivered by ordinary mail.
C. All summonses shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

D. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for determining whether a person meets criteria for eligibility; providing basic background information; and efficiently managing the jury system.

**RULE 13.4 - VOIR DIRE**

When prospective jurors are initially sworn by the Miami County Municipal Court, the oath shall also indicate that the answers to any jury questionnaire are true. The juror questionnaire and all background information shall be made available, in writing for each juror in order to reduce the time required for voir dire. If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case 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.

A. Voir dire examination shall be limited to matters relevant to determining the juror's fairness and impartiality.

B. Basic background information regarding panel members will be made available to counsel for each party.

C. The trial Judge shall conduct a preliminary voir dire examination. Counsel will then be permitted to voir dire panel members for a period of time not to exceed fifteen (15) minutes unless a greater time is allowed by the trial Judge.

D. The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and 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 shall be held on the record unless waived by the parties.

**RULE 13.5.1 - REMOVAL FROM THE JURY PANEL FOR CAUSE**

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 may be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.

**RULE 13.5.2 - PEREMPTORY CHALLENGES**

A. In civil cases, the number of peremptory challenges shall not exceed three for each party. If 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.

B. In criminal cases, the number of peremptory challenges shall not exceed four for each party when a sentence of imprisonment may be imposed upon conviction and in addition, one additional peremptory challenge shall be allowed for each defendant in a multi-defendant criminal proceeding.

C. In criminal and civil proceedings, each side will be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

**RULE 13.6 - JURY DELIBERATIONS**

A. Jury deliberations shall 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.

C. The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 13.7 herein.

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

**RULE 13.7 - 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 the sequestration.
C. Training shall be provided to personnel who escort and assist jurors during sequestration.

# RULE 14 - DEFAULTS AND DISMISSALS BY THE COURT

In all cases where default judgment is available to a party by reason of failure of defendant to answer or enter an appearance, failure thereafter of such party to make demand for judgment by default under Ohio Civil Procedure Rule 55 (A) within sixty (60) days from the time that Plaintiff has notice of defendant's default, may constitute cause for dismissal, with prejudice, of the complaint by the Court for want of prosecution. An entry shall be filed in each case in which such action is taken. At that time, the Clerk shall distribute or refund according to law, the balance of any security deposit or other funds on hand or bill for outstanding amounts due.

# RULE 15 - COSTS AND SECURITY FOR COSTS

**RULE 15.1 - COSTS WHEN DISMISSED**

No case shall be dismissed by the Parties, nor shall any Satisfaction of Judgment Entry be filed unless all Court Costs are paid. When a case is dismissed for want of prosecution or for failure to comply with an order of the Court, all the proceedings by the plaintiff in the same case or in any subsequent suit upon the same cause of action shall be stayed until the costs in the former action are paid unless otherwise ordered by the Court.

**RULE 15.2 - SECURITY FOR COSTS**

No action or proceeding shall be accepted for filing by the Clerk of Courts unless there first shall be deposited the filing fee required by this Court in its schedule of costs, except that upon representation of indigency, the Clerk of Courts shall investigate the accuracy of such representation and upon finding that such indigency does exist, the security for costs may be waived.

In case a party desires Service by Publication pursuant to Civil Rule of Procedure 4.4, such service by publication shall be contracted directly with the appropriate publisher by that party or by their counsel. Counsel shall deliver upon completion of service of publication, proof of such service to the Municipal Clerk of Courts as set forth in Rule 4.4 of the Ohio Rules of Civil Procedure.

**RULE 15.3 - INDIGENCY AFFIDAVITS**

The Clerk shall not accept a poverty affidavit for filing unless and until the Court has indicated thereon its approval of the same. To secure such approval, the attorney for the party desiring to file said affidavit shall certify that no monies have been paid to him by the party and that to his best knowledge and belief, the party is unable to make the deposit. In any case in which the Court has approved a poverty affidavit, the Clerk may, upon request by such party's attorney, waive deposit for costs of publication. However, in such cases, it shall be the responsibility of the attorney making the request to advise the publisher in writing at the time the legal notice is presented for publication, that no funds have been deposited with the Clerk for payment of the publication costs, and at the same time the attorney shall file with the Clerk a written certification signed by the Attorney stating that he has so advised the publisher.

**RULE 15.4 - COSTS**

For a list of all costs, refer to the Schedule of Court Costs filed with the Clerk's Office.

# RULE 16 - CRIMINAL PROCEDURE - GENERAL

All rules set forth above with reference to civil proceedings shall, where applicable, be enforced in criminal proceedings before this Court, in addition thereto; the following rules shall prevail.

**RULE 16.1 - CRIMINAL ACTION- FILING**
The Clerk of Courts and all deputy clerks shall not accept criminal filings, other than criminal minor misdemeanor and traffic offenses, from any person except a duly authorized police officer having jurisdiction within the territorial jurisdiction of this Court unless the complaint is initialed for approval by a county or municipal court prosecutor. Private citizens may file complaints only after consulting with the Miami County Prosecutor's Office or with one of the Municipal Court Prosecutors.

**RULE 16.2 - CRIMINAL ACTION - COSTS**
Refer to Traffic/Criminal Costs Schedule filed with the Clerk's Office.

**RULE 16.3 - APPOINTED COUNSEL FEES**
A. In order to receive payment for their services, appointed counsel must, within thirty (30) days of the disposition of the case file a Motion for Payment of Fees. Such Motion shall be accompanied by the following:
(1) a formal invoice detailing the time devoted to the case by the attorney, in increments of tenths of an hour; and
(2) a financial disclosure/affidavit of indigency signed by the defendant on the form(s) provided by the office of the State Public Defender.

B. The hourly rate of compensation for attorney time spent in and out of court on the case shall be as established according to ORC 2941.51 and by the County Commissioner's Office. The aggregate of such compensation amount shall not normally exceed Five Hundred Dollars ($500.00); however in cases requiring counsel to expend unusual amounts of time or effort which would exceed said amount, counsel may submit a Motion for Extraordinary Fees detailing both the time expended and the reasons therefor. Such cases shall be determined by the Court on a case-by-case basis.

## RULE 17 - WITHDRAWAL OF CRIMINAL CHARGES

All recommendations for withdrawal or dismissal of a case and the reasons therefore shall be made in open court by the Prosecuting Attorney.

## RULE 18 - JUDGMENTS, ORDERS AND ENTRIES

All Criminal and Traffic judgments and orders of this Court shall be shown as entered on the journals of the Court as of the date the judgments were announced by the Court.

## RULE 19 - VIOLATIONS BUREAU

Pursuant to Rule 13 of the Uniform Rules of Procedure in traffic cases (also see Ohio Criminal Rules of Procedure 4.1) a violations bureau is hereby established for the acceptance of pleas of guilty in those cases not prohibited by the uniform rules. The Clerk of Courts is hereby appointed as Violations Clerk of the Bureau. In accordance with the Ohio Criminal Rules of Procedure Rule 4.1 (E), this Court establishes the bond, fines, and costs per Schedule filed in the office of the Clerk.

## RULE 20 - FAILURE TO APPEAR IN TRAFFIC CASES

Pursuant to Rule 7 of the Ohio Traffic Rules, when a defendant fails to appear pursuant to a ticket issued to him, the Court shall issue a summons for his appearance, unless the trial Judge directs that a warrant shall be issued. If the summons or warrant is not served within twenty-eight (28) days, the file shall be directed to the Administrative Judge who shall take whatever action is necessary pursuant to Rule 7 of the Ohio Traffic Rules. Further the Clerk is directed to establish a file of "Case Disposed Of Subject To Being Re-opened" as prescribed in Ohio Traffic Rule 7. Further Rule 7 (B) of the Ohio Traffic Rules shall be complied with as required. Failure to appear after summons may result in a Warrant being issued by the Court or such other sanctions as deemed appropriate.

# RULE 21 - BOND, FINES, AND COST SCHEDULE FOR PARK DISTRICTS

Pursuant to Chapter 1545 of the Ohio Revised Code, for the preservation of good order within and adjacent to parks and reservations of land and for the protection and preservation of parks, parkways, and other reservations of land under its jurisdiction and control and of property and natural life therein, this Court establishes the bonds, fines, and costs per schedule filed in the office of the Clerk.

# RULE 22 - CASE MANAGEMENT

### RULE 22.1 - CASE MANAGEMENT IN CRIMINAL CASES

The purpose of this rule is to establish pursuant to the Rules of Superintendence for the Courts of Ohio Rule 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Court Justice System.

**A. Scheduling of Events**

The scheduling begins after arraignment. Thereafter the case is managed in four (4) judicial steps.

**1. Pretrial:** After arraignment, all misdemeanors other than minor misdemeanors shall be set for pretrial within thirty (30) days. All minor misdemeanors shall be set for trial unless the Judge orders a pretrial in said case. The Pretrial shall be conducted in accordance with Criminal Rule 18.1 of the Ohio Rules of Criminal Procedure and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of Court. If the parties cannot resolve the case, then the case shall be set for trial to Court unless a jury is demanded.

**2. Motions:** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing, unless waived in writing.

**3. Trials:** Each case not resolved at pretrial shall be set for trial to the Court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule.

**4. Sentencing:** Sentencing hearings shall be set within seven days from trial if no pre-sentence report is requested, unless the party is sentenced immediately after the completion of the trial. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days.

### RULE 22.2 - CASE MANAGEMENT IN CIVIL CASES

The purpose of this Rule is to establish, pursuant to Rules of Superintendence for the Courts of Ohio Rule 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

**A. Scheduling of Events:** The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.

**1. Clerical Steps**

a. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. If Counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, the case may be dismissed in ten (10) days after notice is provided the party, unless good cause is shown to the contrary.

b. After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to a judge so the matter may be set for hearing.

1. If no action has been taken on a file for a six (6) month period and the case is not set for trial, the Court may send notice to Plaintiff notifying that the case may be dismissed within one (1) week unless good cause is shown.
2. When a file has been marked “settlement entry to come” and the entry has not been received within thirty (30) days, the case may be dismissed unless the entry is received.

**2. Judicial Steps**

**a. Status Hearing:** After a responsive pleading is filed the case will be assigned to a Judge and the Clerk will forward the file to said Judge. The Court will then set an attorneys conference which may be heard in Court or by phone. The purpose of the attorney's conference is to set discovery and motion deadlines so a formal pretrial can be set.

**b.** 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 fourteen (14) days thereafter. All motions will be considered submitted at the end of fourteen (14) day period unless time is extended by the Court. There will be no oral hearings granted, unless the parties request an oral hearing in writing and the Court deems it necessary.

**c. Pretrial:** For the purpose of this rule, "Pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record. Any attorney for a party to the action who fails to attend a scheduled pretrial conference without just cause being shown, may be punished as and for contempt.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from an assignment commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the Judge or Magistrate to whom the case has been assigned, and signed by the party represented as well as by counsel. Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit. The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may file a pretrial statement to be become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pretrial. The Court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed. Any judge presiding at a pretrial conference shall have the authority to dismiss the action for want of prosecution on motion of any party upon failure of plaintiff, and/or plaintiff's counsel to appear in person at any pretrial conference without prior permission of the Court; to order the plaintiff to proceed with the case and to decide and determine all matters ex-parte upon failure of the defendant to appear in person or by counsel at any pretrial conference as required; to make such other order as the Court may deem appropriate under all the circumstances. If the case cannot be settled at pretrial, then the case shall be set for trial.

**d. Continuances:** No party shall be granted a continuance of a trial or hearing without a written motion from the party or his/her counsel stating the reason for the continuance and signed by the party represented. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any request for continuance of a scheduled trial is a matter within the discretion of the trial Court. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

**e. Judgment Entries:** Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days of the date it was submitted. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the Court will prepare the journal entry. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case may be dismissed for want of prosecution. The journal entry shall state within it which party shall pay court costs.

**RULE 22.3.1 - CASE MANAGEMENT IN SPECIAL PROCEEDINGS**

**a. Purpose:** The purpose of this rule is to establish, pursuant to Rules of Superintendence for the Courts of Ohio Rule 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge or magistrate, to wit: small claims, forcible entry and detainer, default hearings, rent escrow hearings, replevins, garnishment hearings, debtor's exams, and citations in contempt. The following criminal matters are considered special proceedings: criminal initial appearances, preliminary hearings, bureau of motor vehicle appellate hearings, and extradition hearings.

**b. Scheduling of Events:** Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings that do not have established time limits, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

**c.** After a responsive pleading is filed, the Clerk shall immediately forward the pleading and the case file to judge or magistrate so the matter may be set for hearing.

**d.** If no action has been taken in a case for a six (6) month period and the case is not set for trial, the matter may be dismissed within one (1) week after notice is given, unless good cause is shown.

**d.** When a case file has been marked settled, and the agreed judgment entry or dismissal entry has not been approved and filed within thirty (30) days, then the case may be dismissed.

**RULE 22.3.2 - CASE MANAGEMENT FOR FORCIBLE ENTRY AND DETAINER**

a. All forcible entry and detainer cases shall be set for hearing before the Court or magistrate, pursuant to the time limit set forth in the Ohio Revised Code. Trial by jury will be waived unless demand is filed on or before the appearance date. If the defendant (tenant) presents a prima facie defense on appearance, the case shall be ordered set for trial before the magistrate.

b. The time for serving a responsive pleading to any claim for relief in addition to the possessory action shall be governed by the Ohio Civil Rules of Procedure.

c. Service of summons upon the defendant shall be in accordance with ORC 1923.04 (A) and the Ohio Civil Rules.

d. At the time set for the appearance call, plaintiff or plaintiff's attorney of record shall be present in court. Failure to comply with this rule shall result in a dismissal of the case without prejudice.

e. In the event that the defendant fails to appear at the restitution hearing, no default judgment shall be ordered unless testimony is taken from the plaintiff regarding the proper form and service of the required notice under ORC 1923.04, the tenant's failure to pay rent when due or other reason why restitution of the property is being sought, and the ownership of the property

f. In cases based upon a tenant's failure to pay rent, all claims raised by the landlord/plaintiff shall be consolidated with any counterclaims raised by the defendant/tenant, unless otherwise provided by law. The tenant shall serve any counterclaims upon the landlord or the landlord's attorney prior to trial. The tenant shall also deposit with the Clerk of Court all rent moneys claimed by the landlord to be due and owing, unless the court waives this requirement upon the showing of good cause.

g. If the landlord/plaintiff is successful in the eviction, the court will order that the tenant vacate the premises at any time following the granting of restitution.

h. Upon the granting of restitution, should the tenant fail to vacate the premises or remove his property therefrom, the landlord may file a praecipe for a writ of restitution and shall post with the Clerk of Court a sum as established by the Clerk.

I. Upon receipt of the writ of restitution, the Plaintiff/Landlord shall contact a representative of the Bailiff's Office and they shall set a specific date for the move-out of the tenant and his property. The writ of restitution will clearly identify the location of premises for which the move-out will be completed and the landlord will cooperate fully with the Bailiff's office to assist them in identifying the physical location of the premises which are covered by the writ. Failure to cooperate and comply with this requirement shall result in the Bailiff returning the writ unexecuted. It shall be the responsibility of the landlord/Plaintiff to cover the costs of the move-out.

j. In the event the tenant vacates the premises before the scheduled move-out date, the landlord or his attorney shall immediately notify the Bailiff's office.

k. Any items belonging to a tenant and stored by a moving and storage company on behalf of a landlord, pursuant to a court order, shall be stored at the warehouse for at least thirty (30) days after the move-out days, if arrangements are not made by the tenant to redeem said items, the items may be sold in accordance with the Ohio Revised Code.

**RULE 22.3.3 - SMALL CLAIMS COURT**

**a.** Pursuant to the Ohio Revised Code, the Court has established a small claims division for cases for the recovery of money where the prayer does not exceed the monetary amount provided in ORC 1925.02.

b. Cases filed in the small claims division may be heard by a magistrate appointed and assigned under Rules of Superintendence for the Courts of Ohio Rule 18.

**c.** In all cases, The Judge or the Magistrate may assess the costs as provided in ORC 1925.15.

**d.** The magistrate's decision is subject to a fourteen day objection period pursuant to Ohio Civil Rule 53(E) (3).

**e.** The magistrate's decision shall be effective when adopted by the court, pursuant to Ohio Civil Rule 53(E) (4). Upon consideration of any objections, the Court may adopt, reject, or modify the magistrate's decision, hear additional evidence, recommit the matter to the magistrate with instructions, or hear the matter.

**f.** A motion to transfer a case to the regular docket to transfer a cross-claim or counterclaim exceeding the monetary jurisdiction of the Small Claims Division shall be referred to the Administrative Judge for assignment and handled in accordance with ORC 1925.10.

**g.** Where a motion has been granted to transfer a small claims case to the regular civil docket, the party seeking the transfer shall pay the appropriate fee to the Clerk upon filing the motion. Failure to pay the fee will result in the case being retained in the small claims docket.

**h.** A motion for continuance must be filed in writing not later than five (5) working days before the date of hearing.

**I.** No depositions or interrogatories shall be taken except by leave of the Court. All relevant evidence shall be admitted at the discretion of the hearing officer.

**RULE 22.4 – MAGISTRATES**

**a.** As provided by the Rules of Superintendence for the Courts of Ohio Rule 19, magistrates shall be appointed by the Court to hear the following: default proceedings under Ohio Civil Rule 55; forcible entry and detainer proceedings under Chapter 1923 of the Ohio Revised Code in which the right to trial by jury is waived or not demanded; small claims proceedings under Chapter 1925 of the Ohio Revised Code; traffic proceedings in which there is a guilty plea; and all other appropriate matters referred by the Court for the magistrate's decision which the magistrate may hear pursuant to Ohio Civil Rule 53, Ohio Traffic Rule 14 and Ohio Criminal Rule 19.

**b.** Magistrates shall have the qualifications specified in the Ohio Civil Rules of Procedure, Rule 53 and Ohio Traffic Rule 14 and Ohio Criminal Rule 19. In civil matters, magistrates shall act pursuant to Civil Rule 53; in traffic matters, magistrates shall act pursuant to Traffic Rule 14; and in criminal matters, magistrates shall act pursuant to Criminal Rule 19.

**RULE 22.5 – SECIALIZED DOCKETS**

**a.** As required by Rule 36.20 of the Rules of Superintendence for the Courts of Ohio, the Court shall comply with all Specialized Docket standards and procedures established by the Supreme Court's Specialized Docket section, and shall include the requirement of certification by the Supreme Court. The Court shall be responsible for the submission of a Supreme Court application every three (3) years, or upon the change of assigned Judge of the Specialized Docket, and shall facilitate a site visit by the Supreme Court's specialized Docket section when applicable.

# RULE 23 - ARBITRATION

Civil cases, except those involving title to real estate, equitable relief and appeals which are at least three (3) months old and in which the amount actually in controversy, exclusive of interest and costs, has been determined at pretrial by the Court to be at least $5,000.00 or less, may be submitted to compulsory arbitration pursuant to this rule.

Without limitation to the amount, counsel in any civil action which is at issue, may stipulate in writing before or after pretrial, that it may be submitted for compulsory arbitration in accordance with this rule. Upon the filing of such stipulation, together with pretrial statements of the party, the action shall be submitted to compulsory arbitration.

# RULE 24 - COURT SECURITY STANDARDS

The Miami County Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the Court. Accordingly, appropriate levels of security shall exist in the Court to protect the integrity of the Court proceedings, protect the rights of individuals before it, sustain the decorum and dignity of the Court and assure that Court facilities are secure for all those who visit and work there.

**RULE 24.1 – WEAPONS**
No weapons shall be permitted in the courthouse unless carried by a law enforcement officer or probation or parole officer, acting within the scope of their employment. The Court has authority to enforce more restrictive measures regarding weapons in a courtroom or hearing room on a case by case basis.

**RULE 24.2 - TRANSPORTATION OF PRISONERS**
Individuals transported from the jail to a courtroom or a hearing room should be moved through areas which are not accessible to the public when possible. When public hallways must be used to transport such individuals, they should be secured in an appropriate manner, to protect the public. There shall be no physical contact between inmate and family or friends in the courtroom or during transport of the prisoner.

**RULE 24.3 - ALARMS**
All courtrooms and hearing rooms shall be equipped with duress alarms connected to 911. Duress alarms shall be located in the court offices, clerk of courts offices, and the probation department.

**RULE 24.4 - RESTRICTED ACCESS**
Access to the jury rooms and the Judges' office facilities shall be restricted by a punch pad lock, key lock or electronic lock. Access to the Clerk of Courts offices shall be restricted by punch pad lock or electronic lock. All persons entering a court facility shall be subject to security screening, on a case by case basis, as requested by a judge or bailiff. Courtrooms shall be locked when not in use.

**RULE 24.5 - ASSIGNMENT OF BAILIFFS**
Bailiffs and/or uniformed, armed law enforcement officers shall be assigned in sufficient numbers, to ensure the security of each court and related court facilities. All such officers shall be certified through the Ohio Peace Officers Training Council and shall receive training on court security and weapons instruction specific to the court setting.

**RULE 24.6 - DIGITAL PERSONAL COMMUNICATORS**
All judges and magistrates shall available to the Court Administrator and Chief Bailiff their home and cell phone numbers for security purposes, while away from the courthouse.

**RULE 24.7 - REPORTING OF CRIMES OCCURRING WITHIN COURT FACILITY**
Each violation of law that occurs in a court facility or court area shall be reported to the Miami County Sheriff's department. A tabulation of all such incidents shall be reported, by the administrative judge, to the Supreme Court of Ohio on an annual basis.

# RULE 25 - MEDIA COVERAGE OF COURT PROCEEDINGS

**RULE 25.1 - PERMISSION OF ASSIGNED JUDGE**
The Judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge or magistrate shall specify the place or places in the courtroom where the operators and equipment are positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the Judge shall be made a part of the record of the proceedings. The media request shall be presented as far in advance as is reasonably possible but in no event later than twenty-four (24) hours prior to the trial or hearing to be recorded.

All requests to record proceedings of arraignments shall be made in writing and presented to the arraignment Judge as far in advance as is reasonably possible but in no event later than one-half hour prior to the arraignment session to be recorded. Upon a showing of good cause, the judge may waive advance notice provision.

**RULE 25.2 - PERMISSIBLE EQUIPMENT AND OPERATORS**

A. Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the Judge.

B. Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the Judge. Still photographers shall be limited to two cameras with two lenses for each camera.

C. For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

D. Visible audio recording equipment may be used by news media reporters with the prior permission of the Judge.

E. Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding. "Pooling" arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representative, the judge may exclude all contesting representatives from the proceedings.

F. The Judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Judge may permit modification.

G. Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the Judge, except to leave or enter the courtroom.

**RULE 25.3 – LIMITATIONS**

A. There shall be no audio pickup or broadcasts of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the Judge.

B. The Judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

C. Jurors shall not be filmed, videotaped, recorded or photographed without permission of the Judge.

D. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

E. This rule shall not be construed to grant media representatives any greater rights than permitted by law.

## RULE 25.4 - REVOCATION OF PERMISSION

Upon the failure of any media representative to comply with the conditions prescribed by this rule or the Judge, the Judge may revoke the permission to broadcast or photograph the trial or hearing.

## RULE 25.5 - MEDIA REQUESTS TO INTERVIEW COURT EMPLOYEES

A media representative may request to interview a court employee regarding an incident or story that involves the employee in his or her course of business as a representative of the Court. No interview shall be granted until the media representative requests such an interview in writing to the Court Administrator or Administrative Judge for review and approval. No employee of the court may comment or be interviewed by the media regarding court matters without the approval of the Court.

# RULE 26 - TRUSTEESHIPS

**Rule 26.1 Application**
Applications for the appointment of a trustee shall include a complete and accurate statement, under oath, of:
(a) the Debtor's name, address and marital status;
(b) the name and address of the Debtor's employer(s);
(c) the amount of his or her gross earnings for the previous thirty (30) days (including copies of all pay stubs for that period of time);
(d) a statement indicating the name of the creditor from whom the fifteen-day written notice of proceeding to garnish earnings was received;
(e) a written itemized list of current living expenses.

Only residents of Miami County may make an application for appointment of trusteeship. Should a Debtor change address, the Debtor shall immediately notify the Court in writing of the new address. All filing fees must be paid at the time of the filing of the initial application. Upon the filing of an application, the Clerk shall immediately become the trustee without formal order of the Court. Objections of interested parties to the application shall be placed in writing and filed with the Court and only then will a hearing be set by the Court.
At the time the application is filed, the attorney for the Debtor or the Debtor shall deliver or mail to the Clerk two (2) copies of a notice of the appointment for each creditor listed in the application together with a stamped envelope properly addressed to each creditor. The attorney for the Debtor or the Debtor shall deposit such notices in the mail within twenty-four (24) hours and the Clerk shall indicate on the docket that such notices were mailed to the creditors listed. It shall be the responsibility of the Debtor or his attorney to mail notices to all creditors. If the Debtor discovers that he or she has inadvertently omitted a creditor from the list included in the original application, the Debtor shall immediately submit a statement to the Trustee/Clerk of Courts indicating the name, address, account numbers and amount due to the creditor and an explanation of why the creditor was omitted. It is within the discretion of the Trustee Clerk to allow the addition of any more creditors. Additional creditors may be listed in the trusteeship only upon application and the service of a notice to each additional creditor as heretofore provided. If such application is made by a creditor, a similar notice must be given to the debtor, unless the creditor has obtained a judgment in a court of record. Each notice shall contain the name of the applicant, the sum applicant claims to owing, along with account numbers, and names and address of each creditor. No debtor for fifty dollars ($50.00) or less shall be included in the trusteeship.

**Rule 26.2 Distribution**
The Trustee/Clerk shall make no distribution payment to anyone except a creditor or any attorney for a creditor.
The Clerk of Courts, or designee, shall supervise payments of debtors and distribute funds in each case. Payments shall begin once the court has at least five hundred dollars ($500.00) on deposit by the debtor, or with six (6) months, whichever comes first. Upon distribution to the creditors, a fee shall be assessed in the sum of five (5%) percent of the total amount disbursed to the creditors at the time of the disbursement. After the first disbursement, there shall be assessed an additional charge of Fifteen ($15.00) Dollars for the addition of each new creditor into the trusteeship. Where a debtor pays directly, the Clerk shall require the Debtor to produce payroll stubs or similar records and the Clerk may refuse to accept payments or installments thereof, which do not equal the amount required by law. In the event that payments are not made for thirty (30) days, the trusteeship shall be dismissed and the proceeds distributed. The Clerk may not accept payments into a trusteeship where the debtor pays direct, unless the tender of the payment is made by the Debtor, his agent or attorney, within four (4) days after the receipt of the personal earnings by the Debtor. This requirement can be waived only by a Judge or Magistrate of this Court.

**Rule 26.3 Dismissal/Reinstatement**
The dismissal of a trusteeship by rule of Court or upon motion of counsel for one of the creditors listed therein shall make the Debtor filing said trusteeship ineligible for reinstatement or re-filing of the application for another trusteeship for a period of six (6) months from the date of the dismissal of the previous trusteeship.
If the Debtor fails to make payments into the trusteeship as required, written notice of the Court's intention to dismiss will be sent. If Debtor does not respond within one week from date of notice, the trusteeship will be terminated automatically, and the Debtor may not re-file for a period of six (6) months

# Rule 27 Specialized Docket – Drug Court

The Miami County Municipal Drug Court hereby establishes the Miami County Drug Court Specialized Docket Program. This docket is created pursuant to the authority and requirements under Sup. R. 36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The Miami County Municipal Drug Court Program was developed to interrupt the cycle of substance abusing individuals' involved in the criminal justice system. The primary goal will be to focus on improving the quality of life for participants and their families through prompt treatment, accountability and support. Our Municipal Drug Court is committed to maintaining public safety while minimizing costs to the community. This will be accomplished through the ongoing collaborative efforts between our court and available community resources.

**Rule 27.1 Placement in the Miami County Municipal Drug Court Specialized Docket**

(a) Application to be interviewed for Municipal Drug Court can be initiated by the individual, defense counsel, prosecutor, probation officer, Judge, as well as any treatment provider. All applicants must be Miami County residents who are currently on probation, or who have pending charges in Miami County Municipal Court.

(b) Self-referral applications are available at the Miami County Jail, the Miami County Municipal Court Probation Department and the Miami County Recovery Council.

(c) Participation begins post – adjudication, and all potential applicants shall:

1. Be a Miami County resident that is motivated to meet all conditions of the Drug Court Program and are prepared to become actively involved in their recovery process.
2. Have current and/or past criminal behavior that is motivated directly or indirectly by alcohol and/or drug use.
3. Have a current charge that is probationable.
4. Score "high risk" on the ORAS assessment.
5. Be determined to be chemically dependent via clinical interview and SASSI.
6. Have no significant history of trafficking or violent behavior patterns.
7. Be agreeable to all general conditions of probation supervision and have no active arrest warrants from other jurisdictions.
8. Have no significant emotional, mental or physical issues that would impair their ability to participate.
9. Admission to the Drug Court Program will be determined by the "team" which includes, but is not limited to the: Specialized Docket Judge, assigned Municipal Court Probation Officer, Miami County Recovery Council Drug Court Coordinator, and case management personnel and counselors.

**Rule 27.2 Miami County Municipal Drug Court Case Management**

The Municipal Drug Court case manager, coordinator and probation officer shall provide support, resources, accountability and guidance throughout the drug court program. Prior to entering the program, each participant shall have an orientation session. This will include distribution of the handbook outlining the program's components, rules, Participant's Rights and additional reference materials. Participants will receive treatment via the Miami County Recovery Council and diagnostic assessment will begin within seventy-two hours of entering the program.

**Rule 27.3 Termination from Miami County Municipal Drug Court Docket**
Termination from the drug court program may result from, but is not limited to the following:
(a) When maximum benefit has been reached by the participant prior to graduation of the program.
(b) A participant's behavior negatively impacts other participants in the program.
(c) Continued participation would compromise the integrity of the program.
(d) Another level of care is indicated.
(e) Chronic non-compliance.

The presiding Drug Court Judge has final discretion to decide termination in accordance with written criteria.

# APPENDIX A

MIAMI COUNTY MUNICIPAL COURT

MIAMI COUNTY, OHIO

JOHN SMITH,

Plaintiff

vs. Case No.: 1234567

BILL JONES, Judge: _____ *(in the alternative a notation here that the case is not yet assigned)*

Defendant

---

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"

TO

PLAINTIFF SMITHS'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

---

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule XX.X.

Respectfully Submitted,

Attorney Name (Sup. Crt. Reg. No.)

Office/Firm

Counsel for Plaintiff John Smith

Address

Telephone

Facsimile

E-mail

Counsel for Plaintiff _____

_____

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for Defendant Bill Jones, [name and address of recipient]

_____

Attorney Name

Counsel for Plaintiff John Smith

# APPENDIX B

CREDIT / DEBIT CARD AUTHORIZATION FORM

To: Clerk, Miami County Municipal Court

Fax No.: (937) 440-3911

Regarding (if applicable):

Case Name: _____

Case Number: _____

Dear Clerk's Office Representative:

Please charge my credit / debit card in the amount of $_____in payment of fees for the following court cost/service(s):

(Identify document to be filed or other service to be performed by the Clerk's Office for which a fee is assessed.)

Circle One: MasterCard Visa

Credit / Debit Card Number: _____

Expiration Date: _____

Name of Cardholder: _____

Billing Address: _____

Telephone No.: _____

Fax No.: _____

Cardholder Signature: _____

Date: _____

Name & Telephone No. of Person Submitting this Form: _____

# APPENDIX C

FACSIMILE FILING COVER PAGE

**I. <u>Recipient Information</u>:**

**Name of Court:** Miami County Municipal Court

**Fax Number:** 937-440-3911

**II. <u>Sending Party Information</u>:**

**Sender's Name:** _____

**Supreme Court Registration No.** (If applicable): _____

**Office or Firm:** _____

**Address:** _____

_____

**Phone:** _____

**Fax Number:** _____

**Email:** _____

**III. <u>Case Information:</u>**

**Case Title:** _____

**Case Number:** _____

**Document Title:** _____

_____

**Judge:** ☐ Judge Gutmann ☐ Judge Kemmer

☐ Magistrate Zuhl ☐ Not yet assigned

IV. Filing Information:

Date of Transmission: _____

Number of Pages (including this page): _____

V. Statement of how filing fees are being submitted, if applicable:

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