

IN THE HIGHLAND COUNTY COURT
MADISON TOWNSHIP DIVISION
GREENFIELD, OHIO

FILED
MONICA GEORGE, CLERK

JUL 01 2026

HIGHLAND COUNTY COURT
GREENFIELD OHIO

LOCAL RULES OF THE COURT

It is hereby ordered that the following rules be, and adopted for the governance of the practice and procedures in the Highland County Court, with a judicial district encompassing Madison Township, Highland County, Ohio until otherwise provided. Pursuant to Article IV of the Ohio Constitution, Rules 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, Rule 19 of the Ohio Traffic Rules, and Rules of Superintendence promulgated by the Supreme Court of Ohio. All previous Rules of Court are hereby revoked and rescinded.

EFFECTIVE DATE 7/01/2026

I. GENERAL RULES OF COURT

RULE 1: COURT HOURS AND CLERK'S HOURS

(A) Court hours shall be as follows:

Monday 9:00 a.m. until adjournment
Tuesday No Court unless a special session is called
Wednesday 9:00 a.m. until adjournment
Thursday No Court unless a special session is called
Friday 9:00 a.m. until adjournment

(B) Clerk's hours shall be as follows:

Monday 8:00 a.m. until 4:00 p.m.
Tuesday 8:00 a.m. until 4:00 p.m.
Wednesday 8:00 a.m. until 4:00 p.m.
Thursday 8:00 a.m. until 12:00 p.m.
Friday 8:00 a.m. until 4:00 p.m.

The Court shall close for legal holidays observed by the public offices of Highland County, Ohio. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Judge of the Highland County Court. If Court is closed by order of the Judge, all filings due on the day that Court closes will be timely if filed the next business day.

RULE 2: AUTHORIZATION FOR CLERK TO SIGN COMMITMENT ORDERS / SUBPOENA AND MAKE UPDATES

The Clerk of this Court or, Deputy Clerk, are hereby authorized to place the Judge's signature stamp, and/or sign for this Court, on all necessary Commitment Orders (consistent with judgment entry signed by the Judge) and all subpoenas required by Ohio law. The Clerk and Deputy Clerk are authorized to use the Judge's signature stamp on Limited Driving Privileges, Warrants to Convey, and other documents specifically approved by the Judge. Furthermore, the Clerk is authorized to make updates to the schedule of bond, waiver, fines and costs in these rules to reflect changes brought about by legislation or changes in Court costs.

RULE 3: SCHEDULE OF COSTS

Costs charged in all cases in this Court are as set forth in the Ohio Revised Code in Section 1907. and 2303., and/or as set by the Court. A separate cost schedule shall be published by the clerk and shall be further made available on the Court's website.

RULE 4: FEES AND DEPOSITS IN CIVIL CASES AND FILING LIMITATIONS

- (A) All filing fees shall be required at the time of filing of any civil action in this Court.
- (B) All filing fees received shall be applied to costs associated with the case, or to general Court costs unless otherwise directed by the Court. If Court costs exceed the fee, the Clerk shall invoice the appropriate party for additional costs.
- (C) In order to simplify the refund process and reduce the burden on the Clerk, any deposit remaining on a civil case in excess of \$0.00 but less than \$10.01 after final costs in the case have been assessed shall be taxed to the case as additional local cost. Any deposit remaining on a case of \$10.01 or more shall be refunded as allowed by law.

RULE 5: CASE NUMBERING

When filed with the clerk, cases shall be categorized as civil, criminal, or traffic and serially numbered within each category on an annual basis in accordance with Sup. R. 43. Additional identifiers shall be added to all criminal and traffic cases as follows:

- (A) One case number shall be assigned for each defendant charged in an incident. If the defendant is charged with one violation in an incident, the violation shall be assigned as charge "A". If the defendant is charged with multiple violations in one incident, each charge shall be assigned an alphabetic identifier in alphabetical order.
- (B) The clerk will make every effort to assign alphabetic identifiers in descending order of the violation's possible maximum penalty. For example, if a defendant is charged with a first-degree misdemeanor and a fourth-degree misdemeanor, the first-degree misdemeanor should be assigned as charge "A"; the fourth-degree misdemeanor should be assigned as charge "B".
- (C) For purposes of this rule, an "incident" shall mean the same as any act, transaction, or series of acts or transactions and shall be determined from the date of the alleged violation, unless the complaining party alleges otherwise. For example, if a defendant is charged with an incident that occurred on July 10, 2024, and an incident that occurred on July 11, 2024, the clerk should assign two separate numeric case numbers.
- (D) Any charge filed subsequent to the initial filing which arises out of the same incident shall be assigned the next alphabetic identifier in order. If multiple charges are added later, each later charge shall be assigned an alphabetic identifier in alphabetical order in descending order of the violation's maximum penalty.

RULE 6: RECORD RETENTION

- (A) The clerk shall file and carefully preserve all papers delivered to the clerk and filed of record. No papers filed with the clerk in any case or proceeding shall be removed from the office of the clerk, except for use in court as requested by a judge, magistrate, or probation. Court files of pending cases assigned to an individual judge may be stored as directed by the individual judge.
- (B) Records may be retained in electronic media format, including text and digital images, as an alternative to a paper record. Paper records may be destroyed after the paper records are imaged and saved to the electronic case record in accordance with Sup. R. 26. When pleadings or documents are received or created in, or converted to, an electronic format, the pleadings or documents in that format shall be considered the official version of the record pursuant to R. C. 1907.202.
- (C) All records will be retained according to the record retention schedule set forth in Sup. R. 26 and 26.05, or R.C. 1907.22 and 1907.23, and may be disposed of thereafter without notice. The Court may adopt additional orders to ensure that records are retained or disposed of within the timeframes established by the forgoing restrictions or that are not otherwise addressed therein.
- (D) Audio records of courtroom proceedings shall be kept for a period of no less than five years.

RULE 7: PREPARATION OF PAPERS

No official or employee of the Court is permitted to prepare or assist in preparing any

pleadings, motions, or other documents on behalf of a party to a case to be filed with the Court or which may be pending before the Court. This prohibition is not applicable to the following:

- a) any entries, decisions, or other documents prepared by the judges or magistrate;
- b) assistance required by law to be rendered to parties in the small claims division of this Court; or
- c) minor assistance, such as corrections of errors or last minute changes on papers filed with the Court, if requested and supervised by the filing party, or ordered by the judge.

RULE 8: SCHEDULING OF JURY TRIALS

- (A) Jury trials will be scheduled and held throughout the year on Fridays, or as otherwise designated by the judge.
- (B) If a holiday precedes a jury day, or the judge is otherwise unavailable the day before a regular jury day, no jury trial shall be scheduled the immediately following jury day unless approved by the judge.

RULE 9: DESIGNATION OF COUNSEL; CHANGE OF COUNSEL; WITHDRAWAL OF COUNSEL

- (A) Except as provided in these rules, once counsel has appeared in a case, that counsel shall remain as counsel of record.
- (B) When two or more attorneys represent a party, only one attorney shall be designated as counsel of record to receive notices and service on behalf of that party. That designation shall be made on the first document filed by the party with the Court. If no attorney is designated as counsel of record, the first attorney listed for the party on the first document filed shall be considered counsel of record.
- (C) Change of counsel may be permitted upon the filing of a substitution of counsel, provided the substitution will not delay the trial of the case. The substitution of counsel shall contain the following:
 - (1) The designation of new counsel.
 - (2) The agreement of prior counsel, or a certification of service to prior counsel.
 - (3) Certification that the client agrees to the change of counsel.
 - (4) Certification of service to the opposing counsel or parties.
- (D) Counsel shall be allowed to withdraw from counsel responsibility only with the consent of the judge assigned to the case. No application for withdrawal will be considered unless a written motion and entry is presented stating the reasons for the application. The motion and entry will contain the following:
 - (1) The time and date of trial, if set.
 - (2) A certification of service to opposing counsel.
 - (3) Certification that the client has been notified that the attorney is seeking to withdraw from the case.
 - (4) Counsel's professional statement that, if granted, a copy of the entry will be mailed immediately to the last known address of the client.
- (E) An attorney may enter a "Notice of Limited Appearance" as authorized by Prof. Cond. R. 1.2(c) and in accordance with Civ.R. 3(B). Such an appearance shall terminate without the necessity of leave of court, upon the attorney filing a "Notice of Completion of Limited Appearance" filed and served upon all parties, including the party for whom the appearance was made, in accordance with Civ.R. 5. If there is no objection within ten days of service of this notice, then no entry by the court is necessary for the termination of the limited appearance to take effect.

RULE 10: SUBPOENAS

It is the responsibility of each party, in consultation with its attorney, to see that subpoenas are properly requested. The requesting party shall file in the clerk's office a praecipe bearing the signature of the requesting party and the subpoena to be served on each witness. The praecipe and accompanying subpoena may be combined in one document. If time permits, the praecipe and accompanying subpoena should be filed at least seven (7) days prior to the hearing. Once a subpoena is issued by the clerk's office, it is the responsibility of the party to determine whether or not the witnesses have been properly served in order to assure their appearance in court.

RULE 11: RECORDING OF PROCEEDINGS; TRANSCRIPTS

- (A) The official method for recording court proceedings shall be by audio electronic recording devices. The judge may also order the use of any method of recording authorized by Sup. R. 11.
- (B) The official record of a case or proceeding is the transcript prepared by a Court Reporter. The Court Reporter shall not permit an audible playback of recorded proceedings without the consent of the judge.
- (C) Arraignments, preliminary hearings, pre-trials, motion hearings, trials, and such other matters as may be designated by the judge, shall be recorded. In every case recorded, the fee provided by the court order pertaining to costs in Chillicothe Municipal Court shall be collected as other costs in the case. Except as otherwise provided in this rule, the person requesting the transcript shall deposit with the Court Reporter the estimated cost of the written transcript as determined by the Court Reporter. The requesting person shall make such deposit before the Court Reporter shall begin making a written transcript. At the completion of the

written transcript, if the deposit is not sufficient, the balance shall be paid before the written transcript is released to the person.

- (D) The compensation of reporters for making written transcripts shall be fixed by the Court. If more than one transcript of the same testimony or proceeding is ordered, the reporter shall make copies of the transcript at cost pursuant to division (B)(1) of section 149.43 of the Revised Code or shall provide an electronic copy of the transcript free of charge. The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases shall be taxed as costs in the case. If, upon final judgment, the costs or any part of the costs are adjudged against a defendant in a criminal case, the defendant shall be allowed credit on the cost bill of the amount paid for the transcript the defendant ordered and, if the costs are finally adjudged against the state, the defendant shall have the defendant's deposit, if any, refunded. All transcripts shall be taken and received as prima-facie evidence of their correctness.
- (E) In felony cases, if a transcript of the preliminary hearing proceedings is requested for an indigent defendant, an entry must be approved by a Common Pleas Court Judge ordering such transcript. In such cases, if a governmental agency (e.g., Village of Greenfield, State of Ohio, etc.) requests a transcript, the governmental agency shall pay for the transcript.

RULE 12: PUBLIC RECORDS POLICY

(A) Availability of information

- (1) In accordance with O.R.C. 149.43, the Highland County Court will conduct a public records check upon request. All information provided is local case information from the Highland County Court only and will not include statewide LEADS information, national NCIC information, victim names, personal identifiers, or other information, the dissemination of which is prohibited by state and federal law. The court does not conduct criminal record or background checks
- (2) The party making a request for a public record must furnish the court with a name and case number or case type. All requests will be answered within a reasonable time.

(B) Types of Requests

- (1) The Highland County Court may allow public access to certain public records during normal business hours for public record inquiries. No fee is required for these limited purposes. Such public access may be limited to a reasonable period of time in order to accommodate other persons and the needs of the court and staff. The court also maintains an internet website at <https://countycourtgreenfield.com> that is accessible to the public 24 hours a day.
- (2) Mailed requests are accepted by the court. All fees for mailed requests must be paid in advance. The number of records requested for transmission by U.S. mail is limited to ten per month. Requests in excess of ten per month will be filled, provided the requesting party certifies to the court in writing that the party does not intend to use or forward the requested records or the information contained therein for commercial purposes as set forth in O.R.C. 149.43.
- (3) Faxed requests are accepted by the court. Fax requests are limited to a maximum of ten (10) pages per request. A fee of two-dollars (\$2.00) per page faxed must be paid in advance.
- (4) Requests are accepted in person or by telephone. All fees for copies of requests must be paid in advance. Costs per page are set in the Court's Fee Schedule.
- (5) Requests by persons incarcerated are subject to O.R.C. 149.43(B)(8)

(C) Format of Response and Costs.

- (1) Unless otherwise requested, public record requests will be filled on paper.
- (2) Requests for public records via computer disk are accepted provided the information is already available in the format requested.
- (3) The court will assess postage and long distance telephone charges for all requests where applicable, and the charges must be paid in advance.
- (4) Special extraction requests will be attempted where reasonable and requested. All costs associated therewith must be paid in advance.
- (5) Any other medium requested will be at the cost of the requesting party provided it can be reasonably duplicated as an integral part of the normal operations of the court.
- (6) All fees must be paid in advance as set forth on the court's costs schedule and made in the form of cash, check, or money order.

RULE 13: FAX FILINGS

(A) Definitions

- (1) Facsimile transmission means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

- (2) Facsimile machine means a machine that can send or receive a facsimile transmission either as a stand-alone device or as part of a computer system.
- (3) Fax or faxes means an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- (4) Source document means the document transmitted to the Court by facsimile machine.
- (5) Effective Original Document means the facsimile copy of the source document received by the clerk and maintained as the original document in the Court's file.

(B) Authorization.

- (1) This Local Rule has been instituted solely for the convenience of those filing documents with the clerk. Neither the clerk nor the Highland County Court assumes any new or additional responsibilities, obligations or liabilities by virtue of this Rule, except as expressly provided for herein. Further, this rule pertains only to the method of filing; it does not override, alter, amend, revoke, or otherwise change any Local rule or Ohio Rule of Civil or Criminal Procedure respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel. In conformity with Ohio Civil Rule 5(E) and Criminal Rule 12(B), pleadings and other documents may be filed with the clerk by facsimile transmission to 937-981-2130, 24 hours per day, seven days per week, subject to the conditions described in this Rule.
- (2) This Rule authorizes the filing of facsimile transmissions for civil, small claims, traffic, and criminal cases of all pleadings, motions, and other documents that may otherwise be filed with the clerk. The following documents may NOT be filed by facsimile transmission:
 - a. Any document filed by facsimile that requires a pre-paid filing fee, unless paid by credit card or other financial means resolved through the clerk's office prior to facsimile filing.
 - b. Criminal or traffic complaints.
 - c. Any documents in excess of twenty (20) pages, unless prior approval is granted by the clerk or the Court.
- (3) A document filed by facsimile in accordance with these rules shall be accepted as the effective original filing. The person making a facsimile filing need not file any source document with the clerk. The person shall, however, keep the source document in his or her records and have it available for production on request by the Court with original signatures, together with the source document cover page. The source document shall be maintained by the person making a facsimile filing for a minimum of one-year following the case closure and one-year following all opportunities for post-judgment relief being exhausted, inclusive of appeals.
- (4) The person filing a document by fax shall provide therewith a cover page containing the following information:
 - a. The name of the court;
 - b. The title of the case;
 - c. The case number;
 - d. The assigned judge;
 - e. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendant's Motion to Dismiss);
 - f. The date of transmission
 - g. The transmitting fax number;
 - h. An indication of the number of pages included in the transmission, including the cover page;
 - i. If a judge or case number has not been assigned, state that fact on the cover page;
 - j. The name, address, telephone number, fax number, Supreme Court registration number (if applicable) and e-mail address of the person filing the fax document if available.
- (5) A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control. A party who wishes to file a signed source document by fax shall either:
 - a. Fax a copy of the signed source document; or
 - b. Fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
- (6) Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

- (7) Subject to the provisions of these rules, all documents sent by fax and accepted by the clerk, shall be considered filed with the clerk as of the date and time the clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the clerk shall be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.
- (8) If a facsimile document received by the clerk does not conform with these Rules, the clerk may consider it not filed. The clerk is not required to send any form of notice to the sender of a failed fax filing. The risks of transmitting a document by fax to the clerk shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the clerk through whatever technological means are available.
- (9) No document filed by facsimile that requires a filing fee shall be accepted by the clerk for filing until court costs and fees have been paid in full. Civil fax fees may be paid by cash, check or money order. Criminal and traffic fax fees may be paid by cash, check, money order.

RULE 13: ADMISSION TO COURT; PROHIBITED ITEMS; AND DRESS CODE.

- (A) Admission to Court: In order to provide a safe, secure, and contraband-free environment for the visitors and employees of the Court, Any person entering the Courtroom of the office of the Clerk may be subject to inspection. The inspection may include the person, clothing, belongings, bags, briefcases, packages, and any carried items. Anyone refusing the inspection shall not be admitted into the courtroom or clerk's office, and may be asked to leave the building
- (B) Prohibited items: The following items are prohibited from being brought into the Highland County Court:
 - (1) firearms
 - (2) switchblades
 - (3) knives
 - (4) any cutting blade that can be used as a weapon
 - (5) brass knuckles
 - (6) ammunition
 - (7) explosives
 - (8) chemical agents
 - (9) stun guns
 - (10) expandable batons or clubs
 - (11) hammers, screwdrivers, pliers, and other similar tools
 - (12) box cutters
 - (13) hacksaws and blades
 - (14) scissors
 - (15) razor blades
 - (16) nail files
 - (17) large safety pins
 - (18) knitting needles
 - (19) letter openers
 - (20) handcuffs and handcuff keys
 - (21) illegal drugs, controlled substances, and drug paraphernalia
 - (22) other tools or items which can be used as a weapon
 - (23) syringes
 - (24) any device which could be used used in violation of Local Rule 13(E)
- (C) Exemption: The following persons are exempted from the inspection provisions of this Rule:
 - (1) On-duty uniformed law enforcement officers
 - (2) On-duty non-uniformed law enforcement officers who show a visible official ID
 - (3) On-duty probation officers who show official ID
 - (4) Court personnel
 - (5) Attorneys with presentment of a current Ohio Supreme Court registration card
 - (6) Others pre- approved in writing by the judge
- (D) Dress Code: The Court shall post the following at or near the Court Entrance:
 - a. The Highland County Court has enacted the following guidelines for all persons appearing before the judge. These guidelines were developed in order to maintain order and to uphold the dignity and decorum of the Court. These rules are intended to ensure that persons in the Courtroom do not obstruct or interfere with the orderly transaction of Court business and that they not degrade or insult the dignity of judicial proceedings, judicial officers and employees, witnesses, or others in the Courtroom.

- b. Any person may be removed from the Courtroom for violating these guidelines. This removal could result in an arrest warrant for failure to appear at a scheduled hearing or a default in a civil case.
- c. Guidelines for Dress
 - i. Clothing should be consistent with the seriousness and dignity of the judicial process. It should be constructed and worn in such a manner that it is not unduly revealing or offensive
 - ii. Shirts and shoes must be worn at all times.
 - iii. Shorts may be worn as long as they are at least mid-thigh in length
- d. Clothing that WILL NOT be permitted includes:
 - i. Anything that is obviously dirty, torn, ripped, cut, or mutilated.
 - ii. Anything associated with drugs or gangs.
 - iii. Anything containing words, pictures, or symbols that are obscene, profane, or sexually suggestive.
 - iv. Halter tops, tank tops, tube tops, see-through tops, bare-midriff tops, or tops with open backs.
 - v. Short shorts (less than mid-thigh in length).
 - vi. Swim wear, bathing suits, lingerie, pajamas.
 - vii. Pants that allow undergarments or bare skin to show such as low cut hip huggers and loose fitting pants that expose boxer shorts.
 - viii. All hats or headgear unless otherwise approved by a Judge.

(E) Conduct

- a. No smoking is permitted in the courthouse or on the court premises under any circumstances, including electronic cigarettes or vaping instruments. No eating or drinking is permitted in a courtroom or within the court without the express permission of the judge.
- b. No cameras, or audio or video recording devices, including cell phones used for these purposes, shall be used in the Court facility without permission of the judge. No cellular phones may be used for any purpose in the courtroom without the express permission of the courtroom judge. Any devices used without permission may be confiscated and will be considered contraband. Such items will be returned only with the express permission of the judge.
- c. Any person may be removed from the court premises or the courtroom if the person's conduct is disruptive or otherwise interferes with court proceedings, and may be subject to other sanctions imposed by the Court.

(F) Enforcement

- a. Security officers, law enforcement officers present in the courtroom, probation officers, or courtroom bailiffs shall interpret all provisions of this rule regarding admission to the courthouse, prohibited items, exemptions, dress code requirements, and conduct.
- b. That interpretation shall be final in any dispute unless otherwise appealed to the judge.
- c. Failure to abide by these provisions may result in an individual being found in contempt of court and subject to confiscation of property, monetary fine, community service, or jail as determined by and in the sole discretion of the Court.

RULE 14: NOTICE BOXES.

Notice boxes in the Clerk's Office will be provided for the prosecutor, law enforcement, state or county agency, and any local counsel who so requests for making and receiving service. Service on counsel shall be considered complete on the day following placement therein. This rule applies only to the operation of Highland County Court.

RULE 15: MEDIA COVERAGE OF COURT PROCEEDINGS.

Media coverage of court proceedings shall be subject to all provisions of Sup. R. 12 and any amendments thereto. The judge may also impose such orders as are reasonable and comply with the Rules of Superintendence.

II. CIVIL RULES OF COURT

RULE 16: Filing of Pleadings, Motions, or Other Documents

(A) Paper Filings

- (1) All pleadings, motions, and other documents shall be prepared on 8½ x 11 inch paper. Each pleading, motion, or document shall set forth in the caption the names of all parties with complete addresses, if known, whose names appear in the proceeding for the first time.
- (2) Every pleading, motion, or document filed on behalf of a party and represented by an attorney shall have printed or typed thereon the name, address, telephone number, fax number if any, email address if any, and attorney registration number of counsel filing the same, and if filed by a law firm, the name

of the particular attorney having primary responsibility for the case shall be indicated thereon. A party who is not represented by an attorney shall provide the party's address and telephone number.

- (3) Every pleading, motion, or other document shall be signed, by electronic signature or by hand, by at least one attorney of record, if any, or by any party who is not represented by an attorney in accordance with the Ohio Rules of Civil Procedure.
- (4) Sufficient copies of every pleading, motion, or document to be served by the clerk, bailiff, or Sheriff, shall be filed with the clerk.
- (5) In all cases where the filing of a pleading or amended pleading is not fixed by law or another rule, the pleading or amended pleading shall be served on or before the fourteenth (14th) day after the date of the entry requiring or granting leave for the filing of such pleading or amended pleading, or overruling or sustaining a motion, unless otherwise specified in the entry. The opposing party shall move or plead to the pleading or amended pleading so filed on or before the fourteenth (14th) day after such pleading or amended pleading is filed, unless otherwise ordered by the Court.
- (6) When a case is transferred from small claims court to the regular docket of the court pursuant to R.C. 1925.10, the answer of the defendant shall be filed within fourteen (14) days of the date of entry ordering such transfer.
- (7) It shall be the duty of the party or attorney filing a pleading, written motion, or other document subsequent to the complaint to mail or deliver a copy thereof to each other party to the case, or the attorney for such party. Failure to comply with this rule shall be sufficient cause to strike the pleading, motion, or other document from the Court files. If a copy of a pleading is to accompany a summons to be served in the case, it shall be sufficient compliance with this rule to deposit such copy with the clerk. The fact of such mailing or delivery to the adverse party shall be noted on the original.
- (8) In the absence of a request to the Court for an oral hearing, notice of which request shall have been previously given to opposing counsel, a motion shall be deemed submitted on written briefs unless the court schedules a hearing or the opposing counsel requests in writing an oral hearing, which request shall be submitted within seven (7) days of receiving the motion.
- (9) Pleadings, motions, or other documents not complying with this rule of Court shall not be accepted for filing by the clerk.

(B) Electronic Filings.

- (1) (Reserved).

RULE 17: COURT COSTS, SECURITY DEPOSITS, AND JURY DEMANDS

(A) Civil Court Costs and Deposits

- (1) The schedule of costs, security deposits, and filing fees for all cases in the Highland County Court will be as set forth by separate order of this court.
- (2) All costs, deposits, and fees shall be paid to the clerk at the time of filing, unless otherwise ordered by the court. No action or proceeding shall be accepted for filing by the clerk unless the costs, security deposit, and filing fees are paid to the clerk in accordance with the Court's schedule of costs, unless otherwise ordered by the Court.
- (3) In the event that a party claims to be indigent, the party shall file a motion to waive the costs, fees, and deposits, along with a properly attested affidavit of indigence. The Court will then rule on the motion.

(B) Civil Jury Demand and Deposits

- (1) A demand for a civil jury trial shall be made as required by Civil Rule 38 and shall be accompanied by a deposit in an amount as set forth in the Court's fee schedule as security for the first day jury cost.
- (2) The jury deposit must be paid with the filing of the jury demand. Said sum shall be applied to the costs of the case in the event that costs are taxed to the party posting such deposit upon disposition of the case. Otherwise, the deposit shall be refunded to the party posting it at the conclusion of the case.
- (3) In the event a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of such cancellation, the requesting party shall bear the cost of juror fees for those jurors who report on the day of trial.

RULE 18: CASEFLOW MANAGEMENT IN CIVIL CASES

The purpose of this rule is to establish, pursuant to Sup.R. 5, a system for civil case management which will achieve the prompt and fair disposition of civil cases. The scheduling of a case begins when a complaint is filed. Thereafter, the case is managed in four (4) clerical steps and five (5) judicial steps.

(A) Clerical steps:

- (1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall immediately notify counsel, or the party if unrepresented by counsel. If

counsel, or the unrepresented party, 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, or the unrepresented party, that the case will be dismissed in ten (10) days pursuant to Civ. R. 41 unless good cause is shown to the contrary. Notification shall be by regular U.S. mail.

- (2) After any responsive pleading is filed, the clerk shall forward the pleading and file to the judge so the matter may be set for hearing. If a motion for default judgment is filed, then the clerk will forward the file to the judge for disposition.
- (3) If no action has been taken on a file for a six (6) month period, and the case is not set for trial, the clerk shall notify counsel or the unrepresented party that the matter will be dismissed within ten (10) days pursuant to Civ. R. 41 unless good cause is shown.
- (4) 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 counsel or the unrepresented party that the case will be dismissed pursuant to Civ. R. 41 unless the entry is received within ten (10) days.

(B) Judicial Steps.

- (1) Status Hearing: After an answer or other responsive pleading is filed, the clerk will forward the file to the judge. At the discretion of the Judge, the case may be set for pretrial, trial, or status hearing. The status hearing may be heard in court or by phone. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set.
- (2) Motions: All motions must be in writing and accompanied by a written memorandum setting forth the factual and legal arguments of the moving party with appropriate citations of authority. The opposing party may respond to the motion within fourteen (14) days after the motion was served as provided by Ohio Rules of Civil Procedure. Responses to motions for summary judgment may be served within 28 days after service of the motion. A movant's reply to a response to any written motion may be served within seven days after service of the response to the motion. Oral hearings will not be scheduled unless ordered by the court. Except as otherwise provided or limited by Civ.R. 6(B), the court may enlarge the period of time in which to file a motion or a response.

(3) Pretrials:

- i. The court may schedule one or more pretrial conferences before trial to accomplish the following objectives:
 1. consider the possibility of settlement;
 2. simplify the issues;
 3. set discovery deadlines, control motion practice, and schedule the trial;
 4. itemize expenses and special damages;
 5. discuss the necessity of amendments to the pleadings;
 6. exchange reports of expert witnesses expected to be called by each party;
 7. exchange medical reports and hospital records;
 8. identify witnesses;
 9. identify and mark exhibits;
 10. obtain admissions of fact, stipulations, and agreements on admissibility of documents and other evidence to avoid unnecessary testimony or other proof during trial;
 11. discuss other matters which may aid in the disposition of the action.
 - ii. The judge may, and on the request of either party shall, make a written order that recites the action taken at the conference. The judge shall enter the order and submit copies to the parties. Unless modified, the order shall control the subsequent course of action.
 - iii. Counsel for the parties, or the party if not represented, shall attend the pretrial conferences unless prior authorization for absence or to conduct the pretrial by telephone is granted by the judge. Upon reasonable notice to the parties, the judge may also require that parties, or their representatives or insurers, attend a conference or participate in the pretrial proceedings. Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. Failure of a party to appear or participate in the pretrial may result in dismissal of the case or default judgment if deemed appropriate by the judge.
- (4) Continuances: No party shall be granted a continuance without a written motion from counsel or the unrepresented party stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case at the same time, the motion shall include a copy of the previously scheduled court's order. Criminal cases assigned for trial have priority over civil cases assigned for trial, and the earliest scheduled civil case has priority among civil cases. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the Court.
 - (5) Entries:

- i. Counsel shall submit a proposed entry with any pretrial motion that is filed. The judge may approve the proposed entry, prepare his or her own entry, or order the counsel for the prevailing party to prepare the entry. If counsel-prepared, the entry shall be submitted to opposing counsel within fourteen (14) days of the judge's decision. Opposing counsel shall approve or reject the entry within seven (7) days. After the seven days, the counsel who prepared the entry may submit the entry to the judge with the notation that it has not been approved by all counsel.
- ii. 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 19: CASEFLOW MANAGEMENT IN SPECIAL PROCEEDINGS

- (A) The purpose of this rule is to establish, pursuant to Sup. R. 5, a case management system for special proceedings to achieve prompt and fair disposition of these matters. The following civil matters are considered special proceedings: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite for contempt, garnishment hearings, debtor's exams, requests for limited driving privileges, designations of dogs as nuisance dogs, dangerous dogs, or vicious dogs, and Bureau of Motor Vehicles appeals.
- (B) The scheduling of a special proceeding begins when the special proceeding is filed. Special proceedings that have time limits established by law shall be set for hearing within the applicable time limit. All other special proceedings shall be set for hearing within a reasonable time not to exceed ninety (90) days. Thereafter, the special proceeding is to be managed in the following clerical and judicial steps.
- (C) Clerical Steps
 - (1) Summons shall be served in accordance with the Ohio Revised Code or the Ohio Rules of Civil Procedure, whichever is applicable to the proceeding. If there is a failure of service, the clerk shall notify counsel or the unrepresented party immediately. If counsel or the unrepresented party 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 or the unrepresented party that the proceeding will be dismissed in ten (10) days unless good cause is shown to the contrary.
 - (2) The clerk shall set the proceeding for hearing and forward the file to the Judge.
 - (3) If no action has been taken on a file for ninety (90) days, and the case is not set for hearing, the clerk shall notify counsel or the unrepresented party that the matter will be dismissed within ten (10) days unless good cause is shown.
 - (4) 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 counsel or the unrepresented party that the case will be dismissed unless the entry is received within ten (10) days.
 - (5) If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to the judge so the case can be scheduled for the appropriate hearing.
- (D) Judicial Steps.
 - (1) If the special proceeding has not been scheduled for hearing by the clerk, then the Judge shall schedule any necessary hearings, including but not limited to pretrials, motion hearings, and trials.
 - (2) The magistrate shall enter a decision and cause a copy to be served on the parties.
- (E) Sales and Proceedings in Aid of Execution.
 - (1) The bailiff shall follow the procedure set forth in R.C. 2329.13 et seq., in the advertising and conducting of sales on attachment, execution, or foreclosure of chattel mortgages. In all attachments or executions to be levied upon personal property, the attorney or unrepresented party shall describe in detail those items of property which are to be levied upon.
 - (2) Information must be supplied to the bailiff as to the type, size, and number of items to be levied upon, so that the bailiff can make an accurate estimate as to the cost of the proceedings, and so that the bailiff can require a sufficient deposit to secure costs before proceeding with the execution or attachment.
 - (3) If the item to be levied upon is an automobile or other motor vehicle, the party or his attorney shall furnish the bailiff with an accurate description of the automobile or motor vehicle, a license number or serial number, and a written statement as to whether there is a lien of record on the vehicle in the office of the Ross County clerk. Before the Bailiff proceeds to levy upon the vehicle, he shall determine whether there are any liens on it, and he shall also determine the fair market value of the vehicle by referring to the appropriate book valuation. If there is a lien on the vehicle, the name of the lienholder shall appear on the notice of sale. If the bailiff determines that the vehicle, when sold, will not bring a sufficient amount to cover the cost of towing, storage, appraisal, advertising, and other court costs, he shall require the party seeking the levy to post additional deposit for costs to cover these expenses before proceeding with the levy.

- (4) If the sale will encompass many items, the bailiff may secure the services of an auctioneer and proceed in accordance with R.C. 2335.021.

(F) Garnishment Proceedings.

All garnishment proceedings shall be in the form required by R.C. 2716.03, and the garnishment papers will be properly filled out, including date. They will be accompanied by the proof of service of the demand required by R.C. 2716.04, and by the garnishee's fee provided by R.C. 2716.12. The clerk of this Court shall not accept for filing any garnishment papers not complying with this rule.

(G) Judgment Debtor Examination.

If the judgment debtor fails to appear after having been served with the order to appear, it is the duty of the applicant for the judgment debtor exam or his attorney to file appropriate papers to initiate contempt of court proceedings against the judgment debtor, unless the judge directs that other action be taken.

(H) Forcible Entry and Detainer.

- (1) Proof of ownership. All eviction complaints filed by persons who are not licensed or otherwise admitted to practice law in the State of Ohio must be accompanied by a copy of the current deed to the rental property and the current property record card from the Highland County Auditor's Office dated within fifteen (15) days of the date of filing of the complaint. These documents are required as evidence at trial to prove ownership of the property and standing of the Plaintiff to proceed pro se.
- (2) Answers and jury demands. If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to a judge so the case can be scheduled for the appropriate hearing.
- (3) Eviction and Set-Out of Defendants.
 - i. If the court orders the defendant to vacate the premises, the plaintiff may file a praecipe requesting a writ of restitution. The praecipe shall be accompanied by a deposit in accordance with the Court Costs Schedule.
 - ii. The praecipe for writ of restitution must be filed within thirty (30) days of the date of the hearing, unless the time is extended by order of the judge.
 - iii. When the Writ of Restitution is approved by the Judge, it will be transmitted to the Service Bailiff for red tagging. The bailiff will place a red tag in a conspicuous place at the premises to be vacated, notifying the tenants that they have five (5) days, beginning the day the property is tagged and including weekends and holidays, to vacate.
 - iv. Plaintiff is to check for occupancy after the five (5) day period and may enter to determine if tenants have vacated. If tenants have not vacated the premises, Plaintiff must file for and purchase a Request for Set-Out at the clerk's office. The Request for Set-Out may also be purchased at the same time Plaintiff files for a Writ of Restitution. The Set-Out will be performed after the five (5) day period has elapsed and before the end of the 10th day pursuant to ORC 1923.14.
 - v. The Service Bailiff must be contacted during the court's regular business hours to schedule a date for the Set-Out. Set-Outs are performed on a "first scheduled, first served" basis. If Plaintiff does not timely purchase the Request for Set-Out or contact the Service Bailiff to schedule a set-out, the Bailiff may not be available to perform the set-out within the statutory deadline which will require the Plaintiff to recommence the red-tag process within the 30 day period set forth above, including and not limited to payment of the fee established by the court.
 - vi. The Service Bailiff will meet Plaintiff and Plaintiff's moving crew at the premises at the scheduled time to supervise the Set-Out. If Plaintiff and the moving crew are not at the designated location within fifteen (15) minutes after the scheduled time, the Service Bailiff will assume that his services are not needed and cancel the Set-Out. Plaintiff must provide a sufficient number of adults to move furniture, appliances and all other personal property within three hours. Plaintiff must also provide all supplies and equipment necessary to complete the set-out. If additional time is needed, Plaintiff will be responsible for additional Bailiff costs at \$50.00 per hour. On the day of Set Out, Plaintiff may not enter the premises until the Service Bailiff arrives, and locks may not be changed until the Set-Out is complete.
 - vii. Plaintiff shall place all property left in the rental outside in the location designated by the Bailiff. Items should remain for twenty-four (24) hours after which Plaintiff should have the property removed at Plaintiff's expense. Failure to timely remove the abandoned property from the site may result in a nuisance or littering violation against the Plaintiff.
 - viii. Cancel by Plaintiff/Landlord. If a scheduled Set-Out becomes unnecessary, the Plaintiff must call the bailiff to cancel the Set-Out. The Service Bailiff must receive a cancellation call at least one (1) hour before the scheduled time. Plaintiff will receive a refund of the Set-Out fee if timely cancelled and submitted in writing.

- ix. Cancel by Service Bailiff. The Set-Out may be cancelled at the discretion of the Bailiff under any of the following circumstances:
 - 1. If the Landlord and moving crew are not on time for the Set-Out (on location within 15 minutes of the scheduled time), or if the required supplies and workers are not on site to accomplish the Set-Out;
 - 2. The Landlord does not complete the Set-Out within 3 hours; or
 - 3. If performance of the Set-Out may cause a risk to public safety.If the Set-Out is cancelled by the Bailiff for any of the above reasons, there will be no refund of the writ fee or the set-out fee. The Landlord must start the red-tag procedure again and pay all required costs.
- x. Mobile Homes. The procedure for requesting the red tag and Set-Out apply to the removal of tenant-owned mobile homes from the landlord's property with the exception that Plaintiff must secure the services of a mobile home moving company and a location willing to accept the home before requesting the red tag.
 - 1. The Bailiff will on day of Set-Out only remove the occupants from the home so that it may be towed away. The Bailiff will not remove or supervise the removal of any personal property from the home.
 - 2. If the tenant-owned mobile home is in a Manufactured Home Park, the Set-Out will involve the Bailiff removing the occupants and allowing the Park Operator to pad lock the home. The Manufactured Home Park may then proceed under ORC 1923.13 and 1923.14.

(I) **Small Claims Division**

- (1) A small claims action is commenced by filing a Small Claims Petition, pursuant to Ohio Revised Code Section 1925.04 on the form provided by the clerk of this court. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing after being duly served, then a default judgment may be entered against the defendant. All pleadings shall be construed to accomplish substantial justice.
- (2) The hearing in Small Claims Court shall be conducted by the magistrate. In the event that the magistrate has a conflict or is otherwise unable to hear the case, the action shall be assigned to a Judge for hearing. The magistrate shall place all parties who intend to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so.
- (3) Upon filing of motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

RULE 20: DEFAULT JUDGMENT

- (A) A party seeking a default judgment pursuant to Ohio Civil Rule 55 shall file a written motion and a proposed Judgment Entry with the clerk. Military Affidavits pursuant to the Servicemembers Civil Relief Act shall be filed with the proposed entry, unless filed earlier.
- (B) If the claim is liquidated, in addition to the motion, the moving party shall file an affidavit containing sufficient information in support of the claim.
- (C) If the claim is unliquidated, or if the party against whom judgment by default is sought has appeared in the action, or both, then a hearing is required. In these cases, the court will schedule a hearing before a judge or magistrate and serve notice of hearing on all parties. The hearing will not be set less than seven (7) days after mailing the notice of hearing. The moving party shall be responsible to verify that the other parties have been properly served as required by this rule.
- (D) At the hearing on the unliquidated claim, the moving party shall present evidence to support the award of the default judgment. The judge may require testimony under oath or by affidavit. At the conclusion of the hearing, the judge shall prepare a Decision and file it with the clerk. Copies of the Decision shall be served upon the parties or their attorneys by the clerk.

RULE 21: SUBSTITUTION OF PARTIES

- (A) Substitution of parties, at any stage of the proceedings, must be by motion and order of the court. An assignment of judgment or other transfer of interest will not be effective unless it is approved by a judge's entry. The motion for substitution may be made by any party or by the successor of any party and, together with a notice of hearing, shall be served on the parties as provided in Civil Rule 5, and upon persons not parties in the manner provided in Civil Rule 4 through Civil Rule 4.6 for the service of summons.

- (B) Collection actions or other proceedings brought by assignees or agents are not permitted in the Small Claims Division. [R.C. 1925.02(A)(2)(a)(ii)] Therefore, any request to substitute parties in such actions must be preceded by a motion to transfer the case to the regular docket of the court.

III. CRIMINAL RULES OF COURT

RULE 22: ARRAIGNMENT TIME

- (A) Arraignments shall be held commencing at 9:00 a.m. Monday, Wednesday, and Friday, when court is in session, and at such other times as the judge deems appropriate.
- (B) Arraignments of persons in custody may be conducted via closed circuit video link, zoom video link, or other electronic measure between the Highland County Jail and the Court. These arraignments shall, at the discretion of the judge, immediately follow or precede the arraignments of those persons who are not in custody. The Highland County Sheriff shall provide facilities for attorney/client conferences prior to and after arraignments, and arraignments may be recessed to permit confidential conferences as requested. A video explanation of a defendant's rights and the possible pleas may be shown to those appearing by video feed from the Highland County jail in lieu of a recitation by the judge and will be considered a part of the record for those defendants. The counsel for the defendant may appear either with the defendant in the jail via video link or appear in court at the judge's bench via the court link at the attorney's choice. The entire arraignment shall be conducted in open court in accordance with all the constitutional and statutory protections afforded individuals appearing in person for the arraignment session.

RULE 23: ELECTRONIC FILINGS

- (A) RESERVED

RULE 23: AFFIDAVITS AND COMPLAINTS

- (A) All criminal and traffic cases shall be commenced in this court by the filing of a complaint. All complaints shall state the name of the offense charged and shall contain the numerical designation of the statute or ordinance. All criminal complaints shall be made upon oath before a person authorized by law to administer oaths. Traffic complaints may be made on the Uniform Traffic Ticket or as otherwise allowed under these Rules.
- (B) All complaints in criminal cases shall have attached affidavit or a reporting by an investigating officer attested to by a member of the investigating agency, law enforcement, or prosecutor.
- (1) All such affidavits or attested to reports must be sworn to prior to a warrant to arrest being issued by this Court.
- (2) Exception: Due to safety concerns for the public involving trespassing violations at the Greenfield Quarry and East Monroe Falls, M4 trespassing charges may be issued as summonses without complaint or affidavit being sworn. The Court authorizes the clerk's office to accept guilty waivers for violations on M4 trespassing offenses at the Greenfield Quarry and East Monroe Falls.
- (C) Complaints may be in statutory language, but should not contain surplusage from the statute or ordinance which is not involved in the case.
- (D) All traffic tickets or criminal complaints shall be filed with the clerk without unnecessary delay. Any ticket or complaint that is not received by the clerk prior to the Defendant's appearance date provided by the law enforcement officer or the Court may be dismissed by the Court.
- (E) Use of Electronically Produced Tickets:
- (1) The use and filing of a traffic complaint that is produced by computer or other electronic means is hereby authorized in the Highland County Court.
- (2) The electronically produced complaint shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If a complaint is produced electronically at the scene of an alleged offense, the officer issuing the complaint shall provide the defendant with a paper copy of the complaint. In addition, the officer shall file a copy of the complaint with the court either on the electronically generated UTT or by uploading the information to the Ohio Department of Public Safety as regulated by the Ohio E Citation program. In addition, any other required documentation such as the LEADS print-out, BMV form 2255, probable cause affidavit, etc., shall be delivered to the Court in a timely manner and filed with the clerk if required by law.
- (3) The Provisions of Ohio Traffic Rule 3(B) relative to the color, weight, paper size, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means

- (4) The ticket paper shall be of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses prescribed in Rule 26.05 of the Ohio Rules of Superintendence.
- (5) The court record of the ticket may be filed with the Clerk or may be filed electronically as allowed by these rules.
- (6) Any law enforcement officer that files a traffic complaint that is produced by computer or other electronic means may affix his signature thereto electronically. Such electronically affixed signature shall be considered by the court to be a certification of the ticket and shall have the same rights, responsibilities and liabilities as with all other tickets issued pursuant to these Rules and the Ohio Traffic Rules.

RULE 24: POSTING BAIL

- (A) The Court has established a bail schedule for certain criminal and traffic offenses by separate entry. The Court has also established an optional procedure in minor misdemeanor cases pursuant to Ohio Criminal Rule 4.1.
- (B) Bail may be posted by cash, surety, or real estate, and the Court may impose conditions of release as it deems appropriate, in accordance with Ohio law.
- (C) Pursuant to Ohio Revised Code §3905.87(A), surety bail bond agents are not required to register with the Court prior to posting a surety bond. They will, however, be required to present all of the following documents prior to posting bail:
 - (1) A COPY OF SURETY BAIL BOND LICENSE
 - (2) A COPY OF DRIVER'S LICENSE OR STATE I.D. CARD
 - (3) A CERTIFIED COPY OF POWER OF ATTORNEY FROM THE INSURER FOR THE SPECIFIC CASE INVOLVED AND IN THE SPECIFIC AMOUNT AS SET BY THE COURT.
- (D) Every surety, except a corporate surety licensed as provided by law, shall provide an affidavit describing the property proposed as security for the full amount of the bond as required by R.C. 2937.011(L). The surety shall provide other evidence of financial responsibility as the court or clerk may require.
- (E) In all criminal cases where the defendant posts a real estate bond, the defendant's attorney or an attorney for the surety whose property is being used to secure the bond must provide the clerk with a current title search, certifying the following:
 - (1) A description of the property,
 - (2) the names that appear on the deed,
 - (3) the names that appear on the deed, the appraised taxable value of the property as shown on the records in the County Auditor's office, and
 - (4) whether there are any liens on file against the property.
- (F) The Court may modify a defendant's bond at anytime while the case is pending if it deems a modification is appropriate.

RULE 25: COURT APPOINTED COUNSEL

- (A) When the defendant in a criminal or traffic case indicates that the defendant is indigent and desires counsel, and the potential penalty may include a jail sentence, the judge shall determine the indigency of the defendant based upon submission of a Financial Disclosure Form by the Defendant. The judge may inquire of the Defendant in Open Court and complete the Financial Disclosure Form on behalf of the defendant with the consent of the defendant. The judge may further examine the documents to support the indigency of the defendant.
- (B) If the defendant is found to be indigent, then the judge shall appoint counsel for the defendant. Appointment shall be made in the following order of priority: 1) a private attorney willing to accept appointment; 2) an attorney currently practicing within Highland County and whom such an appointment would not present an undue hardship; 3) an attorney currently practicing within a contiguous county to Highland County and whom such an appointment would not present an undue hardship; and 4) any attorney licensed to practice law within the State of Ohio.
- (C) Appointed counsel seeking payment for expenses from the court shall correctly complete the forms prescribed by the Ohio Public Defender's Standards and Guidelines for Appointed Counsel Reimbursement.

RULE 26: DEMAND FOR JURY TRIAL

- (A) A demand for jury trial must be filed within the time limits set forth in Ohio Criminal Rule 23(A).
- (B) The demand must be in writing and filed with the clerk not less than ten (10) days prior to trial date, or on or before the third day following receipt of notice of the day set for trial, whichever is later.
- (C) Failure to demand a jury trial within the time limits set forth is a complete waiver of the right to trial by jury.

RULE 27: MODIFICATION OF LICENSE SUSPENSION

In making application for modification of a court order suspending driving privileges, a written application shall be submitted containing the information contained on the Information Sheet and Application For Limited Driving Privileges approved by the Court.

RULE 28: MODIFICATION OF SENTENCES

- (A) All requests for modification of sentences shall be filed with the clerk and a copy of the same shall be served upon the defendant's probation officer, if the defendant is serving a term of community control.
- (B) The probation officer shall investigate, evaluate, and report on such requests to the judge, and shall further appear at any hearing held upon such motions.

RULE 29: CASEFLOW MANAGEMENT IN CRIMINAL CASES

- (A) Purpose. The purpose of this rule is to establish, pursuant to Sup. R. 5, 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) Filing. A criminal case begins with the filing of a complaint. Thereafter, the case is managed in the following clerical and judicial steps.
- (C) Clerical Steps.
 - (1) If the law enforcement officer issued a summons directing the defendant to appear, then the complaint shall be set for arraignment on the prescribed day.
 - (2) If the law enforcement officer arrested the defendant, then the complaint shall be set for arraignment no later than the first court day following the date of arrest. A defendant arrested after 6:00 a.m. will be scheduled to appear before the court the following court day absent approval by the judge.
 - (3) If the law enforcement officer is requesting that a summons issue, then the clerk will set a date for arraignment and issue summons to be served on the defendant.
 - (4) If the law enforcement officer is requesting that an arrest warrant be issued, then the complaint and probable cause shall be presented to the judge or clerk by a law enforcement officer with knowledge of the case. In the event the judge is unavailable due to hearings or other matters, probable cause may be presented to an acting judge of this court. A list of current acting judges will be provided to law enforcement upon request by the Clerk.
 - (5) The judge shall dispose of all cases in which the defendant enters a plea of guilty or no contest at the arraignment, unless the need for sentencing hearing is shown or further proceedings are necessary to protect the victim's rights. If the defendant pleads not guilty, the matter will be scheduled for further proceedings at the arraignment.
- (D) Judicial Steps.
 - (1) Upon a Defendant's arraignment and entry of a plea of not guilty, all misdemeanors which carry a possible jail sentence shall be set for pretrial. All misdemeanors which do not carry a possible jail sentence shall be set for trial unless the Judge orders a pretrial in that case.
 - (2) When a pretrial conference is ordered the following persons are required to attend: the prosecutor, defendant, and defendant's counsel if defendant is represented. The Court, in its discretion, may order the attendance of the arresting officer, the essential or complaining witness, or other persons it deems necessary to review and address the case.
 - (3) If a request for discovery is made by the defendant pursuant to Crim. R. 16, both the prosecutor and defendant's attorney or defendant should complete exchange of discovery prior to the pretrial. In addition, the attorneys shall have talked to their witnesses, shall have the witnesses present for pretrial, or otherwise be prepared to discuss the merits of the case.
 - (4) All pretrials shall be conducted in accordance with Criminal Rule 17.1 of the Ohio Rules of Criminal Procedure and a pretrial order setting forth a memorandum of the matters agreed upon may be filed in the case, and in all matters shall be filed at the request of the judge.
 - (5) Each case not resolved at pretrial or by motion shall be scheduled for trial.
 - (6) These pretrial procedures do not restrict or prevent the Judge from conducting additional pretrial conferences.
- (E) Motion Practice.
 - (1) All motions other than those normally made during trial, or otherwise made with leave of Court, shall be made in writing and accompanied by a written memorandum containing the arguments of counsel and applicable statutory and case law citations. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure.

- (2) No party shall be granted a continuance of a trial or a hearing without a 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 case at the same time, the motion shall include a copy of the previously scheduled court's order. 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 sole discretion of the court.
 - (3) Unless counsel for the moving party requests oral hearing, no oral hearing will be allowed other than upon motion of the Court. A request for oral hearing shall be submitted with the motion and shall be noted prominently in the caption.
 - (4) Parties wishing to respond in writing to any motion shall do so not later than seven (7) days following service of the motion or three (3) days prior to the oral hearing date if an oral hearing was requested, whichever is later. The judge may establish a scheduling order for the filing of responses if the judge deems it appropriate. All motions, where an oral hearing is not required, should be accompanied by a proposed entry.
 - (5) An alleged victim may be permitted to file motions in accordance with the time parameters of Crim. R. 12(D) to the extent required by Art. I, Section 10a of the Ohio Constitution or by the Ohio Revised Code.
- (F) Incarcerated Defendants.
- (1) Court proceedings for incarcerated defendants may be conducted via closed circuit video link, zoom video link, or other electronic measure between the Highland County Jail and the Court and in accordance with Crim.R. 43(A).
 - (2) The Court shall consider all requests to appear personally in lieu of closed circuit video link, zoom video link, or other electronic measure between the Highland County Jail and the Court and shall grant such a request at the Court's discretion or where required by Rule or statute.
- (G) Reporting to BCI and BV & Compliance Plain
- (1) The purpose of this local rule is to ensure complete, accurate, and timely submission of information and documentation by the Highland County Court, into the State of Ohio's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), the Bureau of Motor Vehicles and other law enforcement databases.
 - (2) The Court has developed a Compliance Plan for Reporting information to BCI, LEADS and other law enforcement databases.
 - (3) The plan provides for the obtaining and reporting of fingerprints and information regarding criminal cases and domestic relations cases involving protection orders in this court as prescribed by the Ohio Revised Code, Supreme Court of Ohio Rules, and any administrative rules adopted by the Ohio Attorney General or other Ohio administrative agencies or officers involved in maintaining and administering law enforcement databases.
 - (4) The plan also provides for the reporting of information to the Ohio Bureau of Motor Vehicles as required by applicable provisions of the Ohio Revised Code and Supreme Court of Ohio Rules.
 - (5) The Clerk of Courts will maintain complete and accurate records in accordance with 18 U.S.C. 922(g), R.C. 2923.13 and the Supreme Court Rules in the event of an audit by the Federal Bureau of Investigation, BCI, or other federal, state, or local auditors.
 - (6) The Clerk of Courts will also report all sealed and expunged records and records involving relief from legal disability as to firearms to BCI, LEADS and other law enforcement databases as required by R.C. 2953, 2930.71 and other statutes.

RULE 30: BOND SCHEDULE

- (A) The Court has adopted a bond schedule that shall be applicable unless bond has otherwise been set by separate order of the court, when a warrant to arrest was issued by the Court, or during probable cause determination was made by the Court.
- (B) The bond schedule is separately published and shall be made available to law enforcement as it is updated.
- (C) The bond schedule shall further be provided to any person requesting a copy of the same pursuant to the cost schedule for public records.
- (D) The bond schedule shall further be provided to licensed attorneys at no cost.

RULE 31: GUILTY WAIVER SCHEDULE

- A) The Court has adopted a guilty waiver schedule that shall be applicable to offenses waivable under law and allowed by the court to be disposed of in this manner.
- B) A court appearance shall be required for any offense not listed in the guilty waiver schedule, even if such offense might otherwise be waivable pursuant to statute.
- C) The guilty waiver schedule is separately published and shall be made available to law enforcement as it is updated.
- D) The guilty waiver schedule shall further be provided to any person requesting a copy of the same pursuant to the cost schedule for public records.
- E) The guilty waiver schedule shall further be provided to licensed attorneys at no cost.

IV. JURY MANAGEMENT PLAN

RULE 32: RULES OF FOR TRIALS BY JURY

- (A) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- (B) Jury service is an obligation of all qualified citizens of Madison Township, Highland County, Ohio.
- (C) The jury source list shall be obtained from the Board of Elections' list of registered voters. The Jury Commissioners shall then receive a computer printout from the Board of Elections and provide to the Court annually.
- (D) The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- (E) Eligibility for Jury Service
 - (1) Are less than eighteen (18) years of age;
 - (2) Are not citizens of the United States;
 - (3) Are not residents of Madison Township, Highland County, Ohio;
 - (4) Are not able to communicate in the English language;
 - (5) Have been convicted of a felony and have not had their civil rights restored.
- (F) Exemption, Excuse, and Deferral
 - (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be excused.
 - (2) Prospective jurors shall also be excused for the following reasons:
 - i. absence from the county;
 - ii. physical or mental inability to serve – this request should ordinarily be supported by additional documentation;
 - iii. recent death or illness of the a close family member related to the juror;
 - iv. prior service within the same year;
 - v. material harm to the interests of the juror or public;
 - vi. the juror is a member of a cloistered religious organization;
 - vii. The juror informs the court that they are over 75 years of age and would like to be excused; or
 - viii. A person on active military duty.
 - ix. All requests to be excused shall be determined by the Judge.
- (G) Voir Dire
 - (1) Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality
 - (2) The Judge of the Court shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
 - (3) The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
 - (4) In criminal and civil cases, the voir dire process shall be held on the record
 - (5) Rules on Voir Dire
 - i. The case may not be argued in any way while questioning the jurors.
 - ii. Counsel may not engage in efforts to indoctrinate jurors.
 - iii. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
 - iv. Jurors may not be asked what kind of verdict they might return under any circumstance.

- (6) Removal from the Jury Panel for Cause
 - i. 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, that individual shall be removed from the panel.
 - ii. Removal for cause may be made on motion of counsel or by the Judge
- (7) Preemptory Challenges
 - i. Rules determining procedure for exercising preemptory challenges shall be in accordance with Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.
 - ii. Unless otherwise ordered, each side shall be permitted three preemptory challenges and may excuse any member of the venire as allowed by law and without infringing upon any constitutionally guaranteed right.
- (H) Upon the completion of the case and prior to jury deliberations, the judge shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.
- (I) A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation.
- (J) All jurors may be permitted to take notes during the course of the presentation of evidence after proper instruction by the judge and at the discretion of judge.
- (K) Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned court personnel and shall direct any questions or communications to such personnel for appropriate action.
- (L) All communications between the judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communications, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witness, have any contact with jurors.
- (M) All jury deliberations shall be conducted in the jury deliberation room unless other accommodations are necessary and appropriate. Jury deliberation rooms shall include space, furnishings and facilities conducive to reach a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel, and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.
- (N) Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evenings or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors may be consulted prior to any decision.
- (O) If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.
- (P) Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

EFFECTIVE DATE OF RULES

These rules shall take effect **July 1, 2026**. They govern all proceedings in actions brought after they take effect, and also all further proceedings in action then pending, except to the extent that their application in a particular action pending when these rules take effect would not be feasible or would work injustice, in which event, former procedure applies.

FILED

MONICA GEORGE, CLERK

ENTER:

JUL 1 2026

John W. Judkins, Judge

HIGHLAND COUNTY COURT
GREENFIELD OHIO