

IRONTON MUNICIPAL COURT
LAWRENCE COUNTY, OHIO

"LOCAL RULES OF COURT"

I. CASE MANAGEMENT IN CRIMINAL CASES

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

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

(1) Pretrials: After arraignment, all first degree and second degree misdemeanors shall be set for pretrial by the Court within thirty (30) days. All other misdemeanors shall be set for trial unless the judge orders a pretrial in said case.

The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear

for pretrial without just cause being shown may be punished for contempt of court.

If the parties' cannot resolve the case, then the case should be set for trial of court unless a jury is demanded.

- (2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.
- (3) Trials: Each case not resolved at pretrial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule.
- (4) Sentencing: Sentencing hearings shall be set within seven (7) days from trial if no pre-sentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within seven (7) days.

II. CASE MANAGEMENT IN CIVIL CASES

- (A) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.
- (B) Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and four (4) judicial steps.
- (C) Clerical Steps:
- (1) Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
 - (2) Upon perfection of service, the clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.

- (3) After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the judge so that the matter may be set for a hearing.
- (4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- (5) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

(D) Judicial steps:

- (1) Motions: All motions must be in writing and accompanied by a written memorandum containing citations of the arguments of counsel. Opposing counsel shall answer in a like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court. There will no oral hearings

granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.

- (2) Pretrials: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record. Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of court.

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

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

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

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

Any judge presiding at pretrial conference of trial shall have the authority to dismiss the action for want of prosecution and motion of defendant upon failure of plaintiff, and/or his counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine and matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

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

(3) Continuances: 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 assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter with the discretion of the trial court.

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

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

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

Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court costs.

III. CASE MANAGEMENT IN SPECIAL PROCEEDINGS

- (A) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge or referee, to wit; small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by a judge, to wit: preliminary hearings, extradition hearings, and B.M.V. hearings.
- (B) Scheduling of Events: Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearings. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.
- (C) Clerical steps: In all new cases, if counsel fails to obtain service of summons within six (6) months, the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

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

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

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

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

IV. FORCIBLE ENTRY & DETAINER HEARINGS

- (A) Hearing: All forcible entry and detainer cases shall be set for hearing before the magistrate, pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied. The referee shall, at the conclusion of the hearing, file his written findings within seven (7) days and cause a copy to be served on the plaintiff and defendant.
- (B) Judgment Entries: The court shall review the findings of the magistrate weekly and enter the appropriate judgment entry.
- (C) Objection to Magistrate's Findings: The magistrate shall, at the conclusion of each case, serve a copy of his findings upon the plaintiff and defendant and inform the parties that they may file objections to the magistrate's findings within fourteen (14) days, in writing. The objections to the magistrate's findings should state, with specificity, the reason a new hearing is requested. No oral hearing will be granted on said motion. The Court shall, after consideration of the reasons in the objections to the magistrate's findings, rule on said objections to magistrate's findings within fourteen (14) days of the filing of the objections.

(D) If any 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.

MAGISTRATES

(A) Pursuant to Civil Rule 53, Traffic Rule 14, and Ohio Rules of

Superintendence, the magistrate of this court is empowered to

hear and report in the following cases:

1. Default Proceedings
2. Forcible Entry and Detainer Actions
3. Small Claims
4. Traffic proceedings in which a guilty plea is entered or in which the defendant executes a written waiver of the right to a trial by a judge
5. Judgment Debtor Proceedings
6. Such other matters as may properly be referred by a judge
7. Rent Escrow Hearings

(B) Objections to Magistrate's Report: In all cases, other than

forcible entry and detainer and small claims court, the party

objecting to the report of the magistrate shall file his objections

within fourteen (14) days of the service of the magistrate's

report on said party. The objecting party must state with

specificity his objections to said report and the relief requested.

It will be the duty of the attorney filing said objections to obtain

a hearing date from the assignment clerk and to notify opposing

counsel of said date within three (3) days. If counsel objecting

should fail to obtain a hearing date, no oral hearing will be

granted.

(C) If no objections are filed to said report, the judge shall review the findings of fact and issue the appropriate order in said case.

JURY USE AND MANAGEMENT PLAN

I. Opportunity for Service

- 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 recognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens of Lawrence County, Ohio.

II. Jury Source List

- A. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections list of registered voters. The court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service. The jury commissioners shall then receive a computer printout from the Board of Elections (for example, every fourteenth name)
- B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Procedures.

- A. The jury source list from Board of Elections shall be printed out on address labels which shall be cut into individual names and addresses and placed into a jury wheel. Names are then pulled at random during a public jury drawing.
- B. Departures from the principal random selection are appropriate only to comply with lawful exceptions.

IV. Eligibility for Jury Service.

- A. All persons shall be eligible for jury service except those who:
1. Are less than eighteen years of age;
 2. Are not citizens of the United States;
 3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Lawrence County Municipal Court;
 4. Are not able to communicate in the English language or;
 5. Have been convicted of a felony and have not had their civil rights restored.

V. Term of Availability for Jury Service

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. Jurors shall be "on call" for a three month period. They do not report every day. The Court will notify them if and when they will be needed.

VI. Exemption, Excuse, and Deferral

- A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.
- B. Prospective jurors are excused for the following reasons: over age 70 and a request to be excused; provide a written doctor's excuse.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.

VII. Voir Dire

- A. 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.

- B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.
- F. Rules on Voir Dire:
 - 1. The case may not be argued in any way while questioning the jurors.
 - 2. Counsel may not engage in efforts to indoctrinate jurors.
 - 3. 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.
 - 4. Jurors may not be asked what kind of verdict they might return under any circumstance.
 - 5. Questions are to be asked collectively of the entire panel whenever possible.

VIII. Removal from the Jury Panel for Cause

- A. 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. Such a determination may be made on motion of counsel or by the judge.

IX. Preemptory Challenges

- A. Rules determining procedure for exercising preemptory challenges shall be in accordance with the Ohio Civil and

Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. Administration of the Jury System

- A. The responsibility for administration of the jury system shall be vested exclusively in the Ironton Municipal Court.
- B. All procedures concerning jury selection and service should be governed by Ohio Civil Rules.

XI. Notification and Summoning Procedures.

- A. The notice summoning a person to a jury service and the questionnaire eliciting essential information regarding that person should be:
 - i. Combined in a single document
 - ii. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - iii. Delivered by ordinary mail.
- B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for
 - i. Determining whether a person meets the criteria for eligibility;
 - ii. Providing a basic background information ordinarily sought during voir dire examination; and
 - iii. Efficiently managing the jury system
- D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

XII. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

- A. the representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens to jury duty summons;
- D. The efficient use of jurors; and
- E. The cost effectiveness of the jury management system.

XIII. Juror Use

- A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. Jury Facilities

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

- D. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
- E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

XV. Juror Compensation

- A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.
- B. Such fees shall be paid promptly.
- C. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.
- D. Fee for those who appear for duty will be Six dollars (\$6.00) per day. Fee for those who actually serve on the jury will be Twelve Dollars (\$12.00) per day.

XVI. Juror Orientation and Instruction

- A. The Court shall have an orientation program:
 - i. Designed to increase prospective jurors understanding of the judicial system and prepare them to serve competently as jurors; and
 - ii. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.
- B. The Court shall provide some form of orientation or instructions to persons called for jury service.
- C. The trial Judge should:

- i. Give preliminary instructions to all prospective jurors
- ii. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures, including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
- iii. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
- iv. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
- v. Utilization of written instructions is preferable.
- vi. Before dismissing a jury at the conclusion of a case, the trial judge should:
 - A. Release the jurors from their duty of confidentiality;
 - B. Explain their rights regarding inquiries from counsel or the press;
 - C. Either advise them what they are discharged from service or specify where they must report; and
 - D. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
 - E. All communication between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII Jury Size and Unanimity of Verdict

- A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.**

XVIII. Jury Deliberations

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making and shall conform with existing Ohio law.**
- B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.**
- C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.**
- D. Training should be provided to personnel who escort and assist jurors during deliberation.**

XIX. Sequestration of Jurors

- A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences**
- B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.**
- C. Standard procedures should be promulgated to**
 - 1. Achieve the purpose of sequestration; and**

2. Minimize the inconvenience and discomfort of the sequestered jurors.

D. Training shall be provided to personnel who escort and assist jurors during sequestration.

LAWRENCE COUNTY, OHIO

Please complete the following questionnaire and return it within five days. This information will be treated confidentially and will be used only to assist attorneys and judges in impaneling juries, thereby saving valuable trial time. Answering this questionnaire does not relieve you from appearing. If you have a physical disability, submit a certificate from a physician attesting thereto.

Name: _____
First Middle Last

Home Address: _____
City _____ How Long _____

Day Phone: _____ Home Phone: _____ Cell #: _____

Years of Residence in Lawrence County: _____

Date of Birth: _____

Education: Completed to (Indicate completion by "X" or uncompleted by years attended)

___ Grade School ___ High School ___ Technical ___ College ___ Grad Student

Your Occupation and Employer: _____

(If Retired write "Retired" and give last occupation and employer)

Your spouse's occupation and employer. If your spouse is retired or deceased, indicate that and supply your spouse's last occupation and employer. _____

Marital Status: ___ Married ___ Single

Have you served as a juror before? ___ Yes ___ No

If yes, approximate date(s) and type of case(s): _____

Were you actually seated?: ___ Did you participate in jury deliberations? ___

Name	Relationship	Age	Living with you Yes/No	Occupation	Employer
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Have you ever been convicted of a crime punishable by imprisonment in a state penitentiary?
 _____ Yes _____ No.

Have you, or any member of your family listed above been sued, or sued another person?
 _____ Yes _____ No.

Has a claim for personal injury ever been made by you or against you or your family, not involving a lawsuit? _____ Yes _____ No

Are you related to, or a close friend of, any current or former law enforcement officer?
 _____ Yes _____ No

Do you or any member of your family have any connection with, or financial interest in, a casualty insurance company, automobile or otherwise? If so, state the name of the company and the nature of the interest or connection.

If you believe that you should not or can not serve, state your reasons: _____

 Juror Signature

State of Ohio,
 County of Lawrence, ss:

I solemnly swear or affirm that the answers to the foregoing questions are true to the best of my knowledge and belief.

Dated: _____ Signature _____