

# IN THE TRUMBULL COUNTY COURT CENTRAL DISTRICT, CORTLAND, OHIO

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

## ORDER

The following rules, promulgated by the Trumbull County Court, Central District, Trumbull County, Ohio and effective on February 1, 2019 pursuant to Article IV, Section 5(B), Ohio Constitution and Rule 18 of Superintendence 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**

Regular sessions of the Court shall be on Monday, Wednesday and Friday 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 Evening Hours, Saturday or Holiday sessions 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's address, phone number and 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, 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. Superintendence Rule 16.

(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 nor 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 orders 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**

The office of Trumbull County Public Defender shall generally represent qualified indigent defendants in criminal and traffic proceedings. In cases where the Public Defender cannot ethically represent an indigent defendant, then the Court shall appoint other counsel on a case by case basis.

Any attorney appointed by this Court to represent an indigent charged 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 jury trials shall be made in writing in conformance with the Civil and Criminal Rules of Procedure. In Civil Cases, the party demanding a Jury Trial shall submit a Two Hundred Dollar (\$200.00) deposit to cover jury fees; and in the absence of such deposit, the Jury Demand shall be deemed a nullity.

The Court must be notified by either counsel by 12:00 noon two (2) working days 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 and 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, then such party, if he has not previously obtained any leaves to plead, may obtain one automatic leave to plead by filing with the Clerk a certification in which he certified that he has not previously 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 may only be obtained by written application to the 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. After a party's First Leave to Plead, any additional Motions for, or Stipulated Leaves to Plead shall incur filing fees in accordance with the Court's Costs and Fee Schedule.

## **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, 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 FEES**

(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 the Court's Costs and Fee Schedule (Appendix A), unless otherwise ordered by the 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.

(D) The filing fees for all civil motions or pleadings identified in Exhibit A must be paid at the time of filing, unless such fee is waived by the judge. The clerk will refuse to accept any attempted filing not in compliance with this order.

**Rule No. 14**  
**ACTING JUDGES & CONFLICT ASSIGNMENTS**

The Court, by Journal Entry, will create a list of Attorneys authorized to perform the services of Acting Judge as permitted by law. Such individuals will serve as Acting Judge for specified periods of time by the Judge during times when the Judge will be absent or in cases of conflict prohibiting the Judge from hearing any particular proceeding.

If, in any particular action or proceeding, the Judge deems it necessary to recuse himself from such proceeding, the Judge may: (1) order the action transferred to the Trumbull County Eastern District Court; or (2) assign an Acting Judge to preside over that action; or (3) request the Ohio Supreme Court to assign a visiting judge.

**Rule No. 15**  
**COPY OF PROCEEDINGS**

All courtroom proceedings shall be recorded by Court Reporter transcription and/or video recording.

Any party requesting a copy or transcript of any proceedings wherein the only record is a video recording shall be provided a copy of the video recording at no fee. If any party desires a written transcript of such video, then will be provided the video, and will be solely responsible to engage a private court reporter for transcription.

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) 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.
- (D) No person shall loiter, or conduct himself/herself in an unseemly or disorderly manner in the courtroom or in any halls, entry way leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.
- (E) No person, except law enforcement officers and authorized Court personnel, shall possess any weapons, including firearms, on the Court premises.

## **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 requested, 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.

The Judge 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 the defendant(s) fail to appear 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 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 must be accompanied by a deposit as set forth by these rules. Any jury demand filed without the deposit fee will be deemed a nullity.

### **Rule No. 20**

#### **CONTINUANCES - FORCIBLE ENTRY AND DETAINER CASES**

(A) Continuances may be granted, at the discretion of the Judge.

(B) Any request for a continuance of a cause of action for restitution of a premise 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, 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 may 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 Fridays or at such other dates and 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.
- (B) Default judgment shall not 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 attempting to file a counterclaim or a cross claim to a Small Claims action 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 may be transferred to the regular docket of the Court upon the motion to the Court, made at any stage of the proceeding; or by filing of a counterclaim or cross claim in any amount greater than Six Thousand Dollar (\$6,000.00). 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, and 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) If the Judge determines that the cause for the motion to transfer is specious, including the amount of such alleged cause, then the court may refuse the motion transfer; and if such transfer has already occurred, then the court may order the action returned to the Small Claims docket.
- (D) At the time of granting a defendant's motion to transfer a claim to the regular docket, the Judge, in addition to any other proper conditions, shall require the defendant to pay the designated court costs, within the time designated by the Court.



(E) The Clerk of Court shall not accept for filing a counterclaim in excess of Six Thousand Dollars (\$6,000.00), excluding costs, without payment of court costs designated for transfer of a small claim to the regular docket.

(F) 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.

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

(H) If a counterclaim or cross-claim exceeds Six Thousand Dollar (\$6,000.00) 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 judgment debtor or judgment debtor's attorney appears in Court for examination, pursuant to a court order, based upon the application of a judgment creditor, and the judgment creditor fails to appear, in addition to dismissing the exam then currently scheduled, the Judge may impose upon the following sanctions:

(A) Order that there be no further examination of the same party, within six (6) months from the date set for the examination, at which the creditor failed to appear; and/or

(B) Assess damages against the judgment creditor in a sum not to exceed Two Hundred Dollars (\$200.00). Such damages shall be in the form of a judgment against the judgment 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 judgment debtor against whom such contempt order is sought.

## **Rule No. 29**

### **COLLECTION OF JUDGMENTS**

The employees of the Court may assist the prevailing parties in collecting their judgments pursuant to Section 1925.13 ORC, but shall not act inconsistent with the prohibitions against unauthorized practice of law.

## **Rule No. 30**

### **MOTION FOR RELIEF FROM JUDGMENT**

(A) Any motion for relief from judgment filed pursuant to Civil Procedure Rule 60 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; and

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 fourteen (14) 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 steps.

(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 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 two (2) weeks 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 clerk will forward the file to said Judge. The Court may then set status hearing which may be heard in court or by phone. The purpose of a 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 stipulate on items of evidence and must have settlement authority.

The primary purposes of the pretrial conference shall be to achieve an amicable settlement of the controversy in the suit, and resolve any procedural or discovery issues.

The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may file a pretrial statement to 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 may, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

The 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.

- (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 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:** The court may require counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. Such 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. By leave of the court, the avoidance of trial by settlement may 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 or pretrial 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 be 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 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 fourteen (14) days unless good cause is shown.

(4) When a file has been marked "settlement entry to be filed" and the entry has not been received, 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. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court. Unless otherwise allowed by the 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:** If the pretrial 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. Written Not Guilty pleas will not be accepted in cases of Felonies, OVI, Domestic Violence, or cases alleging physical violence or threats of violence, harassment or menacing.

(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.

(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 or pretrial prior to the jury trial at the Court's discretion. All attorneys shall notify the Court by 10:00 a.m. two (2) days preceding their trial of any change in plea or jury costs will be attached to their case.

(I) **Sentencing:** In any case where a sentence is not announced at the conclusion of trial, a sentencing hearing will be set. If a presentence investigation is requested, the Court will set the hearing for sentencing within seven (7) days after such investigation report is filed.

## **Rule No. 34**

### **DEFERRED PAYMENT PLANS for FINES AND COSTS**

In those cases where fines and/or costs of a traffic or criminal case have been assigned to a defendant or other person who is unable to make such payment on that date, the person owing those fines and/or costs (the debtor) may enter into one (1) of two (2) contractual agreements with the clerk to defer payment, as follows:

(A) 30 Day Deferral which will incur no additional fee; or

(B) 180 Day Deferral which will entail a \$30.00 fee.

As part of the above contractual agreements the debtor agrees that, if the amount due is not paid by the deferred payment date: (1) the clerk will issue a warrant block against the debtor; (2) the clerk will turn the

matter over to a private collection agency; and (3) the private collection agency will charge the debtor an additional collection fee not to exceed thirty percent (30%) of the entire debt. Once such debt has been turned over to a collection agency, the clerk will decline to accept direct payments from the debtor and will direct the debtor to the collection agency.

### **Rule No. 35**

#### **ELECTRONIC FILING**

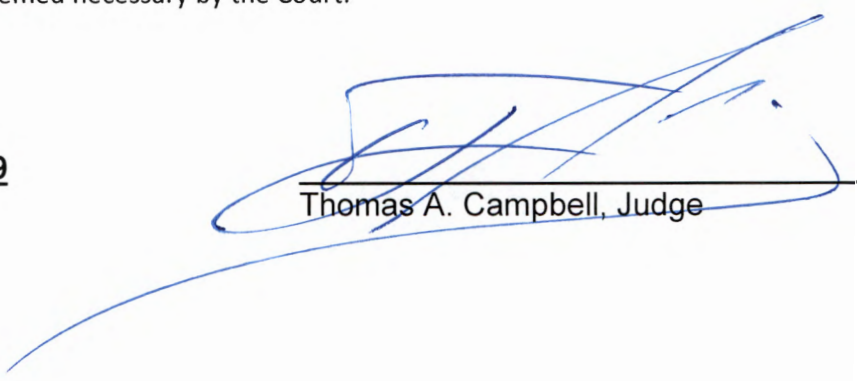
In lieu of manually produced tickets, e-tickets produced electronically, unsigned or digitally signed are authorized by Trumbull County Central District Court; along with the electronic data files that are created by the law enforcement agency. The electronically produced ticket and data shall conform 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. 36**

#### **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:**     January 28, 2019



Thomas A. Campbell, Judge



**APPENDIX A**

**COURT COSTS & FEES SCHEDULE** (effective March 1, 2019)

**I CRIMINAL & TRAFFIC COSTS:**

1. Misdemeanor Criminal Cases

Local Court Costs	\$20.00
Special Projects Fund	\$20.00
Victims of Crimes Fund	\$ 9.00
Legal Research Fund	\$ 3.00
Computer Fund	\$ 7.00
IDFC (state Indigent Defense Support – Public Defenders)	\$20.00
Local Police (applies if charging entity is Cortland, Bazetta or Fowler PDs)*	<u>\$ 8.00*</u>
Totals:	\$79.00 or \$87.00*

2. Felony Criminal Cases

Local Court Costs	\$20.00
Special Projects Fund	\$20.00
Legal Research Fund	\$ 3.00
Computer Fund	\$ 7.00
Local Police (applies if charging entity is Cortland, Bazetta or Fowler PDs)*	<u>\$ 8.00*</u>
Totals:	\$50.00 or \$58.00*

3. Traffic Moving Violations

Local Court Costs	\$20.00
Special Projects Fund	\$20.00
Victims of Crimes Fund	\$ 9.00
Legal Research Fund	\$ 3.00
Computer Fund	\$ 7.00
IDFC (state Indigent Defense Support – Public Defenders)	\$25.00
DEFC & JPSF (state Drug Law Enforcement Justice Services Programs)	\$ 3.50
IATC (state Indigent Drivers Alcohol Program)	\$ 1.50
Local Police (applies if charging entity is Cortland, Bazetta or Fowler PDs)*	<u>\$ 8.00*</u>
Totals:	\$89.00 or \$97.00*

4. Traffic Non-Moving Violations

Local Court Costs	\$20.00
Special Projects Fund	\$20.00
Legal Research Fund	\$ 3.00
Computer Fund	\$ 7.00
Local Police (applies if charging entity is Cortland, Bazetta or Fowler PDs)*	<u>\$ 8.00*</u>
Totals:	\$50.00 or \$58.00*



5. Traffic Non-Moving – Seat Belt Violations

Local Court Costs	\$20.00
Special Projects Fund	\$20.00
Legal Research Fund	\$ 3.00
Computer Fund	\$ 7.00
IDFC (state Indigent Defense Support – Public Defenders)	\$10.00
Local Police (applies if charging entity is Cortland, Bazetta or Fowler PDs)*	<u>\$ 8.00*</u>
Totals:	\$60.00 or \$68.00*

*Note:* In accordance with various provisions of the Ohio Revised Code, certain traffic and criminal offences may entail additional special costs depending upon the violation and/or charging entity.

**II OTHER MISC. CRIMINAL and TRAFFIC COSTS and FEES**

1. Capias and Warrants for Arrest issued as a result of a defendant's or probationer's failure to appear for any court proceeding will incur additional court costs of	\$25.00
2. Driving Letters issued to defendants charged with OVI, or probationers convicted of OVI, will incur a fee of	\$15.00
3. Drug tests fees:	
(a) In house test (urine)	\$10.00
(b) Outside lab tests	\$90.00
4. Deferred Payment Plans for Fines & Costs	
(a) 30 day deferral (contractual)	no charge
(b) 180 day deferral (contractual)	\$30.00

**III PROBATION and DIVERSION SUPERVISION COSTS:**

1. Probation imposed as part of a criminal or traffic case sentence will incur the following monthly costs, unless otherwise ordered:	
(a) Reporting Probation	\$35.00
(b) Non-reporting Probation	\$20.00
2. Diversion supervision by the Probation Department ordered in criminal or traffic cases will incur a monthly cost of	\$40.00.
3. Charges of Violation of Probation or Diversion terms will incur additional costs of	\$10.00.

#### IV CIVIL and SMALL CLAIMS FEES:

##### 1. REGULAR CIVIL DOCKET

(a) Complaint for Money Judgment or Replevin	
(i) one (1) defendant	\$90.00
(ii) each additional defendant	\$10.00
(b) Counterclaim or Crossclaim	\$65.00
(c) Third-Party Complaint	\$90.00
(d) Alias service	\$20.00
(e) Amended Complaint or 3 <sup>rd</sup> Party Complaint (prior to service of original)	\$25.00
(f) Other Amended Pleadings	\$10.00
(g) First Leave to Plead	no charge
(h) 2 <sup>nd</sup> and subsequent Leave to Plead	\$10.00
(i) Motions to Continue hearing/trial	\$10.00
(j) Motion to Transfer to Court of Common Pleas	\$30.00

##### 2. SMALL CLAIMS

(a) Claim against one (1) defendant	\$60.00
(b) for each additional defendant	\$10.00
(c) Motion to Transfer to Regular Docket	\$30.00

##### 3. FORCIBLE ENTRY & DETAINER, FORFEITURE and RENT ESCROW

(a) Forcible Entry & Detainer	\$100.00
(b) Forfeiture of Land Contract	\$100.00
(c) Rent Escrow	\$25.00

##### 4. OTHER CIVIL FEES

(a) BMV Actions (12 pt appeals, Reinstatement Plans, etc.)	\$75.00
(b) Petition to Revive judgment	\$50.00
(c) Transfer of Judgment (from another court)	\$25.00
(d) Certificate of Judgment	\$25.00
(e) Motion to Vacate Judgment	\$25.00
(f) Motion for Debtor's Exam	\$35.00
(g) Wage Garnishment	\$50.00
(h) Non-wage Garnishment	\$40.00
(i) Subpoena of Witness	\$30.00
(j) Execution	\$150.00
(k) Execution on Motor Vehicle - actual costs with minimum of	\$75.00
(l) Jury Demand Deposit	\$200.00
(m) Appeal	\$40.00
(n) Copies (per page)	\$ 0.25
(o) Certified Copies	\$ 2.00
(p) Copies of Video Record of Court Proceedings (non-party)	\$ 5.00
(q) Copies of Video Record of Court Proceedings (party)	no charge