OAKWOOD MUNICIPAL COURT
MONTGOMERY COUNTY, OHIO

Local Rules of Court
Revised January 2, 2018

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OAKWOOD MUNICIPAL COURT
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IN THE MUNICIPAL COURT OF OAKWOOD, OHIO

IN RE: ADOPTION OF LOCAL COURT RULES **JOURNAL ENTRY**

IT IS THE ORDER of the Court that the following rules of Court be adopted for use in the Oakwood Municipal Court in all criminal, traffic, civil and small claims cases effective January 2, 2018.

IT IS FURTHER ORDERED that all previous rules are hereby rescinded and the following local rules shall supersede and replace any local rules previously entered by this Court.

SO ORDERED.

Margaret M. Quinn, Judge

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Local Rule 1: Scope and Effective Date

(A) These Local Rules of Court are adopted for the practice and procedures in the Oakwood Municipal Court pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 5 of the Rules of Superintendence for the Courts of Ohio, Rule 83 of the Ohio Rules of Civil Procedure and Rule 57 of the Ohio Rules of Criminal Procedure and are intended to supplement the Ohio Rules of Procedure and the Ohio Rules of Superintendence. Whenever any Local Rule is inconsistent with any rule promulgated by the Ohio Supreme Court, the rule promulgated by the Ohio Supreme Court shall govern.

(B) The purpose of these rules is to facilitate the expeditious disposition of cases and to supplement the procedures set out in the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure and the Ohio Revised Code to assist counsel and parties with cases pending in the Oakwood Municipal Court.

(C) These rules are effective as of January 2, 2018 and shall supersede and replace any local rules previously entered by this court.

Local Rule 2: Hours of Court Sessions

(A) The clerk of court's office shall be open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Payments on fines will be accepted until 4:30 each business day. Sessions in the civil and criminal branches of the court shall be conducted primarily on Thursdays, and then as needed Monday through Friday. The as needed times shall be set at the discretion of the court. Notwithstanding the hours for the clerk of court's office, court sessions may also be conducted during evening or weekend hours as needed by order of the court.

(B) For the purpose of any evening or weekend court proceedings the court will accept documents for filing only in those cases that are scheduled for that specific hearing.

(C) All traffic and criminal proceedings, except pretrial conferences, unless otherwise ordered, shall be held in open court, and be accessible to the public and capable of recording the proceeding.

Local Rule 3: File Management

(A) No person except authorized court personnel, parties or their attorneys, shall be permitted to examine the complaint filed in any case until after service of summons. Thereafter, these files are available to any person upon reasonable request during regular business hours. Copies of documents may be provided upon request at a cost to be determined by the clerk of court as permitted by law.

(B) Withdrawal of files. No file(s), whether civil or criminal, may be removed from the office of the clerk of court without the written consent of the judge or the clerk or deputy clerk of court. Any person seeking to remove a file from the clerk's office must set out, in writing, the case name

and number, the destination or office where the file is being taken, the reason for removal of the file, and the date and time the file is taken from the office. A file taken from the clerks' office pursuant to this rule must be returned to the clerk of court within twenty-four (24) hours of removal unless otherwise ordered.

(C) Disclosure of information. The clerks shall not provide a copy of any document, except as provided by law or ordered by the court, without redacting (1) social security number, (2) financial account numbers such as debit cards, (3) Date of Birth, and (4) employer and employee identification numbers. When there is a protection order pending or issued, the name of the victim or alleged victim, including any information regarding that person, shall not be released except as provided by law or ordered by the court.

Local Rule 4: Pleadings and Motions

(A) All pleadings and motions shall be legibly typewritten or printed on paper sized 8 1/2 inches by 11 inches. The caption of the complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the case number, the name of the first party plaintiff and the first party defendant on each side. For all subsequent pleadings in which new parties are joined, the name and the address, if known, of each new party shall be stated in the caption of the pleading. Every pleading, motion, brief or other paper filed in a case shall be identified by title, and shall bear the name of the individual attorney, the firm, if any, office address and telephone number of the attorney filing the same, or if there be no attorney, then the party filing the same.

(B) Failure to comply with the formal requirements as set out above may be grounds for striking the non-complying document from the court's files. For good cause shown, the clerks are authorized to waive this requirement for cases involving small claims, forcible entry and detainer or other types of cases or proceedings in the interest of justice when the party is not represented by counsel. The clerks also may receive requests by letter in traffic and criminal cases regarding continuance, reinstatement of driving privileges, and other similar proceedings.

(C) Notwithstanding the exceptions to formalities of documents filed with the clerks, all documents must be served on the prosecutor or opposing party in accordance with Civil Rule 5 or Criminal Rule 49, as applicable. Failure to show proof of service on the document filed shall be grounds for striking the document from the court's record.

Local Rule 5: Signature

(A) All pleadings, motions and other documents filed with the court shall contain the signature of the party or attorney representing the party in accordance with Civil Rule 11. Signatures signed by another person and initialed by the person signing the document are not permitted.

(B) Hardcopy documents. The original of every document filed in the court shall be signed by an attorney representing the party on whose behalf the document is filed. A party who is not represented by an attorney shall sign the document being filed. A hard copy document which is a

search warrant or a court order and which was signed electronically by a Judge or a Law Enforcement Officer may be filed with the court, just as a document which has an original signature may be filed with the court (See "D" below).

(C) Electronic documents. A document that may be filed by facsimile pursuant to the local rules of this court or by court order shall include a copy of the signature or scanned version of the person's original signature or a signature line with a backslash followed by a "s" followed by a backslash and then the person's name in print (e.g., /s/ John T. Smith). A pleading, motion or other document that requires a signature by Civil Rule 11 may be filed by facsimile directly from a computer without the need for a separate paper copy if signed in accordance with this rule.

(D) Electronic Signature. These rules are established to ensure the authenticity of a signature. It is established that a document was electronically signed without authority, then the party shall notify the court and the other party. Judge shall order the Clerk to strike the unauthorized document from the record.

a. Signature of Judge – Documents may be signed by a Judge with an electronic signature. All orders, decisions, entries, permits, judgments and other documents signed in this matter shall have the same force and effect as if the Judge had affixed his/her signature in a conventional manner. To ensure that the electronic signature is authentic, the signer has to use a user name and password to long into the court's secured network to assess the document to be signed. No Judge shall share these passwords with others.

b. Clerk, Deputy Clerk, Bailiff, and other court personnel – Documents may be signed by all court personnel with an electronic signature. To ensure that the electronic signature is authentic, the signer has to use a user name and password to long into the court's secured network to assess the document to be signed. No personnel shall share these passwords with others.

c. Attorney, Plaintiff, Defendant or Litigant – Documents may be signed by an Attorney, Plaintiff, Defendant, or other litigant while inside the court building with an electronic signature on a signature pad or other similar device. To ensure that the electronic signature is authentic, the signature must be created in the presence of court personnel. Then, the signer of the court personnel that witnessed the signature shall immediately submit the record to the electronic filing process.

Local Rule 6: Filing with the Clerk of Court

Direct with clerk of court. All pleadings, motions and other documents in either civil or criminal cases may be filed directly with the clerks during regular court hours. All pleadings, motions or other documents filed by mail shall be deemed filed as of the date of receipt by the clerks.

(A) Filing by Facsimile Transmission:

i. All pleadings, motions and other documents other than the original complaint, third party complaint or any other pleading that joins or adds a new party, may be transmitted to the clerks by facsimile transmission.

ii. Filing. A pleading, motion, or other document filed with the court by facsimile transmission shall be deemed received for filing when received by file stamped [See "F" below] the clerks will have the same force and effect as the original of the document being transmitted. All documents filed with the court by facsimile transmission must be done directly through the Oakwood Municipal Court's facsimile machine at (937) 297-2939, or some other telephone number and facsimile machine specifically ordered by the court. Documents indirectly transmitted through some other facsimile machine and indirectly presented to the clerks may not be accepted in lieu of the original, unless specifically ordered by the court.

(B) Electronic Filing. (Reserved.) The court is currently establishing standards and guidelines for electronic filing of pleadings, motion and other court documents and orders.

(C) Cost. If the document being filed by either party requires a filing fee, it will NOT be accepted by the court until payment in full is made.

(D) All documents filed with the clerks by facsimile transmission must be legible when received by the clerks. The clerks may reject any document which is illegible, in whole or part and upon doing so, shall promptly notify the sender of the condition or quality of the document.

(E) All documents which are submitted to the court must be received by the clerks during the regular office hours of the clerk of court as set out in these rules. Any document received after 5:00 p.m. Monday through Friday, shall be deemed received for filing the next business day. For the purpose of this local rule, 5:00 p.m. shall be determined by the notation on the court's facsimile machine unless otherwise ordered by the court. Documents filed on weekends or holidays due to the time constraints imposed by law or necessity (e.g. incarcerated suspects, search warrants, court orders for electronic records) may be filed outside normal hours as deemed necessary by the Clerks or by the Judge.

Local Rule 7: Electronically Produced Citations/Tickets

Pursuant to Superintendence Rule 27, Traffic Rule 3 and ORC section 1306, the use and filing of a traffic or criminal citation or ticket that is produced by a computer or other electronic means is hereby authorized by the court. The electronically produced citation or ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket or criminal citation, as applicable. If an electronically produced citation or ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

Local Rule 8: Appearance and Withdrawal of Counsel

(A) Upon the entry appearance of counsel, all documents filed with the court and all court orders and motions shall be served upon the designated counsel or the party's representative. Once an appearance is made, an attorney may only withdraw from a case by leave of court.

(B) No person who is not admitted to the practice of law before the Ohio Supreme Court may appear on behalf of another individual or entity in court, except as provided by O.R.C. 1925.01(D) or the Ohio Supreme Court Rules for the Government of the Bar of Ohio. An executed power of attorney does not confer upon a person who is not an attorney the right or ability to represent some other person in court. Nothing in this rule shall prohibit an employee or agent of a party from appearance in a civil action to provide testimony on behalf of his or her employer, regarding information within that employee's or agent's personal knowledge, regardless of the presence or absence of the party.

Local Rule 9: Security for Costs

(A) No action or proceeding shall be accepted for filing by the clerks unless there first shall be deposited the filing fee required by this court in the court's schedule of costs, except that upon representation by affidavit of indigency, the judge shall investigate the accuracy of any representation and upon finding that indigency does exist, the security for cost shall be waived. The clerks shall maintain a costs schedule and make it available for public review.

Deposits and advance payments of fees and costs shall be returned only by order of court and only when the same have been paid by the party against whom they are assessed by the court.

The clerks shall maintain all schedules for costs, bonds, fines for applicable traffic and criminal citations, as well as any other fees to be assessed to a party in a case.

(B) For jury trials in civil cases, a deposit, as set out in the court's cost schedule, shall be made at the time the jury demand is filed with the court, unless otherwise ordered by the court. The failure to timely make the deposit as required by court order or rules of court shall be deemed a waiver of the right to a trial by jury. A person determined to be indigent may petition the court for a waiver of the jury deposit requirement. In criminal cases, no deposit shall be required for a trial by jury.

Local Rule 10: Not Guilty Plea in Criminal/Traffic Cases

In accordance with Rule 10 (B) of the Ohio Rules of Criminal Procedure, and with the approval of the Oakwood Law Department, a defendant, by or through counsel, may waive formal arraignment without the presence of the defendant, for the purpose of entering a written not guilty plea, similar to the procedure set out in Ohio Traffic Rule 8(C). In granting this approval, the Oakwood Law Department reserves the right to require the actual presence of the defendant in court upon reasonable notice to the court and defendant. The Law Department also requires a waiver of time be filed in the case in exchange for this approval.

Local Rule 11: Leave to Move or Plead

Except in actions for forcible entry and detainer or in replevin, when a party in any case is not prepared to move or plead on the answer day, one (1) extension of time may be obtained upon application to the court for a period not exceeding thirty (30) days. Notice by the moving party shall be served on the opposing party or counsel, as applicable, and whenever possible, obtain consent of the opposing party or counsel. Any leave to move or plead thereafter may be had only with the approval of the court, with notice to opposing party or counsel, and for good cause shown. Consent of opposing party or counsel shall not, in and of itself, constitute good cause. Applications for extensions of time, regardless of consent of opposing counsel, must be filed at least one (1) day prior to the due date.

Local Rule 12: Hearings, Submission of Motions and Objections to Discovery

(A) Motions, in general, shall be submitted and determined upon the motion and supporting documents, if applicable. Oral arguments of motions may be permitted by written application and proper showing to the court, or by court order.

(B) The moving party shall serve and file with his or her motion a brief written statement of reasons in support of the motion and a list of citations of the authorities on which he or she relies. If the motion requires the consideration of facts not appearing in the record, he or she shall also serve and file copies of all affidavits, depositions, photographs or other documentary evidence which he or she desires to submit in opposition to the motion.

(C) Each party opposing the motion shall serve and file within fourteen (14) days thereafter, unless another period of time is ordered by the court, a brief written statement of reasons in opposition to the motion and a list of citations of the authorities on which he or she relies. If the motion requires the consideration of facts not appearing of record, he or she shall also serve and file copies of all affidavits, depositions, photographs or other documentary evidence which he or she desires to submit in opposition to the motion.

(D) Reply or additional briefs upon motions and submissions may be filed only with leave of the court.

(E) Counsel is encouraged to participate in pretrial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Rule 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party shall be taken under consideration by the court, unless the party seeking discovery first advises the court, in writing, that after personal consultation and sincere attempts to resolve differences, they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of the conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate the conference.

(F) Sanctions. The presentation to the court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of action through the courts, subject an offender to appropriate discipline including the imposition of costs.

(G) All motions and briefs containing references to statutes or regulations other than the Ohio Revised Code, Ohio Administrative Code or the Ohio Rules of Court shall have attached to the motion or brief a copy of the statute or regulation. Copies of unreported court decisions cited or referred to in a motion or brief shall also be attached to the motion or brief.

(H) Summary Judgment. All motions for summary judgment filed pursuant to Civil Rule 56 will be set for non-oral hearing on the fifteenth day following service of the motion upon the adverse party, unless a different time is set by court order. The adverse party shall serve and file opposing affidavits and memorandum prior to the day set for non-oral hearing. An oral hearing on a motion for summary judgment will not be conducted unless by order of court. Assignment of a summary judgment motion for oral argument shall not alter time periods for serving and filing briefs and permitted evidentiary materials unless specifically ordered by the court. If the adverse party also files a motion for summary judgment, the hearing date shall be from the service upon the opposing party of the latter motion.

Local Rule 13: Trial Briefs

When a trial brief is required by order of court, counsel for each party shall file the brief with the court and serve all other counsel at least one (1) weekday prior to commencement of trial unless otherwise ordered by court. The briefs shall relate to the issues referred to in the order and contain authorities supporting the propositions which counsel intends asserting during trial.

In all civil jury cases, attorneys for all parties to the action shall, at least five (5) days before date of trial, furnish to the court a brief of the issues and the law they expect the judge to present to and instruct the jury. All trial briefs and proposed jury instructions are required to be exchanged with opposing counsel at the time of filing.

Local Rule 14: Assignment of Cases

(A) Actions for replevin shall be set for hearing in accordance with the provisions of ORC Chapter 2737. No continuance will be granted unless by order of court and written stipulation of all parties.

(B) All other actions shall be assigned for hearing, pretrial conference or trial, based upon the facts, relief sought, and procedural issues of the case, except that actions involving the liberty of the person, wages, possession of property, and cases carried over from previous days or specially set by the court shall have preference.

(C) Notice of any proceeding requiring personal appearance of parties or counsel, except as noted herein, shall be mailed, communicated by facsimile transmission, or as otherwise provided to the parties or counsel, not less than ten (10) days prior to the date of the appearance.

(D) Motions for advancement of proceedings shall be submitted to the court in writing with a copy served upon opposing parties or counsel. The court, in its discretion, may advance a pending case for trial or pretrial, upon motion of a party or on the court's own motion.

Local Rule 15: Decorum at Court

(A) All persons at the court shall conduct themselves with decorum and in a manner which does not interfere with the proper administration of the court's business. Although the court is open to the public, persons attending any court session who are not parties or called as witnesses may not make any statements unless permitted by the court and identified on the record. All persons are subject to screening and/or search before entering the courtroom. The term "court" includes any location where the judge conducts hearings or trials as well as the probation department, clerk's office, main court lobby and surrounding areas.

(B) All persons appearing before the court shall, to the extent practicable, appear in appropriate and clean dress.

(C) All cell phones are to be turned off or silenced in the courtroom and the use of cell phones is not permitted in the courtroom when court is in session. In the event a person needs to make or take a call, the person is required to leave the courtroom unless otherwise permitted by the court. Tablets, lap top computers, notebooks, cell phones and other electronic devices may not be used in the courtroom except as a research aid or tool during a hearing or trial.

(D) Photography and Video Recording. Please refer to Local Rule 27.

(E) No smoking, eating or drinking is permitted in the courtroom. No one is permitted to bring food or drink into the courtroom, unless permitted by the court. Attorneys and litigants may have water at counsel table. Witnesses may be provided water when necessary. Jurors may have water in the jury box during trial. The judge and court staff may have water in the courtroom as needed.

(F) No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any hall, entryway or stairway, or otherwise interfere with or obstruct judicial activities or proceedings.

Local Rule 16: Case Management

The purpose of this rule is to establish, pursuant to Sup. R. 5, a system for case management which will provide for the expeditious, fair and impartial administration of cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system. For both civil and criminal cases, the court will attempt to schedule hearings, pretrial conferences and trials to accommodate attorneys' schedules and to avoid unnecessary conflicts with other courts. Although the court will attempt to schedule trials and hearings to accommodate counsel and witnesses, it is the primary responsibility of the party or counsel to make diligent efforts to notify the witness, including police officers, building inspectors, or other city employees of the scheduled date, and to promptly file a motion to continue if a witness is not available.

(A) Traffic and Criminal Cases

i. Pretrial Conferences. After initial appearance, any cases may be scheduled for a pretrial conference at the request of the defendant, prosecutor, or by the court's own motion, if the defendant has executed a time waiver.

The pretrial conference shall be conducted in accordance with Rule 17.1 of the Ohio Rules of Criminal Procedure and, if necessary or ordered, a memorandum of the matters agreed upon should be filed in the case. Any attorney who fails to appear for pretrial conference without just cause being shown may be subject to sanctions, including imposition of costs and/or removal from the case. Failure of the defendant to appear for pretrial conference may result in the issuance of a warrant for the defendant's arrest. If the parties cannot resolve the case, then the case will be set for trial before the court unless a jury is timely demanded. Additional pretrial conferences may be conducted only upon the approval of a judge.

ii. Motions. All motions shall be made in writing, and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure, unless a different time is ordered by the court.

iii. Trials. Cases not resolved at a pretrial conference shall be set for trial to the court unless it is a serious offense in which a jury trial is automatically required by law. If a jury demand is timely filed in a petty case, then the case will be moved to the jury trial schedule.

iv. Sentencing. Sentencing shall be conducted at the conclusion of the trial unless a pre-sentence report or sentencing memorandum is requested by the court. If the court requests a pre- sentence report, the court will set the hearing for sentencing as soon as practicable.

(B) General Civil Cases

i. The summons and complaint shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall timely notify counsel or the party if there is no counsel. Failure to instruct the court and make good faith efforts to obtain service of summons within six (6) months from the date the case has been filed may result in dismissal of the action in accordance with Civil Rule 4(E).

ii. After any responsive pleading is filed, the case shall be scheduled for a hearing, pretrial conference, or trial.

iii. Motions. All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall respond in writing, within fourteen (14) days of service of the motion, unless a different time is set by court order. All motions will be considered submitted at the end of the required period unless time is extended by the court.

iv. Pretrial Conferences. For the purpose of this rule, "pretrial conference" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" means the party or parties to the action, and/or, his, hers, or their attorney of record. Notice of pretrial conference shall be timely given to all counsel of record, by mail, by electronic or facsimile transmission, or by telephone from the clerk.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority, or have their clients available to do so. The primary purpose of the pretrial conference shall be to discuss settlement, discovery schedules and deadlines and trial preparation.

Pretrial conferences may be in person or by telephone, as ordered by the court. The court shall attempt to narrow legal issues, to reach stipulations of facts in controversy and, in general, to shorten the time and expense of the trial.

The court may file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pretrial.

The court shall, at that time, determine whether or not trial briefs should be submitted and shall set a date when they are to be filed.

v. Failure to Appear. The judge shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his or her counsel to appear in person at any pretrial conference or trial; or order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial as required; or to make any other order as the court may deem appropriate under all the circumstances. If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

vi. Continuances.

All motions for continuances shall be submitted to the court in writing and shall include a brief statement setting forth the reasons requiring the continuance. No continuance shall be granted without reasonable notice or consent of the other party(s) or their counsel.

Motions for continuance, when submitted in accordance with the above, will be granted in the discretion of the court, for good cause shown. A continuance that has not been ruled on by the date of the hearing shall be considered denied.

(C) Forcible Entry & Detainer Proceedings.

i. Hearing. All claims for forcible entry and detainer shall be set for hearing before the judge, pursuant to the time limits set forth in O.R.C. Chapters 1923 and 5321 The judge shall, at the conclusion of the hearing on the claim for eviction, enter an order for the writ of restitution to be issued or denied, unless additional time is needed to resolve legal issues in the case. A copy of the writ or entry shall be served on the parties.

If the plaintiff also files a claim for money damages in the complaint (second cause of action) the Plaintiff must move the Court to proceed on the second cause.

ii. If a jury demand is filed in a forcible entry and detainer case, the defendant requesting the jury trial shall be required to post a sufficient bond in accordance with the provisions of O.R.C. 1923.08.

iii. With respect to a claim for monetary damages, the defendant is required to provide the court with a current address. Notwithstanding the defendant's compliance with this rule, the plaintiff is required to make a good faith attempt to serve the defendant at his or her last known address. Failure to do so may be grounds for vacating a prior judgment.

(D) Small Claims Cases.

i. A small claim action is commenced by filing a small claims complaint pursuant to O.R.C. 1925.04. No defendant is required to file an answer or statement of defense. If the defendant fails to appear for the hearing, however, after being duly served, then the hearing may proceed without the defendant present. All pleadings will be construed to accomplish substantial justice.

ii. Transfer to Civil Docket. Upon filing of motion and affidavit by the defending party, as required by O.R.C. 1925.10, and upon payment of the required cost, the small claim may be transferred to the regular docket. No transfer will be granted until the filing costs are paid. Requests to transfer which are made solely for the purpose of delay may result in sanctions, including dismissal and/or default judgment, as well as attorneys fee.

iii. Hearing. The hearing in small claims court will be conducted by the judge. The judge shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena, and may call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court, unless provided by the court.

iv. At the conclusion of the hearing, the judge shall review the evidence and enter an appropriate judgment. That judgment may or may not be written, depending upon the nature of the claims raised, their complexity, and the evidence presented. Whether the judgment is written or oral is a decision fully within the purview of the judge.

v. Collection of Judgments. Employees of the court may assist the prevailing parties in collecting their judgments pursuant to O.R.C. 1925.13.

Local Rule 17: Continuance of Hearing

No case assigned for trial or hearing may be continued except on written motion and for good cause shown. The motion shall be timely filed with the court. In the event the motion is filed within two (2) days of the trial or hearing, the moving party is required to first discuss the continuance with all opposing counsel, or opposing parties if there is no counsel, and state specifically why the motion could not have been filed prior to the two (2) day time limit.

Local Rule 18: Notice of Settlement

Upon notice of settlement of any civil case, including cases on the small claims or forcible entry and detainer docket, the court may, in its discretion, continue a pretrial conference. Unless otherwise ordered by the court, a notice of settlement is not grounds to continue a trial or other evidentiary hearing. Final settlement, by agreed judgment entry, dismissal or other, must be fully executed and filed with the court prior to the date of the hearing or trial.

Local Rule 19: Record of Proceedings

All proceedings shall be recorded by audio or digital recording. If counsel or a party desires a court reporter then the counsel or party must make a written request for a court reporter. If allowed by Court order, the requesting party must make their own arrangements for the presence and payment of a court reporter. No one shall make their own recording of the proceedings without prior approval of the Court.

If a party seeks to obtain a transcript of the proceedings for appeal or use in other court proceedings, a praecipe shall be filed to obtain a downloaded copy of the proceedings, which will be provided to the requesting party by the clerk. The party must also provide a digital means (CD, Flash Drive, etc), new and unopened, for the recording to be downloaded to. It is up to the requesting party to have the document transcribed, or to obtain a certified court reporter to directly transcribe the proceedings. The costs of the transcript shall be paid by the party requesting the transcript directly to the appointed court reporter. In the case of an appeal, the expense of the preparation of the transcript may be taxed as costs and assessed against the losing party on appeal.

Unless otherwise ordered, the electronic recording made by the court shall be the official record of court proceedings. The court shall maintain exclusive custody and control of the electronic recording of proceedings. The court will maintain all electronic recordings for any period required by law. At the expiration of this period the electronic recordings may be disposed of at the discretion of the court, except in the instance of an appeal, in which event the subject recording will be retained while the appeal is pending.

Local Rule 20: Video Conferences/Hearings

At the court's discretion, a party in a case may be permitted to participate in a conference or hearing by video conference, due to geographic distance, incarceration, or other reason where a significant hardship may be caused if that party's personal appearance were required. All hearings shall be recorded in accordance with Local Rule 19.

Local Rule 21: Request for Interpreter

In a criminal or civil case, the party requesting a court appointed interpreter or translator shall make a written request to the court at least one week before the date of the trial or hearing. The request shall state the specific language required and any dialect, if applicable. The court may waive the written request requirement. Upon receiving the request, the court will determine if an interpreter or translator is necessary. The expenses for the interpreter or translator in a civil case shall be taxed as part of the costs allowed to the prevailing party, unless otherwise directed by the court. In a criminal case, the interpreter or translator expenses shall be paid out of the court general fund.

Local Rule 22: Satisfaction of Judgment/Payment of Costs

No satisfaction of judgment shall be entered by the clerks unless and until all court costs have been paid. No person other than the clerks may enter a satisfaction of judgment upon the records of the court.

Local Rule 23: Proceedings in Aid of Execution

The order in aid of execution shall provide for the attendance of the parties named on a date not less than fourteen (14) days from the date of the order. The deposit required by the court schedule of fees and deposits, shall be made with the clerk at the time of the filing of the affidavit. No alias writ or order shall be allowed unless there has been failure of service on the writ and only after an additional deposit is made with the clerk.

Affidavits and orders in aid of execution proceedings shall be typed and sufficient copies of the affidavit and order shall be furnished for service upon the garnishee and the defendant(s) as are required to be served. The garnishee fee as required by statute per garnishee shall accompany the affidavit. Service will be made in accordance with the Ohio Rules of Civil Procedure and the Ohio Revised Code.

Local Rule 24: Fees for Additional Services

In cases where it becomes necessary for the bailiff to perform services in connection with property, the bailiff shall require a deposit sufficient to secure the probable charge in each case.

Any reasonable charge, when approved by the court, shall be taxed as part of the costs of the action, and any property seized under any writ or process of the court need not to be released until said charges are approved and paid.

Local Rule 25: Court Employees

While court employees may assist persons with general information about court procedures, court employees are not permitted to give legal advice to a litigant, witness or other person. Assistance by court personnel shall be limited to directing the person to the court's website, or to furnishing necessary or requested forms when appropriate, and providing any explanation of their use.

Local Rule 26: Pre-Trial Diversion Program or Earned Reduction Program

In accordance with O.R.C. 2935.36, a defendant may be eligible to participate in a pre-trial diversion program. In addition, the prosecutor may choose to offer an earned reduction program for certain offenses described below. Upon motion of the prosecutor, or the court's own motion with consent of the prosecutor, or motion of defendant with the consent of the prosecutor, the court may permit a defendant to enter into a pretrial diversion program or initiate an investigation into an alleged offender's eligibility to participate in the pretrial diversion program. The purpose of the diversion program is to permit individuals charged with certain, specified non- violent offenses the opportunity to avoid a criminal conviction. Participation in the program is a privilege, not a right, and may not be used to evade or delay responsibility. The court may not permit a defendant to enter into a diversion program without the consent of the prosecutor. Alternatively, the prosecutor may choose to offer an earned reduction program in lieu, of or in addition to, any pretrial diversion program.

(A) The pretrial diversion program or earned reduction program is generally limited to offenses involving:
   i. Alcohol related offenses not otherwise excluded, including violations of O.R.C. Chapter 4301 and/or respective local City ordinances.
   ii. Offenses involving drugs of abuse or controlled substances, including possession and drug paraphernalia, if the offense is either a minor misdemeanor or fourth (4th)degree misdemeanor.
   iii. Housing, building, health safety or zoning code offenses. These cases are generally limited to owner occupied housing units, but with the consent of the prosecutor and valid, additional grounds, may include non-owner occupied housing units.

(B) Eligibility factors include:
   i. Prior non-violent offenses.
   ii. No pending criminal charges.
   iii. No prior diversion.
   iv. No current or previous probation status.
   v. Prior criminal or traffic record.
   vi. No pending warrants
   vii. Cooperation with law enforcement officers/building inspectors.
   viii. Evidence of remorse.
   ix. Any other factor that the court or prosecutor may determine to be relevant.

(C) Upon motion of the prosecutor, for good cause and in the interest of justice, the limitations set out in this rule may be waived for offenses which are not otherwise excluded by O.R.C. 2935.36.

(D) Conditions of the diversion or earned reduction program may include:

i. Abide by all laws during the diversion program.
ii. No excessive use of alcohol and/or abuse of illegal or prescription drugs.
iii. Random drug screens.
iv. Community work service.
v. Continued education, including G.E.D. classes.
vi. Obtain employment.
vii. Pay restitution.
viii. Pay required court fees and costs.
ix. Execute any required release of information.
x. Comply with any other appropriate terms imposed by the court.

(E) The administration of the pretrial diversion program shall be conducted under the supervision of the prosecutor's office and/or court's probation department. The administration of any earned reduction program shall be the sole prerogative of the prosecutor. Any terms and conditions of any earned reduction program will be established by the prosecutor.

(F) In order to be considered for the pretrial diversion program, a defendant must enter a plea of no contest to the charge(s) and waive any right to speedy trial. The court shall hold its findings in abeyance pending the defendant's participation in the diversion program. As a condition of participation in the diversion program, the defendant must agree to a waiver of any periods of limitations established by statute or rules of court and any other provisions as are necessary to accomplish the objectives of the diversion program.

(G) All persons referred to the pretrial diversion program may be assessed a fee. The court, upon its own motion or upon request of prosecutor or defendant, may waive any administrative fee for any individual defendant who is indigent and unable to pay the fee or for other grounds in the exercise of the court's discretion.

(H) Any court costs or fees paid to the clerks shall be received and deposited in accordance with the Codified Ordinances and any applicable provisions of state law.

(I) Each defendant accepted into this pretrial diversion program must sign a written agreement setting out the conditions of participation in the program. The program shall be considered successfully completed when all those conditions contained are met. The case may be advanced and/or an arrest warrant issued in the event of failure to comply with the conditions of participation. If the defendant fails to comply with the conditions of participation, the defendant may be removed from the diversion program and brought to trial upon the charges in the manner provided by law. The defendant shall be advised of the right to withdraw the no contest plea and/or waiver of right to speedy trial.

(J) If the defendant successfully completes the program, including the payment of all costs, fines and fees, the case shall be dismissed.

Local Rule 27: Media

(A) The court recognizes the public interest in the operation of a court that is open and accessible to everyone. Recording and broadcasting of proceedings shall be in accordance with the Rules of Superintendence for the Courts of Ohio, Rule 12.

(B) No photography, audio, or video recording by the public of any Court proceeding is permitted in the courtroom, without the express permission of the Judge presiding in that courtroom. This applies to all photography and recording devices including cell phones. Anyone discovered to be recording and/or photographing inside the courtroom may be taken immediately before a Judge to be sanctioned. Images captured may be deleted from the device.

(C) Sanctions. Upon failure to comply with the orders of the judge, or with Superintendence Rule 12, the judge may revoke any permission previously granted.

Local Rule 28: Jury Management Standards

The Supreme Court adopted, as guidelines, the "Ohio Trial Court Jury Use and Management Standards" on August 16, 1993.

This Local Rule 28 Jury Management Plan is intended to further the goals and objectives of the "Ohio Trial Court Jury Use and Management Standards" considering the needs of the jurisdiction of the Oakwood Municipal Court. The Ohio Trial Court Jury Use and Management Standards found in Appendix B to the Ohio Rules of Superintendence are incorporated herein by reference. The responsibility for administration of the jury system shall be vested exclusively in the Oakwood Municipal Court.

(A) Jury Commissioner. The clerks, or his/her designee, shall serve as the jury commissioner for the purpose of random selection of potential jurors and selecting jury panels, unless the judge designates some other person to serve in that position on a regular or temporary basis.

(B) Procedure for Jury Selection. Potential jurors shall be drawn from a jury source list which shall constitute a list of all registered voters residing within the jurisdiction of the court, including random selection procedures, automated data processing equipment, in accordance with these local rules and the provisions of O.R.C. 2313.06.

The jury commissioner shall obtain at least five hundred (500) names, drawn at random by the Montgomery County Boards of Elections, for potential jury trials. In the event the number of prospective jurors drawn is insufficient to meet the needs of the court, the jury commissioner shall obtain additional names from the Montgomery County Board of Elections as needed. The jury commissioner may obtain more than the five hundred (500) names, but the jury list provided by the Board of Elections must be updated at least once within a two (2) year period. Each time a new list of prospective jurors is obtained from the Board of Elections and the names

are entered into the jury list, the remaining names from the prior two (2) year period shall be purged from the jury list. Once a person has been called for jury duty at least twice during the two (2) year period, that person may be removed from the jury list.

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

Random selection processes shall be utilized. Departures from random selection shall be permitted:

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

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. Further, all prospective jurors shall be required to complete a jury questionnaire and, if appropriate, a request for excuse, exemption or a deferral. The summons shall be phrased to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. The summons shall clearly explain how and when the recipient must respond, and the consequences of a failure to respond. The jury commissioner shall remove from the jury list any summons returned for lack of receipt or other reasons indicating that the prospective juror would not be eligible to serve as a juror in the Oakwood Municipal Court.

(C) Summoning Prospective Jurors. Prospective jurors shall be summoned for trial dates determined by the court. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of thirty (30) to thirty five (35) persons per trial shall be summoned for service unless the court determines that a lesser or greater number is necessary for a particular trial.

The court and counsel and/or parties are required to make efforts to resolve case scheduled for jury trial prior to the day of trial. At least two (2), but no more than ten (10) days prior to trial, the court shall conduct a final pretrial conference unless otherwise ordered by the court.

If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury unless otherwise agreed to by the parties or ordered by the court.

Persons summoned for jury service shall receive compensation in an amount determined by court order or fee schedule. These fees shall be promptly paid from the city or county treasury, as appropriate.

Any juror wishing to waive his 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 or county treasury, as appropriate.

The term of service for any prospective panel shall be for the completion of one trial.

(D) Exemption, Excuse, and Deferral. All persons, except those who exercise their right to exemption, are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and to 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. Persons excused from service shall be deferred and may be subject to jury service at a later time. Except in exigent circumstances or for good cause shown, all requests for excuse, exemption or deferral must be made in writing and shall be accompanied by appropriate documentation. These documents shall be retained by the court.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

1. The person suffers from a substantial physiological or psychological impairment.
2. The person has a scheduled vacation, medical procedure or business trip during the time period of his/her potential jury service.
3. Jury service would constitute a substantial economic hardship for the person.
4. Jury service would constitute a substantial hardship on the person's family, clients, or members of the public affected by the prospective juror's occupation.
5. The person has served on a jury within the last year.
6. The person is readily determined to be unfit for jury service.
7. The person is readily determined to be unable to perform their duty as a juror.
8. The person knows a party or witness involved in the case to be heard.

A person shall be excused from jury service only by the judge of the Oakwood Municipal Court. Any person who does not complete the jury information form shall not be excused from service. Once a prospective juror has submitted his request for excuse, the prospective juror must report for service unless otherwise notified by the court.