

The Champaign County Municipal Court hereby adopts the following Local Rules of Court for the handling of cases and all other matters with jurisdiction before the Court. The Rules are adopted pursuant to the authority of Rule 5 of the Ohio Rules of Superintendence, and are intended as a supplement to the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and any other controlling rules and statutes in the administration of Court proceedings.

These Rules shall be applied, construed, and enforced to avoid inconsistency with other rules of Court and statutes governing proceedings, functions, and services of this Court.

These Rules are promulgated to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just and expeditious determination of all actions and proceedings.

These Rules shall apply to all actions before this Court, filed on or after the effective date of January 1, 2023.

#### **RULE 1. CITATION FOR LOCAL RULES**

These Rules may be cited as “Champaign Co. Mun. Ct. Loc. R. 1-2023.”

#### **RULE 2. POWERS OF THE CLERK**

The Municipal Clerk of Courts, with permission of the Judge, has the power to speak for the Court with respect to administrative and personnel acts of the Municipal Court.

#### **RULE 3. HOURS OF OPERATION**

The Municipal Clerk of Court’s office shall be open to the public to transact business of the Court from 8:00 a.m. until 4:00 p.m. Monday through Friday of each week with the following exceptions:

A. Sessions of Court shall be subject to alterations by Court order and holidays.

B. The Court shall close for all legal holidays observed by the public offices of the City of Urbana and Champaign County, Ohio or when the Urbana Municipal Building is otherwise closed.

C. The Court may be closed at any time without prior notice by order of the Court.

Generally, Mondays, Tuesdays, Wednesday mornings and Friday mornings are dedicated to criminal matters. Civil/small claims matters are heard on Wednesdays at 10:00 a.m. unless otherwise specified, Thursdays are generally reserved for jury trials.

D. Weather- The Court will be closed if Champaign County is under a level 3 snow emergency.

#### **RULE 4. APPOINTED AND ACTING JUDGES**

All Appointed and Acting Judges shall sit by order. No Appointed or Acting Judge shall modify any previous order of the court not entered by said Appointed or Acting Judge.

#### **RULE 5. MAGISTRATES**

Referral session

- A. The magistrate of the court is empowered to hear and issue decisions upon the following matters: actions in forcible entry and detainer, damage hearings on defaults, motions for orders of recovery and specific personal property before judgment, and motions for orders of attachment of personal earnings or property after judgment. However, all motions for pre-judgment attachments of specific personal property in which it is alleged by affidavit that the applicant will suffer irreparable harm by likelihood of removal of the property from the jurisdiction of the court or destruction of the same, shall be submitted to the judge for hearing and determination, trusteeships, judgment debtor hearings, small claims cases, cases arising

under R.C. 4510.037 AND 4509.101, enforcement of sentences, books and records examinations with the exception of OVI cases, proceedings pursuant to Traf. R. 14 and in which a plea of “guilty” or “no contest” is entered and the defendant executes a written or oral waiver of the right to trial by judge, parking violation appeals, application for release of rent pursuant to R.C. 5321.09 and 5321.10, any other matters appropriately referred by a Judge.

- B. Recording of proceedings before a magistrate- The court shall maintain an audio record of all proceedings before a magistrate.
- C. Hearings on objections to a magistrate’s decision- Objections shall be filed pursuant to Civ. R. 53 (E)(3). Unless the following statement appears prominently upon the first page of such objections, no oral hearing will be permitted: “an oral hearing of approximately minutes is requested”. Upon such objections being filed, the case shall be assigned the presiding Judge.
- D. Requests for continuances- Requested for continuance of hearing dates in all cases assigned pursuant to Rule 5 shall be submitted to the magistrate. It is solely within the discretion of the magistrate to allow or deny any request for continuance made pursuant to this rule.

## **RULE 6. COMPUTATION OF TIME**

The time within which an act is required to be done under these rules shall be computed by excluding the first day, by including the last; except when the last day falls on a Saturday, Sunday, or holiday it will be extended to the next business day.

## **RULE 7. RECORDS**

The Clerk of Court shall keep and maintain the public records of the Municipal Court as required by the Ohio Rules of Superintendence and Ohio Rev. Code §149.43. Disposition of said records shall be pursuant to Ohio Rev. Code §1901.41.

A. Daily dockets are retained in electronic form specifying the names of the parties, the names of counsel, and the nature and disposition of the proceeding.

B. The court may order and extend record of any of the above to be made and entered, under the proper action heading, upon such docket at the request of any party to be prepaid by the demanding party. The cost of copies is twenty-five cents (\$.025) per page. If the demanding party is requesting a certified copy an additional certification fee of \$2.50 will be applied.

C. All indexes, dockets, journals, and file records shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk’s office. Other material may only be inspected with permission of the Court.

D. All record inspections shall be made under the supervision of Court personnel. Original papers shall not be removed from the office of the Clerk without permission of the Judge or Clerk.

E. Digital audio recordings of court proceedings may be copied upon request and payment of the reproduction fee of \$10.00 per audio CD. Upon request and payment of the appropriate deposit, the record may be transcribed by a certified court reporter approved by the Court.

F. Unless otherwise provided, the Court records all proceedings using a digital audio recording system. A party may provide a stenographic court reporter at the party’s expense, but use of any other electronic equipment for recording of audio or video, by parties or the public, requires prior approval of the Court. See Superintendence Rule 12.

## **RULE 7.1 PRESERVATION OF RECORDS**

All records shall be retained pursuant to the Rules of Superintendence.

## **RULE 7.2 RETENTION OF PUBLIC RECORDS**

A. The clerk shall maintain a retention schedule according to the Ohio Rules of Superintendence.

B. Pursuant to the Ohio Rules of Court, Rules of Superintendence for the Courts of Ohio, Rule 26C and D, all Champaign County Municipal Court case records can be retained in electronic media format, including text and digital images. The Clerk of Court will provide access to allow for inspection and copying of public records, including public records that are maintained, recorded, copied or preserved by an electronic records and information management process in accordance with division (D)(2) of Rule 26.

C. Paper media may be destroyed after it is imaged and saved to an electronic record in accordance with division (D) of Rule 26.

## **RULE 8. FILINGS**

The employees and officers of this Court shall not prepare or help prepare any pleading, affidavit, entry, or order in any civil or criminal matter, except pursuant to Ohio Rev. Code § 1925.13. All court filings shall be printed on 8.5inch x 11inch paper. Hand-written filings are discouraged and shall not be accepted if illegible.

All papers offered for filing with the Court shall bear:

1. A case caption and case number (assigned upon filing of complaint);
2. A title identifying the name and party designation of the party filing the paper and the nature of the document, and;
3. The typed name, office address, office telephone number, attorney registration number, fax number, e-mail address and signature of the designated trial attorney, if applicable. If a party is unrepresented, that party shall include their name, address, and telephone number and any other pertinent contact information.

A. ALL PARTIES ARE RESPONSIBLE FOR ADVISING THE COURT, IN WRITING, OF ANY CHANGE IN ADDRESS.

B. Subject to the provisions of these rules, all documents shall be filed with the Clerk as of the date and time the Clerk stamps the document received.

C. Parties shall comply with all applicable Ohio rules of procedure for service of process.

Original documents attached or offered as exhibits are exempt from the requirements of this rule except as to legibility.

## **RULE 8.1 FAX AND ELECTRONIC FILING**

All documents and pleadings may be filed by fax as follows:

A. Documents and pleadings received prior to 4:00 P.M. Monday through Friday, excluding holidays, will be file-stamped and docketed on the day received.

B. Documents and pleadings received after 4:00 p.m. Monday through Friday, excluding holidays, will be file-stamped and docketed on the next Court day.

C. Documents and pleadings received on weekends or legal holidays when the Court is not in session will be file-stamped and docketed the next Court day.

D. Any person, attorney, or entity who files by fax a document or pleading with the Court attests thereby that the document or pleading transmitted is a true copy of the original document or pleading.

E. Any person, attorney, or entity who files by fax a document or pleading with the Court, containing a signature, attests that the signature is genuine and that the document or pleading has not been altered since the signature was affixed.

## **RULE 8.2. ELECTRONIC TICKETS**

The use and filing of a ticket that is produced by computer or other electronic means is authorized in the Champaign County Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as well.

## **RULE 8.3 CRIMINAL/TRAFFIC COMPLAINTS**

All criminal and traffic complaints shall be filed by a sworn law enforcement officer. Complaints must contain the defendant's name, address, DOB, sex, height, weight, hair color, and eye color. For criminal matters such as zoning and nuisance violations, the Prosecutor shall file the complaint based on the sworn affidavit of the investigating individual.

## **RULE 9. ATTORNEY OF RECORD**

All attorneys of record shall file a Notice of Appearance on behalf of their client and copy the Prosecutor with such Notice, along with all other filings. All documents filed on behalf of one or more parties represented by counsel shall designate a trial attorney and include the attorney's Supreme Court registration number. All notices and communications from the Court and all documents required to be served will be sent to the designated trial attorney. No attorney who has entered his or her appearance in a case may withdraw as trial attorney except upon written motion for good cause shown and after giving notice to the client.

## **RULE 10. CRIMINAL/TRAFFIC CASE SCHEDULING**

Scheduling begins at arraignment. All questions pertaining to scheduling should be directed to attention of the Assignment Commissioner. Electronic devices (including phones) are permitted in the Courtroom for counsel and parties to check their schedules.

### **A. ARRAIGNMENTS**

- 1) All criminal cases shall be set for arraignment within 72 hours of the offense unless otherwise provided by law. All traffic cases, shall be scheduled no later than 10 days after the citation, except OVI cases, which shall be scheduled no later than five days after citation. All law enforcement officers shall include, along with the sworn criminal complaint and/or traffic ticket, a statement of facts and the Defendant's driving history or computerized criminal history as relevant.
- 2) Arraignments are held at 9 a.m. Monday, Tuesday, Wednesday and Friday, with the exception of inmates. Inmates appear for arraignment by video from the Tri-County Regional Jail at the convenience of the Court, generally at 8:30 a.m. daily.
- 3) Mandatory appearances are required for all persons who are cited or arrested for the following offenses: all crimes of violence as specified by the Ohio Revised Code, all theft offenses, all third moving violations in a 12 month time period, all speeds over 80 MPH, all felony offenses, and all OVI offenses. Failure to appear will result in the issuance of an immediate warrant.
- 4) Each defendant who enters a plea of "not guilty" at arraignment or who files a written plea of "not guilty" shall immediately be scheduled for a bench trial date by the Assignment Commissioner.
- 4) Felony preliminary hearings shall be scheduled according to Crim. R. 5(B)(1) within 10 days of arrest or summons if in custody, or 15 days if not in custody unless indicted by the grand jury, which convenes monthly in Champaign County.

### **B. PRE-TRIALS**

- 1) The Court does not permit pretrials on minor misdemeanors unless preapproved by the Judge.
- 2) The Assignment Commissioner shall schedule a pre-trial following any appointment of indigent defense counsel at arraignment.

- 3) The Assignment Commissioner shall set any written request by a pro se defendant for a pre-trial on the same date as the scheduled court trial, as the Prosecutor is required to meet with such defendants on the record pursuant to Crim. R. 17.1
- 4) Any written requests for pre-trial by retained counsel, filed at least ten days before trial, will be granted by the Court on all first- through fourth- degree misdemeanors. Except in cases involving felonies, crimes of violence, and other matters where the Prosecutor seeks specific bond or bail conditions, counsel may file notice of appearance pursuant to Crim. R. 10(B), waive in-person arraignment, and schedule a pre-trial hearing with the Assignment Commissioner.
- 5) All discovery should be completed prior to pre-trial. The Prosecutor shall file a written summary of all items provided in discovery and the method of delivery.
- 6) At pre-trial, all parties should be prepared to knowledgeably discuss potential issues for settlement, affirmative defenses, and any questionable evidence or legal issues as to the admissibility of evidence.
- 7) Plea offers from the Prosecutor are to be submitted to defense counsel for approval or rejection and subsequently require approval of the Court. The Court may excuse the Prosecutor from appearing at any pre-trial or plea hearing upon submission of an approved pre-trial plea disposition worksheet as long as it details all of the Prosecutor's recommendations for pleas to, amendment, reduction, and/or dismissal of charges and the reasons for such recommendations.
- 8) The Court shall note, on the record, if a defendant rejects a plea offer when the Court does not agree to permit the Prosecutor to hold that same offer open for a period of time. If a plea offer is rejected, the Assignment Commissioner shall set either a motion hearing date, or a trial date and status conference date (if applicable). The Court will inquire as to number and names of witnesses for each side and set deadlines for motions and discovery completion.
- 9) Any defense attorney who fails to appear for pre-trial without good cause shown may be subject to contempt proceedings.
- 10) All defendants must be present for pre-trial unless a plea in absentia is approved. Failure to appear without prior Court approval will be subject to forfeiture of any bond posted and a bench warrant shall issue for defendant's arrest.

### C. CONTINUANCES

- 1) Unless due to an unforeseeable emergency, no party shall be granted a continuance of a hearing without a written motion specifying the reason requested for the continuance at least 48 hours prior to the scheduled hearing date and time.
- 2) If counsel requests a continuance based on being scheduled to appear in another court on the same date, the case which was first scheduled shall have priority so counsel shall provide a date-stamped copy of the entry or order setting the schedule from the other court. Criminal cases assigned in the Champaign County Municipal Court have priority over civil matters in all other courts.
- 3) In the absence of extraordinary circumstances, as determined within the discretion of the Court, no continuances for lack of counsel, lack of preparedness, or for the reason that counsel has been recently retained, or substituted, shall be granted unless said continuance request is made in writing at least three days prior to the scheduled hearing date.
- 4) The granting of any other request for continuance is a matter within the discretion of the trial Court.
- 5) Sentencing is normally imposed immediately following a determination of guilt, unless a continuance of final disposition is granted by the Court for good cause, such as a pending related matter in another court, calculation of restitution, and the required presence of a victim for a crime of violence.

#### D. MOTIONS

All motions made in writing shall be accompanied by a written memorandum containing the arguments in support of the motion. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions relating to the listing, consolidating and severing of cases shall be submitted in writing to the Judge. The Court, sua sponte, may consolidate or sever cases at any time before the taking of testimony begins. Jury demands must be timely filed. Forms are available from the Clerk of Courts.

#### E. STATUS CONFERENCES

Status conferences are scheduled at 2:30 PM on the Thursday immediately preceding the scheduled trial. Attendance of the Defendant and Defense Attorney is required unless otherwise specified in writing by the Court.

#### F. SENTENCING AND PROBATION

The Champaign County Municipal Court does not offer “pretrial probation” as an alternative sentencing option. “Community control” is also known as probation. All probation eligibility shall be determined by the Court.

- 1) REPORTING. Any defendant sentenced to a term of community control in lieu of jail shall report to the Probation Office between the hours of 9am-3pm on a date scheduled by the Clerk’s Office prior to leaving the building. New intakes are generally done on Tuesdays or Thursdays.
- 2) JAIL RELEASE. The Chief Probation Officer is authorized to consult with the Jail Administrator as to decisions to release defendants committed from the Municipal Court to the Tri-County Regional Jail, due to over-crowding, or other issues, such as inmate medical conditions. Any such decision shall be subsequently ratified by an appropriate Judgment Order.

#### 1) DIP.

For OVI and related offenses, the Court requires defendants to be enrolled in a driver intervention program (“DIP”) with completion of said course of occur within 6 months of sentence except by modification of those deadlines by the Court for good cause shown.

#### 2) PROFESSIONAL OBLIGATIONS.

If a defendant knows or should know that a criminal or traffic conviction may affect his or her professional licensure in the state of Ohio, the defendant shall self-report such licensure to defense counsel and the Court so that the Court may make notification of convictions pursuant to Ohio Rev. Code § 2915.38. If the Defendant does not report licensure status for the Court to comply with this requirement upon sentencing, the probation officer shall notify the Prosecutor and Court upon learning of a licensure issue. The Prosecutor shall then provide notice to the appropriate entity and the Probation Officer shall file a notice of probation violation.

3) PROBATION VIOLATIONS. If a probation violation is alleged which is not accompanied by a new criminal or traffic charge before this Court, the Probation Officer shall provide a copy of the notice of violation to defendant. The defendant may admit or deny the alleged violation. If the defendant denies the violation and requests defense counsel, the Court shall provide discovery to counsel as the Prosecutor has a minimal role in probation violation proceedings with no new charges. The Assignment Commissioner shall schedule a violation hearing and the Court may either enforce the original sentence or grant a recognizance bond with special conditions.

4) PROBATION VIOLATIONS BASED ON NEW CHARGES. In the event a new criminal or traffic offense in this Court results in an alleged probation violation, the Probation Officer shall provide notice of that alleged violation to the Prosecutor and the Prosecutor shall provide discovery

to defense counsel for the alleged violation and any new charges. The Prosecutor and Probation Officer may make a joint recommendation as to sentencing if the violation is admitted.

## **G. OTHER POST-SENTENCING MATTERS**

### **3) PAYMENT PLANS.**

All defendants who request a payment plan for fines and costs shall select a date certain to begin payment, and specify a monthly amount to pay. Failure to appear and pay as specified by the defendant shall require the defendant to mandatorily appear in front of the court on the next court date at 8:00 AM. Failure to appear at that time is considered contempt of court and will result in a warrant for contempt of court with the potential fine of \$250.00 and 30 days in jail. Loss of license for failure to appear and collections proceedings will also apply.

### **4) RESTITUTION.**

In crimes of violence and any offense involving property damage, the Prosecutor shall include the requested amount of restitution to the Court on record at time of sentencing. Any restitution order serves as a judgment against a defendant, which a victim may then collect if not paid through the Court.

## **RULE 11. CIVIL CASE SCHEDULING**

Scheduling of a civil case commences immediately upon filing.

### **A. SERVICE.**

Summons shall be served in accordance with the Ohio Rules of Procedure. In the event that there is a failure of service, the clerk shall immediately notify counsel. If counsel fails to obtain service of summons within six (6) months from the date of filing, the Clerk shall notify counsel that the case will be dismissed in fifteen (15) days unless good cause is shown to the contrary. Upon perfection of service, the clerk shall notify counsel of a default and advise that failure to submit a motion and entry within fifteen (15) days may result in dismissal of the case. Upon the filing of an answer, the clerk shall immediately schedule the case for pre-trial and mail notice and pre-trial statement forms to counsel.

### **B. PRETRIALS**

1) The primary purpose of the pre-trial conference shall be to achieve an amicable settlement of the controversy in suit. If the Court concludes that the prospect of settlement does not warrant further Court supervised negotiations, the Court shall act on any other matters which come before it at that time and efforts shall be made to narrow legal issues, to reach stipulations as to facts in controversy, and, in general, to shorten the time and expense of trial.

2) The Court may enter a pre-trial order, which will become part of the record of the case, embracing all stipulations, admissions, and other matters which have come before it. The Court shall, at that time, determine whether or not trial briefs and/or proposed jury instructions should be submitted and shall fix a date when they are to be filed.

3) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions and must have full settlement authority.

4) After the pre-trial conference, counsel may engage in further discovery proceedings, provided they do not result in delay of trial of the case. In the event counsel request discovery proceedings that would cause a delay of trial, the right to such discovery shall be determined by the Court. The Court, however, reserves the right to set the case for trial before the completion of any further discovery and without additional pre-trials.

5) Any attorney for a party to the action who fails to attend a scheduled pre-trial conference, or who otherwise fails to comply as set forth in these rules, without good cause shown, may be punished in contempt of this Court.

#### C. C. CONTINUANCES

- 1) The same procedures established in Loc. R. 7.C. for continuances in criminal cases apply in civil cases as well. Criminal cases assigned for trial take precedence over civil cases.
- 2) 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.
- 3) In the absence of extraordinary circumstances, as determined within the discretion of the Court, no continuance for lack of counsel, lack of preparedness, or because counsel has been recently retained, or substituted, shall be granted unless said request is made in writing at least ten (10) days prior to the scheduled trial date.
- 4) The granting of any other request for continuance of a scheduled hearing is a matter within the discretion of the trial Court.

#### D. D. JUDGMENT ENTRIES

- 1) When a file has been marked "settlement entry forthcoming" and said entry has not been received within thirty (30) days, the Clerk shall notify the parties that the case will be dismissed for want of prosecution unless the entry is received within fifteen (15) days.
- 2) Counsel for the party in whose favor an ORDER of judgment is rendered shall prepare the 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 with any objections noted. Thereafter the Court will prepare the judgment entry.
- 3) Judgment entries shall state which party is to pay the costs of the proceeding.

### **RULE 12. JURIES**

Potential jurors shall be selected at random from a computerized list of voters provided by the Champaign County Board of Elections. A minimum of 25 jurors shall be summoned for each criminal and civil jury.

#### A. SUMMONS AND COSTS

Unless otherwise directed by the Court, all service upon persons summoned for jury duty shall be by ordinary first class mail and mailed out at least ten days before the trial date. If a jury is cancelled after it has been summoned into court and the Clerk of Courts is unable to notify all prospective jurors of said cancellation, the Court may assess costs so incurred to the last party canceling the jury demand.

#### B. EXCUSED ABSENCES

Excuses from jury duty shall be limited to the statutory exceptions unless the Judge finds extraordinary circumstances or any of the following circumstances:

- 1) Student: a person is a full time student, who lives at or near the school he or she is attending shall be excused from service unless he or she chooses to serve.

- 2) Medical: a person may be excused for medical reasons if he or her request is accompanied by a physician's statement describing the nature of the condition and the doctor's opinion that the condition will interfere with jury service
- 3) Vacation: a person may be excused for a scheduled vacation if his or her request for excuse is accompanied by documentation verifying travel reservations
- 4) Prior Service During Term: a juror who has served on a jury during his or her term of service shall not be excused, but shall be rotated to the bottom of the potential juror list
- 5) Miscellaneous: a juror may, upon reasonable request, be allowed to transfer his or her service to the next scheduled trial date

### C. JURY ACCOMODATIONS

When any juror reports for service, the bailiff shall seat the prospective juror in the courtroom to the exclusion of all persons except other jurors until such time as they are escorted to the courtroom. All materials except those needed for proper deliberation shall be removed from or secured from access in the courtroom and the jury room on trial days.

### D. VOIR DIRE

The Court may make use of written juror questionnaires to expedite the voir dire process on the date of trial. No copies of those questionnaires shall be given to any person without permission of the Court, and all questionnaires and copies shall be returned to the Bailiff after voir dire. All completed juror questionnaires are to be kept confidential unless otherwise ordered by the Court. Counsel and parties are not permitted to question prospective jurors directly as to matters contained in the questionnaire but may follow up on the information provided. In the event Counsel or the Court anticipate a potentially sensitive or invasive question, questioning of a prospective juror may be done outside the presence of the other prospective jurors to protect privacy and avoid embarrassment. Counsel and parties shall conform voir dire questioning to these rules:

- 1) Ask questions of the entire panel whenever possible.
- 2) Ask as to the jurors' general understanding of terminology such as "reasonable doubt," "burden of proof" and "presumption of innocence."
- 3) No examinations concerning the law or possible instructions.
- 4) No asking jurors to base answers on hypothetical questions.
- 5) No arguing the case while questioning jurors; no efforts to indoctrinate jurors.

### E. REMOVAL OF JURORS FOR CAUSE

If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, the individual should be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.

### F. PEREMPTORY CHALLENGES

1) In civil cases, the number of preemptory challenges should not exceed three (3) from each side. If the court finds there is a conflict of interest between parties on the same site, the court may allow each contracting party up to three (3) preliminary challenges.

2) In criminal cases, the number of preemptory challenges should not exceed three (3) for each side and one (1) additional peremptory challenge for the impaneling of one (1) alternate juror.

### **RULE 13. WITNESSES AND SUBPOENAS**

Any praecipis for subpoenas of witnesses shall be filed with the Court no later than 10 days before the date of a jury trial or motion hearing; seven days before the date of a bench trial; three days before a criminal/traffic misdemeanor pretrial; and at least 24 hours before the date of a felony preliminary hearing. Praecipis requesting documents shall be in the form of a subpoena duces tecum and shall state with specificity whether the custodian of the records is required to attend with said documents, or whether such documents may be submitted in lieu of appearance. For individuals subpoenaed outside the boundaries of Champaign County, service may be accomplished by certified mail, as postal workers meet the requirements of Crim. R. 17(D) to be “any person designated by order of the Court who is not a party and is not less than eighteen years of age.” Any request for service by certified mail shall be made no later than 10 days before the date of hearing.

### **RULE 14. EQUIPMENT**

At least seven (7) days before any hearing, any person desiring to use audio or video display equipment, or other devices for demonstrative purposes, shall inform the Bailiff of the need to determine whether the Court has, or can procure such equipment. If the Court does not have such equipment, the person seeking such equipment shall have the responsibility to provide it and verify that the use of such equipment does not conflict with the Court’s systems for audio amplification and recording.

### **RULE 15. INDIGENT COUNSEL APPOINTMENT LIST**

#### **A. QUALIFICATIONS FOR APPOINTMENT**

Champaign County does not have a county public defender, therefore the Municipal Court keeps a roster of attorneys for indigent defense appointments. To be placed on the court-appointed counsel list, an attorney must submit a written request to the Clerk of Courts, including the attorney’s name, Supreme Court registration number, proof of good standing with the Ohio Supreme Court, and documentation showing qualifications for public defender representation pursuant to Ohio Admin. Code § 120-1-10 (B), along with any areas of expertise, such as foreign language fluency. Any attorney seeking appointment to the indigent defense roster shall have a residential or business address in Champaign County or an adjacent county, unless expressly exempted in writing by the Court, any attorney seeking appointment must have a working fax and internet web address, to promote practical and efficient contacts with indigent clients without excessive travel and communication expenses for those clients. All attorneys are required to have a court box for filings in the Municipal Building and agree that notices shall be placed in that box. The Court may decline to accept any application for appointment to the roster, in its sole discretion. The Court may appoint experienced local counsel not on the appointed list in the case of co-defendants or other unusual circumstances with counsel’s acceptance. Felony appointments will be done based on a list certified by the Champaign County Common Pleas Court.

#### **B. PROCEDURE FOR ASSIGNMENT**

The Assignment Commissioner uses a rotary selection system to distribute indigent defense assignment as widely as possible while pairing a defendant's level of offense(s) with an attorney who meets the qualifications for assignment. Each attorney on the roster is expected to dedicate a full day on a Monday or Tuesday to assigned indigent defense cases, at least once a month if not more often. In felony cases the court will inquire as to any felony defense attorney that the defendant might request.

### **C. REMOVAL FROM LIST**

The Court may remove the name of any attorney from the appointment roster in its sole discretion, or upon the written request of the attorney. Any attorney identified as no longer in good standing with the Ohio Supreme Court shall be removed promptly.

### **D. COMPENSATION**

All completed fee bills shall be submitted to the Clerk of Courts for compensation within 30 days of completion of a case, and all other requirements are pursuant to the guidelines established by the Champaign County Commissioners. If any attorney works in the City of Urbana more than 12 calendar days, that attorney shall pay City income tax.

### **RULE 16. EXTENSIONS FOR FILINGS**

Upon motion, for cause shown, in accordance with the CIVIL RULES, the time for filing pleadings or other matters, may at the court's discretion, be extended for such reasonable time as the court may provide by written order. Permission of opposing counsel will be sought before filing any motion for extension of time and the position of opposing counsel will be noted.

In any civil action the court may, in its discretion, assign such case for a pretrial conference. If a pretrial was ordered, the pretrial conference should be conducted in person.

At the pretrial counsel and the parties themselves if not represented by counsel, are to be fully prepared to discuss the following matters:

- 1) The possibilities of settlement,
- 2) If a jury has been timely requested, a decision as to whether the cases to be tried by a jury or whether a jury is to be waived.
- 3) The setting of discovery, the motion filing and other cutoff dates;
- 4) A narrowing of any issues, factual or legal, by means of stipulation;
- 5) Determination of the trial date and the possible link of time for trial.

### **RULE 17. CIVIL JURY TRIAL DEMAND AND DEPOSIT**

A party desiring a jury trial shall file a demand in writing in accordance with Civ R. 28 and 39. The party making a demand for a jury trial shall deposit with the Clerk of Courts a sum of \$500.00. The jury shall not be drawn unless there is, subject to the control record, available and sufficient money to pay the fees of the jurors and related costs.

### **RULE 18. BRIEFS**

In all cases, the parties shall be required to file a final pretrial brief. All pretrial briefs shall be filed by a set date by the judge and include a recitation of the undisputed facts; the recitation of disputed legal and factual issues, stipulations, if any; relevant case law and statutory authority; a list of witnesses to be called to testify; and any proposed jury instructions.

### **RULE 19. MOTIONS**

All motions, other than those made in open court on the record, must be made in writing, accompanied by a written memorandum containing the arguments of counsel and permanent law and filed in accordance with the Ohio Rules of Civil Procedure. Opposing memorandum shall be filed no later than 14 days from the service of the motion or the day prior to the trial or hearing on the motion, whichever is earlier. Motion shall be deemed submitted when opposing memoranda are filed or the time for filing expires, whichever is earlier. No oral hearing shall be heard unless otherwise ordered by the court. If the court schedules a motion for oral hearing, failure of the movement to appear for such hearing may be deemed an abandonment of the motion.