

IN THE CAMPBELL MUNICIPAL COURT

MAHONING COUNTY, OHIO

IN THE MATTER OF:)
)
SUPPLEMENTAL RULES OF COURT) JOURNAL
) JUDGMENTS AND ORDERS

WHEREAS, it is the requirement of municipal courts in the State of Ohio to promulgate local rules of court in accordance with Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, Rule 5 of the Supreme Court Rules of Superintendent for Municipal and County Courts, Rule 19 of the Ohio Traffic Rules; and

WHEREAS, Section 1901.26 of the Ohio Revised Code requires municipal courts to adopt as a rule of court its schedule of fees and costs; and

WHEREAS, Rule 13 of the Ohio Traffic Rules authorizes the establishment and operation of a traffic violations bureau and further permit's a citizen to waive his appearance and pay the fines and costs in accordance with a uniform schedule of fines and costs as adopted by the court.

IT IS THEREFORE THE **JUDGMENT AND ORDER** of this Court that the civil, criminal and traffic court costs schedule, together with the schedule of fines and costs where appearance may be waived in the traffic violations bureau contained in Journal 3, Page 131, and Journal 3, Page 141, be and hereby is approved and adopted as supplemental rules of court effective April 1, 2008.

DATE: 4/11/08

HON:


PATRICK P. CUNNING, JUDGE

Journal 3

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CAMPBELL MUNICIPAL COURT
Campbell, Mahoning County, Ohio
LOCAL RULES OF COURT

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IN THE CAMPBELL MUNICIPAL COURT

MAHONING COUNTY, OHIO

IN RE: RULES OF PRACTICE)
AND CASE MANAGEMENT)

JOURNAL
JUDGMENTS AND ORDERS

ORDER

The following Rules, promulgated by the Campbell Municipal Court, Mahoning County, Ohio shall be effective on April 1, 2008, pursuant to Article IV, Section 5 (B), Ohio Constitution, and Rule 5 of the Rules of Superintendent for Municipal Courts and County Courts and shall provide for the efficient and expeditious management of business and caseload 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 Superintendent" is a reference to the Rules of Superintendent of 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 the Campbell Municipal Court Rules of Practice and may be cited as CMC Rule No. _____.

RULE NO. 2: Hours of Session

The hours for holding the regular sessions of the Court shall be from 8:00 a.m. to 4:00 P.M., Tuesday and Friday each week, except on those days designated by law as legal holidays or by entry. The Judge of the Court may establish earlier opening or closing times, and the Judge may extend the closing hour during trials to include a Saturday session or a holiday when deemed necessary.

RULE NO. 3: 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 whatsoever shall be as follows:

(A) Ordinary mail service or facsimile of written notice addressed to counsel of record for each party and each unrepresented party by the Clerk of Court to the address indicated for such attorney of record or party on the pleadings as filed.

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

RULE NO. 4: Civil And Criminal Continuances

(A) No party shall be granted a continuance of a trial or hearing without first submitting a written motion with the Judge stating the reason for such request. No court shall grant a continuance to any party at any time without first setting a new and definite date for the trial or hearing.

(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 within the discretion of the trial Court.

(C) Timeless of Motion. Motions for continuances within seven (7) calendar days of trial shall be denied except upon the showing of exigent circumstances.

RULE NO. 5: 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 the time of trial; the legal theory of their cases; 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, each party shall, not more than two weeks after said Pre-trial, and in writing, be given an opportunity to show cause as to why said case should not be dismissed for lack of prosecution. Failure to provide such good cause will result in the dismissal of said case

without prejudice for want of prosecution.

RULE NO. 6: Civil Trial Date Assigned

Each civil case assigned for trial upon the date designated for the trial shall either proceed to trial, or if the plaintiff is not ready, said case may be dismissed without prejudice. If the Defendant does not appear, a judgment may be awarded to the 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 Rule 27, file a stipulation of dismissal or other appropriate entry.

RULE NO. 7: Representation of Clients

Any attorney, appointed by this Court to represent an indigent 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, counsel shall submit all necessary documentation within 10 days of disposition in this Court.

An attorney appointed by this 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 reasons for such request. Withdrawal of counsel shall be allowed by Journal Entry only with proof of notice to the indigent.

No attorney shall be permitted to withdraw as counsel in any matter without first moving the Court in writing for such withdrawal. Such motion shall set forth good cause and contain therein proof of service of such motion upon the client.

RULE NO. 8: Trial by Jury

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

The Court shall receive written confirmation from each party prior to the jury call that its case will not proceed to a jury trial. Failure to do so will result in the forfeiture of the jury deposit.

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

RULE NO. 9: Manner of Selecting Juries

Jurors for the Campbell Municipal Court shall be chosen and summoned as provided in a Judgment Entry of the Campbell Municipal Court filed for record on September 26, 2000, Journal 2, Page 390, a copy of which is attached hereto as Exhibit A.

RULE NO. 10: Leaves to Plead

(A) In all cases, when a party desires a leave to plead or move, 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 certifies that he has not theretofore obtained any such leaves to plead in the 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 move may be obtained by a party for a period of thirty (30) days by filing of a stipulation in which a consent to the 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 move 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 requested, and the total days of such leaves.

RULE NO. 11: Files

(A) All papers filed with the clerk of Court in any contested action or proceeding shall be typed or legibly printed on 8-½" by 11" paper and 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 papers filed shall remain in the Clerk's office except when required by the Court.

RULE NO. 12: Filing Fees

(A) No civil action or proceedings shall be accepted for filing by the Clerk of Courts unless there first shall be deposited the sum of not less than that of the filing fees 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. 13: Copy of Proceedings

A request for the recording of any proceedings shall be filed in writing before trial.

Electronic transcripts on felony matters shall be provided at such fees as may be established by appropriate entry from the Court.

RULE NO. 14: 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 proceeding.

(C) No smoking shall be permitted in the courtroom or areas adjacent thereto.

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

(E) No person shall loiter, or conduct themselves in an unseemly or disorderly manner in the courtroom or in any halls, entryway or stairways leading thereto, or to otherwise interfere with or obstruct judicial activities or proceedings. Packages or other containers shall, at the discretion of the Court or bailiff, be subject to inspection prior to entry in the courtroom.

RULE NO. 15: Complaint in Forcible Entry and Detainer

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

RULE NO. 16: 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 for trial on the date set forth in the summons, unless the case is continued, in accordance with the rules of this Court. If neither party appears, the Judge may dismiss without prejudice for failure to prosecute.

(C) 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.

(D) 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 purpose of this rule "good cause" shall include, but is not limited to, reasons set forth in Section 1923.081 R.C.

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

RULE NO. 17: Demand for Jury Trial - Forcible Entry and Detainer Cases

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

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

RULE NO. 18: 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 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, subject to any conditions, including posting of any bond which the Court may require.

RULE NO. 19: Action on 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 Court may summarily dismiss, without prejudice, any complaint filed in violation of this Rule.

RULE NO. 20: Small Claims Division

Small claims shall be heard at such times as the Court may hereafter designate for trial.

RULE NO. 21: Time for Trial of Small Claim

(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), nor more than forty (40) days after commencement of the action. (Section 1925.04 R.C.)

(B) Nothing in subsection (A) shall deny any Judge the option of 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 for trial.

RULE NO. 22: Transfer of Small-Claim Cases

(A) A case duly entered on the docket of the Small-Claim Division shall be transferred to the regular docket of the Court upon the motion of the Court, made at any stage of the proceedings; upon the motion of a defendant, accompanied by an affidavit stating that a good defense to the claim exists, setting forth the grounds of defense, setting forth the reason such transfer is requested and the compliance of the defendant with any terms fixed by the

Court, or by the filing of a counterclaim in an amount greater than three thousand dollars (\$3,000). Section 1925.10 R.C.

(B) If a case is ordered transferred to the regular docket by the Judge, said Judge in addition to any other proper conditions may order a party to pay additional costs within the time designated by the Court.

(C) 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 set forth by the Judge, 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 three thousand dollars (\$3,000), 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 three thousand dollars (\$3,000), and the case is transferred to the regular docket of the Court, the Court may, if it finds after conducting a hearing, that the counterclaim or cross-claim was without substantial grounds, award reasonable attorney fees by special order to the party against whom the counterclaim or cross-claim is instituted, if the party prevails in the action on the claim.

RULE NO. 23: Corporation: 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 absence of representation by an Attorney at Law, engage in cross-examination, argument or other acts of advocacy.

RULE NO. 24: 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 Magistrate to whom the examination is assigned, may, after conducting a hearing, impose upon the creditor 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 fifty dollars (\$50). 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 by bailiff or by certified mail to appear and show cause upon the debtor against whom such contempt order is sought.

RULE NO. 25: 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 for 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 on the same without hearing.

RULE NO. 26: Journal Entries

(A) When ordered or directed by the Court, counsel for the party in whose favor an entry, order, judgment or decree is entered in a civil case shall, within fourteen (14) days thereafter, unless the time is extended by the Court, prepare a proper Journal Entry and submit the same to counsel for the opposite party who shall approve or reject the

same within fourteen (14) days after its receipt by him and may in case of rejection, file objections thereto, in writing with the Court. In the event counsel fails to prepare and present a journal entry within the time required, the Court may prepare and journalize such entry in its discretion.

(B) In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a journal entry. Such journal entry shall be presented to the Court no later than thirty (30) days after the date assigned for trial. Should counsel fail to present such entry within the thirty (30) day period, the Court may, after hearing on said matter, dismiss all causes of action therein for failure to prosecute.

RULE NO. 27: Case Management in Civil Cases

(A) The purpose of this rule is to establish, pursuant to Ohio Rules of Superintendent, 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 of 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 twelve (12) months from the date the cause of action has been filed, then the Clerk shall notify counsel that the case will be dismissed in thirty (30) days unless good cause is shown to the contrary.

2.) Upon failure of service, the Clerk shall notify counsel of the default and that a failure to submit an entry within thirty (30) 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 will 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 case 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 the Judge. The Court may 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 pre-trial can be set if the Judge feels deadlines are necessary to move this case along the docket in a reasonable time.

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) day period unless time is extended by the Judge that has been assigned that case.

There will be no oral hearings granted in said motions unless either party requests an oral hearing in writing and the assigned court deems it necessary.

3.) Pre-trials: For the purpose of this rule, "pre-trial" 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 pre-trial conference, without just cause being shown, may be punished for contempt of this court.

Facsimile Notice of pre-trial conference shall be given to all counsel of record by ordinary mail and/or by telephone from the assignment commissioner not less than fourteen (14) days prior to the conference.

Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and must have full settlement authority in writing and signed by his client.

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

The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may file a pre-trial statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pre-trial. 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.

At pre-trial conference the Judge may dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his counsel to appear

in person at any pre-trial 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 pre-trial 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 pre-trial, then the case will be set for trial, at a time convenient for the Court.

4.) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion form 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 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 attorney.

5.) Judgment Entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a judgment 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 judgment entry shall be submitted to the Judge, or, thereafter, the court will prepare the judgment entry upon request of either party or counsel.

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. 28: Case Management in Special Proceedings

(A) Purpose: The purpose of this rule is to establish, pursuant to the Ohio Rules of Superintendent, 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 a Judge or Referee, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to city, garnishment hearings, and debtors' exams. The following criminal matters are considered special proceedings and they are to be heard by a Judge, to wit: preliminary

hearings, extradition hearings, and B.M.V. hearings.

(B) Scheduling of Events: Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. Where a jury demand is filed, the case may be scheduled for a status hearing prior to 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.

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

(E) 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.

(F) 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.

(G) When a file has been marked "settlement to follow" and the entry has not been received within 30 days, then the Clerk shall notify the Judge of such fact for appropriate action.

RULE NO. 29: Case Management in Criminal Cases

(A) Purpose: The purpose of this rule is to establish, pursuant to the Ohio Rules of Superintendent, 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 of events is managed in five (5) judicial steps.

1.) Arrest and Initial Appearance: Any person charged with a criminal offense shall be brought before the Court within a reasonable period of time which in no circumstances shall exceed 48 hours after his/her arrest, unless a Probable Cause Affidavit, pursuant to C.M.C. Journal 2, Page 418, attached hereto as Exhibit B is executed. The Court will consider all issues of bail at the time of the arraignment or initial appearance pursuant to Criminal Rule 46 and other statutory proceedings.

At the arraignment, the Clerk will set the pretrial on all misdemeanor cases within 30 days of defendant's arrest unless the defendant waives his/her right to a speedy trial, or unless the Court directs otherwise. At the initial appearance, the Clerk shall set the preliminary hearing within ten (10) days of defendant's arrest if the defendant remains incarcerated in lieu of bail or 15 days if the defendant makes bail (giving three (3) days credit for each day defendant did remain in jail), unless defendant waives in open court his right to a speedy preliminary hearing.

2.) Pretrial: All misdemeanors, unless a waiver of a speedy trial is executed, shall be set for pretrial within the speedy trial guidelines at the time of the arraignment.

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 warrant issuance.)

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 jury is demanded.

3.) Written Pleas (Criminal Rule 10): Any written plea of not guilty filed by counsel shall be accompanied by written consent of Defendant pursuant to Criminal Rule 10, bond pursuant to the Court schedule and Proof of Financial Responsibility, if such charge arises out of use of a motor vehicle. Personal Recognizance Bonds will be granted by the Court only upon personal appearance of the Defendant and execution of such bond in the presence of the Clerk.

4.) 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 if necessary or ruled upon sua sponte.

5.) Trials: Each case not resolved at pretrial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial scheduled for a status hearing prior to trial at the Court's discretion. If the case is not settled prior to jury call by way of a final judgment entry, then the defendant shall be assessed the costs for the jury.

6.) Sentencing: Sentencing hearings shall be set within fifteen (15) 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 fifteen (15) days thereafter.

RULE NO. 30: Miscellaneous

(A) Petition for Limited Driving Privileges:

1.) Any person whose privilege to operate a motor vehicle in the State of Ohio was suspended may petition this Court for limited driving privileges.

2.) The petition for limited driving privileges shall be in writing and accompanied by a filing fee as prescribed by the Court. Said petition shall provide petitioner's Social Security and driver's license numbers; the address where petitioner resides; the name of petitioner's employer, medical provider and/or school, together with the address of each applicable location, and shall attach to the petition proof of insurance on a form prescribed by the Court.

3.) In addition thereto, the petitioner shall specify therein the need for limited driving privileges and certify a copy of said petition to the registrar of the Ohio Bureau of Motor Vehicles.

4.) The Clerk shall obtain a LEAD's printout of the petitioner's driving record prior to the Court's review of the petition and shall notify the registrar of the Ohio Bureau of Motor Vehicles of the grant or denial of each said petition.

(B) Release or Return of a Seized Vehicles:

1.) By the Owner-Operator: If a person is arrested for a violation of 4511.19 of the Revised Code or its equivalent and the person is the titled owner of a vehicle seized pursuant to 4511.191 (B) (1) of the Revised code, said owner operator may petition the Court in writing for the return, release or an alternate form of seizure/immobilization pending the final disposition of the case. Said petition shall be accompanied by a filing fee of \$20.00.

2.) By the Owner Non-operator: If a title owner, lien holder, renter, lessor, or any other party exhibiting an interest in a vehicle seized pursuant to 4511.191 (B) (1) of the Revised Code, said party may intervene into any case where a person was charged with a violation of 4511.19 of the Revised Code or its equivalent and petition the court in writing for the return or release of the subject vehicle. Vehicle shall be seized pending verification of Ownership, Valid Driver's License, and Insurance. Said petition shall be accompanied by a filing fee of \$20.00.

(C) Bail Schedule:

1.) Bail Bond, and Fine and Costs Schedule: A bond schedule, Exhibit B, for misdemeanor cases and a fine and costs schedule, Exhibit C, for the Traffic Violations Bureau shall be prepared by the Court and a copy shall be posted in the Clerk's Office so

that it is available to the public. All Felony and Domestic Violence Bonds shall be set at the discretion of the Judge.

2.) The accused may post a personal recognizance bond, an appearance bond in a sum equal to ten percent of the amount of the bond, or a bail bond duly executed by an authorized agent of an approved surety company.

3.) In the event the accused utilizes an appearance bond, the Clerk shall deposit the ten percent portion in trust to the credit of each respective accused and upon performance of the conditions of the appearance bond shall apply the ten percent portion as costs and shall return the remaining ninety percent of such funds to the accused after applying same to his/her fines and costs, if any, with a minimum of \$25.00 retained by the Court as a service fee.

(D) Exhibits Attached:

- 1.) Exhibit A – Selection of Jurors
- 2.) Exhibit B – Bail Bond Schedule
- 3.) Exhibit C – Violation Bureau Fine Schedule
- 4.) Exhibit D – Court Costs Schedule

IN THE CAMPBELL MUNICIPAL COURT

CAMPBELL, OHIO

JUDGMENT ENTRY

RE: SELECTION OF JURORS

The Campbell Municipal Court of Campbell, Ohio, hereby adopts the Mahoning County Court of Common Pleas Juror Selection and Management Plan attached hereto as a Rule of this Court effective immediately. Said Rule is adopted without notice and prior opportunity for comment pursuant to Civ. R. 83(B), Crim. R. 57(A)(2) and Supl. R. 5(A)(2). Notice and opportunity for comment will be provided forthwith.

The Campbell Municipal Court appoints Edward Barone and Barbara Snider to act as Jury Commissioners for this Court and further authorizes said Commissioners to appoint such persons to assist them as they deem necessary.



HONORABLE JOHN P. ALMASY
JUDGE, CAMPBELL MUNICIPAL COURT

September 26, 2000

FILED

SEP 26 2000

Journal 2 Page 390

CAMPBELL
MUNICIPAL COURT

EXHIBIT "A" - I

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO
GENERAL TRIAL DIVISION

ANTHONY VIND. CLERK

2000 SEP 14 A 10: 55

CLERK OF COURTS
MAHONING COUNTY, OH

In the Matter of
Selection of Jurors
By Computerized Process

00-CV-OPEN
00-CR-OPEN

JUDGMENT ENTRY AND
ORDER FOR SELECTION OF JURORS
EMERGENCY ADOPTION OF LOCAL RULE

This matter came on for consideration of the manner, means, and processes to be employed for the selection of prospective jurors beginning with the 2000-2001 jury year.

After due consideration, the General Division of the Common Pleas Court of Mahoning County finds that there is an immediate need for the following Rule of Court pursuant to Civil Rule 83 (B), Criminal Rule 57(A)(2), and Superintendence Rule 5 (A)(2). Therefore, this Court adopts the following Rule, effective immediately, without notice and prior opportunity for comment:

**MAHONING COUNTY COURT OF COMMON PLEAS
JUROR SELECTION AND MANAGEMENT PLAN**

Jury Source List

- A. On or before the last day of December of each year, unless otherwise ordered by the Court of Common Pleas, the Board of Elections of Mahoning County shall compile and file with the Commissioners of Jurors of this county a certified, current list containing the names, addresses, dates of birth and social security numbers, if the numbers are available, of all the electors of Mahoning County shown on the registration lists for the most recent general election. (O.R.C. 2313.06)

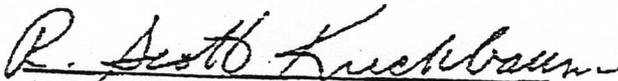
- P. 03
- B. This "jury source list" shall be obtained from the Board of Elections in a computer readable form, such as a magnetic tape or disc. The Jury Commissioners shall then direct the loading of the names supplied by the Board of Elections into the Jury Commissioners' computer, with the assistance of the software vendor, if necessary, to allow the random selection of names necessary to produce an "Annual Jury List."
- C. The jury source list from the Board of Elections shall be loaded into the Jury Commissioners' computer, listing names, addresses, and other identifying information as is necessary. By use of automated data processing equipment and an appropriate software program, sufficient names to comprise an "Annual Jury List" will then be selected at random from the jury source list and shall be certified by the Jury Commissioners and filed with the Clerk of Courts office before the beginning of each jury year.
- D. The Annual Jury List, showing the names and addresses of the persons drawn on such list shall be kept both in printed form and stored as a file in the Jury Commissioners' computer. When the Annual Jury List is created and filed as required by law, the remaining list or computer file of names from the jury source list not drawn may be destroyed or purged from the computer. Hard copies of the complete juror source list and the Annual Jury List shall be kept securely by the Jury Commissioners. A list of those jurors selected for jury service and a list of those jurors selected for service but not used shall also be kept.
- E. The jury source list shall be representative and as inclusive of the adult population in the jurisdiction as possible, using the list of registered voters as authorized by O.R.C. 2313.06 and 2313.08(B).
- F. By computerized programming from the Annual Jury List, the Jury Commissioners shall periodically draw venires of randomly selected jurors for service to the Court as petit jurors and grand jurors as needed throughout the year, and shall print such

K. In order to comply with O.R.C. 2313.21 and O.R.C. 2313.22 activation of and access to the data processing equipment, programs and data shall be restricted to authorized persons who shall be assigned passwords for such activation and access as directed by the Court. No person shall disclose any assigned passwords to any other person(s), unless otherwise directed by the Court.

L. Access to the application and database shall be separated, and no person shall have access to both the application and data base unless authorized by the Court.

M. Pursuant to Criminal Rule 57 (A)(2), Civil Rule 83(B), and Superintendence Rule 5(A)(2), the Court shall afford prompt notice of this Rule through the Daily Legal News, and opportunity for comment hereon from Monday, September 18, 2000 through Friday, October 13, 2000.

It is so Ordered this 14th day September, 2000.



Judge R. Scott Krichbaum



Judge John M. Durkin



Judge Maureen A. Cronin



Judge James C. Evans



Judge Robert G. Lisotto

venires and include the names and addresses of the persons drawn and the term for which they were drawn. From such venires, trial panels of randomly selected jurors shall be drawn as needed, specifying the Court and the case for which they were drawn.

- G. All procedures for the selection of jurors shall be performed by computer, automated data processing equipment, using magnetic tapes, magnetic discs, punched paper tapes, or other similar devices, and the use of an automated information retrieval system and visual display apparatus, or such data equipment or technology as is then available for the efficient, random selection of jurors. Until further Order of the Court, the Jury Commissioners shall utilize the computer program and procedures supplied by C.C.I.-Maximus (F.K.A. Crawford Consulting, Inc.) for this purpose.
- H. All jury selection processes before the Jury Commissioners shall be conducted to allow public viewing by designated officers or their representatives and any other persons as required by law. The Jury Commissioners shall provide notice of such drawings as required by Court rules and applicable law, and shall keep a record of such notices for the entire jury year.
- I. Using the same methods and procedures as outlined above, and after selection of the Annual Jury List for the Mahoning County Court of Common Pleas, the Jury Commissioners shall draw separate Annual Jury Lists from the jury source list for each of the territorial jurisdictions of the following courts, from which separate venires can be drawn when needed:
Austintown, Boardman, Canfield, Campbell, Sebring, Struthers, and Youngstown.
- J. The data processing equipment and all programs and data shall be secured by appropriate computer security systems to limit accessibility only to persons authorized by the Court. All copies of programs and lists shall be stored in a locked office accessible only to the Court and/or the Jury Commissioners to safeguard against tampering with the equipment, data, and programs.

JOHN B. JUHASZ
ATTORNEY AT LAW

September 20, 2000

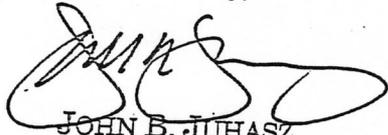
Hon. John P. Almasy, Judge
Campbell Municipal Court
351 Tenney Avenue
Campbell, OH 44405

RE: Adoption of Local Rule of Court re: jury selection

Your Honor:

As you may know, the Court of Common Pleas of Mahoning County has determined that the annual jury list for this year must be set aside and a new list constructed. Due to the technical nature of the defects, the venires drawn from that list are suspect at best. Because the petit venires for your Court are drawn from that annual jury list, and because of the requirement that a local rule be adopted specifying procedures for use of computerized methods of selection, we, on behalf of the Bar Association, and in an effort to be of assistance, enclose a proposed local rule for your consideration, together with the local rule recently adopted by the Court of Common Pleas.

Respectfully,



JOHN B. JUHASZ
Co-Chairman, Courts Committee
Mahoning County Bar Association

Encl as stated

cc: Mr. Ted T. Macejko, Jr., Esq., President, MCBA

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FILED

SEP 22 2000

CAMPBELL
MUNICIPAL COURT

7330 MARKET STREET • YOUNGSTOWN, OHIO 44512-5610
TELEPHONE: 330-758-2308 • FACSIMILE: 330-758-8290

RE: SELECTION OF JURORS

JUDGMENT ENTRY

This _____ Court of _____ hereby adopts the Mahoning County Court of Common Pleas Juror Selection and Management Plan attached hereto as a Rule of this Court effective immediately. Said Rule is adopted without notice and prior opportunity for comment pursuant to Civ. R. 83(B), Crim. R. 57(A)(2), and Sup. R. 5(A)(2). Notice and opportunity for comment will be provided forthwith.

This Court hereby appoints Edward Barone and Barbara Snider to act as Jury Commissioners for this Court and further authorizes said Commissioners to appoint such persons to assist them as they deem necessary.

Judge

CAMPBELL MUNICIPAL COURT
351 TENNEY AVE. CAMPBELL, OHIO 44405

BOND SCHEDULE

EFFECTIVE FEBRUARY 1, 2001

PLEASE DISCARD ALL OTHER BOND SCHEDULES

JOURNAL ENTRY

Campbell Police Department
 351 Tenney Avenue
 Campbell, Ohio 44405

Mahoning County Sheriff's Department
 110 Fifth Avenue
 Youngstown, Ohio 44503

Ohio State Patrol
 500 South Broad Street
 Canfield, Ohio 44406

Coitsville Police Department
 3711 McCartney Road
 Lowellville, Ohio 44436

To All Police Officials:

Commencing February 1, 2001, the following is adopted as the Campbell Municipal Court's Bail Schedule for violations of Ohio Revised Code Sections 29 and 45 or any similar municipal ordinances.

FILED
 FEB 1 2001
 CAMPBELL
 MUNICIPAL COURT

Felonies F1 - F5 *Set by Court/Appearance Required*

First-degree Misdemeanor	\$2,500.00	(10% amount = \$250.00 cash)
Second-degree Misdemeanor	\$1,500.00	(10% amount = \$150.00 cash)
Third-degree Misdemeanor	\$1,000.00	(10% amount = \$100.00 cash)
Fourth-degree Misdemeanor	\$750.00	(10% amount = \$75.00 cash)
Minor-Misdemeanor	\$500.00	(10% amount = \$50.00 cash)

Domestic Violence (M4, M1, Felony) *Set by Court/Appearance Required*

DUI	(1 st within 6 years, <u>with or without</u> BAC Charge)	\$2,500.00	(10% amount = \$250.00 cash)
DUI	(2 nd within 6 years, <u>with or without</u> BAC Charge)	\$3,500.00	(10% amount = \$350.00 cash)
DUI	(3 rd within 6 years, <u>with or without</u> BAC Charge)	\$4,500.00	(10% amount = \$450.00 cash)
DUI	(4 th within 6 years = Felony)		Set by Court/Appearance Required
DUS	(1 st within 6 years)	\$2,500.00	(10% amount = \$250.00 cash)
DUS	(2 nd within 6 years)	\$3,500.00	(10% amount = \$350.00 cash)
DUS	(3 rd within 6 years)	\$4,000.00	(10% amount = \$400.00 cash)
DUS	(4 th or higher within 6 years)	\$5,000.00	(10% amount = \$500.00 cash)

The accused may post an appearance bond in a sum equal to ten percent of the amount of the bond, or a bail bond duly executed by an authorized agent of an approved surety company. The arresting law enforcement agency shall be responsible for setting the type and amount of bond to be posted. NO OTHER AGENCY SHALL CHANGE THE TYPE AND/OR AMOUNT OF BOND SET BY THE ARRESTING LAW ENFORCEMENT AGENCY. Bond is required on all charges. *Property bonds are prohibited.*

In the event the accused utilizes an appearance bond, the Clerk shall deposit the ten percent portion in trust (minimum \$25.00) to the credit of each respective accused and upon performance of the conditions of the appearance bond shall apply the ten percent portion as costs and shall return the remaining ninety percent of such funds to the accused after applying same to his/her fines and costs, if any.

John P. Almasy is/ *with*
 JOHN P. ALMASY, JUDGE
 Campbell Municipal Court

Feb. 1, 2001
 DATE