

STRUTHERS MUNICIPAL COURT

**LOCAL RULES OF PRACTICE
AND
PROCEDURE**

Updated as of February 1, 2022

STRUTHERS MUNICIPAL COURT

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STRUTHERS MUNICIPAL COURT
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P: 330-755-1800 EXT 145
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Website: www.StruthersCourt.com

The Court accepts Credit Card payments online and at the Clerks Counter. Also, there is an ATM located inside Struthers Municipal Court.

Serving: City of Struthers, Townships of Poland and Springfield, Villages of Poland, New Middletown and Lowellville

LOCAL RULES OF PRACTICE AND PROCEDURE

RULE 1
GENERAL RULES

RULE 1.01 Authority

The Struthers Municipal hereby adopts its Local Rules of Practice and Procedure pursuant to Article IV, Section 5(B) of the Ohio Constitution, and the Rules of Superintendence for the Municipal and County Court, Rule 18 and Rule 26. These Rules shall take effect on February 1, 2021.

RULE 1.02 Citations and Construction

These rules shall be known as the Struthers Municipal Court Rules (SMC Rule) of Practice and Procedure and shall be cited as SMC Rule No. _____.

These rules shall supplement and compliment the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Rules of Superintendence for the Courts of Ohio, the Traffic Rules and all other rules promulgated by the Supreme Court of the State of Ohio.

RULE 1.03 Hours of Clerk of Court's Office

The hours of this Court shall be from 8:00 o'clock A.M. until 4:00 o'clock P.M. during each day of the week (Monday through Friday), except on those days designated by law as legal holidays or as otherwise determined by the Judge. The Clerk of Court office closes for in-person business at 3:30 P.M. The Judge may establish earlier opening and closing times and may conduct proceedings on Saturdays and holidays when necessary.

RULE 1.04 Official Notification of Counsel and Client

Publication in the Daily Legal News or on the Struthers Municipal Court's internet site found at www.StruthersCourt.com shall be deemed official and complete notification to all counsel of record of any assignment of any case for any purpose whatsoever.

Whether or not oral, personal service or mail notification is provided to counsel of record for a particular date and time to appear, said counsel shall appear with his/her client at the specified date and time where notice was published as set forth herein above.

RULE 1.05 Official Notification of Pro Se Litigant

Ordinary mail service of written notification or telephone notification when ordered by the court is sufficient notification to require a pro se litigant to appear.

RULE 1.06 Motions for Continuance

Motions for continuance shall be submitted in writing within seven (7) calendar days of a scheduled trial or hearing; said motion shall be accompanied by a \$30.00 filing fee except in exigent circumstances stated; said motion shall provide the court with specific reasons for the continuance; and said movant shall file a proposed judgment entry with the motion for continuance, leaving the time and date blank for the court to set a new date.

Except on motion of the court, no continuances shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.

When a continuance is requested for the reasons that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in another court of this state, the case which was first set for trial or hearing shall have priority and shall be heard on the date assigned as prescribed in Rule 41 of the Rules of Superintendence for the Courts of Ohio. Under these circumstances neither the counsel nor his client is obligated to pay the \$30.00 continuance fee.

Stipulated continuances shall be approved by the court.

RULE 1.07 Case Files

All papers filed with the Clerk of Court in any action or proceeding shall be typed on 8 ½" by 11" paper and filed under the style and number of the cause; shall include the name of the judge; a notation as to the type of case, a short description as to what type of pleading is being filed and any other information required by the civil or criminal rules. All papers filed shall remain in the Clerk's Office who is and shall remain the official custodian. The clerk may release files to a third-party only upon the order of the court.

The face of the pleadings filed in civil cases shall provide a blank of approximately three inches in diameter in the upper right portion of the pleadings sufficient to permit the clerk's time stamp imprint. And, in addition thereto, the face-sheet of all complaints filed in civil cases shall provide a two-and-half inch type written horizontal line approximately one-half-inch below and parallel to the line provided for the case number.

RULE 1.08 Filing Fees and Costs

The Clerk of the Struthers Municipal Court shall not accept for filing any document without a filing fee or security for costs unless otherwise directed by the Court in writing. Further, all judgment entries finalizing the case shall specify how the costs shall be applied.

All demands for jury trials in civil and criminal cases shall be made in writing and in civil cases shall be accompanied by the deposit set forth in the cost structure of these rules.

All fees and costs shall be waived in civil cases upon the filing of an Affidavit in Forma Pauperis stating under oath that the filer does not have the means to produce said fees and/or cost without suffering a hardship.

All fees and costs may be waived in criminal cases upon the court's determination at a hearing on the defendant's ability to pay.

Any filer who falsifies the truth of his/her assets may be subject to criminal sanctions including but not limited to Contempt of Court.

RULE 1.09 Electronic Filing

(A) The clerk shall provide electronic filing service to all court users for all documents in any category of cases or any particular case as designated by an administrative order of the presiding judge.

(B) In matters where electronic filing is authorized by administrative order, the electronically filed document will be part of the official court record. Paper records, if maintained, will be considered a copy of the official court record.

(C) The following definitions shall apply herein, unless the context requires otherwise:

(1) "Electronic filing" means the transmission of a digitized source document electronically via the Internet to the clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.

(2) "Electronic mail" means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the court by electronic mail is not considered a legal communication of any form and will not be received or ruled upon by a judge or entered into the court record.

(3) "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper or photographic exhibit, order, notice, and any other filing by or to the court, except trial exhibits that have not yet been admitted into evidence by the court.

(D) All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or party not represented by such an attorney.

(1) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the document stricken.

(2) No attorney shall authorize anyone to electronically file on that attorney's behalf, other than his/her employee or a service provider retained to assist in electronic filing.

(3) The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall

constitute a signature of that attorney or party under Ohio Civil Rule 11.

(4) No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

(E) The electronic filing service shall be available during normal Court hours of Monday through Friday from 8:00 AM to 4:00 PM. Documents transmitted outside of regular court hours shall be deemed filed on the next normal business day of the clerk.

(F) A document electronically filed shall be accepted as the original filing if the filer complies with all of the requirements set forth in this rule. The filer shall not be required to file the source document with the clerk but must maintain same in the filer's records, and have same available for production on request of the court, the clerk or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.

(G) The filer electronically filing a document shall also complete an on-line Document Description Form containing the following information:

- (1) The title of the case;
- (2) The case number;
- (3) The assigned judge;
- (4) The title of the document being filed;
- (5) The date of transmission;
- (6) An indication that a judge or case number has not been assigned, if applicable;
- (7) The name, address, telephone number, fax number, and, if available, the e-mail address of the person filing the document, and
- (8) For an attorney, his or her Ohio Supreme Court registration number and firm name, if any.

(H) In the event a document is electronically filed without or with an incomplete Document Description Form, the clerk shall reject said document and the clerk shall notify the filer via electronic mail of said rejection.

(I) A transaction number will be assigned to each document when it is received in its entirety by the receiving device of the clerk. The transaction number and the date and time of filing will be displayed on the screen of the filer's computer, with an image of the document filed, upon successful transmission of the document. Filers will be notified via electronic mail if the filing is rejected for any reason. A corrective filing may be sent at a later time if the filer elects to do so, but such a filing will be considered a new filing and will not relate back to the date and time of the original attempt to file the document. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back as to date and time, the filer must file a motion with the court seeking such relief.

(J) The clerk shall retain rejected documents for a period of one year from the date of transmission.

(K) Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.

(L) Normal filing fees, deposits, and copy costs will be collected by the Clerk via cash, credit card or IOLTA checks only (no personal or business checks). Any document filed

electronically that requires a filing fee may be rejected by the Clerk unless the filer has complied with the mechanism established by the court for the payment of filing fees.

(M) Documents submitted must be in a digitized format specified by the Judge.

(N) Documents filed with the court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49 unless an attorney or a party not represented by an attorney has filed an electronic mail address with the court. Where an electronic mail address has been filed with the court by affixing the same to any document or by the filing of a separate notice of electronic mail address, service on the attorney or party by electronic mail shall constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49 but shall not entitle the attorney or party to the additional three (3) days provided by Ohio Civil Rule 6(E). Documents served electronically shall contain proof of service setting forth the electronic mail address at which the attorney or party was served.

(O) The following documents may be filed by electronic means with the court, subject to the conditions set forth herein:

1. Ohio Uniform Traffic Tickets (OUTT)

a. If an OUTT is filed by electronic means, the issuing officer shall provide the defendant with a paper copy of the ticket pursuant to Ohio Traffic Rule 3(E).

b. A law enforcement officer who filed a ticket electronically shall be considered to have certified the ticket which shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

2. Criminal complaints shall comply with Ohio Criminal Rule 3.

3. Small claims complaints shall comply with Ohio Revised Code 1925.04(B).

4. No filer shall electronically file any document containing the following information:

a. Social Security Numbers

b. Account numbers for an individual's bank account, security account, debit card, charge card, or credit card; or

c. Information concerning a minor, including the minor's date of birth, age, telephone numbers or address.

RULE 1.10 Magistrate

The court may employ one or more magistrates, who may preside over the following cases:

A.) Small Claim proceedings under Chapter 1925 of the Ohio Revised Code; and

B.) Civil proceedings where no jury demand has been made; and

C.) Arraignments and Initial Appearances in criminal and Traffic cases; and

D.) In addition to the above matters, the judge may refer other appropriate duties to the magistrate (ie. subpoena's and search warrants) per an administrative order.

RULE 1.11 Recording of Proceedings

- A. All proceedings heard before this court may be recorded by any means and media approved by the presiding judge. Use or placement by the court of any type of recording in any location shall be deemed to be in compliance with the rule and approved by the presiding judge. Any form of recording of proceedings (including audio, video, or court reporter notes) is considered court property and shall not be released for any reason, to any person.
- B. Only transcripts of recordings will be issued to the public as the official record.
- C. Transcripts of the recording media shall be made at the expense of the requesting party at the prevailing page rates for transcription. All transcripts from audio and/or video recordings shall be transcribed by a court-appointed court reporter. A \$100.00 deposit is required to be paid for at the time the request is made.
- D. No recording devices other than court-approved recording devices shall be permitted in the courthouse.

RULE 1.12 Decorum and Conduct

Upon the opening and closing of any court session, all persons in the courtroom shall stand; shall respect the honor and dignity of the court, the litigants, the officers of the court and clerk of court and all those who are in attendance; shall not obstruct or interfere with the court's operation from the point of entering into the Court House to the point of leaving.

All persons appearing before the court shall, as far as practical, appear in appropriate dress. The court expects all counsel to call this rule to the attention of clients and witnesses.

No person shall loiter, or conduct himself in an unseemly or disorderly manner in the courtroom or in any halls, entryway or stairway leading thereto, or to otherwise interfere with or obstruct judicial activities or proceedings. Persons and objects who enter the Struthers Court House are subject to inspection prior to entry.

No cell phones, tablets, other electronic or recording devices are allowed in the building during Court sessions.

RULE 1.13 Facsimile Filings

Subject to the following provisions, parties may comply with these rules via facsimile transmission to Struthers Municipal Clerk at (330) 755-2790.

Original Documents – All documents and pleading may be filed with the Struthers Municipal Court fax as follows:

1. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

2. All faxes shall have a Cover page. The Cover Page shall contain the following information:
 - (I) The name of the Court;
 - (II) Caption of the case;
 - (III) The case number;
 - (IV) Name of the Judge to whom the case is assigned;
 - (V) Description of the document being filed;
 - (VI) Date of transmission
 - (VII) The transmitting fax number;
 - (VIII) Indication of the number of pages included in the transmission, including the cover page;
 - (IX) If a Judge or case number has not been assigned, state that fact on the cover page;
 - (X) The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and email address of the person filing the fax document if available; and
 - (XI) If applicable, a statement explaining how costs are being submitted
 - (XII) If a document is sent by fax to the Clerk of Court without the cover page information listed above, then the document shall not be considered filed with the Clerk of Courts.
 - (XIII) The Clerk of Court will make one attempt to send notice to the sending party of a failed fax filing by faxing to the Senders transmitting fax number.
3. Documents or pleadings which require a fee (**including motions to continue**) pursuant to Struthers Municipal Court's schedule of fees shall not be considered "filed" or docketed until the fee is received by the office of the Clerk of the Struthers Municipal Court.
4. Any person, attorney, or entity who files by fax a document or pleading with the Court attests thereby that the document or pleading transmitted is the original document or pleading.
5. Any person, attorney, or entity who files by fax a document or pleading with the Court containing a signature attests thereby that the signature is genuine and that the document or pleading has not been altered since the signature was affixed.
6. Pleas in Absentia may be filed by fax, but the original document with notary seal must be filed with the court within 7 days.
7. A facsimile received in compliance with these rules shall be accepted for filing to the same extent as an original unless:
 - a. A genuine question is raised as to the authenticity of the original, or
 - b. The Struthers Municipal Court determines within its discretion that the filing of the original document or pleading will be required.
8. The time of filing of a subsequent original will relate back to the filing of the initial faxed duplicate unless the Court determines otherwise.
9. **EXHIBITS**: 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 the paragraph may result in the court striking the document and/or exhibit.

- a. 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 being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

10. TIME OF FILING: Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of the documents during normal Court hours Monday Through Friday 8:00 AM to 4:00 PM. Fax filing may not be sent directly to the Clerk for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

Rule 1.14 Court Security

- A. The Struthers Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the court. The court also recognizes, accordingly, that appropriate levels of security should exist in the court for the safety and security of those who visit and work therein, pursuant to the Rules of Superintendence.
- B. A local security advisory committee shall be established, appointed by the court, consisting of a representative of each of the following: the Court, the Mahoning County Sheriff, Struthers City Council, the Clerk of Struthers Municipal Court, the city prosecutor, Struthers Police Department, employee organizations representing employees who work in the Struthers Municipal Court building and other bar association or community groups as deemed appropriate by the court. This advisory group shall meet at least once yearly to assist the court in meeting the Ohio Court Security Standards contained in the Rule 9 of the rules of Superintendence for the Courts of Ohio. The Court's security policy and procedures manual is a protected document and is not a public record.

II

CIVIL CASE MANAGEMENT PLAN

**STRUTHERS MUNICIPAL COURT
CIVIL CASE MANAGEMENT
(Effective for all cases filed after February 1, 2021)**

RULE 2.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the Courts of Ohio prescribe that - “A case management plan shall be established for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases.”

RULE 2.02 Court Sessions

Thursdays unless otherwise stated.

RULE 2.02 Civil Case Management Plan

Notice: This Rule does not apply to Small Claims or Forcible Entry and Detainer actions.

(A) Filing of the Complaint/Service/Leave to Plead

(1) Upon filing of a civil case, the clerk shall within a period of five (5) days, serve a true and accurate copy of the complaint and summons to the defendant(s) in accordance with Rules 4.1-4.6 of the Ohio Rules of Civil Procedure. Thirty (30) days after the complaint is issued, the clerk shall check the docket to determine whether service was perfected on all parties. In the event service has not been perfected on some or all of the defendants, the clerk shall notify plaintiff or plaintiff’s counsel and request that an alias summons be issued to the defendant(s) proper address or request personal service by the bailiff at a location the defendant(s) may be found. In the event that personal service fails, the plaintiff or plaintiff’s counsel may issue notice by publication and file with the clerk, an affidavit showing publication was made, and a copy of the notice of the final publication.

(2) In the event a party defendant fails, refuses and/or neglects to answer a complaint within twenty-eight (28) days after service, the plaintiff or plaintiff’s counsel shall file a motion for default judgment within a period of forty-five (45) days thereafter and the failure to do so may result in the court sua sponte dismissing plaintiff’s action against the defendant.

(3) The clerk of Court shall deliver any motion to the judge within two (2) day after the filing and the judge shall enter his ruling thereon within seven (7) days thereafter, unless a responsive pleading is filed or the Court grants leave for a responsive pleading to be filed.

(4) Ohio R. Civ. Pro. 12 will be strictly enforced. However, parties may generally obtain one (1) extension of time without leave of court not to exceed thirty (30) days, in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing a Journal Entry with the Clerk of Courts, thereon noting “First Leave” or words of similar import, with stipulation by or notice to opposing counsel. If any additional extension is requested, the party desiring the extension must obtain the approval of the Court.

(5) The clerk shall pull all cases where there has been no activity for a period of six (6) months. Cases that have been on the docket for six (6) months without any proceedings taken in the case, except cases awaiting trial assignment, shall be dismissed after notice to counsel of record, for want of prosecution, unless good cause is shown to the contrary.

(6) Telephonic Hearing Procedure –

1. You must call the Struthers Municipal Court Clerk's Office at (330) 755-1800 ext 113 to schedule a telephonic appearance, unless you are denied entry into the building in which case you must immediately notify the Clerk's Office at the number above.
2. You must contact the Court no later than 2:00 P.M. the day before your hearing. If your hearing is scheduled for a Monday, you must call the Court by 2:00 P.M. the Friday before.
3. You must provide the Court with the following information:
 - a. Your name and case number
 - b. Date and time of your hearing
 - c. A working telephone number where you can be reached for your participation in the call
4. As there may be other hearings scheduled for the same time, you must remain available until such time as the Court initiates the call.
5. If you do not answer when the Court initiates the call for your hearing, it will be considered a failure to appear.

Motion for Telephonic Hearing must be filed with written approval from counsel/opposite party, along with a Judgment Entry. The Judgment Entry must be granted by the Judge/Magistrate for the motion to be approved.

(B) Struthers Civil Pre-Trial Report (see appendix B)

This Order shall apply in all Civil proceedings pending before the Court and shall not be modified except by leave of the Court upon a showing of good cause.

Counsel for all parties and pro se litigants are expected to be fully aware of and comply with the directives set forth herein.

(1) Local Rules and Ohio Rules of Civil Procedure.

All counsel shall familiarize themselves with and follow the Ohio Rules of Civil Procedure and the Local Rules of the Struthers Municipal Court. Copies of the Local Rules are available on the Court's website at www.StruthersCourt.com or from the Clerk of the Struthers Municipal Court.

(2) Discovery.

A Pretrial conference shall be set upon the filing of the Defendant's Answer consistent with Ohio R. Civ. P. 26, whereby a discovery and case management plan shall take place (See Appendix B). Counsel is expected to comply with discovery requirements as notated in the pre-trial report. Counsel conducts "informal discovery" at his/her own peril because "informal discovery" is no substitute for the formal discovery process.

Discovery disputes may be brought to the Court's attention by appropriate motion, subject to the provisions of the Ohio Rules of Civil Procedures and other provisions of applicable law. The Court will consider appropriate sanctions to parties or their counsel for failure to respond to discovery requests. In the case of a corporate or partnership party, sanctions may be made applicable to officers, partners, agents or employees.

(3) Pre-Trial Hearings.

Upon the filing of an Answer, the Court will set a hearing whereby a case management plan (see appendix B) will be entered into, unless the parties submit their own case management plan prior to the hearing.

(4) Final Pre-Trial Hearings.

The Court shall conduct a final pretrial in accordance with the Case Management plan.

At the final pretrial conference, counsel shall be prepared to discuss:

- (a) the estimated time for presentation of its case-in-chief and/or defense;
- (b) any pre-trial motions, including motions *in limine*, the party anticipates filing;
- (c) each cognizable claim and/or defense;
- (d) exhibit and witness lists, which include a summary of the testimony to be presented by each witness;
- (e) the formulation and simplification of issues, including the elimination of frivolous claims and/or defenses;
- (f) the possibility of obtaining admissions of fact and stipulations regarding authenticity of documents;
- (g) the avoidance of unnecessary proof and of cumulative evidence;
- (h) the current status of settlement negotiations, the possibility of settlement and the use of alternative dispute resolution procedures; and
- (i) such other matters as may aid in the disposition of the action.

Unless otherwise instructed and/or so ordered by the Court, counsel **shall appear with clients at the final pretrial**. At the final pretrial conference, at least one of the attorneys for each party shall have authority to:

- (i) settle the case;
- (ii) enter into stipulations; and
- (iii) make admissions regarding all matters that participants may reasonably anticipate will be discussed.

(C) Dispositive Motions

(1) Motions for Default Judgment

When a party against whom a judgment for affirmative relief is sought, has failed to plead or otherwise defend as provided by the civil rules, the party entitled to a judgment by default shall promptly apply in writing or orally to the trial judge within forty-five (45) days after the date upon which the defaulting party should have plead or otherwise defended. No judgment by defendant shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other representative who has appeared. If a party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion along with the date and time fixed by the assignment clerk with the concurrence of the trial judge shall be served upon that party. In order for the trial judge to award damages and enter judgment, to establish the truth of any averment by evidence, or to make inquiry of any other matter, the trial judge may conduct hearings or order references, as necessary and proper, and shall, when applicable, accord a right of trial by jury to the parties.

(2) Summary Judgment Motions

All motions for summary judgment filed pursuant to Rule 56 of the Ohio Rules of Civil Procedure shall be deemed submitted to the judge seventeen (17) days thereafter and referred to as the “hearing” date. The respondent shall reply with a memorandum contra and/or a cross-motion for summary judgment. All affidavits, depositions and other evidentiary material permitted by Rule 56 (C) of the Ohio Rules of Civil Procedure in support of or in opposition to the motion for summary judgment shall be filed with the motion or responsive pleading.

No motion for summary judgment shall be filed in any case after the dispositive motion date set at the initial pre-trial hearing unless the court, for good cause, determines otherwise.

(D) Withdraw of Counsel

An attorney who desires to withdraw from representing a client in a civil or criminal case shall file a written motion to withdraw together with a proposed Judgment Entry representing the reasons for the withdraw. In the motion, the attorney shall represent that he notified his client in writing that he is no longer willing to provide further legal services for his benefit; that counsel informed his client that his client should immediately secure the assistance of other competent counsel and further informed his client of any upcoming dates his client is required to attend.

Said motion shall be filed more than ten (10) days before the next scheduled appearance date.

RULE 2.03 Complaint in Forcible Entry and Detainer

A complaint in forcible entry and detainer filed with the clerk of the Struthers Municipal Court based upon a breach of a written contract shall specifically set forth the reason(s) for the eviction in the body of the complaint and attach thereto a three (3) day notice as is prescribed by law.

Forms to file a Forcible Entry and Detainer complaint can be printed from the court's website found at www.StruthersCourt.com. The form must be completed in its entirety, signed in front of a notary or in front of the Clerk/Deputy Clerk, and delivered to the Clerk of Court together with a filing fee set forth in the cost structure of the rules. Each party will then be served a copy of the complaint by personal service, together with a summons setting the date and time the forcible entry and detainer will be heard. A complaint in forcible entry and detainer filed with the clerk of the Struthers Municipal Court based upon a breach of a month-to-month tenancy shall specifically set forth the reason(s) for the eviction in the body of the complaint and attached thereto a thirty (30) day and three (3) day notice as is prescribed by law.

In cases in which the Court has issued a writ of restitution in actions in forcible entry and detainer, it shall be the responsibility of the Plaintiff or his/her agents to provide for the actual moving out of the Defendant from the residence premises, including the post move-out storage of any personal property of the Defendant. The Clerk of Court shall schedule the move-out and a Bailiff shall actually be in attendance at the time of the execution of the writ of restitution but shall not make advance arrangements for movers or actually conduct the move-out. The Plaintiff or his/her agents shall at this time cause all the locks to be changed or have a locksmith. The Court is not responsible for any damage or injury resulting from executing the writ. Nothing in this rule shall prevent a party from recovering the costs of restitution of premises as damages or court costs in an appropriate case pursuant to law.

RULE 2.04 Trials on Forcible Entry and Detainer Action

Upon the filing of a complaint which includes a count in forcible entry and detainer, the clerk shall bifurcate the hearings by way of setting the forcible entry and detainer count within the time prescribed by law and setting the breach of contract count more than 30 days thereafter. Further, the clerk shall notify the tenant(s) in the body of the summons the date, time and place of each of said hearings.

RULE 2.05 Demand for Jury Trial-Forcible Entry and Detainer Cases

A demand for a jury trial in forcible entry and detainer cases shall be made in writing and filed with the clerk's office not less than three (3) days prior to the date of trial. Such filing shall be accompanied by a jury deposit of \$400.00 as prescribed in the cost structure of these rules.

In addition, the tenant shall post a bond to secure future rent and damages in an amount prescribed by law. In the event all the foregoing conditions have been met, the clerk shall place the forcible entry and detainer case on the jury trial docket and notice each party of the date and time of trial.

RULE 2.06 Continuances – Forcible Entry and Detainer Cases

A motion to continue a forcible entry and detainer case shall be filed not less than three (3) days prior to the date of trial; shall be made in writing specifically setting forth the reason(s) for the request; and shall be accompanied by a motion fee as prescribed in the cost structure of these rules. Said motion shall not be effective unless and until approved by the Judge or

Magistrate. Further, the Judge and Magistrate in their discretion may grant the motion subject to conditions including but not limited to requiring the movant to post a bond in a specific amount.

RULE 2.07 Action on Account

Any action filed upon an account shall have attached to the complaint a copy of such account, which account shall begin from a zero balance and indicate each and every charge against and every credit for the party to be charged; the dates each debit was charged and credit was applied and which shall be a complete itemization of the account to the date of the filing.

The court in its discretion may summarily dismiss, without prejudice, any complaint filed which is not in compliance with this rule.

RULE 2.08 Small Claims Division

The Struthers Municipal Court has established a small claims division and docket to serve the interests of those who desire access to the civil process of the court at reasonable costs. The monetary jurisdiction of the small claims division is \$6,000.00. The territorial jurisdiction of the court where defendants may be served is the City of Struthers; Townships of Springfield and Poland; and the Villages of: Poland, Lowellville and New Middletown, all situated in the County of Mahoning and State of Ohio.

RULE 2.09 Small Claim Complaint and Proceedings

Forms to file a small claim complaint can be printed from the court's website found at www.StruthersCourt.com. The form must be completed in its entirety, signed in front of a notary or in front of the Clerk/Deputy Clerk, and delivered to the Clerk of Court together with a filing fee set forth in the cost structure of the rules. Each party will then be served a copy of the complaint by certified mail, together with a summons setting the date and time the small claim will be heard.

Any person who files a counterclaim or cross-claim shall file it with the Clerk of Courts and serve it on all other parties at least seven days prior to the date of the trial of the plaintiff's claim in the original action.

The law requires that all small claim hearings shall be set no less than fifteen (15) days nor more than forty (40) days after the date of the filing.

RULE 2.10 Transfer of Small Claim Cases

A case duly entered on the docket on the small claims division shall be transferred to the regular docket of the court upon the motion of the court made at any stage of the proceedings; upon the motion of defendant, accompanied by an affidavit stating that a good defense to the claim exists; setting forth the grounds of the defense; setting forth the reason such transfer is requested; and the compliance of the defendant with any terms fixed by the court; or by the filing of a counterclaim in an amount greater than \$6,000.00.

If a case is ordered transferred to the regular docket by the judge or magistrate, the judge or magistrate in addition to any other appropriate condition(s) may order a party to pay additional costs within a period of time designated by the court.

In the event the defendant files a counterclaim in a sum in excess of \$6,000.00, the filing fee for a regular docket filing shall apply. (See Regular Docket Filing Fee in the cost structure portion of these rules).

RULE 2.11 Corporation: Presentation of Claim or Defense

A corporation who is named as a real party in interest shall be represented by counsel in all civil actions filed in the Struthers Municipal Court.

RULE 2.12 Judgment Entries and Settlements

When ordered or directed by the court, counsel for the party in whose favor an entry, order, judgment or decree is entered in a civil case shall, within ten (10) days thereafter, unless the time is extended by the court, prepare an appropriate Judgment Entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after its receipt and may in case of rejection, file objections thereto in writing with the court. In the event counsel fails to prepare and present a judgment entry within the time required, the court may prepare such judgment entry and journalize at its discretion.

In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a judgment entry. Such judgment entry shall be presented to the court no later than ten (10) days after the parties reported to the court that the case had been settled. Should counsel fail to present such entry within the ten (10) day period, the court may, in its discretion, dismiss all causes of action therein for failure to prosecute.

III

CRIMINAL CASE MANAGEMENT PLAN

**STRUTHERS MUNICIPAL COURT
RULE III
CRIMINAL CASE MANAGEMENT PLAN**

RULE 3.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the courts of Ohio prescribe that “A case management plan [shall be established] for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases.”

RULE 3.02 Scheduling of Events

(A) Initial Appearance

Any person charged with a felony shall be brought to the court in person or via video arraignment with all due dispatch within (48) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. The court then shall read the complaint to the defendant including the penalty and shall inquire whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the initial appearance pursuant to Rule 46 of the Ohio Rules of Criminal Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purpose whatsoever.

Thereupon, the court and/or clerk shall set the preliminary hearing within ten (10) days after defendant’s arrest if the defendant remains incarcerated in lieu of bond or fifteen (15) days if the defendant makes bail. In the event the defendant waives his right to a speedy preliminary hearing, the court and/or clerk shall set the preliminary hearing within thirty (30) days.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant’s constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his constitutional rights. In the event the defendant requests an attorney for the initial appearance, the hearing shall stop for a reasonable period of time in order to secure the assistance of counsel.

(B) Arraignment

Any person charged with a misdemeanor shall be brought to the Court in person or via video arraignment with all due dispatch within (48) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. Then, the court shall read the complaint to the defendant including the penalty and shall inquire whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the arraignment pursuant to Rule 46 of the Ohio Rules of Criminal

Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purposes whatsoever.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant's constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his/her constitutional rights.

Thereupon, the court shall advise the defendant that he/she shall tender a plea of "guilty," "not guilty," "no contest," or "not guilty by reason of insanity," and shall explain the ramifications of each said plea. After doing so, the court shall order the defendant to declare his/her plea. In the event the defendant refuses to tender a plea at this time, the court shall enter a plea of "not guilty: thereby preserving all of defendant's Constitutional Rights.

Thereupon, minor misdemeanors and misdemeanors of the third or fourth degree shall be set for trial within the speedy trial guidelines at the time of the arraignment. Further the court and/or clerk shall set the balance of the pre-trial hearings within twenty-one (21) days after defendant's arrest if the defendant remains incarcerated in lieu of bond or thirty (30) days if the defendant makes bail. In the event the defendant waives his right to a speedy trial, the court and/or clerk shall set the pre-trial within sixty (60) days.

(C) Written Pleas (Criminal Rule 10(B))

An arraignment without the appearance of the defendant is permitted only if the defendant is represented by counsel; the defendant's counsel orally or in writing secures the approval of the prosecutor and Judge and the defendant's consent, plea of "not guilty," and waiver of his right to a speedy trial shall be reduced to a writing and duly signed by the defendant and defendant's counsel.

(D) Pre-trial Conference

The clerk upon the filing of minor misdemeanors, misdemeanors of the fourth degree and misdemeanors of the third degree shall set same for trial within the speedy trial guidelines at the time of the arraignment. All other misdemeanors shall be set for pre-trial conference within thirty (30) days.

The criminal pre-trial conference shall be conducted between the prosecutor and the defendant or defendant's counsel. The judge shall not participate in the pre-trial conference. The prosecutor and the defendant and/or defendant's counsel shall negotiate in good faith and arrive at an amicable and just settlement. The prosecutor and defendant and/or defendant's counsel shall jointly present the settlement proposal in open court. In the event the court approves the settlement agreement tendered by the parties, the court will issue a disposition consistent with the agreement. In the event the court disapproves of the agreement tendered by the parties, the court will indicate same on the face of the written proposal and set the case for trial in the same manner as herein after provided.

In the event the prosecutor and the defendant and/or defendant's counsel cannot arrive at an agreement, the parties shall report same to the judge in open court at which time the court shall report on the record that the case was called for a pre-trial; that there was no disposition; that the clerk shall set the case for trial at a specified date and that defendant's bond is continued. The court may call a status conference at any time prior to the trial date.

(E) Motions

All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel together with a filing fee in accordance with the court's cost structure. Motions shall be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall either be ruled upon sua sponte or, if necessary, set for oral hearing.

(F) Trials

Each case not resolved at pre-trial shall be set for trial before the court or before a jury. In the event the case is placed on the jury docket, a status conference shall be set one week prior to the commencement of the jury trials. In the event the case is not settled prior to the jury call by way of a final judgment entry, then the defendant shall be assessed the costs of the jury.

The clerk shall schedule jury trials at least two (2) times per year which shall run for a period of two (2) weeks from Monday through Friday. The court, in its sound discretion, may increase or decrease the number of times a jury is called based upon need.

(G) Sentence

After trial and a finding of guilt, the court shall impose sentence without unnecessary delay in the manner set forth in Rule 32 (A)(1)(2)(3) of the Ohio Rules of Criminal Procedure.

(H) Bail Schedule

See attached appendix

IV

JURY MANAGEMENT PLAN

Rule 4.01 Opportunity for Service

- A. The opportunity for jury service should 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 who reside in the City of Struthers, the Townships of Springfield and Poland, and the Villages of Lowellville, New Middletown, and Poland.
- C. Jury service is an obligation of all qualified citizens.

Rule 4.02 Jury Source List

- A. The names of potential jurors should be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.
- B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The Court should periodically 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 should be taken.

Rule 4.03 Random Selection Procedures

- A. Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods should be documented.
- B. Random selection procedures should be employed in:
 - 1. Selecting persons to be summoned for jury service;
 - 2. Assigning prospective jurors to panels; and
 - 3. Calling prospective jurors for voir dire.
- C. Departures from the principle of random selection are appropriate:
 - 1. To exclude persons ineligible for service in accordance with Standard 4;
 - 2. To excuse or defer prospective jurors in accordance with Standard 6;
 - 3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
 - 4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

Rule 4.04 Eligibility for Jury Service

- A. All persons shall be and hereby are declared to 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;
 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.

Rule 4.05 Term of and Availability for Jury Service

- A. The time that persons are called upon to perform jury service and to be available shall be the shortest period consistent with the needs of justice.
- B. The clerk shall schedule jury trials in May and October for a period of time not to exceed two weeks for any one term depending on the amount and complexity of jury cases then pending; whenever a juror is excused or not otherwise selected to hear a case or all the jury cases are settled, the clerk shall immediately notify the panel that no further jury service will be required.

Rule 4.06 Exemption, Excuse and Deferral

- A. Upon written documentation, the statutory exemptions shall be automatically excused from jury service. The statutory exemptions are as follows:
1. Firemen.
 2. A person currently performing jury service elsewhere.
 3. Certain officers and personnel of the Ohio National Guard.
 4. Member of the Ohio Military Reserve.
 5. Members of the Ohio Naval Militia.
- B. Upon written documentation subject to the approval of the Court, the statutorily recognized upon which this Court may temporarily excuse attendance are as follows:
1. Necessarily absent for the jurisdiction.
 2. The interests of the public or the juror would be materially impaired.
 3. Severe physical or mental impairment.
 4. Grieving spouse or close relative of decedent.
 5. Other jury service performed in the past year.
- C. Upon written documentation, subject to the approval of the Court, jury service may be delayed for a period of no more than three days at a time where the exigencies of business so require.
- D. The clerk shall deliver all documented excuses and deferrals to the Commissioners of Jurors who shall insert said persons at the top of the next jury list.

Rule 4.07 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 shall 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 shall 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 record. In civil cases, the voir dire shall be held on record unless waived by the parties.

Rule 4.08 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.
- B. The procedure for exercising challenges for cause shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

Rule 4.09 Peremptory Challenges

- A. Rules determining procedure for exercising peremptory challenges should be uniform throughout the state.
- B. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- C. In civil cases, the number of peremptory challenges should not exceed three for each side. If the court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three peremptory challenges.
- D. In criminal cases, the number of peremptory challenge should not exceed:
 - 1. Six for each side when a death sentence may be imposed upon conviction;
 - 2. Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or

3. Three for each side in all other prosecutions. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.
- E. In criminal and civil proceedings each side should be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

Rule 4.10 Administration of the Jury System

- A. The responsibility for the administration of the jury system shall be and hereby is vested exclusively in the Judge of the Struthers Municipal Court.
- B. All procedures concerning jury selection and service shall be and hereby are governed by the Ohio Rules of Court.
- C. Responsibility for the administration of the jury system be and hereby is vested in the Chief Jury Commissioner under the supervision of the Judge of the Struthers Municipal Court.

Rule 4.11 Notification and Summoning Procedures

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 1. Combined in a single document;
 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 3. Delivered by ordinary mail.
- B. The summons shall clearly explain when, where and how the recipient must respond and the consequences of a failure to respond.
- C. The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:
 1. Determining whether a person meets the criteria for eligibility;
 2. Providing basic background information ordinarily sought during voir dire examination; and
 3. Efficiently managing the jury system.
- D. The Bailiff shall report to the Court all failures to appear for jury service no later than 4:00 p.m. on the first day any panel is called. Thereupon, the Prosecutor shall issue notice to the recipient to show cause why he should not be held in contempt for his

failure to appear and the clerk shall issue notice of hearing. In the event the juror shows just cause for his failure to attend, the Court may remit the fine required by division (B) of Section 2313.99 of the Revised Code by entering the reason therefore on the journal of the Court. In the event the juror fails to show just cause for his failure to attend, the Court shall issue a warrant for his arrest and the juror may be punished as for contempt of court.

Rule 4.12 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 summonses;
- D. The efficient use of jurors; and
- E. The cost effectiveness of the jury management system.

Rule 4.13 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 shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
- C. Jury management and calendar management shall be coordinated to make effective use of jurors.

Rule 4.14 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 fair verdict. The safety and security of the deliberation rooms shall be ensured.

- E. To the extent feasible, jury facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.

Rule 4.15 Juror Compensation

- A. Persons called for jury service shall receive a reasonable fee for their service & expenses.
- B. Such fees shall be paid promptly.
- C. Employers shall be and hereby are prohibited from discharging, laying off, denying advancement opportunities or otherwise penalizing employees who miss work because of jury service.

Rule 4.16 Juror Orientation and Instruction

- A. Orientation programs shall be:
 - 1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
 - 2. 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;
 - 1. Upon initial contact prior to service;
 - 2. Upon first appearance at the court; and
 - 3. Upon reporting to a courtroom for voir dire.
- C. The trial judge shall;
 - 1. Give preliminary instructions to all prospective jurors.
 - 2. 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;
 - 3. 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 for the jurors during deliberations;
 - 4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 - 5. Recognize utilization of written instructions is preferable.
 - 6. Before dismissing a jury at the conclusion of a case:
 - A. Release the jurors from the duty of confidentiality;
 - B. Explain their rights regarding inquiries from counsel or the press;
 - C. Either advise them that 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 deliberation.

D. All communications 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.

Rule 4.17 Jury Size and Unanimity of Verdict

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

Rule 4.18 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.
- B. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.
- C. The deliberation room shall conform to the recommendations set forth in Standard 14C.
- D. The jury shall not be sequestered except under the circumstances and procedures set forth in Standard 19.
- E. A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that the evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- F. Training shall be provided to personnel who escort and assist jurors during deliberations.

Rule 4.19 Sequestration of Jurors

- A. A jury shall 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. Training and procedures shall be provided to personnel who escort and assist jurors during sequestration.

V

TRAFFIC VIOLATION BUREAU

V TRAFFIC VIOLATION BUREAU

Rule 5.01 Authority and Construction

These rules are promulgated pursuant to authority granted the Supreme Court by Section 2935.17 and Section 2937.46 of the Ohio Revised Code as adopted in Rule 13 of the Ohio Traffic Rules. They shall be construed and applied to secure the fair, impartial, speedy and sure administration of justice, simplicity and uniformity in procedure, and the elimination of unjustifiable expense and delay.

Rule 5.02 Establishment

A traffic violation bureau be and hereby is established as part of the operation of the Struthers Municipal Court. The clerk of court be and hereby is appointed as a violation clerk and the bailiff who is a law enforcement officer be and hereby is appointed as a deputy violations clerk during the time when the violation clerk is not on duty. The violations bureau, violations clerk and deputy violations clerk shall be under the direction and control of the court. All fines and costs shall be paid to, receipted by, and accounted for by the violation clerk, the deputy violations clerk and all deputy clerks. The violations bureau shall accept appearance, waiver of trial, plea of guilty, and payment of fine and costs for offenses within its authority.

Rule 5.03 Authority of Violations Bureau

All traffic offenses except those listed in division (C) (1) to (9) of this rule may be disposed of by the Struthers Municipal Court's traffic violations bureau in the normal course of business. The following traffic offenses shall not be processed by the traffic violations bureau of the Struthers Municipal Court.

- (1) Indictable offenses;
- (2) Operating a motor vehicle while under the influence of alcohol or drug abuse;
- (3) Leaving the scene of an accident;
- (4) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (5) Driving without being licensed to drive, except where the driver's license had been expired for six months or less;
- (6) A third moving traffic offense within a twelve month period;
- (7) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (8) Willfully eluding or fleeing a police officer;
- (9) Drag racing.

Rule 5.04 Schedule of Fines

The court hereby establishes and publishes a schedule of fines and costs for the offenses which is attached in Appendix A and incorporated hereto by reference. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be prominently displayed at a location in the violations bureau where fines are paid.

Rule 5.05 Defendant's Appearance, Plea and Waiver of Trial

(1) Within seven (7) days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violations bureau may do either of the following:

- (a) Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket, and pay the total amount of the fines and costs;
- (b) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and money order, or other approved form of payment for the total amount of the fine and costs to the traffic violation bureau.

(2) Within seven days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violation bureau may enter his plea of guilty to the offense, waive his right to trial, and pay the total amount of the fine and costs with a credit and/or debit card either over the internet or at the window.

(3) Remittance of the fine and costs to the traffic violations bureau by any means other than personal appearance by the defendant at the bureau constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

Rule 5.06 Records

All cases processed in the bureau shall comply with the case numbering system consistent with Rule 43 of the Rules of Superintendence for the Court

IN THE STRUTHERS MUNICIPAL COURT

In Re: Adoption of Amended Appendix)
as attached to the Local Rules of Court)
)
)

JUDGMENT ENTRY

The Struthers Municipal Court herewith adopts and amends Appendix A to the Local rules of Court effective February 1, 2022. A copy of this Entry was filed with the Ohio Supreme Court in accordance with Civil 83 and Criminal Rule 57.

APPENDIX A

COST STRUCTURE

CIVIL COST STRUCTURE

PLEADINGS

Complaints: Third – Party Complaints; and Complaints on Cognovit Notes	\$105.00
\$30.00 To the City of Struthers	
\$36.00 To Special Projects Fund	
\$26.00 To Legal Aid	
\$3.00 To Legal Research	
\$10.00 To Computer Fund	
Small Claim Complaints and Small Claim Counterclaims	\$75.00
\$25.00 To the City of Struthers	
\$26.00 To Special Projects Fund	
\$11.00 To Legal Aid	
\$10.00 To Computer Fund	
\$3.00 To Legal Research	
Counterclaims and Cross Claims	\$50.00
\$15.00 To the City of Struthers	
\$22.00 to Special Projects Fund	
\$10.00 to Computer Fund	
\$3.00 to Legal Research	
Trusteeships	\$100.00
\$100.00 To the City of Struthers	
Rental Escrow Actions	1% of Deposits
Security for Jury Demands	\$400.00
Jury deposits shall accompany any pleading containing a jury demand.	
Failure to pay the jury deposit constitutes a waiver of the party’s right	
To a jury trial and shall be stricken. If the case is settled prior to jury call,	
The deposit shall be returned. If the case is not settled prior to jury call,	
The deposit shall be taxed as costs.	
POST-JUDGMENT REMEDIES	
Debtor Exams; Motions to Show Cause in Contempt; Wage/*Bank Garnishment; Writ of Restitution; Writ of Execution/Attachment	\$50.00
\$50 To the City of Struthers	
Order and Affidavit of Financial Status	\$10.00
\$10.00 To the City of Struthers	

Deposits Required for Writ of Execution/Order of Attachment	
(1) For motor Vehicle	\$200.00
(2) For other personal property	
\$150.00	

Reasonable costs of advertisement, appraiser fees, and expenses incurred
 In driving, towing, carting, storing, keeping, preserving and notices shall be
 Taxed as costs.

SERVICE FEES (To the City of Struthers)

Notice of Appeal	\$50.00
Objection to Magistrate's Decision	\$25.00
Motions	\$25.00
Filing of a Certificate of Judgment	\$10.00
Issuance of Certificate of Judgment	\$10.00

Issuance of a Subpoena	\$12.00
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A separate check or money order payable to the perspective witness in the
 Sum of \$12 for a full day or \$6 for a half day plus .58 cents per mile the
 Witness is expected to travel to and from court shall accompany the
 Praecipe for subpoena.

Service of Process	
By Certified Mail in excess of one defendant	\$10.00
By Alias Service Regular Mail	\$10.00
By Personal Service	\$25.00

Photocopy Expenses	
0 – 10 Photocopies	\$0.00
10 + Photocopies	\$0.10 per page
Certified copies with Seal	\$10.00 each
Exemplified seal/triple seal	\$20.00

CRIMINAL/TRAFFIC COST STRUCTURE

COURT COSTS	\$112.00
Traffic Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund 1	\$30.00
Special Projects Fund 2	\$5.00
Victim of Crime	\$9.00
DEFC (Drug Enforcement Fund)	\$3.40
IATC (Indigent Alcohol Treatment Fund)	\$1.50
IDFC (Indigent Defense Support Fund)	\$25.00
JPSF (Justice Program Service Fund)	\$0.10
Criminal Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund 1	\$39.00
Special Projects Fund 2	\$5.00
Victim of Crime	\$9.00
Crime Stoppers	\$1.00
IDFC (Indigent Defense Support Fund)	\$20.00
Seat Belt Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund 1	\$28.00
Special Projects Fund 2	\$5.00
IDFC (Indigent Defense Support Fund)	\$10.00
ADMINISTRATIVE COSTS (accessed on companion cases)	\$52.00
\$22.00 To Special Project Fund 1	
\$5.00 To Special Project Fund 2	
\$25.00 To Local Costs	

SCHEDULE OF CIVIL COSTS	COSTS
COMPLAINT	\$105
Additional Defendant(s)	\$25
Counter-Claim, Cross-Complaint, Third-Party Complaint and Amended Complaint	\$50
Each additional party to be served	\$10
Alias Summons – regular or certified	\$10
Complaint on Cognitive Note	\$105
Replevin	\$105
SMALL CLAIMS	\$75
Additional Defendant(s)	\$15
Amended Complaint	\$25
FORCIBLE ENTRY AND DETAINER	
First Cause of Action (Eviction)	\$105
Each additional Defendant(s)	\$25
Second Cause of Action (Back rent and damages)	\$25
Writ of Restitution Execution	\$51
Landlord Tenant Application (Escrow)	1% of deposit
EXECUTION	
Business	\$200
Motor Vehicle	\$200
Personal Property	\$150
MOTOR VEHICLE	
Petition for Driving Privileges Non-Compliance Suspension	\$105
12 Point Appeal	\$105
Trusteeship	\$100
Examination of Judgment Debtor (\$10 for each additional party)	\$50
Order of Contempt	\$51
Capias	\$100
All post-judgment motions (Motion to Vacate, Motion to Revive, Motion to Show Cause) – each additional party to be served	\$51
Motion to Continue, Motion for Leave	\$10
Default, Summary Judgment & Pleading	\$30
Certificate of Judgment for Lien	\$25
Order in aid (Bank Garnishment plus \$1 check to garnishee)	\$10
Order in aid (Wage Garnishment)	\$50
Satisfaction	\$51
Certified Copy/Triple Seal	\$10
Transcript (deposit)	\$100
Subpoena	\$12
Jury Demand	\$10
Interpleader	\$400
Transfer of Judgment	\$105
Personal Service by Bailiff – 1 attempt per week, for 4 weeks	\$105
	\$50

SCHEDULE OF TRAFFIC/CRIMINAL COSTS	COSTS
Arrest Warrants (<i>each</i>)	\$100
Capias/Bench Warrant	\$100
Public Defender Fund, Mahoning County	\$25
Bond/Fee for Posting Bond	\$25
Probation Fees	\$30 per month
Probation Extension	\$15 per month
Drug test	\$15
Notice of Probation Violation (PC)	\$50
PSI, Pre-Sentencing Investigation	\$20
Ankle Monitor (attachment/activation/1 st month)	\$400
Ankle Monitor monthly fee	\$360
Community Service fees; 1 hour to 25 hours ordered	\$25
Community Service fees; 26 hours to 75 hours ordered	\$50
Community Service fees; 76 hours or more ordered	\$75
S.L.I.P Court – Specialty Docket	\$255
Diversions – Specialty Docket	\$300
I.L.C. – Specialty Docket	\$600
BMV Forfeiture or Warrant Block	\$15
Collection Cost	30%
Return Check Fee	\$17.50
Jury Cost	\$15 per day
Witness Cost	\$12 per full day \$6 per half day
Vehicle Club Install/Removal	\$75
Inmate Transport Fee	\$25
Order to Show Cause in Contempt Proceeding	\$60
MOTIONS	
Plea in Absentia	\$25
Motion for Continuance	\$30
Motion for Driving Privileges	\$50
Motion to Modify Driving Privileges	\$30
Motions Appealing Administrative License Suspension (ALS)	\$30
Motions for the Release of Seized Vehicles	\$25
Motions for Modification/Reconsideration	\$30
Motion to Vacate Plea	\$30
Motions for Sealing/Expungement of Records (<i>per case number</i>)	\$50
Discovery , OVI and Criminal Charges	\$20
Motion for Transcript of Court Proceeding (<i>deposit for agency services</i>)	\$100
Discovery, Traffic Charges	\$10
All other motions not listed	\$30

TRAFFIC VIOLATIONS BUREAU
 SCHEDULE OF FINES AND COSTS WHERE APPEARANCE MAY BE WAIVED

SPEED OFFENSES

Where Speed is:	Fine		Cost		Total
1 – 09 MPH over limit	35.00	+	\$105.00	=	\$147.00
10 – 15 MPH over limit	40.00	+	\$105.00	=	\$152.00
16 – 20 MPH over limit	45.00	+	\$105.00	=	\$157.00
21 – 29 MPH over limit	50.00	+	\$105.00	+	\$162.00

OTHER OFFENSES – See below:

OFFENSE CODE	VIOLATION	POINTS	OHIO REVISED CODE SECTION	
01	Perjury/Falso Info	0	4507.16	Must Appear
02	OVI-Alcohol/Liquor	6	4511.19A	Must Appear
03	DR w/o Owner Consent	6	2913.03	Must Appear
04	MTR Vehicle Felony	6	2913.02	Must Appear
05	Vehicular Homicide	6	2903.07	Must Appear
06	Hit Skip/Leave Scene	6	4549.02/021	Must Appear
07	Driving Under Susp/Rev	6	4507.02	Must Appear
08	Drag Racing	6	4511.251	Must Appear
09	Flee/Elude Officer	6	4507.021G	Must Appear
10	Stop Sign	2	4511.43	\$147.00
11	Traf Control Lights	2	4511.13-15	\$147.00
13	Vio – RR Crossing	2	4511.61-64	\$147.00
14	Traf Cont Dev/Signs	2	4511.12	\$147.00
15	Hit Skip – Private Prop	2	4549.03	Must Appear
16	No Child Restraint	0	4511.81	\$182.00
17	Vehicular Assault	6	4507.021	Must Appear
18	Speed	2	4511.21	per schedule
19	Slow Speed	2	4511.22	\$152.00
20	Driving Under FRA Susp	2	4507.02B1	Must Appear
21	Following too close	2	4511.34	\$147.00
22	Speed hwy/expwy/freewy)	vary	4511.21	per schedule
23	Speed Commercial	vary	4506.16	per schedule
24	OVI 0.04 Commercial	vary	4506.15	Must Appear
25	Disregard of Safety	4	4511.20	Must Appear
26	Disregard Saf Priv/Prop	4	4511.201	Must Appear
27	Viol – One Way Traffic	2	4511.32	\$147.00
28	Driving Left of Center	2	4511.29	\$147.00

29	FTY Pedestrian/Blind	2	4511.46-47	\$147.00
30	Crossing Yellow Line	2	4511.30	\$147.00
31	FTY Emerg Veh/Funeral	2	4511.451	\$147.00
32	Rt Side of Roadway	2	4511.25	\$147.00
33	Crossing Divided Hwy	2	4511.35	\$147.00
34	Vio- Traffic Lanes/Lines	2	4511.35	\$147.00
35	FTY Right of Way	2	4511.41-42	\$147.00
36	Opp Veh Traff Viol	2	4511.26	\$147.00
37	Improper Passing	2	4511.28-31	\$147.00
38	Vio – When Being Passed	2	4511.27	\$147.00
39	Stopped School Bus Vio	2	4511.75	Must Appear
40	W/O Due Regard Priv Prop	2	4511.201	Must Appear
41	Unsafe Oper – Priv Prop	2	4511.201	Must Appear
42	Reckless Oper – Priv Prop	2	4511.201	Must Appear
43	Without Due Regard	2	4511.20	Must Appear
44	Unsafe Operation	4	4511.20	Must Appear
45	Reckless Operation	4	4511.20	Must Appear
46	Disobey Police Officer	2	4511.02A	Must Appear
47	Assured Clear Distance	2	4511.34	Must Appear
48	Vio – Starting/Backing	2	4511.38	\$147.00
49	Driving on Closed Hwy	2	4511.71	\$147.00
50	Drop Material on Rdwy	2	4511.74	\$147.00
51	Vio of Restriction	2	4507.14	Must Appear
52	No Driver License	0	4507.02A1	Must Appear
53	Lost Control of Vehicle	2	4511.79-80	Must Appear
54	Prohibited U-Turn	2	4511.37	\$147.00
55	Improper/Prohib Turn	2	4511.37	\$147.00
56	Vio – Turn Signals	2	4511.39	\$147.00
57	Failure to Turn	2	4511.36	\$147.00
58	Fail – Control	2	4511.202	Must Appear
59	Aggr Vehicular Homicide	6	2903.06B	Must Appear
60	Operating Unsafe Veh	0	4513.02	Must Appear
61	Vio – Equip Regulation	0	4501.15/19	\$147.00
62	Vio – Slow Mvg Veh Signs	0	4513.11	\$147.00
63	Equipment Misuse	0	4513.02	\$147.00
64	Disabled Veh Warning	0	4513.28	\$147.00
65	Vio Out of Service Order	vary	4506.16	Must Appear
66	Driving Under OVI Susp	6	4507.02D2	Must Appear
67	Overweight Violation	0	4513.33	Statutory
68	Agg Veh Assault w/ Alcohol	6	2903.08C	Must Appear
69	Aggravated Veh Assault	6	2903.08	Must Appear
70	Veh Homicide w/ Alcohol	6	2703.07A	Must Appear
71	Invol Manslghtr w/ Alcohol	6	2903.04D	Must Appear
72	Vio – Dr Lic Req	0	4507.35	Must Appear
73	Dr Lic Misrep	0	4507.30/163	Must Appear
74	Fail – File Req Rept	0	4509.74-99	\$147.00

75	Vio – Seat Belt Law	0	4513.263	DR- \$111.00 PASS- \$101.00
76	Vio – Brake Req	0	4513.20	\$147.00
77	Impaired Alertness (CDL)	0	4511.79A	Must Appear
78	OVUAC	4	4511.19B	Must Appear
79	Juvenile Misc	vary	N/A	
80	Wrongful Entrustment	0	4507.33	Must Appear
81	Endanger Child/OP Veh	0	2919.22C1	Must Appear
82	Fail Cont – Weaving	2	MUNI	\$147.00
83	4 th OVI – Felony	6	4511.19/99	Must Appear
84	Consume Alcoh in Vehicle	0	4301.64	Must Appear
85	Ohio Turnpike	0	N/A	
86	Highway Use Tax	0	5728.02	Must Appear
87	Miscellaneous	0	N/A	

APPENDIX B

**CASE MANAGEMENT
AND
TRIAL ORDER**

**STRUTHERS MUNICIPAL COURT
6 ELM STREET
STRUTHERS, OHIO 44471
33-755-1800**

	:	CASE NO: _____
	:	
Plaintiff(s)	:	
-VS-	:	
	:	PRE-TRIAL REPORT AND JUDGMENT ENTRY
	:	
	:	
	:	
	:	
Defendant(s)	:	

IF BENCH TRIAL:

Pre-trial held on the _____ day of _____, 20_____.

- Counsel for Plaintiff / Plaintiff present not present

- _____
Counsel for Defendant / Defendant present not present

- Discovery to be completed in 30 days 45 days 60 days 90 days 120 days Completed
- Dispositive motions, if any, filed in 30 days 45 days 60 days 90 days 120 days
- Settlement offers made or pending _____

- _____
- Trial to Bench Jury Demand Filed Jury Demand WITHDRAWN
- Set for bench trial for 30 days 45 days 60 days 90 days 120 days Other: _____

- Set for Final Pre-trial in 30 days 45 days 60 days 90 days 120 days
- Set Jury Trial for _____
- OTHER: _____
- _____
- _____

DATE: _____

Dominic Leone, Judge
Melissa Macejko, Magistrate

APPENDIX C

Bail Bond Schedule

Pursuant to Crim.R. 46(g) the bail schedule for misdemeanor charges, including traffic offenses in Mahoning County, unless excluded below, shall be set as follows:

1. Personal recognizance is the rule

If the police officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a personal recognizance bond is insufficient, the judge or magistrate shall be contacted for additional authority. If the judge or the magistrate determines that personal bail is insufficient, the conditions of release shall be set forth pursuant to Crim.R. 46.

When a judge or magistrate has previously set bail in a case, or has ordered a new amount in its last capias or warrant entry, that bail shall remain in effect unless otherwise ordered by a judge or magistrate, upon proper application to the court.

For all other charges, the judge or magistrate of the court shall set bail pursuant to Crim.R. 46.

This includes:

2. Felonies

3. Misdemeanor charges set forth below shall have the following bond:

- a. Domestic violence threat (R.C. 2919.25 (C), misdemeanor of the 4th degree: \$1,500.00 cash or surety bond with conditions of bond to be executed by defendant
- b. Menacing (R.C. 2903.22), misdemeanor of the 4th degree: recognizance bond with conditions of bond executed by defendant

4. Misdemeanor charges, set forth below, regardless of whether charged under the ORC, local Ordinance or other statutory provision:

- a. Domestic violence or any other offense of violence if the victim is a family of household member.
- b. Violation or any protection order or condition of community control, supervision or probation involving prohibition from contact with specified persons or places.
- c. Assault
- d. Aggravated menacing and menacing by stalking
- e. Any sexually oriented offense as defined by R.C. 2950.01
- f. Any other offense when the victim, police officer or prosecutor is seeking a protection order, no contact order or other conditions of bond.
- g. Any violation of community control

IN THE STRUTHERS MUNICIPAL COURT
6 Elm Street
Struthers, Ohio 44471
PHONE (330) 755-1800 FAX (330) 755-2790

STATE OF OHIO) Administrative Entry:
COUNTY OF MAHONING)
) Judge: Dominic R. Leone, III
)
CITY OF STRUTHERS) Re: Adoption of local rules

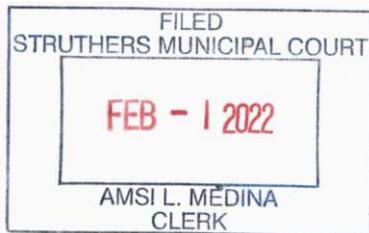
WHEREAS, the Court has adopted these local rules of court to govern proceedings before the Struthers Municipal Court in all criminal, civil, small claims and traffic proceedings effective February 1, 2022.

IT IS FURTHER ORDERED that all the previous rules of the court are hereby rescinded effective February 1, 2022 and a copy of these rules shall be filed with the Clerk and the Ohio Supreme Court.

UNTIL FURTHER ORDER OF THE COURT.



Honorable Dominic R. Leone, III



IN THE STRUTHERS MUNICIPAL COURT
6 Elm Street
Struthers, Ohio 44471
PHONE (330) 755-1800 FAX (330) 755-2790

STATE OF OHIO)	Administrative Entry:
COUNTY OF MAHONING)	
)	Judge: Dominic R. Leone, III
)	
CITY OF STRUTHERS)	Re: Electronic filing

WHEREAS, pursuant to the adoption of the local rules of Court, the Court has established a method for electronic filing;

WHEREAS, pursuant to SMC Rule No. 1.09, the court will accept online filings subject to the requirements of our online filing Case Management System.

UNTIL FURTHER ORDER OF THE COURT.



Honorable Dominic R. Leone, III

