

Ottawa County Municipal Court



Court Rules

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

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**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

ADOPTION OF LOCAL COURT RULES

RULES OF PRACTICE AND PROCEDURES

**IN THE OTTAWA COUNTY MUNICIPAL COURT
OTTAWA COUNTY, OHIO**

STATE OF OHIO)	JUDGE LOUIS P. WARGO III
)	PRESIDING JUDGE
) SS:	
)	ADMINISTRATIVE ORDER
)	ADOPTION OF OTTAWA COUNTY
)	MUNICIPAL COURT
COUNTY OF OTTAWA)	LOCAL COURT RULES

It is ordered that the following Rules be, and are adopted for the governance of the practice and procedures in the Ottawa County Municipal Court effective January 1, 2023 until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio and have been adopted to provide for the efficient and expeditious management of business before this Court. These Rules are to be known as the Ottawa County Municipal Court Rules of Practice and Procedures and may be cited as *OCMCR No. ____*.

The Clerk of Court is ordered forthwith to post this Order and the Forward to the Rules (attached hereto). The Clerk of Court is ordered to maintain a copy of these Rules on the Court's website.

IT IS SO ORDERED.

Date: December 21, 2022



Judge Louis P. Wargo III
Presiding Judge

Attachment

2022 DEC 22 AM 9:27
CLERK OF COURT

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

FORWARD

OTTAWA COUNTY MUNICIPAL COURT

This booklet contains Ottawa County Municipal Court's Local Rules. They are effective as of January 1, 2023. Copies of this booklet are available on the Court's website: www.ocmcourt.com.

These Rules have been promulgated in accordance with Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure and Rule 5 of the Rules of Superintendence for the Courts of Ohio. These Rules should be followed when filing documents, practicing, appearing, or litigating in the Ottawa County Municipal Court in addition to and in conjunction with the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure as applicable.

Date: December 21, 2022



Judge Louis P Wargo III
Presiding Judge

2022 DEC 22 AM 9:25
OTTAWA COUNTY MUNICIPAL COURT

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

GENERAL RULES

RULE 1.1 COURT HOURS

The Clerk of Court's office shall be generally open between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Sessions of the court shall generally be daily Monday through Friday, 8:30 a.m. to 4:30 p.m. The court shall be in session at such time as the judge shall prescribe to meet special situations.

RULE 1.2 DECORUM AND CONDUCT

- A. All participants in a scheduled court case / hearing must check in with clerks upon arrival. All participants must appear unless specifically excused.
- B. On opening of any court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with decorum and in such manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the court shall appear in appropriate dress.
- C. Litigants and/or spectators are not permitted to smoke, eat or drink in the courtroom, nor shall they bring food or drink into the courtroom.
- D. No person shall loiter, or conduct him or herself in an unseemly or disorderly manner, in the courtroom or in any halls, stairways, entryways or parking lots adjacent thereto, or otherwise interfere with or obstruct judicial activities or proceedings.
- E. All cell phones, pagers and other sound making devices are to be silenced while in the courtroom.
- F. The court expects that counsel shall call this rule to the attention of clients and witnesses.

RULE 1.3 PUBLIC USE OF COURTROOMS

- A. Questions of the admission of persons to a courtroom shall be the province of the judge or magistrate to whom that courtroom is assigned, within the guidelines of public access to all court proceedings, consistent with the order and dignity of the court.
- B. Public statements by counsel, court personnel, and witnesses shall be regulated by the judge or magistrate to whom the case is assigned within the guidelines of public access to court proceedings and the right of the parties to be free of improper publicity within areas protected by fundamental rights.
- C. No recording shall be made of any court proceeding without approval of the judge or magistrate conducting the proceeding. All such recording must conform to the guidelines set forth in Ohio Rules of Superintendence for Ohio Courts.

Requests for permission to broadcast, record, photograph or televise in the courtroom shall be in writing to the judge to whom the case is assigned as far in advance as reasonably practical, but no later than two (2) hours prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge.

RULE 1.4 GIFTS

No employee shall accept or permit to be accepted on their behalf a gift, bequest, favor or loan from any person likely to be engaged in a proceeding that ordinarily would come before the court, from a

OTTAWA COUNTY MUNICIPAL COURT RULES OF PRACTICE AND PROCEDURES

person likely to do business with the court or from any other person under circumstances that might reasonably be regarded as influencing or appearing to influence the performance of the employee's official duties.

RULE 1.5 COURT SECURITY

All visitors of the Ottawa County Municipal Court will follow the directives of Ottawa County Municipal Court Security Personnel in the event of an emergency situation or security incident.

RULE 1.6 APPEARANCE AND WITHDRAWAL OF COUNSEL

- A. **APPEARANCE**: Attorneys practicing before this court (except for pro se litigants) shall designate their capacity as trial counsel on all pleadings, motions, petitions, etc. filed in this court. All such documents shall bear, in addition to the signature of trial counsel, counsel's name, email address, office address and zip code, office telephone number, as well as the number of counsel's Ohio Supreme Court Certificate of Registration, as provided by Ohio Gov. Bar R. VI, § 4. A law firm shall not be designated as trial counsel. Upon the entry of appearance of counsel, all journal entries, court documents, court orders and trial assignments shall be served upon the designated counsel at the address that the attorney provides Ottawa County Municipal Court. It is the sole responsibility of attorney to provide any change of address for which assignment notices are sent. Any change of attorney address must be submitted in writing to the Clerk of Court at Ottawa County Municipal Court. In addition, any filings with this Court must have counsel's current contact information reflected on all documents.
- B. **PRO HAC VICE**: An attorney who is not admitted to practice law in the State of Ohio may not appear on behalf of another individual or entity in court without the permission of the judge or magistrate. The motion for permission shall be in writing and shall attach a copy of the Certificate of Pro Hac Vice Registration obtained from the Ohio Supreme Court. It shall certify that the attorney is admitted to practice law in the highest court of another state or in the District of Columbia and that the attorney is not a resident of this state. The request must be cosigned by an attorney admitted to the practice of law in this state and registered under the Rule VI of the Rules for the Government of the Bar of Ohio. If the judge or magistrate grants the applicant's motion for permission to appear pro hac vice, the applicant must file a Notice of Permission to Appear Pro Hac Vice and a copy of the order granting permission with the Office of Attorney Services at the Ohio Supreme Court within 30 days.
- C. **WITHDRAWAL**: Once an appearance is made, an attorney may withdraw from a case only with leave of court. Withdrawal shall be permitted only by written motion filed with the court. The motion shall include (1) the specific reasons for requesting withdrawal, (2) the name and address of a substitute attorney, if any, and (3) proof of notification to the opposing attorney and to the client. Said motion shall be filed at least seven (7) days prior to the next scheduled hearing.

RULE 1.7 COURT APPOINTED COUNSEL

No attorney shall be appointed to represent an indigent person unless his/her name appears on the Court Appointed Counsel List.

- A. **APPLICATION**: The attorney must submit a written application to the Judge. Said application must include the attorney's name, email address, business address, Ohio Attorney Registration Number, and whether the attorney is in good standing with the Ohio Supreme Court. The

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application shall also include any special areas of expertise, such as language fluency or mental health law specialization. Upon ascertaining that the attorney is in good standing with the Ohio Supreme Court, the attorney's name shall be placed on the Court Appointment List. Said list will be reviewed by the judges on a quarterly basis.

- B. **FELONY LIST**: Those attorneys on the current court approved Court Appointment List for representing defendants in felony cases in Ottawa County Common Pleas Court pursuant to Common Pleas Court Local Rules are eligible and may apply to be placed on this court's Felony Court Appointment List.
- C. **REMOVAL**: For good cause shown, the court may decline to accept any application for inclusion on any list, or may remove the name of any attorney from the list.
- D. **ASSIGNMENT**: Attorneys shall be assigned to represent indigent defendants by appointment from a master list and in a rolling order.

RULE 1.8 MAGISTRATE

The judge shall appoint a magistrate who may hear cases by reference, and in accordance with Traffic Rule 14, Criminal Rule 19, Civil Rule 53, and Rules of Superintendence Rule 19.

RULE 1.9 PRIORITY OF SCHEDULING

- A. Actions shall be scheduled for trial in their numerical order so far as possible, except that the following matters shall have priority for trial:
 - 1. Cases on trial which have gone over from the preceding day.
 - 2. Cases which the court may advance for trial.
 - 3. Cases involving the liberty of a person.
 - 4. Cases for wages.
 - 5. Cases for replevin.
 - 6. Cases for attachment.
- B. Priority of normal assignment shall be as follows (subject to ORC § 2945.71):
 - 1. Criminal/traffic jury trials;
 - 2. Criminal/traffic bench trials;
 - 3. ALS appeals, BMV Administrative Appeals, and/or Alternative Motions for Limited Driving Privileges;
 - 4. Civil jury trials;
 - 5. Civil bench trials;
 - 6. Pre-trials – criminal/traffic and civil;
 - 7. Motions (with request for oral hearing).

RULE 1.10 COURT COSTS

The schedules of court costs for criminal/traffic cases as well as for civil/small claims cases are set by administrative order. The schedules are available at the Clerk of Court's office and are posted on the Court's website at www.ocmcourt.com.

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RULE 1.11 MOTIONS

All motions shall be in writing and timely filed and served on all appropriate parties in accordance with Ohio Rules and Statutes. At the discretion of the court or as required by law, motions may be set for oral hearing.

RULE 1.12 JURY DEMAND

- A. Any party desiring a jury trial in a civil case must demand the same in accordance with Rule 38 of the Ohio Rules of Civil Procedure. Any party desiring a jury trial in a criminal/traffic case shall demand the same in accordance with Criminal Rule 23. The jury demand must be in writing either by separate instrument or by prominent endorsement in the caption of a pleading. The jury demand must be filed in compliance with the time frame set forth in the applicable Rule.
- B. The party demanding the jury in a civil case shall pay the Jury Demand Civil Cost at the time the demand is made and the Jury Deposit Civil Cost no later than noon on the date prior to the trial. The cost requirement may be waived upon the presentation of evidence, which establishes the indigency of the party demanding the jury, and upon approval of the judge assigned to the case. There is no prepayment of jury costs in criminal/traffic cases.
- C. Each party may file, seven (7) full days in advance of trial, a complete set of instructions suitable for charging the jury in the captioned matter. Parties may file a trial brief seven (7) full days in advance of trial.
- D. Failure to comply with these requirements may result in a jury waiver or other appropriate sanctions.

RULE 1.13 CONTINUANCE FOR TRIAL OR HEARING

No case assigned for trial or hearing may be continued except on written motion and for good cause shown. Such motion shall be filed with the court not less than seven (7) business days prior to the date of the trial or hearing in civil cases and two (2) business days prior to the date of trial or hearing in criminal/traffic cases. In the case of unforeseen emergency, this time requirement may be waived. If counsel is alleging a conflicting trial date as the reason for continuance, the conflicting trial notice must be attached to the notice.

RULE 1.14 RECUSAL OF JUDGE

- A. Should the judge recuse himself from hearing a case, said judge shall cause a Journal Entry to be made setting forth the recusal and the reasons therefore.
- B. ILLNESS, ETC.: In the event of the protracted illness of a judge, or the unduly prolonged time for trial of a case(s) assigned to a judge, the judge may order reassignment of case(s) assigned to such judge to an acting judge or visiting judge.
- C. GENERAL: A judge appointed or elected to succeed another shall have the cases assigned to his or her predecessor. When there is a transfer of a case, the case file and the other records shall be changed to reflect the reassignment to the transferee judge.

RULE 1.15 FAX FILING / EMAIL FILING

- A. APPLICABILITY - These rules apply to all proceedings in the Ottawa County Municipal Court.

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B. ORIGINAL FILINGS

1. A document filed by fax or email shall be accepted as the effective original filing. The person making a fax or email 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 or email, 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.
2. The source document filed by fax or email shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

B. DEFINITIONS – As used in these rules, unless the context requires otherwise:

1. 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.
2. A “**facsimile machine**” means a machine that can send and receive a facsimile transmission.
3. “**Fax**” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. An “**email transmission**” means the transmission of a source document through the Court’s email system to a specified email address.
5. The “**email address**” to be used for filing submissions is **clerk@ocmcourt.com**.

D. FAX COVER PAGE

1. The person filing a document by fax shall also include a cover page containing all of the following information:
 - a. name of the court
 - b. name, title, telephone number, fax number, and e-mail address of person filing the fax document;
 - c. title of the case;
 - d. case number;
 - e. title of the document being filed (e.g., Defendant Johns’ 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);
 - f. name of the judge;
 - g. date of fax transmission;
 - h. indication of the number of pages included in the transmission, including the cover page;
 - i. if applicable, a statement explaining how costs are being submitted
2. If a document is sent by fax to the clerk without the cover page information listed above, the clerk may do either of the following:
 - a. enter the document in the case docket and file the document;

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- b. deposit the document in a file of failed faxed documents with a notation of the reason for the failure (omission of cover page). The document shall **not** be considered filed with the clerk.

E. FAILED FAX SUBMISSION - 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.

F. SIGNATURE

1. A party who wishes to file a signed source document by fax or email shall either:
 - a. Fax or email a copy of the signed source document; or
 - b. Fax or email 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.
2. A party who files a signed document by fax or email represents that the physically signed source document is in his/her possession or control.

G. EXHIBITS

1. Each exhibit to a facsimile or email produced document that cannot be accurately transmitted via facsimile transmission or email 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 or email document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
2. 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’s Notice of Filing Exhibit ‘G’ to Plaintiff’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.

H. TIME OF FILING

1. Subject to the provisions of these rules, all documents sent by fax or email and accepted by the clerk shall be considered filed with the clerk of court as of the date and time the clerk time-stamps the document received as opposed to the date and time of the fax or email transmission. The office of the clerk of court will be deemed open to receive facsimile or email transmission of documents on the same days and at the same time the court is regularly open for business. Therefore, a fax or email filing received after the court closes on a given business day will be deemed filed with the clerk of court as of the opening of the next business day. On a fax or email filing, at least one page of any document received by the clerk will be imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time the filing was received, provided the document is deemed accepted by the clerk.

**OTTAWA COUNTY MUNICIPAL COURT
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2. The risks of transmitting a document by fax or email to the clerk of court shall be borne entirely by the sending party. Anyone using facsimile filing or email filing is urged to verify receipt of such filing by the clerk of court.

I. FEES AND COSTS

1. No document filed by facsimile or email that requires a filing fee at the time of filing shall be accepted by the clerk for filing until court cost and fees have been paid. Documents tendered to the clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.
2. No additional fee shall be assessed for facsimile filings.

J. LENGTH OF DOCUMENT – Facsimile or email filings shall not exceed 10 pages in length.

K. SERVICE COPIES - The filer shall not transmit service copies by facsimile or email.

RULE 1.16 SERVICE OF PROCESS

The Clerk of the Ottawa County Municipal Court shall accept service of process methods as outlined in Civil Rule 4.1.

RULE 1.17 COURT RECORD RECORDING

- A. RECORD OF PROCEEDING**: All traffic, criminal and civil proceedings, with the exception of Pre-trials shall be recorded as required by the Ohio Rules of Criminal and Civil Procedure.

A party in any case may have a court reporter present to record the proceedings. No fees for court reporters will be taxed as cost or otherwise paid by anyone other than the party providing the court reporter unless that party makes a timely motion prior to trial or hearing for the appointment of an official court reporter and requests in advance that such fees be taxed as costs. See Civil Rule 54(D) and ORC §1901.33. The responsibility of arranging for the attendance of a court reporter shall rest with the attorney and/or party desiring the same.

- B. COPY OF RECORD OF PROCEEDINGS**: All requests for a copy of a recording of court proceedings require an unopened thumb drive or email address be submitted along with the request. The Ottawa County Municipal Court shall follow the Ohio Supreme Court's Rules of Superintendence Rule 11(D) that states: "*(D) Inspection of electronically recorded transcripts of proceedings. A party may request a copy of an electronically recorded transcript of proceedings, or a portion of the transcript. The court may permit a party to view or hear the transcript of proceedings on file with the court.*"

RULE 1.18 PUBLIC RECORD REQUESTS

Court records are presumed open to public access. Public record requests will be fulfilled in full compliance with the Ohio Rules of Superintendence, the Ohio Revised Code and any other applicable rules or statutes.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

RULE 1.19 JURY MANAGEMENT PLAN

See APPENDIX A, JURY MANAGEMENT PLAN, on Page 27.

RULE 1.20 COURT RECORDS MANAGEMENT AND RETENTION

Pursuant to the Ohio Supreme Court's Record Retention Rules, Ottawa County Municipal Court hereby adopts the record retention schedule set forth by the Ohio Supreme Court.

RULE 1.21 MEDIATION RULES

The Ottawa County Municipal Court incorporates by reference R.C. §2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

- A. DEFINITIONS - All definitions found in the "Uniform Mediation Act" (UMA) R.C. §2710.01 are adopted by this court through this local rule including, but not limited to the following:
1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
 2. "Mediator" means an individual who conducts mediation.
 3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening mediation or retaining a mediator.
 4. "Proceeding" means either of the following:
 - a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
 - b. A legislative hearing or similar process.
- B. PURPOSE – Mediation is designed to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for Ottawa County Municipal Court cases. To accomplish this goal, Ottawa County Municipal Court Mediation Service has been established.
- C. SCOPE - At any time any action under the jurisdiction of this court may be referred to mediation by the judge or magistrate.
- D. CASE SELECTION
1. Referral Process - The court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by "Notice of Scheduled Mediation" which shall, at a minimum, indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

**OTTAWA COUNTY MUNICIPAL COURT
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2. Eligibility of Cases – Ottawa County Municipal Court Mediation Service will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

E. PROCEDURES - In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Ottawa County Municipal Court Mediation Service, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety. All parties to Mediation in criminal cases must waive time requirements. Failure to do so would exclude the case from mediation and the case will be placed on the court's trial docket.

1. The court shall utilize procedures for all cases that will:

- a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- b. Screen for domestic violence both before and during mediation.
- c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- d. Prohibit the use of mediation in any of the following:
 - As an alternative to the prosecution or adjudication of domestic violence;
 - In determining whether to grant, modify or terminate a protection order;
 - In determining the terms and conditions of a protection order; and
 - In determining the penalty for violation of a protection order.

2. Party / Non-Party Participation

- a. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.
- b. A judge, magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.
- c. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.
- d. If the opposing parties to any case are (1) related by blood, adoption, or marriage; (2) have resided in a common residence, or (3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.
- e. By participating in mediation, a non-party participant, as defined by R.C. §2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. § 2710.03(B)(3) and § 2710.04(A)(2).

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3. Confidentiality / Privilege - All mediation communications related to or made during the mediation process are subject to and governed by the “Uniform Mediation Act” (UMA) R.C. § 2710.01 to § 2710.10, the Rules of Evidence and any other pertinent judicial rule(s).
4. Mediator Conflicts of Interest - In accordance with R.C. § 2710.08(A) and (B), the mediator assigned by the court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any non-party participants any known possible conflicts that may affect the mediator’s impartiality as soon as such conflict(s) become known to the mediator. If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator should withdraw and request that the assigned judge or magistrate appoint another mediator.
5. Termination - If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he / she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.
6. Stay of Proceedings - All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.
7. Continuances - It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown. Requests for a continuance shall be in writing.
8. Mediation Case Summary - Attorneys may, at their option, or must if required on a specific case by the judge and / or magistrate, submit a “Mediation Case Summary” to the mediator which shall contain the following (insert applicable provisions, such as):
 - a. Summary or material facts.
 - b. Summary of legal issues.
 - c. Status of discovery
 - d. List special damages and summarize injuries or damages.
 - e. Settlement attempts to date, including demands and offers.
9. Mediation Memorandum of Understanding - The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The “Mediation Memorandum” may be signed by the parties and counsel (if the “Mediation Memorandum” is signed it will not be privileged pursuant to R.C. § 2710.05(A)(1)). The written “Mediation Memorandum of Understanding” may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.
10. Mediator Report - At the conclusion of the mediation and in compliance with R.C. § 2710.06, the court shall be informed of the status of the mediation including all of the following:
 - a. Whether the mediation occurred or was terminated;
 - b. Whether a settlement was reached on some, all or none of the issues;
 - c. Attendance of the parties;
 - d. Future mediation session(s), including date and time;
 - e. [Insert any additional applicable provision(s) that are consistent with R.C. § 2710].

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- F. FEES AND COSTS - Mediation services are provided at no cost to the parties.
- G. SANCTIONS - If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the issuance of a judgment against the party that does not appear, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the judge or magistrate.

RULE 1.23 FRIVOLOUS ACTIONS AND VEXATIOUS LITIGATORS

- A. If the Court, *sua sponte* or on motion by a party, determines that an action is frivolous or is filed for delay, harassment or any other improper purpose, it may impose, on the person who signed the complaint or action, a represented party or both, appropriate sanctions. The sanctions may include an award to the opposing party of reasonable expenses, reasonable attorney fees, costs or any other sanction the court deems just. An action shall be considered frivolous if it is not reasonably well-grounded in fact or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.
- B. If a party habitually, persistently and without reasonable cause engages in frivolous conduct under section (A) of this rule, the court may, *sua sponte* or on the motion by a party, find the party to be a vexatious litigator. If the court determines that a party is a vexatious litigator under this rule, the court may impose filing restrictions on the party. The restrictions may include prohibiting the party from instituting legal proceedings in the court without first obtaining leave or any other restriction the court considers just.

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CRIMINAL / TRAFFIC CASE MANAGEMENT

RULE 2.1 DIVERSION PROGRAMS

- A. DIVERSION PROGRAM: The Diversion Program is for certain non-violent misdemeanor offenses, committed by first-time offenders. Upon successful completion of the program, charges are dismissed. The defendant shall pay the court costs associated with the dismissal. If the defendant fails to successfully complete the diversion program, the defendant shall be found guilty of all charges and the court shall proceed to sentencing.

At pretrial/trial, if the prosecutor determines that the defendant is a candidate for the program, the prosecutor may make a motion that the defendant be admitted to the program. The defendant enters the diversion program by entering a No Contest Plea. The defendant shall sign a program agreement. The court will hold its findings in abeyance.

No one may enter the diversion program without the consent of the judge/magistrate. The factors that the court will consider are whether the defendant was cooperative with the law enforcement officer(s) making the arrest, whether the incident is a non-violent offense, whether there is evidence of remorse on the part of the defendant, the defendant's prior criminal/traffic record, whether there are any criminal cases or alcohol related traffic offenses pending against the defendant at the present time and any other factor that the court deems relevant. The court may also decline to admit a defendant into the program if, at the court appearance, it is found the defendant has an active arrest warrant.

While enrolled in the program, all participants must remain law abiding and have no further criminal offenses or alcohol related traffic offenses. Individuals may be ordered to abstain from alcohol/drugs of abuse, be subject to random alcohol/drug screening, obtain a G.E.D. or high school diploma if applicable, obtain employment, complete community work service and/or comply with any additional appropriate terms. In cases where victim restitution is applicable, the court shall order the defendant to pay restitution. There is a diversion fee for the program. Participants may be ordered to complete an educational instruction program at their own expense.

- B. THE YOUNG ADULT ALCOHOL DIVERSION PROGRAM: The Young Adult Alcohol Diversion Program (YAADP) is for first-time offenders charged with offenses alleging underage purchase, consumption, or possession of alcohol. Defendants are eligible if they also have an accompanying minor misdemeanor offense of open container or disorderly conduct.

At arraignment, if it appears that defendants are candidates for the program, and they want to enter the YAADP, they need to enter a No Contest Plea when asked by the court. Defendants shall sign a program agreement. The court will hold its findings in abeyance. This step can also occur following a prosecutor's pre-trial conference with defense counsel.

Individuals may not be admitted into the YAADP if the court finds that a defendant has prior criminal convictions, a prior OVI/OMVUAC conviction or the instant offense is connected to an OVI/OMVUAC arrest, the defendant made false statements to a law enforcement officer, there are other criminal offenses charged with the present offense or for any other factor that

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the court deems relevant. The court may also decline to admit a defendant into the program if, at the court appearance, it is found the defendant has an active warrant issued for arrest.

A defendant is given two years from the date of the no contest plea to complete the program. Participants shall pay a diversion fee and complete 50 hours of community service work. While enrolled in the program, all participants must remain law abiding, have no further criminal offenses or alcohol/drug related traffic offenses and are subject to random alcohol/drug screening.

Upon successful completion of the YAADP the court shall dismiss the charge. The defendant shall pay the court cost associated with the dismissal. If the defendant fails to successfully complete the diversion program, the defendant shall be found guilty of all charges and the court shall proceed to sentencing on those charges.

RULE NO. 2.2 ARRAIGNMENT

The Clerk of Ottawa County Municipal Court shall require the filing of a written complaint or uniform traffic ticket before placing an individual's name on the traffic / criminal docket.

A. Plea by Personal Appearance: The defendant, either on his own behalf or by and through counsel, may enter one of the following pleas at arraignment:

1. Guilty,
2. Not guilty
3. No contest, or
4. Not guilty by reason of insanity (except in traffic cases where a not guilty plea by reason of insanity is not applicable).

B. Not Guilty Plea by letter: A defendant may enter a plea of not guilty by letter prior to defendant's scheduled arraignment. The letter shall include defendant's name, email address, address and zip code as well as case number(s). The letter shall include a "not guilty" plea, waiver of arraignment, request for trial, demand or waive the defendant's right to a speedy trial, demand or waive the defendant's right to a jury trial if the offense is one that provides a right to a jury trial and indicate if the defendant is willing to have his case heard by a magistrate. If right to a speedy trial is not addressed, the court will presume that a right to speedy trial is not waived and schedule accordingly. If right to a jury trial is not addressed, that right is waived pursuant to Ohio Rule of Criminal Procedure 23.

C. Request for continuance: Defendant may request a reasonable continuance of initial arraignment by filing a written motion or defendant may appear in court at arraignment to request a continuance.

RULE NO. 2.3 WAIVERS FOR VIOLATION OF CODIFIED ORDINANCES AND OHIO REVISED CODE

Pursuant to the requirements of Criminal Rule 4.1(E), and Traffic Rule 13, the court has established a waiver schedule by administrative order. The schedule is available at the counter in the Clerk's Office and on the court's website at www.ocmcourt.com.

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RULE NO. 2.4 BAIL BOND SCHEDULE

SEE APPENDIX B for more information on OCMC's Bail Bond Schedule.

RULE 2.5 USE OF ELECTRONICALLY PRODUCED TICKET (eTICKETING)

The use and filing of a ticket that is produced by a computer or other electronic means is hereby authorized in the Ottawa County Municipal Court. 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.

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CIVIL / SMALL CLAIMS MANAGEMENT

RULE NO. 3.1 CIVIL CASE MANAGEMENT

- A. Costs: No action, proceeding, motion or other document shall be accepted for filing by the clerk of court unless there first shall be deposited the sum of not less than the amount specified in the civil costs section as security costs, unless otherwise ordered by the court or otherwise exempted by law. The schedule of court costs in the civil division is set by administrative order. The schedule is available at the clerk of court's office or at the court's web site. Those persons unable to post the required security for costs may be excused from the same upon filing of an appropriate affidavit, when approved by the judge assigned to the case.
- B. Summons: The summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk of court shall notify counsel immediately. If counsel/pro se litigant fails to obtain service of the summons and complaint within 6 months from the date the case has been filed and the party on whose behalf such service was required cannot show good cause why such service was not made, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion.
- C. Assignment of cases: If an answer or motion, other than one for default judgment, is filed, the clerk of court shall immediately forward the file to the judicial staff to put on the docket.

RULE NO. 3.2 JOINDER AND SEPARATION OF CASES

- A. Motions for joinder, consolidation and separation of civil cases shall be addressed to the judge. The clerk of court shall be provided with a sufficient number of copies of any motion filed in accordance with this rule to include a copy in each file affected by the motion. Failure to comply with this provision will result in such partial filing being stricken.

RULE NO. 3.3 PLEADINGS AND MOTIONS

All pleadings, motions and other pertinent documents shall be filed with the clerk of court.

All motions must be in writing, on 8 1/2 x 11 paper and served on opposing counsel / pro se litigant. All motions must be accompanied by a written memorandum containing argument and citations.

Motions and responses must be filed within the time guidelines set forth in the Ohio Rules of Civil Procedure.

Motions shall be ruled on without a hearing unless otherwise requested in writing, and at the court's discretion.

Motions for Summary Judgment

Unless otherwise ordered by the court, Motions for Summary Judgment shall be decided on the briefs and other attachments without oral arguments. The adverse party shall file a brief in opposition within fourteen (14) days after service of the motion.

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Motions other than for Summary Judgment

Each party opposing a motion other than Motion for Summary Judgment shall serve and file a brief in opposition within seven (7) days of service of said Motion, unless a longer time period is provided in the Ohio Rules of Civil Procedure.

RULE NO. 3.4 PRE-TRIAL CONFERENCES

- A. The judge/magistrate may schedule a pre-trial conference the purpose of which is to narrow and clarify issues, agree to stipulations, set a case management schedule, and attempt to reach settlement.
- B. Attorneys and/or pro se litigants are required to appear at scheduled pre-trial conferences and failure to appear may result in sanctions. Counsel attending a pre-trial conference must have complete authority to stipulate to items of evidence and admissions, and must have full settlement authority or have the client present at the pre-trial.

RULE NO. 3.5 JOURNAL ENTRIES

The court shall prepare judgment entries. However, when ordered by the court, counsel for the party in whose favor an entry, order, judgment, or decree is entered, shall prepare a proper Journal Entry and submit it to the court.

RULE NO. 3.6 DEFAULT JUDGMENTS

In all cases in which default judgment is available to a party by reason of failure of defendant to answer or appear, the motion for default judgment must be filed within 90 days from the time that plaintiff has notice of such default. Failure to file a motion for default shall result in dismissal of the complaint for want of prosecution. Proof of damages must be submitted to the court by affidavit or testimony. For cases based on an account, the account statement must be submitted, along with proof by affidavit or testimony that no subsequent payments have been made on the account.

RULE NO. 3.7 FORCIBLE ENTRY AND DETAINER

- A. COMPLAINT - A complaint in Forcible Entry and Detainer shall be filed and shall contain a reason for the eviction, a copy of the notice under ORC § 1923.04, and a copy of the written instrument upon which the claim is founded. When the plaintiff is a corporation, the complaint must be signed and prosecuted by an attorney. Noncompliance with this rule may result in dismissal of the complaint.
- B. TRIAL - There shall be no "Answer Day" or "Call Day" as the term is used in other civil cases, and the trial date shall be set forth in the summons. Defendant shall be served at least seven (7) days prior to the date set for trial. Motions shall be heard at the trial, unless the judge or magistrate directs otherwise.
- C. CONTINUANCE - A continuance may be granted as provided in R.C. §1923.08.
- D. ENFORCEMENT OF FIRST CAUSE JUDGMENT – WRITS AND MOVE-OUTS
 - 1. If judgment is for plaintiff on the first cause (possession), unless otherwise ordered by the court, the plaintiff may immediately purchase a Writ of Restitution and schedule a move-out with the bailiff.

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2. Writs must be timely purchased. Timely purchase is determined according to the following:
 - a. Within thirty (30) days of the date of the judgment, unless the judgment orders otherwise.
 - b. Where the judgment is more than thirty (30) days old, but less than sixty (60) days old, plaintiff must file a Motion for Leave to Purchase a Writ and serve a copy of the motion on the defendant(s). The court may schedule a hearing on the motion or decide the motion on the filings of the parties. Upon the granting of the motion, plaintiff may purchase a writ and schedule a move-out.
3. Writs must be executed upon (the scheduled move-out must occur) within ten (10) business days of issuance by the clerk's office. If a move-out is stayed or canceled, and more than ten (10) business days pass between the date the writ issued and the new move-out date, the plaintiff must purchase a new writ.

E. SCHEDULING THE MOVE-OUT - In order to arrange for the physical removal of the defendant and their belongings, the following must occur:

1. Plaintiff must purchase a writ of restitution from the clerk;
2. Plaintiff must call the judge's bailiff to schedule the move-out within five (5) days of the purchase of the Writ.
3. Upon presentation of the receipt, the bailiff shall schedule a move-out date and inform the plaintiff of the scheduled date.

F. MOVE-OUTS

1. Every move-out scheduled by the court pursuant to a Writ of Restitution shall be supervised by the bailiff. The actual physical move-out of defendant's belongings shall be conducted by the movers hired by the plaintiff.
2. On the scheduled date and hour, the bailiff/deputy sheriff shall meet the plaintiff, or his/her agent, at the premises. The bailiff/deputy sheriff shall enter the premises and remove all inhabitants not lawfully entitled to possession. The movers shall then conduct the actual physical move-out and place the items on the tree lawn.
3. The court recommends that plaintiffs inspect the premises prior to scheduling the move-out date. On the scheduled move-out date, if the volume or nature of the contents of the premises is such that removal of the contents to the tree lawn would create a health or safety hazard, the move-out may be canceled. Thereafter, a new move-out date may be set in conjunction with a special waste collection as scheduled by the plaintiff. Although the costs of special waste collections are initially borne by plaintiff, plaintiff may plead such costs as damages.

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RULE NO. 3.8 CHANGE OF VENUE CERTIFICATION OR PROCEEDINGS

- A. **COURT AS TRANSFEROR**: The clerk shall not transfer any case pursuant to venue change in application of Civil Rule 3(C) until all costs are paid, and, in addition, a check made payable to the transferee court in the sum sufficient to secure its costs is deposited with the clerk to accompany the file upon transfer. It shall be the responsibility of the plaintiff's attorney to ascertain the filing cost in the transferee court. Failure to comply with this rule within fourteen (14) days from the date of entry as to change of venue may form the basis for dismissal of the action.
- B. **COURT AS TRANSFEREE**: The clerk shall not file and docket any case transferred to this court pursuant to venue change in application of Civil Rule 3(C) until a sum sufficient to secure costs has been deposited. Failure to comply with this rule within fourteen (14) days from receipt of the file from the transferor court may form the basis for returning the file to the transferor court.
- C. **CERTIFICATION TO COMMON PLEAS COURT**: It shall be the responsibility of any party filing a counterclaim, crossclaim or third-party complaint exceeding the monetary jurisdiction of the court to also file a motion to certify the case to the Court of Common Pleas. The motion shall be accompanied by a check or money order made payable to the Court of Common Pleas, in a sum of not less than the amount specified as security costs for that court. Failure to comply within thirty (30) days of the filing of such counterclaim, crossclaim or third-party complaint shall be grounds for dismissal under Civil Rule 41(B).

RULE NO. 3.9 TRANSFER OF JUDGMENT

Pursuant to provisions of ORC §2329.02, the clerk of court shall accept for filing, a Certificate of Judgment or a Transcript of the Proceedings of the original court which shall be docketed and numbered as if originally filed in this court and the clerk shall notify the original court by mail that such transfer has been made.

RULE NO. 3.10 SMALL CLAIMS

- A. **COMPLAINT** - A small claims action is commenced by filing a small claims complaint pursuant to ORC § 1925.04. A small claims handout is available from the clerk of court. The clerk of court shall accept claims for filing and shall not provide legal advice. A defendant is not required to file an answer or a statement of defense. A timely counterclaim or crossclaim may be filed. All pleadings will be construed to accomplish substantial justice. Should the defendant fail to appear for the hearing, a judgment may be entered.
- B. **CONTINUANCES** - No case scheduled for trial, hearing or mediation may be continued except on written motion and for good cause shown. Such motion shall be filed with the court not less than seven (7) calendar days prior to the hearing, trial or mediation. In the case of unforeseen emergency, this time requirement may be waived.
- C. **MOTIONS TO TRANSFER TO THE CIVIL DOCKET** - Unless good cause is shown, a motion to transfer to the regular docket shall accompany all timely, written counterclaims and crossclaims in excess of \$3,000.00 (or the jurisdictional limit) and shall be transferred to the regular docket. After transfer, the defending party shall have 28 days from judicial assignment, to move or plead. A motion to transfer (without a counterclaim or crossclaim in excess of \$3,000.00) must be filed seven days before trial and may be transferred to the regular docket. A jury demand shall not be allowed in a case filed in the Small Claims Division unless accompanied by a proper and timely motion to transfer to the regular docket. The movant must

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comply with Local Rule 29 regarding jury demands and all required fees and deposits must have been paid.

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APPENDIX A

JURY MANAGEMENT PLAN

RULE 1.19.1 SCOPE

This Local Rule of Practice for Jury Management shall govern petit jury assembly, selection and management in the Ottawa County Municipal Court. It addresses the mandates of Rule 5(B)(2) of the Rules of Superintendence for the Courts of Ohio, requiring each Court to adopt a Jury Management Plan. The Plan addresses the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio in 1993, and Title XXIII of the Ohio Revised Code, amended, effective May 18, 2005. The Rule also takes into consideration the Report and Recommendations of the Supreme Court Ohio Task Force on Jury Service (February 2004), and resulting amendments to the Ohio Rules of Criminal and Civil Procedure, effective July 1, 2005. Its purpose is to implement an efficient and comprehensive system of jury use and management for the Ottawa County Municipal Court.

RULE 1.19.2 JURY POOL

The Judge of the Ottawa County Municipal Court in conjunction with the Ottawa County Clerk of Court shall administer the jury assembly process. These officials may appoint clerical personnel to aid in the administration of the jury system. Any person appointed to administer the jury assembly process is a jury administrator. (Ohio Jury Management Standard 10). Jury service is an obligation of all qualified citizens of Ottawa County, Ohio, referred to as the court's jurisdiction. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a recognizable group in the jurisdiction. (Ohio Jury Management Standard 1). The jury administrator shall annually compile the jury pool.

RULE 1.19.3 RANDOM DRAW

The jury administrator shall randomly draw names from the jury pool or jury source list as needed to establish jury panels for jury selection.

RULE 1.19.4 MANAGEMENT STANDARDS PRIOR TO THE ISSUANCE OF JURY SUMMONS FOR TRIAL DATE CERTAIN

Prospective jurors shall be summoned only upon notice to the jury administrator from the assigned Judge or the judge's designee. Such action shall be prompted by the filing of a written jury demand, if required by the Ohio Rules of Civil and Criminal Procedure, in cases that have not been resolved at pre-trial or other appropriate hearing.

In civil cases, a jury demand fee in an amount indicated in the court's most recent Administrative Journal Entry/Schedule of Court Costs, shall be assessed. If the jury demand is made upon the filing of a complaint or made upon the filing of a responsive pleading, the *jury demand fee*, in the amount set by said Administrative Entry shall accompany said pleading. One (1) business day prior to the trial date, the *jury deposit fee* must be received by the Clerk's Office by noon. This *jury deposit fee* (as listed in the court's most recent Schedule of Court Courts), shall be used to pay

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the prospective jurors who have been called in response to the jury demand. The *jury deposit fee* will not completely cover the juror expense. The remainder of the juror expense will be added to the court costs of the case at hand. In the event either *deposit fee* or the *demand fee* is not made, this shall be deemed a waiver of the right to a trial by jury in the civil case. (RRMC Local Rule 1.13(B)) A person determined to be indigent may petition the court for a waiver of the jury deposit requirement. No deposit shall be required of a party in a criminal / traffic case.

Every effort shall be made to resolve cases prior to summoning a jury. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The assigned judge or his or her designee shall contact counsel, or the parties, whichever is appropriate, at least two weeks prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon court order, at least fourteen (14) days in advance of the trial, unless the time limitations in criminal cases pursuant to ORC § 2945.71 are invoked, requiring summons to issue at least seven (7) days prior to the scheduled jury trial. Those costs associated with the summoning of a jury as set by the court's most recent Administrative Journal Entry/Schedule of Costs, shall be assessed to the party requesting the jury trial.

In cases where multiple civil trials are set for the same date, jury costs shall be assessed to the last case settled on the date of the jury trial, as substantial efforts have been made by the court to have all issues resolved prior to trial. If a civil case is settled on the date of the jury trial all lawful costs shall be assessed against the party who requested the jury, unless otherwise agreed by consent entry. If a jury has been sworn at the trial of a civil case, the fees of the jurors shall be paid to the public treasury from which the jurors were paid.

If the agreement is the defendant is to pay costs, all court costs shall be assessed to the defendant unless otherwise agreed. If the agreement is that the State or the City pay costs, the cost of summoning the jury, as well as other court costs, including the cost of paying juror fees will be assessed to the State or City based on the complaint in the file unless amended, unless otherwise agreed by the parties. ORC §2947.23(A)(2)(b) effective May 18, 2005 provides that if a jury has not been sworn at the trial of a criminal case, and the defendant fails to appear without good cause, the costs incurred for that morning's jurors for that particular trial may be included in the costs of prosecution. If the costs incurred in summoning jurors are assessed against the defendant, those costs shall be paid to the public treasury from which jurors were paid.

RULE 1.19.5 NOTICE OF SELECTION FOR JURY POOL AND SUMMONS FOR JURY SERVICE

As soon as possible after receiving the names from the jury pool, the jury administrator, on an ongoing as needed basis, shall mail to each person whose name is drawn a juror questionnaire or jury qualification form. The form shall indicate that a jury summons may issue in the ensuing year for service as a prospective juror (Attachment A).

Upon notice of a staff member of the Judge conducting the upcoming jury trial, the jury administrator shall send Summons upon Court Order at least fourteen (14) days in advance of the scheduled trial date. A judge may order prospective jurors to appear upon less notice when, in the course of jury selection, it becomes apparent that additional prospective jurors are required in order to complete jury selection, or where there is not a waiver of speedy trial in a criminal case.

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Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of twenty-five persons per trial shall be summoned for service unless the court determines that a lesser or greater number is necessary for a particular trial.

Persons summoned for jury service shall receive compensation in the amount designated in the most recent Administrative Journal Entry/Schedule regarding same. Such fees shall be promptly paid from the appropriate entity.

Any juror wishing to waive his or her fee for service shall be permitted to do so in writing in the clerk's office. All waived fees shall be returned to the City Treasury, as appropriate.

The Summons shall include the following information: the date and time of service, address of the court, and how the recipient may check reporting status by phone or computer.

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service,
2. To excuse or defer prospective jurors,
3. To remove prospective jurors for cause if challenged peremptorily, or
4. To provide all prospective jurors an opportunity to be called for jury service and to be assigned to a panel.

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned (see Attachment B). All prospective jurors will have previously been requested to complete the basic jury questionnaire form that will have been sent by the jury administrator prior to the Summons being issued (see Attachment A).

The Summons shall also indicate that written forms for seeking disqualification, exception or deferral are available from the court at the clerk's office or on the court's website at www.ocmcourt.com. Written records shall be kept pursuant to Rule 8 regarding Documentation. (Ohio Jury Management Standard 6).

RULE 1.19.6 QUALIFICATION

The court shall determine if the prospective jurors are qualified to serve, or if disabled but otherwise qualified, could serve with reasonable accommodation. In order to qualify as a juror, a person shall state under oath or affirmation that he or she is:

1. A citizen of the United States,
2. At least eighteen (18) years of age,
3. A resident of the summoning territorial jurisdiction of the Ottawa County Municipal Court,
4. Able to read, speak and understand the English language,
5. Not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service,
6. Not under a guardianship appointment because of mental incapacity, or
7. Not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored. (Ohio Jury Management Standards 4 and 6).

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RULE 1.19.7 EXEMPTION

Only those exemptions expressly provided by statute, narrowly construed are permitted. A person who is over seventy-five (75) years of age is exempt if the juror requests to be excused. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Such individuals must be excused by the judge presiding over the case for which they have been summoned or by the judge's designee, the jury administrator. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excusal, exemption or deferral must be made on the appropriate form described in Rule 4, and attached as an Appendix to this Rule. (Attachment C). Once a prospective juror has submitted his or her request for exemption or deferral, the prospective juror must report for service unless otherwise notified by the court. (Ohio Jury Management Standard 6).

RULE 1.19.8 DEFERRAL

The judge or judge's designee may authorize deferral of jury service for up to six (6) months upon a showing of hardship, extreme inconvenience, or necessity (Ohio Jury Management Standard 6). All those deferred will remain in the jury source list or pool for the balance of the year.

RULE 1.19.9 DEPARTURES FROM RANDOM SELECTION AND DOCUMENTATION THEREOF

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service,
2. To excuse or defer prospective jurors, or
3. To remove prospective jurors for cause or if challenged peremptorily.

The facts supporting juror disqualification, exceptions, and deferrals shall be recorded under oath or affirmation. No disqualification, exemption or deferral shall be authorized unless the facts support it. These records shall be kept for a minimum of two (2) years. (Ohio Jury Management Standard 6).

RULE 1.19.10 TERM OF JURY SERVICE

A person who appears for service as a petit juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed.

RULE 1.19.11 JUROR SAFETY AND PRIVACY

Personal information relating to a juror or prospective juror not disclosed in open court is confidential, other than for the use of the parties and counsel. The court shall maintain confidentiality to the extent consistent with constitutional and statutory rights of the parties, and with Ohio's Public Records laws. (Ohio Jury Management Standard 7 D).

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

RULE 1.219.12 JURY ORIENTATION

The court shall provide prospective jurors with orientation prior to the selection process so that they may understand their role in the legal system. Jury orientation shall include a standard presentation recommended by the Ohio Rules of Superintendence for the Courts of Ohio, Appendix B. Jury Management Standards, Standard 16.

RULE 1.19.13 RECORD SHALL BE MADE

Jury selection shall be recorded including all sidebar conferences. The parties may waive this process in civil matters, but only if the waiver is on the record. (Ohio Jury Management Standard 7)

RULE 1.19.14 JURY PANEL – OATH OR AFFIRMATION BY PROSPECTIVE JURORS

The jury panel consists of those prospective jurors who answered their Summons by reporting for jury service. The judge's bailiff shall administer an oath or affirmation to the prospective jurors of the jury panel:

“Do you swear or affirm that you will honestly answer any question asked of you during jury selection?”

RULE 1.19.15 INTRODUCTION TO CASE

After welcoming the jury panel, the judge shall introduce the panel to the case. The judge's introduction to the case shall include at least the following:

1. Introduction of the participants;
2. The nature of the case;
3. The applicable standard of proof;
4. The applicable burden(s) of proof;
5. The presumption of innocence in a criminal case;
6. The appropriate means by which jurors may address their private concerns to the judge;
7. The appropriate standard of juror conduct;
8. The anticipated course of proceedings during trial; and
9. The rules regarding challenges.

To facilitate the jury panel's understanding of the general nature of the case, with consultation of the parties, the judge may give jurors a brief introduction to the case. The brief introduction may include a general description of the legal claims and defenses of the parties. Ohio Civil Rule 47(a) and Ohio Criminal Rule 24(A), effective July 1, 2005.

RULE 1.19.16 EXAMINATION OF PROSPECTIVE JURY PANEL (VOIR DIRE)

Examination of prospective jurors shall be governed by Ohio Rule of Civil Procedure 47(B) and Ohio Rule of Criminal Procedure 24(B).

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party after 4:00 pm on the day prior to trial.

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

The judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process (Ohio Jury Management Standard 7).

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

An examination of a prospective juror may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

RULE 1.19.17 NUMBER OF JURORS

In all *criminal* cases in the Ottawa County Municipal Court, the jury shall consist of eight (8) persons. The court shall determine the number of alternate jurors to be seated. The verdict shall be unanimous.

In all *civil* cases in the Ottawa County Municipal Court, the jury shall consist of eight (8) persons, unless the parties agree to a lesser number of jurors before the jury is selected. The court shall determine the number of alternate jurors to be seated. The verdict shall conform to existing Ohio law.

RULE 1.19.18 CHALLENGE FOR CAUSE

In both civil and criminal cases, the parties shall make all challenges for cause before the jury is sworn to try the case, or upon a showing of good cause for the delay, before the jury retires to deliberate.

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge (Ohio Jury Management Standard 8).

RULE 1.19.19 NUMBER OF PEREMPTORY CHALLENGES

Peremptory challenges shall be exercised alternatively as presently established by Ohio Revised Code § 2945.23, Ohio Civil Rule 47, and Ohio Criminal Rule 24. All challenges shall be made in open court. Peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure, and as governed by Procedure 41(C) challenges to prospective jurors, effective 7/1/2005, and Ohio Rule of Criminal Procedure (D) peremptory challenges, effective 7/1/2005.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

RULE 1.19.20 OATH OR AFFIRMATION OF THE JURY

After the jury has been selected, but before commencement of the trial, the judge or the bailiff shall administer the following oath or affirmation to the jury, including alternate juror(s):

A. OATH:

“YOU AND EACH OF YOU DO SOLEMNLY SWEAR THAT YOU WILL TRUTHFULLY ANSWER THE QUESTIONS ASKED OF YOU BY THE ATTORNEY FOR THE STATE OF OHIO, AND THE DEFENDANT, AND BY THIS COURT IN REGARDS TO YOUR QUALIFICATIONS TO ACT AS A JUROR IN THIS CASE ENTITLED STATE OF OHIO VS. _____ AND THIS YOU SO DO, AS YOU SHALL ANSWER TO GOD.”

B. AFFIRMATION

“YOU AND EACH OF YOU DO SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL DILIGENTLY INQUIRE INTO AND CAREFULLY DELIBERATE ALL MATTERS BETWEEN THE STATE OF OHIO AND THE DEFENDANT. DO YOU SWEAR AND AFFIRM YOU WILL DO THIS TO THE BEST OF YOUR SKILL AND UNDERSTANDING, WITHOUT BIAS OR PREJUDICE, SO HELP YOU GOD?”

RULE 1.19.21 PRELIMINARY INSTRUCTIONS

The court shall instruct the jury before opening statements by reading the appropriate instructions that shall include at least the following:

1. The issues for trial,
2. The credibility of witnesses and the manner of weighing the testimony to be received,
3. That each juror may take notes during the trial and paper shall be provided, but note taking shall not interfere with the attention to the testimony; Ohio Civil Rule of Procedure 47 (E) and Ohio Criminal Rule of Procedure 24. All notes shall remain in the courtroom until deliberations begin.
4. The personal knowledge procedure under Rule 25,
5. The order in which the case will proceed,
6. That jurors may seek to ask questions of the witnesses by submission of questions in writing. (Ohio Rule of Civil. Pro. 47 (F)), and
7. That jurors are not permitted to discuss the evidence among themselves in the jury room during recesses from trial. The court shall admonish jurors not to discuss the case with anyone other than fellow jurors in their jury deliberation when all has been presented to them, after the instructions.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

RULE 1.19.22 OPENING STATEMENT

1. In *criminal* cases, the prosecution shall state briefly the evidence that supports its case. The defense may then state briefly the evidence in support of the defense, but has the choice to decline to make an opening statement.
2. In *civil* cases, the party with the burden of going forward may briefly state the evidence that supports its case. The adverse party may then briefly state the evidence in support of its case.

RULE 1.19.23 PRESENTATION OF EVIDENCE.

Unless the court otherwise directs, the party with the burden of going forward shall present evidence first, followed by the presentation of evidence by the adverse party.

RULE 1.19.24 PROCEDURE FOR JUROR WITH PERSONAL KNOWLEDGE IN CRIMINAL CASES.

If the court receives information that a juror has personal knowledge about the case, the court shall examine the juror under oath, concerning that knowledge, in the presence of the parties and outside the presence of the other jurors.

If the court finds that the juror has personal knowledge of a material fact, the juror shall be excused, and the court shall replace that juror with an alternate. If there is no alternate juror, then the court shall discharge the jury without prejudice, unless the parties agree to submit the cause to the remaining jurors.

RULE 1.19.25 JURY VIEW

When the court determines it is proper, the court may order the jury to view:

1. The real or personal property which is the subject of the case; or
2. The place in which a material fact occurred.

Transportation may be provided by the court. The place shall be shown to the jury by a person appointed by the court for that purpose. While the jury is absent for the view, no person, other than the person appointed to show the place to the jury, shall speak to the jury on any subject connected with the trial. Counsel for the parties shall have the right to accompany the jury but shall not speak to the jury.

RULE 1.19.26 FINAL INSTRUCTIONS

The court shall read the appropriate final instructions. The court shall reduce its final instructions to writing or make an audio, electronic or other recording of those instructions, provide at least one written copy or recording of those instructions to the jury for use during deliberations, and preserve those instructions for the record. Ohio Rule of Criminal Procedure 30(A) and Ohio Rule of Civil Procedure 51(A) effective July 1, 2005.

OTTAWA COUNTY MUNICIPAL COURT RULES OF PRACTICE AND PROCEDURES

RULE 1.19.27 FINAL ARGUMENTS

When the evidence is concluded, the parties may, by agreement in open court, submit the case without argument to the jury.

If the parties argue the case to the jury, the party with the burden of going forward shall open and close the argument. If the party with the burden of going forward declines to open the argument, the adverse party may then argue its case. In criminal cases, if the defense declines to argue its case after the prosecution has made its closing argument, then that shall be the only argument allowed in the case.

In criminal cases, the party with the burden of going forward is the prosecution. In civil cases, the party with the burden of going forward is the plaintiff.

RULE 1.19.28 ASSISTING JURORS AT AN IMPASSE.

If the jury advises the court that it has reached an impasse in its deliberations, the court may, but only in the presence of counsel, and in a criminal case, the parties, inquire of the jurors to determine whether and how the court and counsel can assist them in their deliberative process. After receiving the jurors' response, if any, the court, after consultation with counsel, may direct that further proceedings occur as appropriate.

RULE 1.19.29 SEPARATION DURING DELIBERATION

The court in its discretion may permit the jury in civil and criminal cases to separate during deliberations. However, before the jurors are permitted to separate, the court shall instruct them that while they are separated they shall:

1. Not discuss the case among themselves or with anyone else;
2. Not talk to the attorneys, parties or witnesses;
3. Not express any opinion about the case; and
4. Not listen to or read any outside or media accounts of the trial.

RULE 1.19.30 JUDGE TO READ THE VERDICT

When the jury has agreed upon its verdict, the jurors shall sign the appropriate verdict form in ink. When the jurors return to the courtroom, the judge shall read the verdict. Upon the request of either party, the court may poll the jury. If a juror dissents from the verdict, the jury shall again be sent out to deliberate.

RULE 1.19.31 MONITORING THE JURY SYSTEM.

The court shall collect and analyze information regarding the performance of this Jury Management Plan to evaluate the composition of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall juror satisfaction.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

To achieve these goals, the court shall adopt and utilize a juror exit survey, (see Attachment D) along with maintaining regular data on all jury pools as maintained by the jury administrator.

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

ATTACHMENT A

JURY LETTER / QUESTIONNAIRE FRONT

Dear Juror,

Your name has been drawn to serve on the Petit Jury of the Ottawa County Municipal Court for the term beginning **JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**.

Jury service in the Ottawa County Municipal Court is based on a one day-one trial rule. When you have been seated and have served as a juror, you will then be excused for the balance of the year.

WITHIN TWO (2) WEEKS, COMPLETE AND RETURN THE ENCLOSED CARD AND QUESTIONNAIRE. A SELF-ADDRESSED, STAMPED ENVELOPE IS ENCLOSED FOR YOUR CONVENIENCE.

If you are 75 years of age or older and wish not to serve, have moved or have a medical reason you cannot serve, please fill out and sign the back side of the questionnaire and return it in the enclosed envelope.

When you are actually summoned to serve as a juror and you feel you cannot because you are planning to be out of town on vacation, you have been ill, you are a farmer and it is your busy time or you have something at work, please send the Court a letter as soon as possible. **PLEASE REMEMBER THAT YOU CANNOT BE EXCUSED FORM JURY SERVICE UNTIL YOU HAVE BEEN NOTIFIED BY THE COURT.**

We realize that jury service may be an inconvenience to you; however, the benefits that we all share just knowing that the right of jury trial exists far outweigh the inconveniences which may be occasioned.

The Ottawa County Municipal Court is located at the City/County Complex building located at 1860 E. Perry Street, Port Clinton, OH.

Thanking you in advance for your time and attention to this most important civic responsibility.

Sincerely,

Louis P. Wargo III
Judge

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

APPENDIX A – CONTINUED

JURY QUESTIONNAIRE LETTER BACK

JURY SERVICE EXEMPTION, EXCUSE OR DEFERRAL REQUEST

Jury service is an important and valuable civic duty. Jury service in Ottawa County Municipal Court is usually completed in one day. If you feel you are unable to serve, you may request that you be excused either for a period of time or for the term. Please complete this form and return it to the Court.

_____ I am not a resident of Ottawa County. Please list current address:

_____ I am 75 or older and wish to be excused from service.

_____ I have a medical condition which prohibits me from service for the term.
(Please enclose a statement from your doctor.)

_____ I have a medical, employment or personal reason for requesting jury service
at a specific time of the year. Please explain _____

I hereby affirm that the above information is true and correct.

Signature _____ Date _____

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

ATTACHMENT B

JURY SUMMONS LETTER

Date

Name
Address

Dear Potential Juror,

This letter is to inform you that you have been chosen for jury duty.

The Court understands that your appearance for jury duty may cause an inconvenience to you, however, jury duty is a civic responsibility required of all citizens and we appreciate the efforts and sacrifice you will make to appear.

You will need to make arrangements to report for jury service on Tuesday, November 16, 2022 at 8:30 AM. The Ottawa County Municipal Court* is located at the City/County Complex Building, 1860 East Perry Street, Port Clinton, Ohio. **Jury service in our Court is generally one day.**

Please call 419-734-5152 or go to www.ottawacountymunicipalcourt.com and click on Jury Service link, anytime after 4:30 p.m. on Monday, Trial Date to determine if you are still required to appear for the jury trial.

Thank you for your time and consideration in this matter.

Respectfully yours,

Jury Commissioner

***DIRECTIONS TO THE COURT:** Rt #2 to the 121A exit (Rt #163). Follow to the left exit ramp to West Rt#163 (Perry St) to the 1st stop light. Turn left onto Buckeye Blvd. The Court is located on the left-hand side of the road. (City/County Complex Building)

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

ATTACHMENT C

POST JURY SERVICE QUESTIONNAIRE

RE: POST JURY SERVICE QUESTIONNAIRE

Dear Juror:

Would you please fill out the enclosed questionnaire and return it in the enclosed self-addressed stamped envelope?

We at the Ottawa County Municipal Court are always striving to improve our services to the people coming to Court.

As judge, I feel your assistance in this effort to improve is very important. I hope you will take a few minutes and mail it back to us at the Court.

Thank You.

Louis P. Wargo III
Judge

**OTTAWA COUNTY MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURES**

ATTACHMENT C – CONTINUED

POST JURY SERVICE QUESTIONNAIRE

Your answers to the following questions will help us improve jury service. All responses are voluntary and confidential.

1. What date did you serve? _____

2. How easy or difficult was it to find the Court? _____

3. Have you ever served on a jury before? If so, where and when? _____

4. How would you rate the following factors?

	Good	Average	Poor
a. Initial Orientation	[]	[]	[]
b. Treatment by Court personnel	[]	[]	[]
c. Physical comforts	[]	[]	[]
d. Personal safety	[]	[]	[]
e. Scheduling of your time	[]	[]	[]

5. Did you lose income as a result of jury service? _____

6. Are you paid by your employer during jury service? _____

7. After having served, what is your impression of jury service? (Answer one)

- a. The same as before – favorable []
- b. The same as before – unfavorable []
- c. More favorable than before []
- d. Less favorable than before []

8. Comments _____

9. Age: (please circle one) 18-24 25-34 35-44 45-54 55-64 65-over

OTTAWA COUNTY MUNICIPAL COURT

BOND SCHEDULE

In accordance with Rule 46 of the Ohio Rules of Criminal Procedure and Section 2937.222 of the Ohio Revised Code, the following bond schedule is adopted and court ordered for all traffic and criminal cases in the Ottawa County Municipal Court when the person has been arrested.

- A. Personal recognizance is the rule. There is a presumption of a personal recognizance bond for all misdemeanor charges, unless otherwise provided by statute and/or excepted below.

If the law enforcement officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a personal recognizance bond is insufficient, the judge or magistrate shall be contacted for additional authority. If the judge or magistrate determines that personal bail is insufficient, the conditions of release shall be set pursuant to Crim.R.46.

When a judge or magistrate has previously set bail in a case, or has ordered a new amount in its last capias or warrant entry, that bail shall remain in effect unless otherwise ordered by a judge or magistrate.

- B. For all other charges, the judge or magistrate of the court shall set bail pursuant to Crim.R.46. This includes:
1. All felony charges.
 2. The following misdemeanor charges, regardless of whether charged under the Ohio Revised Code, city/village ordinance, or any other statutory provision:
 - a. Domestic violence or any other offense of violence if the victim is a family or household member (see R.C. 2919.251);
 - b. Violation of any protection order or condition of community control, supervision, or probation involving prohibition from

control, supervision, or probation involving prohibition from contact with specified persons or places;

- c. The following offenses if the accused was subject to a protection order and/or has a prior conviction involving the same complainant/victim, pursuant to R.C. 2903.212:
 - i. Aggravated menacing (R.C. 2903.21);
 - ii. Menacing by stalking (R.C. 2903.211);
 - iii. Menacing (R.C. 2903.22);
 - iv. Aggravated trespass (R.C. 2911.211);
 - v. Any sexually oriented offense as defined by R.C. 2950.01.

3. The following misdemeanor charges, regardless of whether charged under the Ohio Revised Code, a city/village ordinance, or any other statutory provision:
 - a. Assault;
 - b. Aggravated Menacing;
 - c. Menacing by Stalking;
 - d. Menacing;
 - e. Aggravated Trespass;
 - f. Any sexually oriented offense as defined by R.C. 2950.01 and second or more offenses of public indecency *et seq.*;
 - g. OVI when, after reasonable efforts, the arresting officer is unable to locate a responsible individual to release the defendant to;
 - h. Any other offense when the victim, law enforcement officer or prosecutor is seeking a protection order, restrictions with no contact, or any other similar conditions of bond.

Individuals charged with the above referenced crimes shall be held without bond until such time as bond can be set by the Judge or Magistrate, which shall be not longer than 48 hours after the time of incarceration.

For all other misdemeanor charges, the defendant may be released by the law enforcement officer on his or her own recognizance to the

appropriate governmental agency if there is an outstanding warrant, or to a responsible, sober person as the law enforcement officer deems appropriate, unless, based on the circumstances of the case, the prosecutor or law enforcement officer request a bond or conditions of bond.

If the law enforcement officer or the prosecutor seek to hold an individual without bond or require a cash/surety bond prior to release for any other type of crime not referenced in Sections 1,2 and/or 3, herein, said officer/prosecutor must contact the Judge and/or Magistrate as soon as practicable, but not to exceed forty-eight (48) hours after arrest, and present the grounds for overcoming said presumption of recognizance. Individuals can be detained without bond during this initial period until a determination has been made by the Judge/Magistrate.

In order to overcome the presumption of recognizance, the law enforcement officer/prosecutor shall provide the Court with information relevant to Criminal Rule 46 and R.C. 2937.222, including:

- 1) Records of criminal convictions for any:
 - a. Offenses of violence as defined by R.C. 2901.01;
 - b. Criminal cases within the past five (5) years other than minor misdemeanors; and
 - c. Major traffic offenses as defined by Traffic Rule 13(B).
- 2) If the defendant is on community control supervision/probation, parole, or post release control;
- 3) The nature and circumstances of the offense charged;
- 4) Active warrants;
- 5) Pending protection orders against the defendant;
- 6) Known medical, mental health, or substance abuse issues;
- 7) Booking screening information, if arrested;
- 8) Known occupation or source of income/support; and
- 9) Any other information requested by the Judge/Magistrate or presented by the law enforcement officer/prosecutor based on the circumstances of the case.

The law enforcement officer/prosecutor requesting a no bond order or cash/surety bond order shall contact the Judge/Magistrate during reasonable hours and with reasonable notice. A defendant shall not be detained for more than forty-eight (48) hours prior to his/her initial probable cause determination pursuant to Crim.R.5. The law enforcement officer/prosecution must show a bona fide emergency or other extraordinary circumstances for any delay of more than forty-eight (48) hours after arrest.

Although the Judge or Magistrate is not obligated or bound to adhere to the following schedule, generally, misdemeanor bonds will be set as follows:

MISDEMEANOR 1 - 1 ST DEGREE	\$4,000.00
	May post 10% - \$400.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 2 - 2 ND DEGREE	\$3,000.00
	May post 10% - \$300.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 3 - 3 RD DEGREE	\$2,000.00
	May post 10% - \$200.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 4 - 4 TH DEGREE	\$1,000.00
	May post 10% - \$100.00
	**Plus add \$25.00 surcharge
MINOR MISDEMEANOR - MM	\$500.00
	May post \$100.00 Bond
	**Plus add \$25.00 surcharge
UNCLASSIFIED MISDEMEANOR - UM	\$500.00
	May post \$100.00 Bond
	**Plus add \$25.00 surcharge

** REGARDLESS OF THE NUMBER OF CHARGES ARISING OUT OF AN INCIDENT, A DEFENDANT IS TO BE ASSESSED THE \$25.00 SURCHARGE FEE ONLY ONE (1) TIME

This bond schedule is effective as of August 30, 2021 for all cases filed in the Ottawa County Municipal Court and supersedes any and all previous bond schedules of said Court.

IT IS SO ORDERED


JUDGE LOUIS P. WARGO III

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OTTAWA COUNTY
MUNICIPAL COURT
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Costs & Fees Schedule 2023

The Ottawa County Municipal Court herewith adopts the following as Local Rule of Court effective **January 1, 2023**.
A copy of this was filed with the Ohio Supreme Court in accordance with Civil Rule 83 and Criminal Rule 57.

The operating costs and fees for the Ottawa County Municipal Court shall be as follows:

For each Civil Case	\$200.00
\$80.00 thereof to be retained by the Court;	
\$1.00 to computer legal research;	
\$3.00 to the computerization of the Clerk's Office;	
\$26.00 to the State for Legal Aid;	
\$50.00 to be held as security for costs;	
\$40.00 to Special Projects Fund	
A. Three (3) or more Defendants \$20.00 per Defendant	
B. \$20.00 for any additional certified mail service for each Defendant (to be deducted from Security Deposit, if available)	
For each Forcible Entry & Detainer	\$265.00
\$80.00 thereof to be retained by the Court;	
\$1.00 to computer legal research;	
\$3.00 to the computerization of the Clerk's Office;	
\$26.00 to the State for Legal Aid;	
\$115.00 to be held as security for costs;	
\$40.00 to Special Projects Fund	
A. Two (2) Defendants \$75.00 for the additional defendant.	
B. Three (3) or more Defendants \$85.00 for each additional Defendant	
C. \$20.00 for any additional certified mail service for each Defendant (to be deducted from Security Deposit, if available)	
Second Cause of Action	\$50.00
Motion to Appoint Process Server	\$25.00
For each Small Claims Case	\$120.00
\$65.00 thereof to be retained by the Court;	
\$1.00 to computer legal research;	
\$3.00 to the computerization of the Clerk's Office;	
\$11.00 to the State for Legal Aid;	
\$40.00 to Special Projects Fund	
A. Three (3) or more Defendants \$20.00 per Defendant	
B. \$20.00 for any additional certified mail service for each Defendant (to be deducted from Security Deposit, if available)	
C. Transfer to Regular Division - \$75.00 plus filing fee difference in civil case filing	
For each Trusteeship Case	\$140.00
\$96.00 thereof to be retained by the Court;	

\$1.00 to computer legal research;
\$3.00 to the computerization of the Clerk's Office;
\$40.00 to Special Projects Fund

A. Adding Creditors to a Trusteeship	\$25.00
For each Criminal Case	\$113.00
\$40.00 thereof to be retained by the Court; \$1.00 to computer legal research; \$3.00 to the computerization of the Clerk's Office; \$29.00 to the State for the Rotary Reparations Fund; \$40.00 to Special Projects Fund	
(Plus mandatory \$10.00 State fee per traffic moving violation)	\$123.00
2. Small Claims Counterclaim	\$75.00
3. Cross-Complaint, per Defendant Counterclaim, per Defendant Third-party Complaint	\$75.00
4. Amended Pleadings and Service if Performed by the Court (Local Rule 3 (1)(b))	\$25.00
5. Publication (Rule 3 (C)) (Plus \$150.00 per appraisal for appraisal fee)	\$400.00
6. Judgment Debtor Form - Small Claims	\$25.00
7. Personal Service Requested Other Than Writs	\$50.00 plus mileage (see 29S)
8. Issuance of Writs and Subpoenas	\$10.00
9. Security for Jury (Refundable if not consumed)	\$375.00
10. Certified Copies of Pleadings, Process, Records or Files	\$3.00 (each page)
11. Computer Printouts and Regular Copies	\$0.10 (per page)
12. Certificate of Judgment (Lien or Transfer)	\$25.00
13. Telephone Pre-Trial (To be deducted from Security Deposit, if available)	\$20.00
14. Executions and Writs of Restitution	\$75.00 each plus mileage (see 29S)
15. Judgment - Transfer In	\$50.00
16. Proceeding in Aid of Execution (Garnishments) Wage and Bank \$1.00 check payable to Bank Institution	\$140.00

Garnishments shall include a poundage of 2%

Appear & Answer (Debtor's Exam)	\$75.00
Additional fees for personal service	
17. Petition to Vacate, Revive or Modify Judgment	\$75.00
18. Default of Summary Judgment (Civil) (to be added from Security Deposit, if available)	\$25.00
19. Release of Garnishment (Civil and Small Claims)	\$10.00
20. Filing of Appeal Must Be Accompanied by \$150.00 for Clerk of Courts	\$50.00
21. Jury Trial Demand	\$25.00
22. Second Notices Bench Warrants Show Cause Notices License Cancellations Bench Warrant Blocks	\$30.00
23. Expungements (per case) (if case dismissed - no fee)	\$50.00
24. Returned Check Fee (Insufficient Funds)	\$25.00
25. Issuance of Occupational Driving Permits	\$50.00
Modification and/or Amendment	\$30.00
26. Probation Fees	
A. Supervised Probation	\$50.00
B. Diversion Fee	\$50.00
C. Alcohol, Drug and Mental Health Intervention Court	\$50.00
27. Extension of Community Service Date	\$25.00
28. Administrative Fee for Guardian Interlock or Similar Devices	\$50.00
29. Bailiff Fees: (R.C. 311.17)	
A. For the Service and Return of an Execution When Money is Paid Without Levy or When No Property is Found (division (A)(1)(a))	\$20.00
B. For the Service and Return of an Execution When Levy is Made On Real Property (division (A)(1)(C))	\$25.00 for the first Tract \$10.00 for each additional
C. For Service and Return of an Execution When Levy is Made On Goods and Chattels Including Inventory (division (A)(1)(C))	\$50.00
D. For Service and Return of a Writ of Attachment of Property, Except for Purpose of Garnishment (division (A)(2))	\$40.00

E. For Service and Return of a Writ of Attachment for Purpose of Garnishment (division (A)(3))	\$10.00
F. For Service and Return of a Writ of Replevin (division (A)(4))	\$40.00
G. For Service and Return of a Warrant to Arrest, For Each Person Named in the Writ (division (A)(5))	\$10.00
H. For Service and Return of an Attachment for Contempt, For Each Person Named in the Writ (division (A)(6))	\$10.00
I. For Service and Return of a Writ of Possession or Restitution (division (A)(7))	\$60.00
J. For Service and Return of a Subpoena, For Each Person Named in the Writ, If In a Civil Case (division (A)(8))	\$6.00
K. For Service and Return of a Subpoena, For Each Person Named in the Writ, If In a Criminal Case (division (A)(9))	\$6.00
L. For Service and Return of a Venire, For Each Person Named in the Writ, If In a Civil Case (division (A)(9))	\$6.00
M. For Service and Return of a Venire, For Each Person Named in the Writ, If In a Criminal Case (division (A)(9))	\$6.00
N. For Service and Return of Summoning each Juror, Other Than On Venire, If In a Civil Case (division (A)(10))	\$6.00
O. For the Service and Return of Summoning each Juror, Other Than On Venire, If In a Criminal Case (division (A)(10))	\$6.00
P. For Service and Return of A Writ of Partition (division (A)(11))	\$25.00
Q. For Service and Return of Another Order of Sale of Real Property (division (A)(13))	\$50.00 for the first Tract \$25.00 for each additional
R. For Service and Return of All Summons, Writs, Orders or Notices (division (A)(17))	\$6.00 for the first Name \$1.00 for each additional name
S. Mileage	\$1.00 per mile for the first mile, going and returning with actual mileage charged on each additional name

Waiver Schedule 2023

Standard Traffic Waiver

\$155.00

Exceptions to Standard Traffic Waivers

Second Moving Violation Within 1 Year	\$223.00
M4 Speeds: Over 35 MPH in a Business District, Over 50 MPH Elsewhere in a Municipal Corp., Over 35 MPH in a School Zone During the Opening and Closing Hours	\$223.00
Handicapped Parking	\$358.00
Parking Violations	\$138.00
Parking Violations - State Parks 4511.68 and 4511.66	\$118.00
Seat Belt Violations - Driver	\$124.00
Seat Belt Violations - Passenger	\$114.00
No Child Restraint	\$158.00
Speed Between 80 and 89 MPH	\$223.00
Highway Use Permit and Use Tax Decal 5782.02, 04 ORC	\$173.00
Overloads 5577.04 ORC	
Overloads from 100lbs. to 2,000lbs.	\$203.00
Overloads from 2001lbs. to 5,000lbs.	\$1.00 per 100lbs. + \$223.00
Overloads from 5001lbs. to 10,000lbs.	\$2.00 per 100lbs. + \$253.00
Overloads from 10,001lbs. and up	\$3.00 per 100lbs. + \$283.00
Public Safety Caution 4511.213 ORC	\$187.00
Mud Flaps 5571.11 ORC	\$148.00
Display Sticker / Expired Plates 4503.21 ORC	\$123.00 costs (costs only if proof shown)
Criminal Standard Waivers	\$145.00
DISORDERLY CONDUCT (MM) 2917.11	\$213.00
POSSESSION OF MARIJUANA (MM)	\$213.00
DRUG PARAPHERNALIA (MM) 2925.141* Eff. 9/28/2012 - Drug Paraphernalia becomes a Minor Misdemeanor when related to marijuana	\$213.00

Wildlife Exceptions

Exceptions to Standard Criminal Waivers

Walleye, Smallmouth Bass, and Steelhead Trout Possess Over the Limit

1 Fish Over	\$193.00
2 Fish Over	\$273.00
3 Fish Over	\$353.00
4 Fish Over	\$433.00

**** INCLUDES \$50.00 RESTITUTION FOR EACH FISH OVER LIMIT ****

Undersized Walleye and Bass

1 Fish Undersized	\$193.00
2 Fish Undersized	\$273.00
3 Fish Undersized	\$353.00
4 Fish Undersized	\$433.00

**** INCLUDES \$50.00 RESTITUTION FOR EACH UNDERSIZED FISH ****

Yellow Perch Over Limit

1 Fish Over	\$163.00
2 Fish Over	\$183.00
3 Fish Over	\$203.00
4 Fish Over	\$223.00
5 Fish Over	\$243.00
6 Fish Over	\$263.00
7 Fish Over	\$283.00
8 Fish Over	\$303.00
9 Fish Over	\$323.00
10 Fish Over	\$343.00

**** INCLUDES \$20.00 RESTITUTION FOR EACH FISH OVER LIMIT ****

*** If within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) or more violations of the above listed chapters, then offender must appear***

Non-Waiverable (Court Appearance Required)

1. All Indictable Offenses
2. Operating a Vehicle Under the Influence (OVI/BAC) or permitting another person who is under the influence of alcohol or drugs of abuse to operate a motor vehicle owned by the Defendant or in his custody or control
3. Leaving the scene of an accident
4. Driving while under suspension or revocation of driver's license
5. Driving without being licensed to drive - No Operator's License
6. Failure to stop or remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child
7. Willfully eluding or fleeing a police officer (criminal charge)
8. Reckless operation
9. Drag racing
10. Squealing tires
11. Improper crossing at a railroad crossing. (Section 4511.62)
12. Speed from 90 miles per hour and over
13. No motorcycle endorsement
14. Third moving violation within a year
15. Littering Under Section 3767.32
16. 5 or more Walleye, Black Bass, and Steelhead Trout Possess over the limit
17. 5 or more Undersized Walleye and Bass
18. 11 or more Yellow Perch over limit
19. Multiple Daily Trips
20. Fish Not Whole (Skinless Filets/Fish Not in the Round)

IN THE OTTAWA COUNTY MUNICIPAL COURT
OTTAWA COUNTY, OHIO

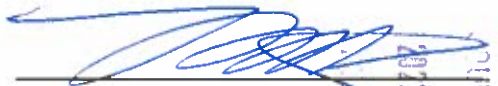
IN RE:

OTTAWA COUNTY MUNICIPAL : ORDER **AO 19**
COURT SPECIAL PROJECTS FUND :
FOR RECORD RETENTION, STORAGE &:
FUTURE CAPABILITES; SECURITY :

.....

WHEREAS, the Ottawa County Municipal Court has determined that for the efficient operation of the Court, additional funds are necessary to acquire and pay for Special Projects including but not limited to Record Retention, Storage and Future capabilities and Security of the Court including, but not limited to, the acquisition of equipment, the hiring and training of staff, and other related services. The Court FINDS that in order to carry out such programs pursuant to Ohio Revised Code Section 2303.201(E)(1), the Clerk shall add the sum of Forty dollars (\$40.00) to the Court's schedule of fees and costs upon the filing of each criminal complaint, traffic citation, civil action or other proceeding, or judgment by confession, with the moneys to be paid to the Ottawa County Treasurer, who shall place such funds in a separate account for Records Retention, Storage and Future Capabilities of same and Security.

It is ORDERED that the Ottawa County Municipal Court Clerk, commencing January 1, 2023, collect the additional court costs as hereinabove contained.



Judge Louis P. Wargo III

2023 DEC 14 AM 9:12
OTTAWA COUNTY MUNICIPAL COURT
JURIALIZED AND FILED

Cc: Ottawa County Auditor
Ottawa County Treasurer

OTTAWA COUNTY MUNICIPAL COURT TECHNOLOGY PLAN

In accordance with Local Rule ____, this Technology Plan provides an overview of the Ottawa County Municipal Court's utilization of technology in the delivery of court services and maintenance of judicial operations. The applications outlined in this Plan include both public-facing technologies serving litigants, attorneys, members of the public, and other justice system stakeholders, as well as internal technology systems utilized by judicial officers and court staff. IT infrastructure information is not included in this list for safety and security reasons, including firewall, storage system, backup, anti-virus, disaster recovery, and cyber security.

The purpose of this Plan is to:

- Define how the Court uses technology to support attorneys, parties, and the [public to be aware these services are available for case management, case filing, recordkeeping, efficient communications, and administrative functions.
- Provide a list of the Court's IT functions and applications that support serving the public.
- Assist the Court in more readily identifying opportunities for improved efficiency and cost savings through the use of technological solutions.
- Promote the alignment of IT initiatives with the goals of the Court.

Case Management

The Court uses the following application to manage its docket and related case records.

Application	Purpose	How users receive Instructions	Dept/Role Responsible
Merge Pro through Henschen & Assoc.	Case management used by staff	Vendor Training materials	Clerk/ IT Deputy Clerk

The Court uses *Merge Pro (through Henschen & Associates)* as its case management system. Pursuant to Local Rule ____, the Court's Case Management Plan outlines the case management schedule designed to ensure the timely disposition of cases. *Merge Pro* contains docketing, case-related financial information, and internal case notes. The Court staff are provided with training materials and testing sites on which to practice through Henschen & Associates.

Clerk of Court Functions

The Clerk of Court uses the following applications to perform its clerk-related functions:

Application	Purpose	How users receive Instructions	Dept/Role Responsible
Merge Pro through Henschen & Assoc.	Case management used by staff	Vendor Training materials	Clerk & Staff

Merge Pro through Henschen & Assoc.	Online case info for public	Court Website	Clerk & Staff
N-Court	Online payment used by public	Court Website	Clerk & Staff

The Court provides online access to case information and court documents through an integration of *Merge Pro & Henschen & Associates*, the Court's website host. The public must agree to terms and conditions before entering the online case information website. The terms and the Court's privacy policy align with Superintendence Rules 44-47 that restrict public access to certain types of case information, as well as policies under Ohio Court Security Standard 16 that protect confidential information. User instruction can be found on the webpage housing the case record search functions.

N-Court is used to accept online payments of court-related fees and fines. Users are provided with instructions on how to locate their case information and the amount due on the Court's Website. Users must agree to a terms and conditions policy before entering the online payment portal. *N-Court* integrates with *Merge Pro* to provide updates when payments are made. It also integrates with accounting software (part of *Merge Pro*) used by the Clerk.

Filing

The Court and Clerk of Court use the following applications to manage the filing of court documents.

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
G-Mail	Electronic court filings	Staff	Staff
Fax Machine	Electronic court filings	Staff	Staff

The Clerk of Court accepts filings electronically by email and fax in accordance with Local Rule _____. A dedicated email address and inbox have been established for the acceptance of electronic filing.

Fiscal

The Court uses the following applications for financial management and accounting:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Merge Pro/Henschen	Accounting	Vendor	Clerk
Authority Finance	Accounting	Vendor	Clerk

The Court uses Henschen to record payments received and calculate payments to be paid out each month. The Court uses Authority Finance to create and track purchase orders and invoices submitted to the Ottawa County Auditor's Office.

Hearings

The Court uses the following applications to conduct hearings and related proceedings:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
BIS	Courtroom Recording	Training	Staff
Google Chat	Remote Video Arraignments	Training	Staff

BIS is the digital recording application the Court uses to record Court proceedings that are conducted in the Courtroom. Parties seeking a recording of a hearing or case must provide a request for an audio copy of a hearing.

The Court uses Google Chat allowing incarcerated individuals to be arraigned remotely. This application utilizes audio and video functionality so that the Court, law enforcement and defendants are able to see and communicate with one another in real time .

Human Resources

All human resource functions are handled by the Ottawa County Human Resource Department.

Interfacing with Other Entities

The Court integrates with the following applications:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Bureau of Criminal Investigation	Statutory reporting requirements	Vendor Training Materials	Clerk
Bureau of Motor Vehicles	Reporting requirements	Vendor Training Materials	Court Administrator

Jury Management

The Court uses the following application to manage its jury services:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Merge Pro through Henschen & Assoc	Jury Management	Vendor Training Materials	Jury Commissioner/ Clerk

Probation

The Court uses the following application to perform probation services:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Merge Pro through Henschen & Assoc	Probation Case Management	Vendor Training Materials	Probation Officers

Public Access

The Court uses the following application to provide access to the public:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Court Website	Case/calendar Information	N/A	IT Deputy Clerk

Records Management/Retention

The Court is in process of setting up an updated record retention policy.

Special Accommodations

The Court uses the following application to provide services for participants needing special accommodations:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Language Line	Foreign language Interpreter services	Supreme Court's website	Staff

The Court provides interpreter services to non- and limited-English proficient court users through *Language Line*. The Court has a quick reference guide and instructions in several places in the Clerk's Office and Courtroom. Staff is trained on using *Language Line* from instructions on the [Supreme Court's website](#).

Victim Services

The Court refers all to the Ottawa County Prosecutor's Office for victim services.

Website

The Court uses the following application in the development and maintenance of its website:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Henschen & Assoc.	Website Host	Vendor Training	IT Deputy Clerk/Clerk

The Court uses Henschen & Associates to develop its website.

Future Implementation Plans

Using the operational categories set forth above, the Court intends to acquire and/or implement the following technologies over the next 5 years.

CASE MANAGEMENT

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured
Auto Imaging	Scan & attach Forms/E-filing	Training	Staff	Yes
E-Subpoena	Electronic Service	Training	Staff	Yes

FISCAL

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured
Fine/Cost Collecting		Training	Staff	Yes

JURY MANAGER

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured
Jury Manager	Juror Ease	Training	Staff	Yes

HEARINGS

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured
Zoom	Virtual Hrgs	Training	Staff	No

Wish List

Court Day Work Flow: To obtain a program for check-in as well as monitor case movement in the office.

Electronic Record Retention: To have all cases stored electronically.

APPENDIX
RECORDS RETENTION SCHEDULES

Administrative Records		
Record	Description	Retention Period
Administrative journals (Sup.R. 26.01)	Administrative journals, consisting of court entries, or a record of court entries, regarding policies and issues not related to cases.	Permanently.
Annual reports (Sup.R. 26.01)	Two copies of each annual report.	Permanently.
Bank records (Sup.R. 26.01)	Bank transaction records, whether paper or electronic.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Cash books (Sup.R. 26.01)	Cash books, including expense and receipt ledgers.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Communication records (Sup.R. 26.01)	Communication records, including routine telephone messages, on any medium where official action will be recorded elsewhere.	None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
Correspondence and general office records (Sup.R. 26.01)	Correspondence and general office records, including all sent and received correspondence, in any medium.	None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
Drafts and informal notes (Sup.R. 26.01)	Drafts and informal notes consisting of transitory information used to prepare the official record in any other form.	None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes.
Employment applications for posted positions (Sup.R. 26.01)	Employment applications for posted or advertised positions.	2 years.
Employee benefit and leave records (Sup.R. 26.01)	Employee benefit and leave records, including court office copies of life and medical insurance records.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Employee history and discipline records (Sup.R. 26.01)	Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees.	10 years after termination of employment.

Administrative Records - cont.

Record	Description	Retention Period
Fiscal records (Sup.R. 26.01)	Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Grant records (Sup.R. 26.01)	Records of grants made or received by a court.	3 years after expiration of the grant.
Payroll records (Sup.R. 26.01)	Payroll records of personnel time and copies of payroll records maintained by another office or agency.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Publications received (Sup.R. 26.01)	Publications received by a court.	None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications.
Receipt records (Sup.R. 26.01)	Receipt and balancing records.	3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later.</u>
Requests for proposals, bids, and resulting contracts (Sup.R. 26.01)	Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal.	3 years after the expiration of the contract that is awarded pursuant to the request for proposal.

Case Records: All Courts

Record	Description	Retention Period
<p>Court index, docket, and journal (Sup.R. 26.02, 26.03)</p>	<p>The "docket" means the record where the clerk enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket. The docket must include the following information:</p> <ol style="list-style-type: none"> (1) Full names and addresses of all parties (Sup.R. 26.02(C), 26.03); (2) Names, addresses, and Supreme Court attorney registration numbers of all counsel (Sup.R. 26.02(C), 26.03); (3) The issuance of documents for service upon a party and the return of service or lack of return (Sup.R. 26.02(C), 26.03); (4) A brief description of all records and orders filed in the proceeding, the date and time filed, and a cross reference to other records as appropriate (Sup.R. 26.02(C), 26.03); (5) A schedule of court proceedings for the court and its officers to use for case management purposes (Sup.R. 26.02(C), 26.03); (6) All actions taken by the court to enforce orders or judgments. (Sup.R. 26.02(C), 26.03); (7) Any information necessary to document the activity of the clerk of the division regarding the case (applicable to all courts, <i>except</i> appellate, municipal, and county courts) (Sup.R. 26.03). 	<p>Permanently.</p>
<p>Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum (Sup.R. 26.02)</p>	<p>May be kept separate from the case file or retained in the case file.</p>	<p>None. May be destroyed at the discretion of the preparer.</p>

Case Records: All Courts - *cont.*

Record	Description	Retention Period
Exhibits, depositions, and transcripts (Sup.R. 26(F))		At the conclusion of litigation, including times for direct appeal, with 60-days notice to the parties.

Appellate Courts

Record	Description	Retention Period
Appellate Court case files (except for death penalty case files) (Sup.R. 26.02)	Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum.	2 years after the final order.

Common Pleas, General Division

Record	Description	Retention Period
Death penalty case files (Sup.R. 26.02, 26.03(F)(1))	In their original form.	Permanently.
Real estate case files (Sup.R. 26.03(F)(2))	Case files of matters that resulted in a final judgment determining title or interest in real estate.	Permanently.
Search warrant records (Sup.R. 26.03(F)(3))	Search warrant records must be indexed and the warrants and returns retained in their original form.	5 years after the date of service or last service attempt.
Voluntary dismissals (Sup.R. 26.03(F)(4))	Case files of matters that are voluntarily dismissed.	3 years after the date of the dismissal.
Other case files (Sup.R. 26.03(F)(5))	Any case file in common pleas, general division, not listed above. Does not include documents within the file that were admissible as evidence of a prior conviction in a criminal proceeding.	12 years after the final order of the general division.
Evidence of prior conviction (Sup.R. 26.03(F)(5))	Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding.	50 years after the final order of the general division.

Municipal and County Courts

Record	Description	Retention Period
Auditor reports (Sup.R. 26.05(D)(1))	Auditor of State reports (financial records).	Permanently.
Monetary records (Sup.R. 26.05(D)(2))		3 years after the issuance of an audit report by the Auditor of State.
Rental escrow account records (Sup.R. 26.05(D)(3))		5 years after the last date of deposit with the municipal or county court.
Yearly reports (Sup.R. 26.05(D)(4))	Yearly financial records reports.	Permanently.
Index, docket, and journal (Sup.R. 26.05(E))		25 years.
Civil case files (Sup.R. 26.05(G))		2 years after the issuance of an audit report by the Auditor of State.
DUI case files (Sup.R. 26.05(G))	Driving under the influence of alcohol or drug ("DUI") case files.	50 years after the date of the final order of the municipal or county court.
First through fourth degree misdemeanor traffic case files (excluding DUI cases) (Sup.R. 26.05(G))		25 years after the date of the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u>
First through fourth degree misdemeanor criminal case files (Sup.R. 26.05(G))		50 years after the date of the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u>
Minor misdemeanor traffic and minor misdemeanor criminal case files (Sup.R. 26.05(G))		5 years after the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u>
Parking ticket records (Sup.R. 26.05(G))		Retained until the ticket is paid and the Auditor of State issues an audit report.
Real estate (Sup.R. 26.05(G))	Case files of matters that resulted in a final judgment determining title or interest in real estate.	Permanently.
Search warrant records (Sup.R. 26.05(G))	Warrants and returns (original form).	5 years after the date of service or last service attempt.