

**CARROLL COUNTY MUNICIPAL COURT
CARROLL COUNTY, OHIO**

FILED

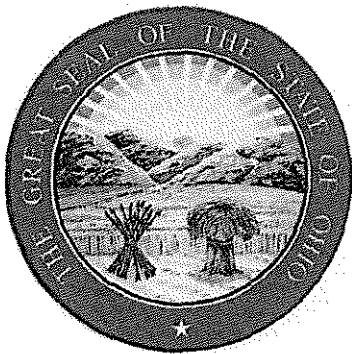
Judge Gary L. Willen

FEB - 1 2022

CLERK OF COURT
SUPREME COURT OF OHIO



Local Rules of Court
Effective January 1, 2022



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Carrollton, Ohio 44615
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STATE OF OHIO
CARROLL COUNTY

IN THE MATTER OF THE ADOPTION OF RULES OF COURT

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution prescribes certain rules of practice and procedure. This Court finds that it is necessary to adopt additional such rules, not inconsistent with the various rules promulgated by the Ohio Supreme Court, for local practice.

Therefore, the following Local Rules of Court shall be adopted effective January 1, 2022 (pursuant to Ohio Constitution Art. 4, Sec. 5-B; Sup R. 5) and all prior versions of same are hereby replaced and vacated, subject to further amendment.



JUDGE GARY L. WILLEN

Dated: December 31, 2021

GENERAL RULES OF COURT

Hours and Sessions of Court

The office of the Clerk of Court shall be open Monday through Friday from 8:00AM to 4:00PM subject to the availability of personnel. All sessions of the court shall begin promptly at 8:30AM and 1:00PM unless otherwise directed by the Judge. The court shall close for all legal holidays observed by the public offices of Carroll County, Ohio or when the Carroll County Courthouse and/or the Municipal County Courthouse are otherwise closed. The court may be closed or its hours of operation changed at any time without prior notice by the order of the Court.

Audio Record

Unless otherwise provided in these rules, all proceedings before this Court shall be recorded by an audio electronic device provided by the Court. A party may provide a stenographic court reporter at the party's cost and expense.

Order and Decorum

All persons in the courtroom at the opening of each court session shall stand. Prior to entrance to the courtroom hats or headpieces shall be removed unless required by religious beliefs and all cell phones are to be turned off.

No person shall bring food or beverages into the courtroom unless approved by the Court.

RULE #1 – GENERAL PROVISIONS

The Carroll County Municipal Court, Carroll County, Ohio shall be divided into the following divisions to wit:

Criminal, Traffic, Civil, Small Claims

RULE #2 – COURT COST DEPOSITS

The deposit for costs required for filing actions in ALL DIVISIONS of the Carroll County Municipal Court are as follows effective January 1, 2022:

A) Complaint for Judgment <u>with jury demand</u> (Each Additional Defendant)	\$ 319.00 \$ 15.00
B) Complaint for Judgment <u>non-jury</u> (Each Additional Defendant)	\$ 100.00 \$ 15.00
C) Forcible Entry and Detainer (Eviction) (Each Additional Defendant)	\$ 100.00 \$ 15.00
D) Foreclosure/Land Contract (Each Additional Defendant)	\$ 100.00 \$ 15.00
E) Replevin (Each Additional Defendant)	\$ 100.00 \$ 15.00
F) Revival of Judgment (Each Additional Defendant)	\$ 100.00 \$ 15.00
G) Transfer by Certificate of Judgment (Each Additional Defendant)	\$ 100.00 \$ 15.00
H) Amended Complaint	\$ 100.00
I) Bureau of Motor Vehicle Suspension Appeal (CIVIL) (Occupational, BMV Civil Appeal)	\$ 65.00
J) Trusteeship	\$ 65.00
K) Small Claims Complaint (Each additional Defendant)	\$ 60.00 \$ 15.00
L) Writ of Restitution (To Be determined by the Sheriff)	\$ -----
M) All Service by Publication requires additional	\$ 100.00
N) Wage Garnishment, Post-Judgment Attachment	\$ 90.00
O) Bank Attachment (plus \$1.00 payable to Bank)	\$ 59.00
P) Debtor's Exam	\$ 24.00
Q) Triple Certified Copies	\$ 34.00
R) Request for Certificate of Judgment for Lien	\$ 25.00
S) Criminal Complaint	\$ 95.00
T) Traffic Violations	\$ 95.00
U) Seatbelt – Driver	\$ 68.00
V) Seatbelt – Passenger	\$ 58.00
W) Notice of Appeal	\$ 150.00
X) Expungement/Seal Case	\$ 50.00
Y) Occupational Driving Privileges (TRAFFIC) Initial Request	\$ 30.00
Subsequent Change	\$ 20.00
Premature Termination	\$ 30.00
Z) Issuance of License Forfeiture/Warrant Block	\$ 20.00
AA) Certified Copies	\$ 2.00
BB) All photocopies (per page)	\$ 0.25
CC) Reissue by Certified Mail – All Cases	\$ 25.00

These deposits for costs may be excused upon a showing of indigence or other hardship as approved by the Court. However, an Affidavit of Income, Expense, and Financial Disclosure and Personal Background must be filled out and filed with the Court to provide the Court with information to determine if deposits will be excused. The Clerk may refuse to accept for filing any pleading or other document to which no appropriate deposit is tendered therewith, absent a showing of indigence or other approved hardship.

Additional court cost may be charged depending on documents filed and services performed by the Clerk. Unless otherwise ordered, all final court costs assessed by the Clerk are due and payable within thirty (30) days from the date of the hearing. Failure to timely remit may result in the issuance of a contempt citation.

Court costs shall be disbursed as set forth in Appendix A

RULE #3 – TRAFFIC DIVISION

Court costs for all arresting agencies are Ninety Five Dollars (\$95.00). The Clerk shall disburse according to the Ohio Revised Code. See Local Rule 3(A).

RULE #3A-METHOD OF ASSIGNING PAYMENTS PURSUANT TO O.R.C. 2949.111

Pursuant to O.R.C. 2949.111, the Clerk of the Court shall assign payments as follows:

1. If the court ordered the offender to pay any court costs, the offender's payments shall be assigned toward the satisfaction of those court costs until they have been entirely paid.
2. If the court ordered to offender to pay any reimbursement and if all of the court costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursement until they have been entirely paid.
3. If the court ordered the offender to pay any restitution and if all the court costs and reimbursements that the court ordered the offender to pay have been paid, the remainder of the offender's payments shall be assigned toward the satisfaction of the restitution until it has been entirely paid.
4. If the court ordered the offender to pay any fine and if all the court costs and reimbursements, and restitution that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the fine until it has been entirely paid.
5. If the court ordered to the offender to pay any state fines or costs and if all of the court costs, reimbursements, restitution, and any fine that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned on a pro rata basis toward the satisfaction of the state fines and costs until they have been entirely paid.

If a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, reimbursements, restitution, fines, and state fines or costs, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differ from the order set forth in sections 1 through 5 of this rule by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of payment, the Clerk of the Court shall assign the payment in the manner prescribed by the court.

All monies received by the Clerk from the defendant or on behalf of the defendant will be credited to the Defendant's balance due on the Defendant's oldest sentenced case until paid in full.

LOCAL RULE #3(B) – USE OF ELECTRONICALLY PRODUCED TICKETS

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

LOCAL RULE #3(C) – ON-LINE PAYMENT SYSTEM

The Carroll County Municipal Court authorizes payments for fines, costs, restitution, and probation fees for criminal and traffic cases to be paid through the website of www.carrollcountycourt.org.

The minimum amount accepted for this transaction is thirty five dollars (\$35.00)

RULE #4 – CRIMINAL DIVISION

If any law enforcement agency files a criminal complaint there will be no filing fee charged. If a criminal complaint is filed by a private individual a Ninety Five Dollar (\$95.00) deposit is required.

These deposits for costs may be excused upon a showing of indigence or other hardship as approved by the Court. However, an Affidavit of Income, Expense, and Financial Disclosure and Personal Background must be filled out and filed with the Court to provide the Court with information to determine if deposits will be excused. The Clerk may refuse to accept for filing any pleading or other document to which no appropriate deposit is tendered therewith, absent a showing of indigence or other approved hardship.

RULE #5 – SMALL CLAIMS DIVISION

Small Claims is a claim for money only

The filing fee for a small claims complaint is Sixty Dollars (\$60.00). If there is more than one defendant, an additional Fifteen Dollars (\$15.00) filing fee per person is required at the time of filing.

Additional court costs may be assessed if a subpoena, request for sheriff's service, or additional service by certified mail is required.

The filing fee for a counterclaim complaint is Sixty Dollars (\$60.00) and must be filed seven (7) business days prior to the scheduled hearing date. This excludes Saturday, Sunday and legal holidays.

The Defendant must serve a copy of the counterclaim upon the Plaintiff at the same time the counterclaim is filed with the Court. The Court is not obligated but may serve a courtesy copy of the counterclaim by ordinary mail.

The original small claims and counterclaim will be heard on the same date and time as the court schedules. The Court may continue the hearing due to the counterclaim to allow sufficient trial time.

All complaints, amended complaints, counterclaims, and answers are limited to twenty-five (25) pages including exhibits unless for good cause prior written approval is obtained from the Court.

Also see Rule #27 for page limitation on motions.

RULE #6 – CIVIL DIVISION

The filing fee for a civil action is One Hundred Dollars (\$100.00) If there is more than one defendant, an additional Fifteen Dollars (\$15.00) filing fee per person is required at the time of filing. A demand for a jury will require an additional Two Hundred Nineteen Dollar (\$219.00) filing fee.

Additional court costs may be assessed if a subpoena, request for sheriff's service, or additional service by certified mail is required.

All complaints, amended complaints, counterclaims, and answers are limited to twenty-five (25) pages including exhibits unless for good cause prior written approval is obtained from the Court.

Also see Rule #27 for page limitation on motions.

A) Pre-Trials

The Court expressly adopts pre-trial procedure set forth in Ohio Civil Rule 16 as same may, from time to time, be amended. Personal attendance of all parties is required to all pre-trial conferences unless excused in advance

by this court and if a party is a corporation then by a corporate officer authorized to speak for and bind said corporation. If the subject matter of the litigation involves insurance, then a representative of the insurance carrier is required to attend, unless excused in advance by this court, who is authorized to speak for and bind his principal.

Pre-trial conference will be continued at the request of counsel only upon the submission of a written motion and judgment entry for same in advance of the scheduled hearing date. All pre-trials must be continued to a "date certain" cleared in advance with the Clerk.

B) Discovery

In conformity with Ohio Civil Rule 5-D, the Clerk shall not accept for filing in case folder depositions upon oral examination, interrogatories, request for documents, requests for admission, and any answers and/or responses thereto except upon order of this Court, for use as evidence, or for consideration of a pending motion in the action, i.e. to compel, for protective order, summary judgment, etc. In lieu thereof, counsel shall file a "certificate" of submitting such interrogatories, etc. to the opposing party, and the opposing party shall file a "certificate" of answering said interrogatories or providing the information requested pursuant to Ohio Civil Rules 26 to 37 inclusive.

RULE #7-DISMISSALS CIVIL DIVISION

Due to the statistical reporting requirements imposed by the Rules of Superintendence, all dismissals of original actions and/or post-judgment matters must be approved by the Court. A dismissal on the appearance docket by counsel is not effective until approved or ordered by the Court.

Cases which have been on the docket for six (6) months without any proceedings taken therein, except those awaiting final trial assignment, shall be subject to dismissal by the Court, after notice to counsel of record or to a pro se party, for want of prosecution unless good cause is shown to the contrary. (Sup. R. 40)

RULE #8-DEFAULT JUDGMENT

In any case where a defendant has not entered an appearance in the action within the time prescribed by the Summons and Civil Rules, the party seeking a default judgment shall apply to the Court for the same by written notice. The Clerk shall forthwith assign said motion for hearing not earlier than seven (7) days after filing, and all parties (except those served by publication) shall receive written notice of said hearing by ordinary mail.

In all cases involving promissory notes or open accounts, the motion for default judgment shall be accompanied by a current ledger statement (unless filed with the complaint) or other business record clearly identifying the defendant(s) and clearly showing all charges and payments, the default in payment, and balance owing and in the event of an assignment of an account, proper documentation of the assignment.

In cases involving unliquidated damages to persons or property, or upon a breach of contract, evidence of the amount of damages is required at hearing (Civil R. 55-A).

These requirements shall be in addition to the requirements imposed by Civil R. 55 generally.

A final entry of default judgment shall be submitted to the Court prior to, or at, the hearing.

RULE #9-CIVIL JURY TRIALS

- A) The Court reserves the right to assess the costs and expenses of the jury to one or more of the parties if appropriate.
- B) If a case proceeds to trial and a jury is sworn, the jurors' fees shall be taxed as court costs and assessed to one or more of the parties (O.R.C. 1901.26(A)(3))
- C) In all civil actions and proceedings wherein a jury trial is demanded, the cost of summoning jurors and their fees shall be taxed as part of the court costs. Such costs shall be paid in advance by the party demanding a jury (see Rule 2).
- D) Upon a showing of good cause by written notice, the Court may excuse this security deposit.

RULE #10-CASE/MOTION CODING

In conformity with Superintendence Rules and Supreme Court Statistical Report Administrative Report and Individual Report Municipal and County Court forms all new criminal, traffic, civil, and small claims cases filed in this Court shall be coded in accordance with Reporting Administrative Report and Individual Report Municipal Court Forms.

RULE #11-CRIMINAL AND TRAFFIC DIVISION PROCEEDINGS (active)

The Court expressly adopts the provisions contained within the Ohio Traffic Rules as set forth in the Ohio Revised Code and as same may, from time to time be amended.

The Court hereby establishes and orders a Traffic Violations Bureau pursuant to Ohio Traffic Rule #13 and does hereby appoint the Clerk of the Carroll County Municipal Court to serve as the Violations Clerk.

A) Pre-Trials

The Court expressly adopts the provisions concerning pre-trial procedures set forth in the Ohio Criminal Rule 17.1 as same may, from time to time, be amended. Personal attendance of all counsel and defendants is required at all criminal pre-trial conferences and all traffic pre-trial conferences, unless excused in advance by this Court. Pre-trials will be continued at the request of counsel or pro se defendants only upon submission of a written motion and judgment entry for same in advance of the scheduled hearing date. All pre-trial must be continued to a "date certain" cleared in advance by the Clerk. No continuances will be granted if the "Speedy Trial Requirements" will be affected unless accompanied by a time waiver.

B) Trials

All criminal and traffic cases shall be tried within the time constraints as set forth by the Rules of Criminal Procedure and the Ohio Revised Code unless a time waiver is executed. All criminal and traffic cases will be completed within the time requirements of Sup.R. 39.

C) Probation and Community Service Fee

A probation supervision fee of Fifty Dollars (\$50.00) for each year of probation shall be charged for each person placed on probation with full amount imposed when probation is granted. A fee of Ten Dollars (\$10.00) per month is charged for each person placed on probation. Early termination of probation shall not result in a refund of any probation fees. These fees shall be paid according to the court's order. In cases where the Court orders the performance of community service without an order of probation, there may be a setup fee of Fifty Dollars (\$50.00) charged and a monthly supervision and maintenance fee of Ten Dollars (\$10.00) for each month until the community service is performed.

Failure to pay any fee shall be considered a violation of the court order and shall be subject to charges for indirect contempt of court or probation violation. All fees collected under this section shall be paid to the Clerk of Court and shall be placed in a separate fund to be disbursed upon an order of the court. If the court determines that the amount of money in

the fund is more than the amount sufficient to satisfy the purpose, for which the fee was imposed, the court may declare a surplus in the fund and expend the surplus money for other appropriate expenses of the court.

D) Compensation

An attorney appointed by the Court to provide legal representation for an indigent criminal or traffic defendant (excluding the Public Defender Staff) shall be compensated pursuant to O.R.C. 120.33 and 2941.51, or any other applicable Ohio law, upon the schedule of fees adopted and approved by the Board of Carroll County Commissioners. The reasonableness and award of such fees is left to the Court's discretion.

Court appointed counsel shall submit to the Court a properly executed Affidavit of Indigence and Judgment Entry of Appointment within one (1) week after his appointment. No fees will be paid if these documents are not timely filed.

The attorney's final Certificate for Legal Service shall be submitted to the Court for review and approval, only on prescribed forms within thirty (30) days of the termination of such services.

RULE #12-CRIMINAL AND TRAFFIC DIVISION PROCEEDINGS (inactive)

Criminal and traffic cases in which further proceedings are not presently possible shall be placed in a suspended or inactive file by the Clerk and considered "closed" for statistical reporting purposes either upon motion of the State of Ohio or upon the Court's own directive and they shall not be subject to dismissal for want of prosecution.

A case shall be removed from the inactive file and placed in the active docket when the defendant is available, proceedings resumed, or when the case is dismissed.

Cases to which this rule is applicable may include those in which the defendant is not competent to stand trial, is confined to a penal institute in another state, has been served and cannot be found, flees the jurisdiction or those cases from which an appeal has been perfected and is pending. In such cases if appropriate, bail may be forfeited and judgment rendered thereon.

RULE #13-WITNESS FEES

A party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the request for subpoena the appropriate amount under the witness fees statute O.R.C.2335.06, with the Clerk.

This rule applies both to civil and criminal practice. The Clerk may refuse to accept any request for subpoena unaccompanied by the requisite fee deposit.

RULE #14-HEARINGS AND SUBMISSION OF MOTIONS (non-oral)

- A. All motions not otherwise provided for herein shall be accompanied by a memorandum of law stating specific grounds therefore and citing the authorities being relied upon. Oral arguments will be deemed waived unless allowed upon express leave of the court upon written request by a party. The date and time of any motion hearing and the length of time of argument shall be fixed by the Court.

This rule is applicable to all motions including but not limited to: for new trial, for summary judgment, for judgment notwithstanding the verdict, for relief from judgment, except as otherwise provided herein.

- B. Motions which in the Court's opinion or under Ohio law require evidentiary hearings shall be so assigned at the convenience of the Court.

RULE #15-JUDGMENT ENTRIES

- A. Upon the signing and filing by the Court of any judgment entry in any action, the attorney of record submitting shall forthwith deliver a copy thereof to each of his clients and to opposing or adverse pro se party. Delivery may be in person or by ordinary mail. In criminal and traffic cases the Court will provide a copy of the signed entry either in person or by ordinary mail to counsel of record or to the pro se defendant.
- B. Foreclosure Confirmation Entries
- a. In all entries of confirmation following foreclosure actions prevailing counsel shall therein describe in detail the release of any liens and/or mortgages, including the reference volume(s) and page number(s)
 - b. Confirmation entries shall reflect that prevailing counsel and not the Clerk shall cause the release and/or cancellation of all liens and/or mortgages.
- C. All judgment entries and all entries in modification of a prior order on any matter arising either from a formal hearing or from an agreement of the parties and/or counsel shall be submitted to the Court for filing within seven (7) days of the time of hearing or agreement. In the absence of a timely submission the Court reserves the right to assign the task of drafting and submitting such entry to particular counsel and to tax the expense of same including attorney fees, as part of the court costs to the delinquent party. The Court reserves the right also to prepare and file its own entry.

D. Other Civil Actions

- a. Entries arising from default judgment motions shall be prepared and submitted to the Court prior to but not later than the date of final hearing thereon.
- b. The judgment entry specified in Civil R. 58 or in Criminal R. 32 shall be journalized within thirty (30) days of the verdict, decree, or decision. If such entry is not timely prepared and presented for journalization by counsel or pro se party, then it shall be prepared and journalized by the Court (Sup R.7)

RULE #16-FACSIMILE FILING

All court filings must be original documents signed and delivered to the clerk of courts. Facsimile documents may be provided for informational purposes only. All originals must be filed within seven (7) days of receipt of the facsimile.

RULE #17-CONFLICT OF TRIAL DATES: CONTINUANCES: ENGAGED COUNSEL

A. Conflicts (Sup R. 41(B))

- a. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for hearing trial on the same date in another court of this State (including federal courts) the case which was first assigned for trial or hearing shall have priority.

Criminal cases have priority over civil cases.

No motion to request for a continuance due to a scheduling conflict will be considered by this Court unless a copy of the conflicting assignment is attached thereto and the motion or request is filed not less than thirty (30) days prior to the date assigned in this Court.

B. Continuances (Sup R. 41(A))

- a. All continuances are matters within the sound discretion of this Court.
- b. No party shall be granted a continuance of any hearing or trial without submitting to the Clerk a written motion or request therefore with judgment entry attached, stating therein the reason for the continuance.
- c. No continuance shall be granted at any time without setting a definite alternate date for hearing or trial.

To the extent possible, parties or counsel requesting continuances shall consult with adverse parties or opposing counsel for mutually acceptable new dates prior to requesting a continuance so that further conflicts can be minimized, and a new assignment can be expedited.

If a motion for a continuance is not expressly granted by the Court, then the matter shall be presumed to proceed as originally scheduled.

RULE #18-JUROR VOIR DIRE (CRIMINAL AND CIVIL CASES)

The Court will examine the panel on the statutory challenged for cause, and counsel shall not re-inquire on these issues: during their supplemental examination, counsel are not permitted to repeat questions already answered by jurors on their information cards; unusual or potentially troublesome areas of inquiry shall be discussed with the Court in chambers prior to opening the trial; during their supplemental examination, counsel are not permitted to ask jurors hypothetical questions on their positions in advance under a certain state of facts or evidence, nor shall counsel on voir dire solicit “pledges” from prospective jurors.

RULE #19-CASE MANAGEMENT PROGRAM

Consistent with amended Sup. R 5(B)(1) and for the purpose of ensuring the readiness of civil and criminal cases for pre-trial and trial: maintaining and improving the timely disposition of such cases: and providing this Court with an efficient means of controlling the follow of said cases on the docket, a finding case management system is hereby adopted and reflected in the following rules, to wit:

- A. Pre-trial and discovery practice, Local R. 6
- B. Dismissals, Local R 7: Civil R 4(E)
- C. Default Judgment Practice, Local R 8
- D. Criminal and Traffic Proceedings, Local R 11, 12, & 13
- E. Submission of Judgment Entries, Local R 15
- F. Conflicts/Continuances, Local R 18

Matters pending on the docket are subject to review at not less than thirty (30) day intervals. A physical inventory of all pending cases shall be completed not less than annually on or before the first day of March each year.

It remains the obligations of counsel to check completion of service of process and to follow the practice and procedures of the above case management system. The Court however reserves the right to act sua sponte to secure compliance, upon reasonable notice to counsel or the parties which may be in writing or orally.

RULE #20-JURY MANAGEMENT PLAN

Consistent with Sup. R 5(B)(2) and in an effort to improve the overall efficiency of jury operations, reduce the cost of the jury systems, and decrease the burden that jury service often places upon those citizens called for jury service, this Court hereby adopts, and incorporates by reference as fully as reproduced herein, the "Ohio Trial Court Jury Use and Management Standards" adopted by the Ohio Supreme Court.

These standards will be implemented to the extent that it is logistically and financially possible to do so in this county.

Also refer to Local Rule #18

This Court will continue to draw new jury panels for each new term of Court from the annual jury list as compiled from voting registration roles. The Court reserves the right to supplement each such panel with additional jurors if the member of jury trials assigned for any given term indicates a need.

RULE #21-COURT SECURITY PLAN

This Court is charged with dispensing justice, resolving legitimate disputes, and protecting the constitutional rights of those who appear before it. Accordingly, appropriate levels of security should exist in the Court; to protect the integrity of the proceedings; protect the rights of individuals before the Court; deter those who would take violent action against the Court, its employees or litigants; sustain the proper decorum and dignity of the Court, and to assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to Superintendent's Rule 9, the Court hereby establishes the following:

- A. The Court having previously appointed a "Local Security Advisory Committee" which did formulate a Carroll County Courthouse Security Manual and Policy hereby adopts in its entirety such policy.
- B. The Carroll County Courthouse Security Manual and Policy became effective and published February 5, 2002, and was adopted by the Courthouse Security board members of the "Local Security Advisory Committee."
- C. Said Courthouse Security Policy is adopted and incorporated herein together with all amendments and additions as if fully rewritten herein.

RULE #22-SPECIAL PROJECTS

Pursuant to O.R.C. 1901.26, the Court has previously determined that for the efficient operation of the Court, additional funds are necessary and has implemented a rule to charge a fee on the filing of each criminal, traffic, civil action or proceeding, or judgment by confession.

The Order amending the fee charged for special projects and the appropriate cost distribution was entered into record on November 18, 2021, and became effective January 1, 2022. (copy available)

RULE #23-COURT ELECTRONIC TRANSCRIPTS

The Court utilizes an electronic digital recording system to create a record for court proceedings. Upon a written request for a typed transcript of an audio recording in the Carroll County Municipal Court, the transcript will be prepared by an official court transcriptionist approved by this Court. This is the approved method of issuing a transcript for appellate purposes. The request must include the case caption, number, and date of hearing.

The court will provide you with the name of the approved individual/individuals you may contact regarding the estimate of costs and time of service to prepare and deliver.

An audio copy of the recording may be requested. Upon a written request and a Twenty Five Dollar (\$25.00) deposit, the clerk or deputy clerk who was responsible for the recording of the original hearing will locate the original recording to verify that it is available in storage for copying. If the original is available for copying then a CD will be "burned" to provide an audio copy. The fee is a total of Twenty Five Dollars (\$25.00) to the clerk or deputy clerk for her services. A court cost of Five Dollars (\$5.00) is imposed to be paid into the court computer fund for the cost of the CD. These costs are to be paid in advance under the requested case name and number

IT IS NOTED THAT THIS "BURNED" CD IS NOT AN OFFICIAL TRANSCRIPT OF THE COURT PROCEEDING.

RULE #24-TRUSTEESHIPS

The Court hereby establishes that consistent with Ohio Revised Code 2329.70 upon the filing for an appointment of a trustee, the Court designates the Clerk of the Court to serve as the Trustee. The trustee shall be bonded by the existing clerk's official bond. The trustee shall notify all creditors of the appointment of a trustee by ordinary mail using the addresses provided by the debtor. The trustee shall have the authority to receive and disburse the payments made by the debtor. The trustee shall distribute the monies received to the creditors every three months.

Any balance owed to a creditor fewer than One Hundred Dollars (\$100.00) shall be paid in full and the remaining amount shall be disbursed among the remaining creditors. The trusteeship shall be terminated upon the failure of the debtor to make the periodic payments established on the due date(s).

RULE #25-REQUIREMENTS FOR CORPORATE SURETY CRIMINAL BAIL BONDS

The Clerk may accept corporate surety bonds in criminal cases only if each agency complies with Rules of Criminal Procedure, Rule 46(J) and any statutory requirements.

- A. Each agency must file a qualifying power of attorney by the first day of August of each odd numbered year.
- B. Each agency must file a certificate of compliance annually
- C. A copy of each agent's license must accompany an agent's original filing
- D. All agents posting a bond must furnish a signed power of attorney and produce a state issued bail license.

RULE #26-APPOINTED COUNSEL

Appointment of either the Public Defender's Office or a private attorney shall be made by the Court. When the Public Defender's Office cannot represent a particular defendant, the Court will appoint a private attorney. The Court maintains a list of private attorneys who wish to serve on the appointed counsel list.

The Court will conduct a periodic review to ensure an equitable distribution of appointments among the attorneys on the list. The selection of a private attorney will be from the alphabetic list, in order, unless there are special circumstances that dictate a different selection, e.g. prior appointment to represent a defendant in a municipal or county court proceeding involving the same or related matter, limitations related to jurisdiction, or felony level.

Attorneys appointed to represent indigent clients in misdemeanor cases must have:

- 1) Completed a minimum of six hours of continuing level education, certified by the Ohio Supreme Court Commission on continuing legal education, in criminal practice and procedure; or
- 2) Successfully completed a clinical education program focusing on criminal defense; or
- 3) At least one year of experience as an attorney

- 4) Misdemeanor OVI cases. Attorneys appointed to represent indigent clients in misdemeanor OVI cases must have completed a minimum of six hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, focused on OVI practice and procedure.

RULE #27-MOTIONS AND NUMBER OF PAGES

All motions unless made during a hearing or trial must be in writing and made in advance of the scheduled court date.

All motions are limited to fifteen (15) pages including the motion and exhibits unless for good cause written prior approval is obtained from the court.

RULE #28-DISPOSAL OF EXHIBITS

All exhibits admitted during a court hearing as part of the record will be held for forty-five (45) days and then destroyed or returned to the submitting party if so requested in writing within the said forty-five (45) days.

RULE #29 - ROLLED COINS

The court accepts the following types of payments

Cash (no more than \$1.00 in coins)

Personal check (NO starter checks)

Money order

Credit card payments are accepted either on-line or by use of the public terminal

Payments are NOT accepted over the phone

RULE #30-DEADLINE FOR NEW CASE FILINGS

All new case filings or requests received after 3:30PM will be processed and receipted on the next business day.

Cost code breakdown

2/01/2022


COSTS LC CI VA SP VC GR LA HB MC
CA LR DEPOSIT
SF2

Amended Complaint	100.00	19.00	10.00	10.00	15.00			26.00		
BMV Appeal CIV	65.00	19.00	10.00	5.00	5.00			26.00		
Request for Certificate Of Judgment for Lien	25.00	15.00			10.00					
Reissue by Certified Mail Fee all cases CM	25.00*	7.00*			18.00					
Certified Copies	2.00	2.00								
Photocopies (Per page)	0.25	0.25								
Complaint for Judgment With jury demand	319.00									319.00 DEPOSIT
Complaint for Judgment	100.00	19.00	10.00	10.00	15.00			26.00		
Criminal Complaint	95.00*	7.00	10.00	5.00	44.00*	9.00			20.00	
Debtor's Exam DE	24.00	14.00	10.00							
Eviction	100.00	19.00	10.00	10.00	15.00			26.00		
Expungements	50.00	20.00								30.00 MC
Foreclosure	100.00	19.00	10.00	10.00	15.00			26.00		
Garnishments -Wage CVWG	90.00	50.00	10.00	5.00	25.00					
Garnishments-Bank CVBA	59.00	19.00	10.00	5.00	25.00					
Issue O.L Forf/Warrant Block OLWA	20.00	20.00								
Notice of Appeal	150.00									150-DEPOSI
Occupational Initial Request or Premature Termination	30.00									30.00BMVP TR/CR CIV-BMVC
Occupational Subsequent Change	20.00									20.00BMVP
Replevin	100.00	19.00	10.00	10.00	15.00			26.00		
Revival of Judgment	100.00	19.00	10.00	10.00	15.00			26.00		
Seatbelt (Driver)	68.00	9.00	5.00	5.00	9.00				10.00	30.00 FINE
Seatbelt (Passenger)	58.00	9.00	5.00	5.00	9.00				10.00	20.00 FINE
Service by Publication	100.00									100.00-DEPC
Small Claims	60.00	24.00	10.00	5.00	10.00			11.00		
Traffic Violations	95.00*	7.00	10.00	5.00	34.00*	9.00			30.00	
Transfer by Certificate of Judgment	100.00	19.00	10.00	10.00	15.00			26.00		
Trusteeships	65.00	19.00	10.00	5.00	5.00			26.00		
Triple Certified Copy	34.00	24.00	10.00							

RULE #31-OTHER

The Court reserves the right to amend, modify, and, or remove any Local Rule of Court as the circumstances may require.

In conformity with Civil R. 83 and Sup R. 15, a copy of these Rules shall be filed with the Ohio Supreme Court.



JUDGE GARY L. WILLEN

12-31-2021
DATE