IN THE TRUMBULL COUNTY COURT
CENTRAL DISTRICT, CORTLAND, OHIO

In Re:	RULES OF PRACTICE AND CASE MANAGEMENT RULES FOR THE TRUMBULL COUNTY COURT, CENTRAL DISTRICT	: **JOURNAL ENTRY**

ORDER

The following rules, promulgated by the Trumbull County Court, Central District, Trumbull County, Ohio and effective on July 1, 1993 pursuant to Article IV, Section 5(B), Ohio Constitution and Rule 18 of Superintendency for Municipal Courts and County Courts, and to provide for the efficient and expeditious management of business before this Court.

As used in these rules a reference to "Civil Rules" is a reference to the Ohio rules of Civil Procedure; a reference to "Criminal Rules" is a reference to the Ohio Rules of Criminal Procedure; a reference to the "Rules of Superintendence" is a reference to the Rules of Superintendence for Municipal and County Courts; and, a reference to Traffic Rules is a reference to the Ohio Rules of Practice and Procedure in Traffic Cases.

Rule No. 1

CITATIONS OF RULES

These rules shall be known as Trumbull County Court, Central District Rules of Practice, and may be cited as TCCR No. 2.

In the event of a conflict between these rules and the Rules of Superintendence, the Civil Rules, The Criminal Rules, or the Traffic Rules, the State rules shall govern.

Rule No. 2

HOURS OF SESSIONS

The hours for holding the regular sessions of the Court shall be from 9:00 a.m. to 12:00 Noon on Monday and Wednesday and from 1:30 p.m. to 4:00 p.m. on Wednesday of each week. The office hours for the Court will be 8:00 a.m. to 4:00 p.m. Monday through Friday each week, except on those days designated by law as legal holidays or by entry. The Judge may extend the closing hour during trials to include a Saturday session or a Holiday when deemed necessary.

Rule No. 3

ATTORNEY REGISTRATION NUMBER AND DESIGNATION OF TRIAL ATTORNEY

Each and every document, both civil and criminal, filed with the Court shall have the attorney registration number printed under the name of the attorney filing the document.

Rule No. 4

OFFICIAL NOTICE OF CIVIL AND CRIMINAL PROCEEDINGS

Official and complete notification to all counsel of record of any assignment of any case for any purpose whatever shall be as follows:

(A) Ordinary mail service of written notice addressed to counsel of record for each party and each unrepresented party by the Assignment Commissioner to the address indicated for such an attorney of record or party on the pleading as filed.

(B) Where ordered by a Judge or Referee, telephone notification of counsel or unrepresented parties shall be sufficient notice.

Rule No. 5

CIVIL CONTINUANCES

(A) No party shall be granted a continuance of a trial or hearing without first submitting motion with the assigned judge stating the reason for such request. The Court will not grant a continuance to any party at any time without first setting a new and definite date for the trial or hearing. Superintendence Rule 16 (A) and (B).

(B) Conflict of trial assignment dates. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter with the discretion of the trial court. Superintendency Rule 16 (B).

(C) Timeliness of Motion. Motions for Continuances within seven (7) calendar days of trial shall be denied except upon a showing of exigent circumstances.

(D) Stipulated Continuances. Stipulated continuances shall not be granted as a matter of course. The assigned Judge's approval must be obtained and noted.

Rule No. 6

CIVIL PRE-TRIAL CONFERENCE

A pre-trial conference may be held in civil cases where ordered by the Court. All parties in interest must be present. The attorneys shall be prepared to furnish a list of all witnesses whom they intend to call, along with a statement of the general nature of their testimony; produce all exhibits intended to be offered at time of trial; the legal theory of their case; state any discovery not yet completed; and such other matters as the Court may require.

In the event neither party or their respective attorneys appear for the pre-trial, the case will be dismissed without prejudice for want of prosecution.

Rule No. 7

CIVIL TRIAL DATE ASSIGNED

Each civil case assigned for trial upon the date designated for the trial shall either proceed to trial, or if plaintiff is not ready, said case may be dismissed without prejudice. If the Defendant is not ready a judgment may be awarded to plaintiff, unless the Court orders otherwise.

If a civil case set for trial is settled, the trial counsel shall immediately notify the Court and thereafter, as provided by these rules, file a stipulation of dismissal or other appropriate entry. Such entry must be filed with ten (10) days of the scheduled date of trial unless the Court order that it be filed within a shorter period. If no entry is forth coming within this period or if a request is not received by the Court for resetting the case for trial, the case may be dismissed.

Rule No. 8

REPRESENTATION OF INDIGENT

Any attorney, appointed by this Court to represent an indignant charged with an offense, shall not receive any fees for professional services rendered in connection with said appointment, without first securing the approval of this Court and having been discharged as appointed counsel, by Journal entry.

An attorney appointed by the Court shall not be permitted to withdraw as counsel of record without first moving the Court for an order allowing such withdrawal. Such motion shall set forth the reason for such request and show that new counsel has been furnished by the indigent. Withdrawal of counsel shall be allowed by Journal Entry only with proof of notice to the indigent.

Rule No. 9

TRIAL BY JURY

Demands for juries shall be made in writing in conformance with the Civil and Criminal Rules of Procedure.

The Court must be notified by either counsel by 12:00 noon of the previous working day prior to a jury trial that the case will not proceed to a jury trial. Failure to do so will require the case to go to a jury or the payment of one day's jury cost.

When a jury trial is held the non-prevailing side shall be responsible for jury costs unless the Court provides otherwise.

Rule No. 10

MANNER OF SELECTING JURIES

Jurors for the Trumbull County Court, Central District shall be chosen and summoned as provided in Section 2313.01 to 2313.26 inclusive of the Ohio Revised Code. Selection shall be made from residents within the Court's jurisdiction pursuant to O.R.C. 1901.25.

Rule No. 11

LEAVES TO PLEAD

(A) In all cases, when a party desires a leave to plead or motion, then such party, if he has not previously obtained any leaves to pleads, may obtain one automatic leave to plead by filing with the Clerk a certification in which he certified that he has not theretofore obtained any such leaves to plead in that particular case. Such leave to plead may not be more than thirty (30) days and a copy must be mailed to opposing counsel.

(B) One additional leave to plead or motion may be obtained by a party for a period of thirty (30) days by the filing of a stipulation in which a consent to leave to plead is had from opposing counsel and so indicated in the stipulation. In such stipulation the party obtaining the leave to plead shall certify the number of leaves to plead he has previously obtained in that case and the total length of time of those leaves to plead.

(C) Except as provided above, leaves to plead or motions may only be obtained by written application to the assigned judge who must sign the order if it is granted. Such application shall set forth the number of leaves to plead or motions obtained, the reason such leave is required and the total days of such leaves.

Rule No. 12

FILES

(A) All paper filed with the Clerk of Court in any contested action or proceeding shall be filed under the style and number of the cause, and shall include the name of the judge to whom the case is assigned, a notation as to the type of case, a short description as to what type of pleading is being filed, and any other information required by the Civil Rules. All paper filed shall remain in the Clerk's office except when required by the Court.

(B) The face caption of all pleadings filed in civil cases shall provide a blank space of approximately three inches in diameter on the upper right portion of the pleading sufficient to permit the Clerk's time stamp imprint and in addition thereof the face sheet of all complaints filed in civil cases shall provide a two and one-half inch typewritten horizontal line approximately one-half inch below and parallel to the line provided for the case number.

Rule No. 13

FILING FEE

(A) No civil action or proceeding shall be accepted for filing by the Clerk of Courts unless there first shall be deposited the sum of not less than that shown on Appendix A, as filing fees, unless otherwise ordered by the presiding Judge. Such prescribed fees may be amended from time to time by order of the Court.

(B) All entries or orders of dismissal terminating any case shall contain a determination as to the responsibility for payment of court costs.

(C) Demands for juries shall be made in writing and in civil cases shall be accompanied by the deposit required.

Rule No. 14

REFEREES

The Court may employ one or more referees as permitted by law.

Rule No. 15

COPY OF PROCEEDINGS

A request for the recording of any proceeding shall be requested before trial.

Written transcripts on felony matters shall be provided at such fees as may be established by the Court or upon receipt of the appropriate entry from the Common Pleas Court.

Rule No. 16

DECORUM AND CONDUCT

(A) On opening and closing of any court session, all persons in the courtroom shall stand.

(B) All persons in the courtroom shall conduct themselves in accordance with decorum and in such manner as not to interfere with or obstruct judicial activities or proceedings.

(C) No smoking shall be permitted in the courtroom.

(D) All persons appearing before the Court shall, as far as practicable appear in appropriate dress. The Court expects that counsel shall call this rule to the attention of clients and witnesses.

(E) No person shall loiter, or conduct himself in an unseemly or disorderly manner in the courtroom or in any halls, entry way, or stairways leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

Rule No. 17

COMPLAINT IN FORCIBLE ENTRY AND DETAINER

A complaint in Forcible Entry and Detainer shall state the reason for such eviction, and shall be accompanied by the following exhibits, when filed with the Clerk of Courts.

(A) A copy of the written notice required by R.C. 1923.04.

(B) When proceedings in Forcible Entry and Detainer are based upon forfeiture of a land contract, lease or other written instrument, such document shall be attached to the Complaint, along with:

1) A copy of the written notice as prescribed in Section 5313.06 R.C.
2) If restitution of the premises is required, a copy of the notice required by Section 1923.04 R.C.
3) The reason for requesting such eviction shall be set forth in the Complaint.

(C) The Clerk of this Court shall refuse to accept for filing any complaint not presented in compliance with this rule.

Any Judge or Referee, to whom the complaint is assigned, may summarily dismiss, without prejudice, any complaint filed in violation of this rule.

Rule No. 18

TRIALS - FORCIBLE ENTRY AND DETAINER CASES

(A) There shall be an "Answer Day" or "Call Day" as the term used in other civil cases, which are assigned to the regular docket.

(B) Forcible Entry and Detainer cases shall be called on the date set forth in the summons, unless the case is continued, in accordance with the rules to this Court. If neither party appears the Referee or the Judge may subsequently receive evidence and grant a default judgment.

(C) In the event that the defendant(s) appears to contest the case on the "Answer Day" or "Call Day", trial shall be scheduled upon the earliest available trial date thereafter with notice to all parties at the address shown on the pleading.

(D) No trial of a Forcible Entry and Detainer case shall be held unless service is had on the defendant at least five (5) days prior to the date set for trial as prescribed in Section 1923.06 R.C.

(E) Where other causes of action are filed along with the action in Forcible Entry and Detainer, the Court may also include a trial of the other causes of action, unless for good cause shown the Court continues the other causes of action.

For purposes of this rule "good cause" shall include, but it is not limited to , reasons set forth in Section 1923.081 R.C.

(F) Unless otherwise designated by the Judge or Referee to whom the case has been assigned, all motions filed in Forcible Entry and Detainer cases shall be heard on the date set for trial. Unless the motion disposes of the case, a trial on the issues shall be had, after ruling on the motion.

Rule No. 19

DEMAND FOR JURY TRIAL - FORCIBLE ENTRY AND DETAINER CASES

(A) A demand for jury trial in Forcible Entry and Detainer cases must be made, in writing, not less than three (3) days prior to date of trial.

(B) A demand for jury trial shall not be filed unless accompanied by a deposit as set forth by these rules.

Rule No. 20

CONTINUANCES - FORCIBLE ENTRY AND DETAINER CASES

(A) Continuances may be granted, at the discretion of the Judge or Referee, to whom the case is assigned.

(B) Any request for a continuance of a cause of action for restitution of a premises must be submitted, in writing, not less than three (3) days prior to date of trial. The request must specifically set forth the grounds for the request.

(C) The continuance shall not be effective until approved by the Judge or Referee to whom the case has been assigned, subject to any conditions, including posting of bond, which the Court may require.

Rule No. 21

ACTION ON AN ACCOUNT

Any action filed upon an account shall have attached to the Complaint a copy of such account, which account shall begin from a zero balance and indicate each and every charge against and credit upon such account thereafter, to and including the date of filing of such action. The Clerk shall refuse to accept for filing any action on an account which does not conform to this Rule, and the Court may summarily dismiss, without prejudice, and complaint filed in violation of this Rule.

Rule No. 22

SMALL CLAIMS DIVISION

Small claims shall be heard on Monday at 9:30 a.m. and Wednesday at 2:00 p.m. or at such other time as the Court may hereafter designate.

Rule No. 23

TIME FOR TRIAL OF SMALL CLAIMS

(A) A memorandum of the time and place set for trial shall be given to the person signing the claim. The time set for such trial shall not be less than fifteen (15) or more than forty (40) days after commencement of the action. (Section 1925.04, R.C.).

(B) Nothing in subsection (A) shall deny any Judge or Referee from exercising his discretion to grant a continuance, in accordance with these rules.

(C) No default judgment shall be granted to a Plaintiff who is not present, individually or by counsel, when such case is called trial.

Rule No. 24

SMALL CLAIMS, COUNTER CLAIMS AND CROSS CLAIMS

Any person who files a counterclaim or a cross claim shall file it with the Small Claims Division and serve it on all other parties at least seven (7) days prior to the date of the trial on the Plaintiff(s) claim in the original action.

Rule No. 25

TRANSFER OF SMALL CLAIMS CASE

(A) A case duly entered on the docket of the Small Claims Division shall be transferred to the regular docket of the Court upon the motion of the Court, made at any stage of the proceeding; or by filing of a counterclaim or crossclaim in any amount greater than Two Thousand Dollar ($2,000.00). Section 1925.10 R.C.

(B) In the discretion of the Court a case duly entered on the docket of the small claim division may be transferred to the regular docket of the Court upon motion of a party against whom a claim, counterclaim or third party claim is instituted or upon the motion of a third party defendant. A motion filed under this division shall be accompanied by an affidavit stating that a good defense to the claim exists. Setting forth grounds of the defense and setting forth the compliance of the party or third party defendant with any terms affixed by the Court. The failure to file a motion under this division to transfer a case to the regular docket of the Court constitutes a waiver by the parties or third parties defendant of any right to trial by jury.

(C) At the time of granting a defendant's motion to transfer a claim to the regular docket, the Judge or Referee to whom the claim is assigned, in addition to any other proper conditions set forth by the Judge or Referee, shall require the defendant to pay the designated court costs, within the time designated by the Court.

(D) The Clerk of Court shall not accept for filing a counterclaim in excess of Two Thousand Dollars ($2,000.00), excluding costs, without payment of court costs designated for transfer of a small claim to the regular docket.

(E) In cases where the claim is to be transferred to the regular docket, upon motion of the Court, or upon defendant's motion, and the additional court costs are not paid within the time designated by the Court, the claim shall be returned to the Small Claims docket, and may not thereafter be transferred to the regular docket.

(F) Any case transferred to the regular docket based on a counterclaim, without payment of the additional costs designated for transfer of a small claim to the regular docket, may be dismissed upon the Court's own motion, or motion of any party.

(G) If a counterclaim or cross-claim exceeds Two Thousand Dollar ($2,000.00) and the case is transferred to the regular docket of the court, the Court may, if it finds that the counterclaim or cross-claim was

without substantial grounds, award reasonable attorney's fees by special order to the party against whom the counterclaim or cross-claim is instituted, if he prevails in the action on that claim.

Rule No. 26

NUMBER OF CLAIMS

Not more than twenty-four (24) claims may be filed in the Small Claims Division of the Court by a single person, firm or corporation within a calendar year, nor shall a single person, firm or corporation file more than six (6) claims in any calendar month. The Clerk shall maintain a record of the number of claims filed by each person, firm and corporation and shall refuse accept for filing any claim in excess of twenty-four (24) in any year or six (6) in any month from any person, firm or corporation.

Rule No. 27

CORPORATIONS: PRESENTATION OF CLAIM OR DEFENSE

A corporation which is a real party in interest in any action in a small claims division may commence such an action and appear therein through an Attorney at Law. Such a corporation may, through any bona fide officer or salaried employee, file and present its claim or defense in any action in a small claims division arising from a claim based on a contract to which the corporation is an original party or any other claim to which the corporation is an original claimant, provided such corporation does not, in the absences of representation by an Attorney at Law, engage in cross-examination, argument, or other acts of advocacy.

Rule No. 28

EXAMINATION OF DEBTOR OR DEBTOR'S DEBTOR

FAILURE OF CREDITOR TO APPEAR

If a debtor or debtor's debtor appears in Court for examination, pursuant to a court order, based upon the application of a creditor, and the creditor fails to appear, the Judge or Referee to whom the examination is assigned may impose upon the following sanctions:

(A) Order that there be no further examination of the same party, within ninety (90) days from the date set for the examination, at which the creditor failed to appear and/or,

(B) Assess damages against the creditor in a sum not to exceed Twenty Five Dollars ($25.00). Such damages shall be in the form of a judgment against the creditor, payable to the party who has been ordered to appear.

(C) No order of contempt shall be issued except upon personal service of notice to appear and show cause upon the debtor against whom such contempt order is sought.

Rule No. 29

COLLECTION OF JUDGMENT

The employees of the Court shall assist the prevailing parties in collecting their judgments pursuant to Section 1925.13 ORC.

Rule No. 30

MOTION FOR RELIEF FROM JUDGMENT

(A) Any motion for relief from judgment filed pursuant to Rule 60, Ohio Rules of Civil Procedure, must:

1. State with particularity the grounds or reasons of such motion.

2. State that the defendant has a good defense.

3. Be accompanied by an answer tendered for filing should such motion be granted.

4. Have attached to it affidavits, depositions, or other sworn testimony in support of any operative fact upon which the movant relies in support of such motion.

(B) Any brief, affidavit or other sworn testimony which Plaintiff wishes the Court to consider must be filed within seven (7) days after service of a motion for relief from judgment.

(C) Thereafter, the Court may in its discretion assign such motion for hearing or rule the same without hearing.

Rule No. 31

CASE MANAGEMENT IN CIVIL CASES

(A) **Purpose:** The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

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

(C) **Clerical Steps:**

(1) Summons shall be served in accordance with the Ohio Rules Procedure, In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) Upon perfection of service, the clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.

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

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then, the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.

(5) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the clerk shall notify the party that his cause will be dismissed unless the entry is received within ten (10) days.

(D) Judicial Steps:

(1) Status Hearing: After an answer is filed, the case will be assigned to a Judge and the clerk will forward the file to said Judge. The Court will then set a status hearing which may be heard in court or by phone. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set.

(2) Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) days period unless time is extended by the Court. There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.

(3) Pretrials: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record.

Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or telephone from the assignment commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the Judge to whom the case has been assigned.

Counsel attending the pretrial conference must have complete authority to stiplulate on items of evidence and must have settlement authority.

The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in the suit.

The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court will file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matter which have come before it in the pretrial. The Court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

Any Judge presiding at pretrial conference of trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of Plaintiff, and/or counsel to appear in person at any pretrial conference or trial; to order the Plaintiff to proceed with the case and to decide and determine

all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

If the Case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

4. **Continuances:** No party shall be granted a continuance of a trial or a hearing without written motion from the party or his counsel stating the reason for the continuance.

When a continuance is requested for the reason that counsel is scheduled to appear in another court case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the court, the court shall appoint a substitute trial attorney.

5. **Judgment entries:** Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the judge, or, thereafter, the court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

Rule No. 32

CASE MANAGEMENT IN SPECIAL PROCEEDINGS

(A) **Purpose:** The purpose of this rule is to establish, pursuant to Rules of Superintendence Rule 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by the Judge to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by the Judge, to wit: preliminary hearings, extradition hearings, and B.M.V. hearings.

(B) **Scheduling of Special Proceedings:** Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearings. Where a jury demand is filed, the case may be scheduled for a status hearing prior to the trial at the Court's discretion. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

(C) **Clerical Steps:** In all new cases, if counsel fails to obtain service of summons within six (6) months, the Clerk shall notify counsel that the case will dismissed in ten (10) days unless good cause is shown to the contrary.

(1) Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit a motion for default entry within fifteen (15) days may result in the case being dismissed.

(2) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so the matter may be set for hearing.

(3) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within ten (10) days unless good cause is shown.

(4) When a file has been market "settlement entry to be filed" and the entry has not been received as required by T.C.E.D.C. Rule 29, then the Clerk shall notify the Judge of such fact for appropriate further action by the Court.

Rule No. 33

CASE MANAGEMENT IN CRIMINAL CASES

(A) **Purpose:** The purpose of this rule is to establish, pursuant to Rule of Superintendence, Rule 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Court justice system.

(B) **Scheduling of Events:** The scheduling begins after arraignment. Thereafter the case is managed in four (4) judicial steps.

(C) **First Judicial Step, Pretrial:** At arraignment, all first, second. And third degree misdemeanors shall be set for pretrial by the Court within forty-five (45) days. All other misdemeanors shall be set for trial unless the Judge orders a pretrial in said case.

(D) **Pretrial Attendance Requirements:** The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court. All defendants must appear for pretrial or be subject to bond forfeiture proceedings and a bench warrant issuance for their arrest.

(E) **Trial Date Set at Pretrial:** If the parties cannot resolve the case, then the case should be set for trial to court or subsequent pretrial at the Court's discretion unless a trial by jury is demanded.

(F) **Written Pleas Pursuant to Criminal Rule 10(b):** Any written plea of not guilty filed by legal counsel with the Court shall be accompanied by a written waiver of time for speedy trial under O.R.C. Section 2945.71, a written consent of Defendant pursuant to Criminal Rule 10(b), a bond pursuant to the Court.

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

(H) **Trials:** Each case not resolved at pretrial conference will be set for trial to the Court. If a written jury demand is timely filed, then the case will be moved to the jury trial schedule. Where a jury demand is filed, the case may be scheduled for a status hearing prior to the jury trial at the Court's discretion. All attorneys shall notify the Court by 10:00 a.m. of the last working day proceeding their trial of any change in plea or jury costs will be attached to their case.

(I) **Sentencing:** In any case where sentence is not give upon the conclusion of trial, a sentencing hearing will be set within seven (7) days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days.

Rule No. 34

ELECTRONIC FILING

In lieu of manually produced tickets, e-tickets produced electronically are authorized by Trumbull County Central District Court; along with the electronic data files that are created by the law enforcement agency. The electronically produced ticket and data 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 and shall provide the Trumbull County Central District Court with an electronic copy of the ticket provided to the defendant.

Rule No. 35

AMENDMENT OF LOCAL RULES

It is further the rule of this Court that the Local Rules of the Trumbull County, Central District Court as set forth above may be amended as deemed necessary by the Court.

Dated: July 25, 2014

Trumbull County Court

Central District.