

LAWRENCE COUNTY MUNICIPAL COURT LOCAL RULES

All Local Rules of Court will become effective upon approval by the Supreme Court Committee on technology and the Court.

RULE ONE

A. TERMS, HOURS, AND SESSIONS

The Lawrence County Municipal Court shall sit continuously. The office of the clerk shall be open Monday through Friday from 8:30 a.m. until 4:00 p.m. subject to the availability of personnel. The Court shall close for all state and federal legal holidays. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Judge.

B. AUDIO RECORD

Unless otherwise provided in these rules, all proceedings in the Lawrence County Municipal Court shall be recorded by an audio electronic recording device provided by the Court.

C. STENOGRAPHIC RECORD

When a written request for stenographic record is filed, the party making such a request shall deposit with the Court the sum of \$100.00. The deposit shall be made with the request for stenographic record.

D. INSPECTION OF RECORDS

All dockets, journals, and file records maintained in accordance with the law by the clerk of Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk's office. Other case file material or audio electronically recorded court proceedings shall only be inspected with permission of the Court. All inspections shall be made under the supervision of court personnel. Original papers and tapes shall not be removed from the office of the clerk.

E. FEE FOR COPIES

A minimal charge per page shall be made for photo static copies of any documents. The charge shall be set by the Clerk of Court based upon the cost to the Clerk of producing the copy. Depending upon the personnel available in the Clerk's office, copies will be made as soon as possible after the request. The Clerk or Deputy Clerk will consult with the requesting party as to the reasonable length of time necessary to provide the copies.

F. BOND SCHEDULE

A bond schedule is available on the Court's website and may be requested from the office of the Clerk.

G. FORMS OF PAYMENT ACCEPTED

The Court accepts payments by cash, personal check, certified bank check, or money order payable to the Lawrence County Municipal Court. Payments may also be made online with a credit card. The Clerk does not accept credit card payments at the Court or via telephone. If you miss a hearing and have a bench warrant or license forfeiture issued by the Court, you may not pay by personal check. Payments on civil judgments may not be paid by check.

H. COMPUTER FUND

It is hereby determined pursuant to Ohio Revised Code Section 1901.26 (B) that for efficient operation of the Lawrence County Municipal Court, additional funds are required to computerize the office of the Clerk and to maintain computer operations of the Court, an additional fee of ten dollars (\$10.00) shall be charged for filing fee and as costs. Said monies shall be paid to the Treasurer of Lawrence County to be disbursed upon order of the Lawrence County Municipal Court and appropriation by the Board of County Commissioners.

I. COURT IMPROVEMENT FUND

It is hereby determined pursuant to Ohio Revised Code Section 1901.26 (B) (1) that for efficient operation of the Lawrence County Municipal Court, that we establish a Court Improvement Fund. An additional fee of \$10.00 shall be charged for filing fee and as costs. Said monies shall be paid to the Treasurer of Lawrence County to be disbursed upon order of the Lawrence County Municipal Court and appropriation by the Board of County Commissioners.

RULE TWO

LOCAL RULES APPLICABILITY AND AVAILABILITY

- A. These rules are intended to provide for the just determination of every proceeding or function of the Court and shall be applied to secure the fair, impartial, speedy, and sure administration of justice, simplicity in procedure, and the elimination of unjustifiable expense and delay.
- B. These Local Rules shall apply in all cases filed with the Court except to the extent clearly in conflict with the law or Ohio Supreme Court Rules of Superintendence, Criminal

Procedure, Civil Procedure, Traffic Rules, or Rules of Evidence, or are otherwise inapplicable.

- C. The Local Rules will be available on the Court's website and at the Clerk's counter. Copies are available at cost.

RULE THREE

LOCAL VIOLATIONS BUREAU

A. MISDEMEANOR VIOLATION BUREAU

The Misdemeanor Violation Bureau is hereby established and the Clerk of Court is appointed to be the violations clerk, to collect fines, give receipts therefore, and render accounts of the bureau, pursuant to Rule 4.1, Ohio Rules of Criminal Procedure.

B. TRAFFIC VIOLATIONS BUREAU

The Traffic Violations Bureau is hereby established and the Clerk of Court is appointed to be the violations clerk, to collect fines, give receipts therefore, and render accounts of the bureau, pursuant to Rule 13, Ohio Traffic Rules.

RULE FOUR

PUBLIC ACCESS

A. RIGHT TO ATTEND

1. All members of the public shall be permitted access to attend all court proceedings consistent with rules promulgated by the Ohio Supreme Court and the Code of Judicial Conduct. No one may be excluded from court proceeding except upon order of the Court for good cause shown except for the specialized dockets.
2. Food, beverages, smoking, and vaping or other devices that produce a smoke-like substance in the courthouse are prohibited.

3. Cell phones, pagers, radios, and other personal electronic devices shall be turned off in the courtroom.

B. NEWS MEDIA BROADCASTING: TAPE OR TELEVISION RECORDING AND PHOTOGRAPHY

1. GENERAL RULE: Recording or photographing by any person of court proceedings shall not be permitted except upon order of the Court upon application with the Clerk of Court and as otherwise mandated by Rule 12, Ohio Supreme Court Rules of Superintendence.
2. LIMITATIONS:
 - a. Audio recordings or pickup of conferences conducted in court between counsel and clients, between co-counsel, or between the judge and counsel are prohibited.
 - b. Broadcasting, recording, or photographing by any means of victims or witnesses is prohibited except upon permission obtained from the court.
 - c. Broadcasting, recording, or photographing witnesses, jurors, or parties is prohibited except upon express order of the Court.

C. REMOVAL FROM COURT

Questions of the admission of persons to the courtroom shall be decided by the Court and the Court may remove any person or persons or news media failing to comply with Local Rules or Supreme Court Rules regulating media access.

D. PUBLIC RECORDS

Copies of public records, not including personal identifying numbers, are available at costs charged by the clerk.

E. ONLINE ACCESS

To the extent feasible, the court's records will be available online at www.lawcomunicourt.com.

RULE FIVE

TRIAL COUNSEL

A. DESIGNATION OF TRIAL ATTORNEY

Attorneys shall designate their capacity as trial counsel on all pleadings in civil and criminal cases and shall include their office address, zip code, email address, telephone and fax numbers. A law firm is not to be named as trial attorney.

B. WITHDRAWAL OF TRIAL COUNSEL

Counsel shall be permitted to withdraw from the trial counsel responsibility only with the consent of the Court. No such application will be considered unless a written entry or motion is presented stating the reasons for the application and contain certification of service to opposing counsel and the party.

C. CHANGE OF TRIAL COUNSEL

Once trial counsel has been designated, such designation shall remain until termination of the case. Change of trial counsel will be permitted upon the filing of an entry containing the designation of new trial counsel and the agreement of prior trial counsel.

D. MOTION PRACTICE

All motion must be presented and filed within rule, in writing, accompanied by sufficient memoranda stating the grounds and factual and legal basis. An agreed date and time for oral hearing, if requested, upon motion must be obtained by counsel from the Clerk of Court or from the Judge. All parties wishing to respond to such motion shall do so in writing not later than the seventh day following service of the motion upon the responding party. All motions will be set for oral argument to the Court unless argument is waived by all parties.

E. JOINDER AND SEPARATION OF CASES

Criminal and traffic cases which are filed at the same time against a defendant shall be tried together unless separate trials of offenses are ordered pursuant to a motion to sever. Criminal cases filed against co-Defendants regarding the same incident shall be tried together unless separate trials are ordered pursuant to a motion to sever.

F. REQUESTS FOR CONTINUANCES

Requesting counsel shall first contact all opposing counsel and determine if there is opposition to a continuance. If all counsel agree an agreed order of continuance will be submitted to the court for consideration. The Court is not required to continue because all parties have agreed. If there is not an agreement for a continuance, then a motion for continuance must be filed and set for hearing. The clerks do not have the authority to continue cases.

RULE SIX

CRIMINAL PRACTICE

A. PRETRIALS

Upon entry of a not guilty plea in all but minor misdemeanor cases, the Court will set the matter for pretrial. The parties are expected to exchange discovery and discuss possible agreed resolutions at the pretrial. Subsequent pretrials may be scheduled for good cause shown.

B. PRETRIAL MOTIONS

All pretrial motions shall be timely filed and in writing which states the factual and legal issues for said motion and served on all counsel. Issues shall be identified with sufficient specificity to advise of the appropriate witnesses and evidence necessary to be present at the evidentiary hearing. Case citations shall be to the official reports or an alternate location where the case can be found. Cases cited not having such references must be attached to the motion.

C. FINAL PRETRIALS AND JURY TRIALS

1. All jury demands will be in writing in accordance with the criminal rules and timely filed.
2. A final pretrial will be scheduled prior to the jury trial date at which trial counsel must be present and prepared to discuss the issues to be tried.
3. A costs deposit of \$200.00 shall be made for jury fees by the time of the final pretrial by any non-indigent defendant.
4. Proposed jury instructions are to be submitted to the Court by the conclusion of the evidence.

D. SENTENCING

Sentencing shall occur immediately after trial unless a sentencing hearing is requested. Sentencing hearings shall be set within seven (7) days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days.

RULE SEVEN

CASE MANAGEMENT IN 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 four (4) judicial steps.
- B. CLERICAL STEPS:
1. Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall make a docket entry noting the failure of service. If counsel fails to obtain service of summons within six (6) months from the date of notification of failure of service, the case will be subject to dismissal.
 2. Upon perfection of service, the deputy clerk shall notify counsel of any default. A failure to submit an entry within sixty (60) days may result in the case being dismissed for failure to prosecute.
 3. After a responsive pleading is filed, the clerk shall set the matter for a trial or motion hearing as appropriate.
 4. If no action has been taken on a file for six (6) month period and the case is not set for trial, then the clerk may notify the party that the matter will be dismissed within thirty (30) days unless good cause is shown.
 5. Counsel will present an appropriate entry to the court within thirty (30) days of settlement or set the matter for a hearing on entry of judgment.
- C. JUDICIAL STEPS:
1. MOTIONS: All motions must be in writing and accompanied by a written memorandum containing citations or arguments of counsel. Opposing counsel shall answer in like manner. There will be oral argument on all contested motions.
 2. 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 of record for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished for contempt of this Court. Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the clerk not less than seven (7) days prior to the conference. Any application for continuance of the conference shall be addressed to the Judge to whom the case has been assigned. 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 the facts in controversy and, in general, to shorten the time and expense of the trial. If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties, or at the option of the Court.

3. CONTINUANCES: Requesting counsel shall first contact all opposing counsel and determine if there is opposition to a continuance. If all counsel agree to an agreed order of continuance, an order will be submitted to the court for consideration. The Court is not required to continue because all parties have agreed. If there is not an agreement for a continuance, then a motion for continuance must be filed and set for hearing. The clerks do not have the authority to continue cases.
4. JUDGMENT ENTRIES: Counsel for the party in whose favor an order of 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. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the court may 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. Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within thirty (30) days or the case may be dismissed for want of prosecution. The journal entry shall state which party will pay the court costs and that it is a final appealable order.

RULE EIGHT

JURY MANAGEMENT

A. SELECTION

Jurors for the Court shall be drawn from the Petit Jury list provided by the Lawrence County Common Pleas Court in the manner provided by the O.R.C. The number of jurors selected shall be sufficient to insure that prospective jurors not be called to serve on a rotating basis more than every six weeks.

B. NOTIFICATION

The Clerk shall issue a Notice to Serve to the Lawrence County Sherriff's Department at least two weeks prior to the Jury trial date. The sheriff is commanded to serve Petit Jury Notices from a Jury List provided and to make a return of service to the Clerk of Court at least two days prior to the scheduled jury trial. The summons provides instructions to potential jurors to contact the Court upon receipt at (740)-867-3127 and provide the Court with a current telephone number. The jurors are required to automatically report to the Court on the date and time specified in the summons unless contacted by the Clerk and advised not to report.

C. EXCUSED ABSENCE

Excuse from jury duty shall be limited to the statutory exemptions unless extraordinary circumstances are found by the Judge.

D. JURY ACCOMMIDATIONS

When a juror reports for service, the bailiff shall seat the prospective juror in the courtroom. All materials except those needed for proper deliberation shall be removed from the courtroom. The jury will retire to the jury room for deliberation and any trial breaks. The bailiff will see to the comfort and seclusion of the jury. The bailiff shall be stationed near the door of the jury room to insure privacy and to alert the Court to any communication from the jury.

RULE NINE

SMALL CLAIMS

A. In all pleadings, the Plaintiff and Defendant must be identified as follows:

1. If an individual, by listing his/her name and address.

2. If a sole proprietorship, by identifying it as such. The business address must also be listed.
 3. If a partnership, by identifying it as such, either general or limited, and by naming the partners. The business address must also be listed.
 4. If a limited liability company, by identifying it as such and by listing the exact name on file with the Office of the Secretary of State. The business address must also be listed.
 5. If a corporation, by identifying it as such and listing the exact corporate name on file with the Office of the Secretary of State. The business address must also be listed.
- B. If an individual is a party to a small claims matter, he/she must sign all pleadings and appear at all hearings. Alternatively, he/she may retain an attorney to represent him/her.
- C. If a party to a small claims matter is sole proprietor (owner), the owner must sign all pleadings and appear at all hearings. Alternatively, the owner may retain an attorney to represent him/her.
- D. If a party to a small claims matter is a partnership, one of the partners must sign the pleadings and must appear at all hearings. Alternatively, an attorney may be retained by the partnership to represent it.
- E. If a party to a small claims matter is a limited liability company, the company may present a claim or defense through a non-attorney bona fide officer or salaried employee provided that person does not engage in cross-examination, argument, or other acts of advocacy. Alternatively, an attorney may be retained by a limited liability company to represent it.
- F. If a party to a small claims matter is a corporation, which is a real party in interest, it may commence an action and appear through an attorney. Such corporation may, through any bona fide officer or salaried employee, file and present its claim or defense, provided such corporation does not, in the absence of representation by an attorney, engage in cross-examination, argument, or other acts of advocacy.
- G. General rules for initiating a small claims lawsuit are available at the Court's website and at the office of the Clerk of Court.

RULE TEN

FACSIMILE FILING

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 740-867-3547 subject to the following conditions:

A. APPLICABILITY

These rules apply to civil, criminal, and small claims proceedings in this Court. The following documents will not be accepted for fax filing: any document that requires a filing fee or payment of a fee. Unacceptable documents include but are not limited to original complaints and subpoenas that require a fee.

B. ORIGINAL FILING

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 but must, however, maintain in his/her records 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. 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.

C. DEFINITIONS

As used in these rules, unless the context requires otherwise: 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; A “facsimile machine” means a machine that can send and receive a facsimile transmission; “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

D. The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

E. SIGNATURE

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 the notion “/s/” followed by the name of the signing person where the signature appears in the signed source document. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

F. EXHIBITS

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) 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. 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, and the title of the exhibit being filed, and shall be signed and served in the conformance with the rules governing the signing and service of pleadings in this Court.

G. TIME OF FILING

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of 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. The Office of the Clerk of Courts will be deemed open to receive facsimile transmissions of documents on the same day and at the same time the Court is regularly open for business. Fax filings may only be transmitted directly through the facsimile machine operated by the Clerk of Court. The Clerk of Court may, but is not required to, acknowledge receipt of a facsimile transmission. 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.

H. FEES

No additional fee shall be assessed for facsimile filings.

I. LENGTH OF DOCUMENT

Facsimile filings shall not exceed ten (10) pages in length. The filer shall not transmit service copies by facsimile.

RULE ELEVEN

PROBATION DEPARTMENT

- A. In order to facilitate the earlier disposition of criminal cases and for the proper administration of justice, this court finds that it is indispensable to establish an Adult Probation Department. Therefore, there is hereby established an Adult Probation

Department of the Lawrence County Municipal Court which shall have charge, under the direction of this Court, of all persons placed under probation by this Court. Further, there will be such staff as deemed necessary and appointed by this Court. Standard rules of probation are available on the Court's website and may be requested from the Probation Department.

B. COMMUNITY SERVICE PROGRAM

In accordance with the Ohio Revised Code, the Court operates a community service program*. Offenders given Court-ordered community service at sentencing are required to meet with the Community Service Coordinator.

The Community Service Program operates six days a week (Monday through Saturday) beginning at 7:30 A.M. and working approximately six hours a day. The program is closed on all legal holidays. The Community Service Coordinator works in coordination with the Probation Department. Guidelines for the Community Service Program are given to each defendant at the time of sentencing. Community service information is also available on the Court's website.

**** The Community Service Program is designed to provide alternative sentencing options responsive to the needs of the Court and the community.

RULE TWELVE

LOCAL RULE- MISCELLANEOUS

- A. VIDEO TAPES: All agencies which have video cameras in their police vehicles must provide a copy of said video to the Defendant upon Defendant's discovery. In the case of any agency whose videos are non-copiable, the video shall be made available for review by the Defense Attorney and his/her client in as private a setting as possible.
- B. DRIVING RECORD: The arresting law enforcement agency shall be responsible for providing the Court a LEADS or other official record of each traffic offender's traffic record prior to the offender's initial appearance in Court. LEADS printouts are not considered public record and are for Court use only.

RULE THIRTEEN

LOCAL RULE-USE OF ELECTRONICALLY PRODUCED TICKETS/CITATIONS

- A. The use and filing of a ticket/citation that is produced by computer or other electronic means, which conform to the requirements of Ohio Traffic Rule 3 as amended and adopted July 1, 2014, is hereby authorized in the Lawrence County Municipal Court.
- B. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the Defendant with a paper copy of the ticket in compliance with Traffic Rule 3(F) (1) and (2). An electronically produced ticket shall not require the signature of the defendant or the issuing officer.

RULE FOURTEEN

- A. Effective April 1, 2014, citations issued by the Dog Warden under O.R.C. Sections 955.01 and 955.22 shall be accepted by the Clerk of Court as a waiver payment. The dog warden is to write the payment amount on the citation at the time he serves a copy upon the defendant and it shall be written upon the original citation filed with the Clerk of Court.

IT IS SO ORDERED