

The following are the proposed new court rules planned to take effect on January 1, 2005. Pursuant to a cooperative effort between the bar and the judiciary, a request has been made to shorten local court rules. In the past this court has made an effort to make the rules as complete and understandable as possible by including restatements of the applicable civil or criminal rule or rule of superintendence which is either applicable. To comply with the work product of the Bar and the Judiciary, this court will redact were possible any restatement of said rules in an effort to shorten the local rules. If you have any questions, please refer your comments to the Clerk of Court or write to:

MASON MUNICIPAL COURT
5950 MASON-MONTGOMERY ROAD
MASON, OHIO 45040

It is hereby ordered that the following rules be and are hereby adopted for the governance of the practices and procedures in the Mason Municipal Court, Warren County, Ohio, until otherwise provided pursuant to *Article IV, Section 5* of the Ohio Constitution, *Rule 83* of the Ohio Rules of Civil Procedure, and/or *Rule 5* of the Rules of Superintendence for the municipal courts of Ohio. It is further ordered that all former Rules of the Mason Municipal Court (also known as Mason Court) be and are hereby rescinded.

It is further ordered that these rules be filed with the Supreme Court of Ohio and become effective January 1, 2005.

The Honorable George M Parker

Judge of the Court

Cc: Supreme Court of Ohio

Warren County Bar Association

Table of contents

Introduction Section A

[Rule A1: Scope](#)

Rule A2: Court Administration

Rule A3: Court Schedule

Rule A4: Acting Judges, Visiting Judges and Magistrates

Rule A5: Clerk of Court

Rule A6: Cost of Court Civil and Criminal

Rule A7: Filings by Electronic Transmission

Rule A8: Court Reporter

Rule A9: General Conduct of Person(s) using the Court

Rule A10: Firearms or dangerous weapons in the Court Facility

Criminal/Traffic Section B

Rule B1: Police officer Duties

Rule B2: Bond procedures

Rule B3: Attorneys Designation of Trial Counsel

Rule B4: Withdrawal of Counsel

Rule B5: Court Appointed Counsel

Rule B6: Written "Not Guilty Pleas"

Rule B7: When Continuance May Be Granted

Rule B8: Hearings submission of Motion

Rule B9 Criminal Pretrial and Trial

Rule B10: Trial Procedures

Rule B11: Selection of Jurors

Rule B12: Governance of Juror and Trials

Rule B13: Requests for Jury Trials

Rule B14 Case Management in Criminal Cases

Rule B15: Probation and costs

Rule B16: Format for all Documents Filed

Regular Civil Section C

Rule C1: Securities for Civil Court Costs

Rule C2: Attorneys Designation of Trial Counsel

Rule C3: Withdrawal of Counsel

Rule C4: Continuances

Rule C5: Pleadings and Motions

Rule C6: Civil Pretrial Procedures

Rule C7: Case Management in Civil Cases

Rule C8: Trial Briefs and Jury Instructions

Rule C9: Default Judgments

Rule C10: Forcible Entry and Detainer Actions

Rule C11: BMV Petitions

Rule C12: Dismissals for Failure to Prosecute

Rule C13: Forcible Entry and Detainer Case Management

Rule C14: Special Proceedings Case Management

Rule C15: Bailiff's Sale

Rule C16: Jury Management Plan

Rule C17: Rules of Escrow Court and Manual

Rule C18: Purpose of Escrow

Rule C19: Procedure

Rule C20: Filing Fees

Rule C21: Complaints

Rule C22: Answers and Counter Claims

Rule C23: Partial Release of Rent

Rule C24: Contested Hearings

Rule C25: Continuances

C26: Format for all documents Filed

Small Claim Section D

Rule D1: Authority

Rule D2: Purpose

Rule D3: Jurisdictional

Rule D4 Duties of Counsel, Parties and Court

Rule D5: Transfer to Civil Division

Rule D6: Small Claim Case Management

Rule D7: Authority Trusteeships

Rule D8: Duties of Applicant-Debtor, Creditor and Court

Administrative Drivers License Suspension Appeals Section E

Rule E1: Judicial Steps

Rule E2: Clerical Steps

General Definitions and Rules Section F

Rule F1: Broadcast and Television Coverage

Rule F2: Citation of Rules

Rule F3: Amendment of Rules Procedure

Rule F4: Definitions used Herein

Rule F5: Courtroom and Courthouse Security

Rule F6: Impounded Vehicles

Rule F7 Public Records Request

Rule F8 Mediation:

Introduction Section A

Rule A1 Scope

These Local Rules of the Court shall apply in all proceedings in the Mason Municipal Court in Warren County, Ohio unless inconsistent with any rules promulgated by the Supreme Court of Ohio or unless clearly inapplicable due to Ohio law or order of the Judge to whom the case is assigned. These rules are intended to be supplemental and used in conjunction with:

1. The Ohio Rules of Civil procedure as amended,
2. The Ohio Rules of Criminal procedure as amended, and
3. The Ohio Rules of Superintendence for the courts of Ohio as amended.

These local rules are not to be interpreted in any way which conflicts with the various Ohio rules. Should any conflict or contradiction be found, the Ohio Rules should prevail over the supplemental local rules. These rules may be referred to as "Mason Municipal Court Rules or can be abbreviated as M. M. C. R."

Rule A2 Court Administration

1. The Sessions of the court shall be daily, Monday through Friday 7:30 a.m. to 4:00 p.m., unless such Sessions of Court are extended by the presiding judge beyond the 4:00 p.m. hour.
2. The Court shall be in session at such other times and hours as necessary to meet special situations or conditions as prescribed by the Court or required by the Judge.
3. The term of the Court is the calendar year.
4. The Clerk of Court or a Deputy Clerk designated by the Judge will be available to issue warrants on the weekend since it is determined that this would be the best time for both the police officer's schedule and for adherence to the 48 hour rule. A clerk will be available on Saturday between the hours of 10:00am and 11:00am. On weekends that have a holiday associated with it, a clerk will be available on Sunday at the same time as Saturday. In order to obtain warrants during these times, please call 383-9880 or 623-8753. If an emergency makes it necessary to contact the Judge for a search warrant, the setting of a bond or any other emergency matter, please call 623 8753 or 398 4957.
5. The court orders that the dockets, both criminal and civil, will act as both docket and journal of the Court and there will be no separate entry.
6. In accordance with Superintendence Rule 18, a violations bureau for minor misdemeanors, in accordance with the provisions set forth in Criminal Rule 4.1, is hereby established.
7. Below is a listing of court time by case type in the two courtrooms.

A3: Court Schedule

~~Monday Court session: Batsche Courtroom~~

~~9:00 A.M. thru 11:00 A.M.: traffic arraignments and trials~~

~~11:00A.M. thru 12:00 P.M.: video arraignments~~

~~Tuesday Court session: Batsche Courtroom~~

~~12:30 P.M.: Pre trials~~

~~1:00 P.M. thru 2:00 P.M.: misdemeanor arraignments, OVI and DUS~~

~~2:00 P.M. until Finished: Pre trials, trials, preliminary hearings and pleas~~

~~Tuesday Civil Court: Zopff Courtroom~~

~~1:00 PM until finished: Regular Civil~~

~~6:30 P.M.: Small Claims and ALS appeals~~

~~Wednesday Court session: Batsche Courtroom~~

~~12:30 P.M.: Pre trials~~

~~1:00 P.M. thru 2:00 P.M.: misdemeanor arraignments, OVI and DUS~~

~~2:00 P.M. thru 4:00 P.M.: Pre trials, trials, preliminary hearings and pleas.~~

~~Wednesday Zopff Court~~

~~3:00 P.M. Mediation until finished~~

~~4:00 P.M. until Finished: Traffic arraignments~~

~~5:00 P. M. Traffic trials~~

~~Thursday Court session: Batsche Courtroom except third Thursday~~

~~12:30 P.M.: Pre trials~~

~~1:00 P.M. thru 2:00 P.M.: misdemeanor arraignments, OVI and DUS~~

~~2:00 P.M. until Finished: Pre trials, trials, preliminary hearings and pleas~~

~~Friday Court session: Batsche Courtroom except third Friday~~

~~9:00 A.M. until finished: Traffic arraignments and trials~~

~~Third Thursday and Friday of Month~~

~~8:00 A.M. until finished: Jury trials~~

~~For the purpose of this schedule, when referring to the Batsche Courtroom, the schedule refers to the main courtroom and when referring to the Zopff Courtroom, the reference is to the small courtroom.~~

~~The Court schedule is divided into three time slots per day. Certain days will only use two of the three. These time slots will consist of four hour time periods starting at 8:00 a.m. and ending at 8:00 p.m. When referring to a morning session, the time will be from 8:00 a.m. until 12:00 p.m. The afternoon Court session will be from 1:00 p.m. until 5:00p.m. The evening session will be from 4:00 p.m. until 8:00 p.m. In the interest of making the Court more available and user friendly, each time slot will be divided into the different activities of the Court.~~

~~— A continuance will be assigned to that same time slot at a one week future date. All pre trials will be scheduled one week from the date of arraignment with the trial date set at the time of pre trial one week from the date of pretrial. All jury trials will be scheduled on the third Thursday/Friday of each month. On the third Thursday of each month, all jury trial cases will be docketed. The docketed order will be the order in which the cases are heard. A jury will be selected for each case on Thursday morning. When the first trial begins, all other jurors, selected or not, will be allowed to leave. Each selected juror not sitting in on the first trial but selected for other juries must be available to the Court on an "on call " basis and respond back to the Court within one hour from the time of that call. All prospective jurors not selected will be released. This rule may be modified to accommodate more than two cases as the presiding judge determines appropriate.~~

~~In an effort to accommodate all Police agencies, the afternoon session will be used for felony preliminary hearings, misdemeanor arraignments, pre trials, trials, and pleas. This effort is made to make the Court available to "on duty" personnel of all Police agencies. Therefore, the Court, if in possession of each contributing Police agency's schedule, will make every effort to schedule a trial in a time frame where said officer will be able to appear in Court during his/her duty hours. The afternoon session will provide both day and afternoon shift coverage however, nothing can be provided for mid night shifts. If an officer is working mid night shifts and has a case coming to trial, if possible, upon advising the Bailiff that this situation exists, the case will be heard as early in the session as possible. It will be the responsibility of the contributing police agency and/or the officer to notify the Clerk of Court's office of their respective schedules.~~

~~In the matter of a proposed modification to Local Rule A3 Court Schedule, this is the final and the approved draft of the new court schedule accompanied by the appropriate journal entry. This matter will be published on the court web site for public comment and will become effective 30 day from date of posting.~~

Mason Police Department and Kings Island Police Department will assign all traffic and minor misdemeanor offenses a court date on the Tuesday at 8:00am and all other arrests will have a Tuesday time of 10:00am. Incarcerated defendant due to a fresh arrest by all contributing police agencies will be videoed at 9:00am, with all other criminal arraignments and initial hearings for Mason Police Department and Kings Island Police Department cases occurring during the 10:00am until 11:00am time slot.

The Sheriff's office at Deerfield Township, the Ohio State Highway Patrol and all

other contributing agencies will assign an 8:00am on all Thursdays for all traffic and minor misdemeanor offenses. Incarcerated defendant due to a fresh arrest by all contributing police agencies will be videoed at 9:00am time, with all other criminal arraignments and initial hearings for The Sheriff's office at Deerfield Township, the Ohio State Highway Patrol and all other contributing agencies cases occurring during the 10:00am until 11:00am time slot.

The only variance to these court date assignments will be for OVI. Regardless of who the arresting agency is the arresting officers shall assign the next occurring court date at 10:00am on either Tuesday or Thursday regardless if the defendant is incarcerated or not.

This court schedule is effective December 1, 2004.

The actual court schedule for Tuesday and Thursday morning will be as follows:

1. 8:00 am Traffic and minor misdemeanor arraignments.
2. 9:00 am Traffic and minor misdemeanor trials sensitive to the arresting agency and Video arraignment and initial hearing incarcerated persons.
3. 10:00am Arraignments and initial hearing docketed for that period by the respective police agency.
4. 11:00am All pre trials for traffic, minor misdemeanor, misdemeanor and ALS appeals.
5. 12:00pm Break for Lunch
6. 1:00pm All pleas, sentencing and minor motions not handled at pre trial, sentencing not handled under the guidelines outlined, minor motions and preliminary hearing and trials for any incarcerated persons.
7. 2:00pm All trials, preliminary hearings and motions to suppress under time slots and guidelines herein described.
8. All jury trials will be held on the third Friday of each month starting at 8:00am and continuing into Saturday if required.

In order for each time slot to adequately function, all cases scheduled for arraignment will be disposed of before moving to the next time slotted business. Therefore all traffic and minor misdemeanor arraignments will start promptly at 8:00am and the process of arraignments will continue until that portion of the docket is complete. Then the traffic trials and minor misdemeanor docket will be started. Any push forward in time will be absorbed by the lunch hour so that the morning session is completed in time for the afternoon portion to start promptly on time.

Case management policy:

All cases at arraignment will be set directly for trial. Minor misdemeanors and traffic issues will be set two weeks from date of arraignment. Misdemeanors of the fourth and third degree will be set 3 weeks out and misdemeanors of the second and first degree will be set 4 weeks out. **The use of time waivers will be strongly discouraged.**

only 6 trial cases will be set per hour allowing 10 minutes per case. All parties to a trial will be required to be prepared to start 20 minutes prior to their assigned time. Any case not prepared for trial when the case is called will drop to the end of the docket and if time permits will be heard that day. If an unprepared case does not get called at the end of the day it will be re-docketed at the next available time for a hearing. All trials including traffic trials will be scheduled using this same format. To illustrate this in a time line:

1. 2:00pm case A is primary with case B as secondary
2. 2:10pm case B is now primary with case C as secondary
3. 2:20pm case C is now primary with case D as secondary
4. 2:30pm case D is now primary with case E and F as secondary
5. 2:40pm case E is now primary with case F and G as secondary
6. 2:50pm case F is now primary with case G, H, and I as secondary
7. This process will continue for all case with the ending scheduling being no latter than 3:30pm to accommodate a prompt 4:00pm close of court business for that day.

Motions to suppress will be allotted 20 minutes still having a secondary case scheduled based on the above schedule. Any trial case that runs past the allotted time will be rescheduled for a time slot on the next available trial day with the same allotted time. For the purpose of scheduling, a preliminary hearing will be considered a trial and will be allotted the same 10 minute time frame for completion. Any case where either party appearing in court, appeals to the court that they are not prepared will go to trial regardless at the end of the docket..

The Times Set Forth Are For Planning And Scheduling Purposes Only.

Pleas, minor motions and sentencing:

Pleas, minor motions with a subsequent sentencing at a later date will be set at 5 minute intervals between 1:00pm and 2:00pm each Tuesday and Thursday. If the defendant is to plea and be sentenced at the same time a 10 minute period will be permitted. A plea is considered any matter resolved at pre trial that the magistrate would not accept or any case that was resolved between any pre trial and trial but prior to the trial date. Examples of a minor motion would be termination of probation, reinstatement of driving privileges, continuances, etc.

Pleas:

No plea will be accepted to any charge where the charge pled to, if different than the original charge, must be a lesser and included offense. If the plea agreement requires a plea to anything other than the original charge, where there is no lesser and included offense, the attempt section

should be used. Without the filing of new charges, a plea to a lesser and included offense will only be accepted as part of a plea bargain.

Civil Court Docket

The regular civil docket will not change. Regular civil case will still be heard on Tuesday afternoon at 1:00pm until complete and the small claims docket will move its time to Thursday at 1:00pm until complete.

Mediation

All case consideration for mediation will have two classes, criminal and civil. All civil mediation will be mediated by either Eddie Lawson at 1:00pm on Thursday and all criminal mediated cases will be mediated by Andy Batsche on Tuesday at 1:00pm.

Rule A4 Acting Judges, Visiting Judges and Magistrates

The Magistrates shall be appointed by the presiding Judge. and will have all the authority and power set forth in the Rules of Procedure and Statutes. Incorporating by reference Criminal Rules 19, 5, 10, 46 and 17.1 the magistrates will be permitted the following duties and powers in reference to the disposition of misdemeanor and felony cases brought in the Mason Municipal Court..

1. Preside over any initial appearance and preliminary hearings conducted pursuant to Criminal Rule 5.
2. Preside over any arraignments pursuant to Criminal Rule 10.
3. Magistrates may accept and enter pleas of guilty or not guilty in all misdemeanor cases, preside at felony initial hearings and set bond in all felony and misdemeanor cases. The magistrate may also sentence may hear and sentence all minor misdemeanor cases and misdemeanors of the fourth and third degree with the consent of the prosecutor and the defendant, subject to the administrative Judge's review and approval.
4. By reference a magistrate can preside over pre-trials pursuant to Criminal Rule 17.1 and establish bail pursuant to Criminal Rule 46.
5. Magistrates by reference may preside over and decide motions in cases which involve any pre-trial or post judgment motion and any misdemeanor case for which imprisonment is not a possible penalty.
6. With the consent of the parties, the prosecutor and the defendant, illustrated in writing and on the record in court, the magistrate may hear any pre-trial or post-judgment motion in any misdemeanor case in which imprisonment is a possible penalty.

7. The magistrate may also hear proceeding for the issuance of a temporary protection (no contact) order as authorized by law.
8. The magistrate may hear any dispute arising out of a restitution issue.

As used in this rule, the term "referred" should mean with the knowledge and/or consent of the presiding judge. A Magistrate will hear all matters referred to them by the Judge of this court and will not take leave of the Court until completed.

Acting Judges shall be appointed pursuant to ORC ?1901.10 and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated. Visiting judges shall be requested when required.

Rule A5 Clerk of Court

1. The Clerk shall maintain such dockets, books of record and indices as are required by law or practically necessary as public record, utilizing microfilm and computers for storage whenever possible.
2. The Clerk shall permit any person to receive a copy of any papers filed with the Clerk of Court's office but original papers filed in any case shall not be removed from the office without prior authority of the Clerk of Court. Proper payment of the cost of copies received by the person(s) requesting such copies shall be charged in the amount listed in the cost of court section of these rules.
3. Officers or employees of this Court shall not prepare or help to prepare any pleading, affidavit, entry or order in any civil matter except as provided under ORC ?1925.
4. Except for good cause shown, the Clerk shall not be required to issue subpoenas nor shall the Bailiff be required to serve the same, unless requests are filed with the Clerk at least seven (7) working days prior to the trial date.
5. At no time shall any original copy of any document or file be removed from the Clerk of Courts office except when in use by a judge or magistrate, without the written consent of the Judge.
6. No fee shall be charged for notarizing affidavits or any other matters pertaining to the civil or criminal business of the court.
7. It is ordered by the Court that no Deputy Clerk of Court shall give any legal advice nor are they permitted to assist by giving advice or rendering assistance, specifically but not limited to, the preparation of any attachments or garnishment preceding; this being in conflict with ORC ?1925.16 and the Civil Rules of Procedure applicable to small claims filings, hearings, judgments, and recovery thereof.
8. The Clerk of Court, acting in such capacity, must make a probable cause determination for charges if filed by a duly authorized law enforcement officer. If a private complainant elects to file an affidavit or complaint with the clerk, charging a person(s) with a crime without the approval of the prosecutor, he/she must complete and sign a non-approval form provided by the clerk

Rule A6 Cost of Court Civil and Criminal

Civil fees

Civil Complaint/Mason Township	\$75.00
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Mediation Fee	\$45.00
Additional Defendant	\$ 7.50
Additional Mailing	\$7.50
Personal Service	\$25.00

Small Claim

Small Claim Complaint/Mason Township	\$45.00
Mediation	\$45.00
Additional Defendant	\$10.00
Personal Service	\$25.00

Complaint, Forcible entry and Detainer (first cause only)

Within the City of Mason/Mason Township	\$95.00
Within Deerfield Township	\$115.00
Additional Defendants	\$7.50 each

A court cost of 1% of the amount deposited shall be assessed at the termination of the Rent Escrow.

Complaint, Forcible entry and Detainer with rent

Within the City of Mason/Mason Township	\$100.00
Within Deerfield Township	\$125.00
Additional Defendants	\$7.50 each

Writ of Restitution

Within the City of Mason/Mason Township	\$50.00
Within Deerfield Township	\$65.00
Additional Defendants	\$7.50 each

Writ of Replevin

Writ of Replevin	\$50.00
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Writ of Execution

Writ of Execution \$150.00

Appeal on License, Insurance, Points & Refusal

Appeal on License, Insurance, Points & Refusal \$75.00

Judgment certified to BMV \$3.00

Certificate of Judgment

Certificate of Judgment \$10.00

Certified Copy

Certified Copy \$3.00

Change to Certified Copy \$1.50

Cross Complaint or Counterclaim

Regular Civil \$45.00

Small Claims \$50.00

Motions and/or Continuances

Before case is closed \$25.00

After case is closed \$50.00

Motion to View premises (jury only) \$100.00

Motion to show cause \$30.00

Subpoena- regular civil and/or small claims

Subpoena \$22.00

Judgment Debtor Exam

Certified Mail \$15.00

Personal Service \$25.00

Garnishment

Garnishment \$50.00

Plus a Separate Check to be paid to

Garnishee (bank

attachment) \$1.00

Jury Demand

Jury Demand \$400.00 deposit

Trusteeship

Trusteeship \$50.00

Plus per creditor \$.50

Transfer of Judgment from another court

Regular Civil \$75.00

Small Claim \$65.00

Release of Lien

Release of Lien \$3.00

Satisfactions

Satisfactions \$3.00

Bank Attachment

Bank Attachment \$30.00

Service by Publication

Service by Publication \$100.00

Notice of Appeal

12th District Court of Appeals \$85.00

Copies of Audio CD

Copies of Audio tapes prior to November 1 2002 \$30.00

Copies of Audio CD per Court session \$30.00

Paper Copies

Paper copies will be charge at a rate of \$1.00 for up to four (4) copies and then \$.25 per copy thereafter.

Cost of Court Criminal

First charge	\$75.00
Additional charges	\$46.00 each
Mediation	\$45.00
With pre trial	\$10.00
Summons	\$4.00
Notice to appear	\$10.00
Continuance	\$10.00 per continuance
Payment agreement	\$25.00
Driving privileges	\$10.00
Motions	\$10.00
Motion for discovery	\$10.00
Bench Warrant	\$25.00
Warrant block BMV	\$15.00
Contempt of Court costs	\$60.00
Bond cancellation (regardless of guilt or innocent finding) 10% bond- 10% of Amount taken	
Trial to Court	\$10.00
Declaration of Forfeiture	\$35.00
Notice to BMV	\$40.00
Commitment and Discharge	\$4.00
Jury demand	\$10.00
Bind over	\$18.50 plus \$40.00
Certification	\$3.00
Expungement	\$57.00
Subpoena	\$2.00 plus \$5.00 service plus mileage
Motion to suppress	\$25.00
Preliminary Hearing	\$10.00

Officers and witness fees \$12.00

Copies

Audio CD \$30.00 per session

Paper copies \$1.00 up to four copies \$.25 per copy thereafter

Appeals

12th District Court of Appeals \$85.00

Fine dismissed at defendant's costs no charge to victim's fund.

Fine dismissed other charge to victim's fund.

Jurors are paid at the rate of \$20.00 per half day.

\$40.00 per full day

\$10.00 for appearance

Civil or Criminal Service

Warrants \$10.00 plus \$.37 per mile

Summon \$10.00 plus \$.37 per mile

Subpoena \$10.00 plus \$.37 per mile

A minimum of \$1.00 will be charge regardless of mileage.

A charge of \$.37 per mile will apply to each attempt at service.

Bailiff mileage will be charged at a rate of \$.50 per mile

Rule A7 Filings by Electronic Transmission

Pleadings and other paper may be filed with the Clerk of Court by facsimile transmission to 459 8085 subject to the following conditions:

1. These rules apply to civil, criminal, and small claims proceedings of the Mason Municipal Court.
2. All documents filed by facsimile will be accepted by the Mason Municipal Court effectively as an original, however the original with original signatures must be maintained by the sender and be available upon demand by the court until the case is closed.
3. "Fax" is an abbreviation for facsimile and refers, as indicated by the context, to facsimile transmission or to a document so transmitted. A "facsimile machine" means a machine that can send and receive a facsimile transmission. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the

- source document at the receiving end.
4. Each facsimile transmission must have a cover sheet. In addition to any required formatting of any document transmitted the cover page must contain all of the following:
 - A. The name of the court;
 - B. The title of the case;
 - C. The case number;
 - D. The assigned judge if one;
 - E. Title of the document filed
 - F. The date of the transmission
 - G. The transmitting fax number
 - H. Indicate the number of pages included in the transmission, including the cover page;
 - I. If a judge or case number has not been assigned, state that fact on the cover sheet;
 - J. The name, address, telephone number, the Supreme Court registration number, if filed by an attorney, and e-mail address if available of the person filing the fax document (using the fax cover page provided will help avoid errors);
 - K. If applicable, a statement explaining how any accrued costs are to be paid;
 5. A party who wishes to file a signed source document by fax shall either:
 - A. Fax a copy of the signed source document;
 - B. Fax a copy of the document without the signature but with the notation *"/s/?"* followed by the name of the signing person where the signature appears in the signed source document.
 - C. A party who files a signed document by fax, represents that the physically signed source document is in his/her possession or control.
 6. Exhibits
 - A. 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, no later than five (5) days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or the exhibit.
 - B. 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.
 7. Time of Filing
 - A. Subject to the provisions of these rules, all documents sent by fax and ~~accepted~~ **received** by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. ~~The office of the Clerk of Court will be deemed open~~ **However, the fax machine will be available** to receive facsimile transmission of documents on the ~~same days and at the same time the court is regularly open for business~~ **basis of 24 hours per day seven days per week including holidays.**
 - B. Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court.
 - C. The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
 - D. The risks of transmitting a document by fax to the Clerk of Court 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 though whatever technological means are available.

8. Fees and Costs
 - A. No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by any acceptable means of pay accepted by the court or through an escrow account established with the Clerk.
 - B. Documents tendered to the Clerk without payment of court cost and fees, or which do not conform to applicable rules will not be filed.
 - C. No additional fee shall be assessed for facsimile filings.
9. Length of Document
 - A. Facsimile filings shall not exceed ten (10) pages in length not including cover sheet. The filer shall not transmit service copies by facsimile.

Other electronic/media transmissions

- A. The court will continue to examine and explore the implementation of e-mail, e-pay, and other modern technology to integrate into the court's website for filings.

Rule A8 Court Reporter

- A. The Court does not employ a court reporter or stenographer pursuant to ORC ?1901 .33. Parties who wish a transcript of the proceedings for appeal purposes will be required to supply and pay for such service on their own.
- B. After November 1, 2002, the court records all cases on a computer system capable of reducing the proceeding to an audio compact disc. Such compact discs are available to the parties involved in a particular case. These compact discs are available for a fee as listed in the cost of court schedule contained in this set of rules.
- C. Copies of all such recording will be retained for one year after the final disposition of the case is made by the Court.
- D. Anyone having a cause of action in Court desiring a court recorder present at their particular hearing must submit a request in writing to the Court seven (7) days prior to the hearing.

Rule A9 General Conduct of Person(s) using the Court

- A. All person(s) using the Court, whether they are Court employees, attorneys, prosecutors, defendants, jurors, new media, or court observers, will be properly attired; no shorts or tank tops.
- B. Any and all person(s) enter the courtroom will turn off any electronic device such as, but not limited to, cell phones and pagers.
- C. The failure of any person(s) that is/are party(s) to any action, be it civil or criminal, will not depart the Court without proper leave of the Court or they will be held in contempt of court.

Rule A10 Firearms or dangerous weapons in the Court Facility

- A. Mason Municipal Court property includes any space defined by the perimeter walls that fall

within the domain of the security force and includes but limited to any and all adjacent sidewalk to the facility. Furthermore this order will extend to any other facilities that the court may deem, from time to time necessary, for its efficient operation.

- B. Weapons include but are not limited to handguns, firearms, explosives, knives or ordinances, or any item that can be used as a weapon.
- C. If employees or visitors have questions regarding whether items are prohibited by this policy, they should contact the Chief Court Officer before bring the items onto or into the court facility.
- D. Any employee failing or refusing to comply with any aspects of this policy will be subject to discipline, up to and including immediate termination.

Criminal/Traffic Division Section B

Rule B1 Police officer Duties

1. All police agencies can use any session of Court that are appropriate for the particular type of offense being charged. Therefore to comply with requirements of the statute concerning ALS stays, any OVI citation can comply with this statute by assigning a court date within five (5) days of citation.
2. All citations that allow the defendant the right to sign the guilty plea form on the citation can pay the citation through the Traffic Bureau of the Mason Municipal Court. Such citations will be given a court date set at least 168 hours or 5 business days from the date of the citation to allow for the payout process.
3. Any citation issued within 72 hours of a court date will be assigned for the next court date that applies to said crime. All citations must be received in the Mason Municipal Court Clerk's office no later than 48 hours prior to any court date. Citations received within 48 hours of a court date, with the exception of OVI for ALS considerations as mentioned above, will be automatically assigned to the following court date.
4. No citation shall be issued when the court date set is longer than two weeks from the date of the citation. Such citations, issued with dates beyond two weeks, will not permit the defendant the possibility of a trial date within the speedy trial guidelines.
5. Arrests ending in incarceration will be, where possible, video arraigned or brought to court as soon as possible. If any prisoner needs to be brought to the Court for arraignment, he/she will be video arraigned at 9:00am on Tuesday or Thursday following the day of incarceration.
6. No charges will be taken without the completion and signing of the probable cause/fact sheet.

Rule B2 Bond procedures

- A. Bonds, as set forth on the warrant, can be satisfied by methods stated in Criminal Rule 46.
- B. At no time will a personal check be accepted as payment for a bond or any portion thereof.
- C. If no judicial review occurs during the first 48 hours, the bond will automatically drop to own recognizance status with the exception of capital offenses. A special hearing regarding bond can be held by the Mason Municipal Court, upon request by the prosecutor to request

such a hearing or the defendant or defense attorney requests such a hearing during the 48 hour period.

- D. The bond schedule and procedure for the Mason Municipal Court is available at [Bond Schedule and Procedures](#)

Rule B3 Attorneys Designation of Trial Counsel

Attorneys, not parties, will designate their capacity as trial counsel on all documents in criminal-traffic cases and shall include their office address, zip code, and telephone number. Prosecutors shall enter their appearance in writing no later than 5 (five) days after receipt of the initial notice of hearing. Normally, a law firm should not be named as trial attorney, however, substitution of counsel within the same law firm at hearings is authorized with prior approval from the assigned Judge or Magistrate. The attorney's Supreme Court registration number shall be included on all documents filed. For purposes of this rule, "attorneys" includes "prosecutors" and "law firms" includes "Prosecutor's Office".

Rule B4 Withdrawal of Counsel

Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days before the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his client's last known address.

Rule B5 Court Appointed Counsel

The Court finds that there is a need for multiple attorneys to be available for appointment as counsel to indigent defendants based on the Court's current and projected caseload requirements. The Court therefore adopts the following method for appointment of counsel consistent with the standards established by the Ohio Public Defender, the Warren County Board of Commissioner's resolution 01-299 as amended from time to time (hereinafter WCBC resolution), The Supreme Court of Ohio Rules of Superintendence [Rule 8] and the Ohio Supreme Court Rules for the Government of the Bar.

As best as is practicable and as justice requires: All appointments and release from appointments and fees shall be in accordance with the above Rules and Resolutions.

1. All qualified defendants shall be declared indigent only by the Court. The Court shall make such determination based wholly on the information provided by the defendant on a "Financial Disclosure/ Affidavit of Indigency" form as prescribed by the Ohio Public Defender Commission and use guidelines established by that office.
2. The itemization of hours spent in-court and out-of-court by the appointed counsel is required on every motion, entry and certification form submitted. Hours must be itemized on all forms in tenth of an hour (6 minute) increments.
3. All motions, entries and certification forms must be signed by the judge hearing the case for which reimbursement is being requested. Except in the case of a visiting or acting judge, the administrative judge must review OPD-1028 unless a separate entry of recusal is filed along with the motion for fees.

4. If a party is incarcerated prior to arraignment, the Warren County jailer shall provide an indigence affidavit to them at the time of commitment. Failure to provide said form shall be direct contempt of Court punished accordingly. No defendant shall be considered for appointed counsel if they have not completed the prescribed form prior to arraignment.

Rule B6 Written "Not Guilty Pleas"

"Not Guilty Pleas" may be entered prior to the date of arraignment. If a written plea is entered, neither counsel nor the defendant needs to appear at the arraignment except in cases of domestic violence, OVI or other violent offenses.

When filing a written "Not Guilty Pleas" on multiple charges, it is the attorney's duty to insure that a plea form is signed, completed and file stamped for each offense (incident) and to notify the Clerk of Court of the number of charges such plea is entered for. All plea forms shall contain a case number with the following information shall be provided in the caption of the form to ensure proper case management:

1. Ticket number, if any;
2. Nature of offense(s);
3. Code number of offense(s);
4. Date of offense(s);
5. Date of arraignment(s).
6. Name of defendant(s)

Rule B7 When A Continuance May Be Granted

1. The continuance of a scheduled trial or hearing is a matter at the sole discretion of the Court.
2. The Court is opposed to needless delay in the handling of its business. In cases where a continuance is necessary, the limit of time allowed will be:

One (1) week unless, for good cause shown, a longer time is approved by a Judge of this Court.

Two (2) weeks between arraignment and trial for minor misdemeanors.

Three (3) weeks between arraignment and trial for Misdemeanors of the fourth and third degree.

Four (4) weeks between arraignment and trial for Misdemeanors of the second and first degree.

All pre trials will be set upon proper motion of either the prosecutor or defense attorney or defendant.

As is necessary to facilitate a court date for jury trial

3. Requests for continuances can be made at the Clerk of Court's office in the following instances:
 1. If the case has been set for trial, the clerk's office must notify the opposing

counsel as to any objection to the motion for a continuance and such must be made at least three (3) working days prior to the trial date.

2. Any case set for trial, where either the prosecutor or defendant or defense attorney makes a motion for a pre trial, such request must be made in a time frame as not to change the trial date setting.
4. All requests for continuance must be filed in writing.
5. It will be the responsibility of the attorney to notify the client of all required court appearances and likewise it is the prosecutor's responsibility to notify any law enforcement personnel or complaining witnesses.
6. All attorneys will schedule all cases in the court room prior to taking leave of same.
7. The costs of all continuance requested by the defendant and/or defendant's counsel, after the initial continuance, will be charged as part of court costs at the rate of (\$10.00) ten dollars per request.

Rule B8 Hearings submission of Motion

- A. A notice of the hearing date shall appear on the face of the motion.
- B. Any motion will be set by the Court when the written motion is filed with the Court. Verbal requests for motion hearings will not be honored by the Court.

Rule B9 Criminal Pretrial and Trial

1. Defendant is required to be present at all scheduled pre-trials. Such attendance can be attained by video conferences. No pretrial will be scheduled in minor misdemeanors.
2. No case will be set directly for pre trial. Upon a written motion for a pre trial by the prosecutor, defendant or defense attorney a case maybe set for pre trial upon good cause shown. At no time will a case be set for pre trial which cause the rescheduling of the initial trial setting. Any case not resolved at pre trial will go to trial unless the defendant desires to plead as charged. No plea bargains will be accepted on the date of trial. Should a case resolve itself after pre trial but before the trial date, upon joint motion of the prosecutor and the defendant and/or defense attorney the case may be set for plea upon a showing of good cause.

Rule B10 Trial Procedures

- A. Only one attorney for each party will be permitted to examine a witness at the trial of a case unless leave of court is obtained.
- B. Representatives of the news media shall not question or disclosed names or addresses of prospective or selected jurors or discuss the cause set for trial with them.

Rule B11 Selection of Jurors

Selection of jurors shall be made in accordance with law.

Each prospective juror shall receive compensation at the rate of \$10.00 per diem. Those chosen to serve either as a juror or alternate juror for each case shall receive \$20.00 additionally for the first four hours and \$5.00 for each hour period thereafter up to a total of \$50.00 per juror per case. The reason for a potential juror's exclusion will be dictated either by the Ohio Revised Code or by

direction of the Judge of the Mason Municipal Court.

Each juror will receive from the City of Mason a check for the amount compensatory to their service within fifteen days of their jury service.

Any jury demand that is not withdrawn at the pre trial for the jury trial, shall require the defendant to pay the sum equal to the per diem for each member of the jury pool. No exceptions.

Any jury demand that is taken to the jury, the defendant will be charged for the per diem paid to the entire jury pool plus an additional \$20.00 for the four hours of trial and \$5.00 for each hour thereafter for each juror selected to serve including alternates. If the defendant is found not guilty or the jury is unable to reach a verdict and is discharged, all jury fees will be paid by the State. These fees are calculated for each jury separately regardless of the number of jury trials held in any particular day and/or the number of juries used.

Rule B12 Governance of Juror and Trials

1. The case may not be argued in any way while questioning the jurors.
2. Counsel may not engage in efforts to indoctrinate jurors.
3. Jurors may not be questioned concerning anticipated instructions and theories of law
4. Jurors may not be asked what kind of verdict they might return under any circumstances.
5. Questions are to be asked collectively of the entire panel whenever possible

Rule B13 Requests for Jury Trials

All requests for jury trials will be assigned a pre-trial time of 4:00pm on the third Wednesday of each month, which is the day before any jury trials are held. At such pre-trial any case that is either plead out or seeks some remedy other than a jury trial will not be charged for a jury.

Rule B14 Case Management in Criminal Cases

Police duties

1. Within 48 hours, the arresting officer must submit to the prosecutor the complaint and/or any affidavits for his/her proper determination of the proper charges to be used.
2. When the defendant is served with the warrant, the serving officer will complete the service area on the warrant and return the original copy to the Clerk of Court's officer promptly.

Rule B15 Probation and costs

1. Any person receiving a sentence including probation must pay \$125.00 to the

probation department of the Court. The probationers must report as directed by the probation officers. After the first (90) ninety days of reporting, each probationer will continue to report, but will be charged a \$25.00 fee for each visit thereafter. Any probationer that has completed all of his/her assigned programs and has attained all of the reform goals set by the probation officers can, at the exclusive discretion of the Chief of Probation of the Court and upon payment of a \$40.00 fee, be set as a non-reporting probationer for the remainder of the term of their probation. Any random or required drug screen/urine test will be charged at the rate \$10.00.

2. The court shall adopt the house arrest program with costs to the defendant only.
3. Unless otherwise modified in a given case, an offender placed on probation under section ORC ?2951.02 must obey the standards of his probation set forth by the Court.
4. The Court empowers the Chief of Probation to set weekly hearing on the day of the week prescribed by the Court schedule. A judicial officer will make the determination of the final acceptable completion of all specified programs of probationers. A fee of \$40.00 will be paid the court for this final disposition.
5. The forms used to set the times and number of appointments, the nature and times of random drug/alcohol test lie strictly and wholly with the Chief of Probation within the limits of the Ohio Revised Code.
6. Any defendant found guilty of an offense charged, but did not receive probation as part of his/her sentence will be referred to the probation office if the Court agrees to allow a payment schedule of his/her fines and costs. Said defendants will be then admitted to the probation program until all fines are paid and a determination by the Chief Probation Officer is entered that states that the defendant has successfully completed all obligations.

Rule B16: Format for all Documents Filed

All documents filed with the criminal division of this court will, on the first page only, allow a two inch blank header. Each title or front page must include a header, two inches below top of page, the case number and both the defendant and plaintiff's name and address. Incorporated into this header will be, in bold letters, a brief description of the document.

Regular Civil Section C

Rule C1 Securities for Civil Court Costs

- A. No civil action or proceeding shall be accepted by the Clerk for filing in the Civil Division unless the party or parties offering the same for filing have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by these rules or by law. Such advance deposit shall be according to the following schedule and subject to change by amendment of the court. No civil complaint or small claim complaint will be accepted without a [Military Affidavit](#).
- B. In cases with multiple parties, the clerk may require the party requesting service to advance an amount estimated by the clerk to be sufficient to cover the cost thereof.
- C. A poverty affidavit filed instead of a cash deposit must state the reasons for the inability to prepay costs and is subject to court review at any stage of the proceedings.
- D. Upon disposition of the case and at the end of the month, following the disposition of the case, the balance in any accounts will be returned to the plaintiff.

The following cost for civil complaints shall be used to calculate the amount of the deposit of said

funds as outlined in this rule, by taking the amount of the cost for each procedure requested by the complainant and multiplying that total by one hundred and fifty percent.

Rule C2 Attorneys Designation of Trial Counsel

Attorneys, not parties, will designate their capacity as trial counsel on all documents in civil cases and shall include their office address, zip code, and telephone number. The attorney's Supreme Court registration number shall be included on all documents filed. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized.

Rule C3 Withdrawal of Counsel

Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his/her client's last known address.

Rule C4 Continuances

Every request for a continuance shall be by written motion and will only be granted upon a show of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client. If a prior trial conflict exists, the date of scheduling shall be stated with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date and whether or not it is agreed to by opposing counsel. No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date assigned unless some law sets a precedence that overrules. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuance of a scheduled trial is a matter at the discretion of the trial court.

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

Rule C5 Pleadings and Motions

All motions shall be in accordance with Ohio Rules of Civil Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. (Copies of significant decisions shall be attached to the original filing only.) Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be allowed:

"Counsel Requests an Oral Hearing of Approximately Minutes at Which Time Witnesses will be called." A date and time for oral hearings on motions must be obtained from the Clerk of the Civil Court or his/her Chief Deputy in charge of Civil. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the oral hearing date (if an oral hearing has been requested); whichever is earlier. All motions not heard or decided prior to trial will be disposed of at trial. All motions where an oral hearing is not required shall be accompanied by a proposed entry.

Rule C6 Civil Pretrial Procedures

No case, with the exception of Forcible Entry and Detainer (F. E. D.) cases, shall be called for trial unless a pre-trial conference has been held. Counsel shall agree on a trial date with the Judge or Clerk of the Civil Court or his/her Chief Deputy for Civil at the time of the pretrial conference. It shall be the duty of counsel to do the following at civil pretrial hearings:

1. Appearance: The counsel who will be trial counsel and who is authorized to act and negotiate on behalf of the party must be present.
2. All parties in interest must be present at the pretrial unless such presence is excused by the Trial Judge. Telephone conferences may be arranged with approval of the Judge.
3. If the defense is being presented by an insurer, a representative of the casualty company should attend the pretrial conference and, in that event, it will not be necessary for the defendant to be personally present.
4. Statements: Each counsel shall present to the Court in writing, three (3) days before a pretrial hearing, a statement of the issues involved; whether or not a jury trial previously demanded will now be waived and, if not, the number of jurors demanded; whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability be found; estimate of trial time; discovery difficulties; exhibits; an itemization of special damages; witnesses; other matters which it is expected will be involved in the case, and whether a view is requested.

Counsel will have in their Pretrial Statement a list of all witnesses they expect to call to testify. In the absence of reasonable notice to opposing counsel to the contrary, only those witnesses listed in the Pretrial Order will be permitted to testify at the trial. The only exceptions will be witnesses solely for the purpose of impeachment, rebuttal or other witnesses permitted to be called upon the showing of good cause.

1. All Pretrial Statements must contain certificates of service.
 1. Discovery: All discovery shall be completed by the date of the pretrial conference unless good cause is shown.
 2. Pretrial Order: Upon request of either party or the Judge, plaintiff's counsel shall prepare and tender to opposing counsel for signature a Pretrial Order and the same shall be filed within fourteen (14) days subsequent to the pretrial and shall control the subsequent course of action unless modified at the trial to prevent manifest injustice.

3. Exhibits: Each counsel shall bring to the pretrial conference all exhibits which are expected to be offered in evidence at the trial. Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial Order, with the exception of exhibits to be used solely for the purpose of impeachment.
 4. Preliminary Conference: Counsel for all parties shall have a preliminary conference before the pretrial hearing at which time they will inspect exhibits and arrive at all possible stipulations and fully explore the question of settlement.
-
2. Jury Trial: An advance deposit of Four Hundred Dollars (\$400.00) is required seven (7) days prior to the trial date or the jury is deemed waived. The Court will consider affidavits of hardship in appropriate circumstances.
 3. Views: A request for a view by the Judge or Jury will be made at the time of the pretrial conference. It is at the discretion of the Judge whether or not to permit a view.

Rule C7 Case Management in Civil Cases

Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

- A. Judgment Entries: Counsel for the party or parties in whose favor an order or judgment is rendered shall prepare a judgment entry unless the court agrees to prepare the judgment entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the judgment entry shall be submitted to the judge or the court will prepare the judgment entry.
- B. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case may be dismissed for want of prosecution.
- C. Where appropriate under the Rules of Civil Procedure, counsel shall submit an application for default judgment within fifteen (15) days or the case may be dismissed for want of prosecution. All motions for default judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All motions for default judgment shall also contain a list of all damages supported by documentary or other evidence. A proposed entry shall accompany the motion as well as an affidavit addressing **age, competence, and military service**. An oral hearing may be required in the discretion of the trial judge or where an appearance has been made.
- D. The judgment shall state which party will pay the court costs.

Rule C8 Trial Briefs and Jury Instructions

Trial Briefs and Jury Instructions shall be filed in the Judge's Office on all jury cases seven (7) days prior to trial and shall include the text of, and citations-of, authority for any instructions requested by counsel. If there is no compliance with this rule, the jury will be deemed waived. Trial Briefs are also required for non-jury cases when there is a substantial conflict of views as to specific questions of law or when the judge so requests

Rule C10 Forcible Entry and Detainer Actions

1. Appearance: Plaintiff's failure to appear will result in the case being dismissed without prejudice. Defendant's failure to appear after having been duly served will result in a Writ of Restitution for the premises.
2. Praecipe for Writ of Restitution: The plaintiff shall file with the Clerk a praecipe for a Writ of Restitution within 15 days after the date of the judgment unless the Magistrate or Judge issues the writ at the time of the hearing.
3. Writ of Execution: Upon the receipt of the praecipe or order of the Court, the Clerk shall issue to the Bailiff a Writ of Execution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.
4. Set-out Procedure: Should actual, physical eviction of property be required pursuant to a Writ of Restitution of premises, plaintiff shall arrange for sufficient workers to be present to accomplish the set out, under the supervision of the Bailiff; subject to the appropriate security deposits.

Rule C11 BMV Petitions

Counsel or a Petitioner who files a complaint appealing a BMV suspension shall attach an affidavit signed by the petitioner setting forth matters necessary to consider work related driving privileges. As examples only; home address, employer's business name and address, days and hours, business vehicles, and reasons for driving during work.

Rule C12 Dismissals for Failure to Prosecute

Civil cases which have been pending for sixty (60) days without any PROCEEDINGS being taken shall be dismissed after written notice to counsel of record or to the parties for want of prosecution unless good cause is shown to the contrary.

Rule C13 Forcible Entry and Detainer Case Management

1. Hearing: The Magistrate shall, at the conclusion of the hearing, file a written report within seven (7) days.
2. Approval of Magistrate Report: The Court shall review the report of the Magistrate and enter the appropriate Judgment Entry. For purposes of set-out, the referee report is effective upon filing unless an objection is appropriately filed.

Rule C15 Bailiff's Sale

On all sales of goods and chattels, the purchase price shall be paid in cash or certified bank checks unless otherwise ordered by the Court.

The following rules will apply in any execution of personal property:

1. When executing upon household goods, creditor must name the exact items to be executed upon as well as the make and model of items if possible. After items are tagged and before the bailiff will remove any items from a residence or place of business, he shall require a deposit of \$250.00 minimum to \$1,000.00 maximum,

- depending on the type of items obtained.
2. Executions upon industrial and commercial properties must have the exact items to be executed upon as well as the make and model of items if possible. After industrial and commercial properties have been tagged and before the bailiff will remove any items from the location, he will require a deposit of \$250.00 minimum or \$2,000.00 maximum depending upon the type of items obtained.
 3. When executing upon automobiles, boats, and recreational vehicles, the complainant must obtain a copy of the title and Ohio registration license number or vehicle identification number, if possible. After the vehicle has been tagged, there will be a required deposit of \$200.00 per vehicle to have it removed from the residence business property or any other place where it may be found.

When executing upon a Writ of Restitution, the bailiff will contact the defendant ten (10) days before the execution and the defendant must vacate the premises. If restitution requires the bailiff to have personal property and household goods removed from the address where the eviction is needed, no deposit shall be required, but the defendant will have to remove the goods from the premises at the defendant's expense in the presence of the bailiff.

Rule C25 Continuances

Continuances: Continuance shall be grant or denied by procedures set forth in Rule C4.

C26: Format for all documents Filed

All documents filed with the civil division of this court will, on the first page only, allow a two inch blank header. Each title or front page must include a header, two inches below top of page, the case number and both the defendant and plaintiff's name and address. Incorporated into this header will be, in bold letters, a brief description of the document.

Small Claims Section D

Rule D1 Authority

The Small Claims Division of The Mason Municipal Court is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of The Mason Municipal Court.

All Magistrate PROCEEDINGS shall be in accordance with Civil Rule 53 unless in conflict with Chapter 1925 of the Ohio Revised Code.

Small claims and the civil divisions of this court will comply with the Ohio Rules of Court as they relate to Trusteeships.

1. All small claims actions shall comply with Ohio Revised Code, Chapter 1925.04.
2. All parties have the right to legal representation, but the court reserves the right to control questioning and to limit cross-examination to where the purposes of Small Claims Court will be best served.

3. The date set for appearance will be considered the answer date and a defendant may file a written response prior to the answer date or appear in open court and make an oral answer.
4. If the defendant fails to appear or have an answer filed after being duly served, a default judgment will be entered against the defendant.
5. All pleadings will be construed to accomplish substantial justice.
6. Upon filing a motion and affidavit, as required by ORC ?1925.04, and upon payment of the required costs, the small claim will be transferred to the regular docket. No transfer will be granted unless the filing costs are paid.
7. The hearing in small claims court can be heard either by a judge or magistrate.
8. The plaintiff or defendant may subpoena witnesses.
9. The judge or magistrate will place all parties who plan to offer evidence under oath.
10. The Ohio rules of evidence and The Ohio Rules of Civil Procedure will not apply to a hearing in small claim court.
11. The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to ORC ?1925.133
12. Officers or employees of this Court shall not prepare or help to prepare any pleading, affidavit, entry or order in any civil matter, except as provided under Section 1925 of the Ohio Revised Code.
13. No civil complaint or small claim complaint will be accepted without a Military Affidavit. [Military Affidavit](#)

Rule D2 Purpose

The purpose of Small Claims is to allow the public to resolve minor money disputes quickly, inexpensively and fairly without requiring an attorney's involvement.

Types of Cases: The Small Claims Division handles all types of cases involving amounts less than \$3,000.00. These include landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of services, and minor property damages.

Rule D3 Jurisdictional

1. Territorial: The defendant must live in the City of Mason or Deerfield Township, have his place of business in the City of Mason or Deerfield Township, or the transaction must have taken place in the City of Mason or Deerfield Township.
2. Monetary: A Small Claim complaint must be for money only and not to exceed \$3,000.00 on plaintiff's complaint or \$3, 000.00 on defendant's counterclaim.

Rule D4 Duties of Counsel, Parties and Court

1. Filing of Complaint: A complaint is filed by the plaintiff along with supporting documents. The plaintiff must bring with him two (2) copies of any documents supporting his claim and plaintiff must have the current address of defendant. At the time of the filing of the complaint, the plaintiff shall also file a request for regular mail service in the event of failure of certified mail service.

No more than twenty-four (24) separate claims can be filed by one person in any one year.

A Deputy Civil Clerk shall assist persons in filing claims, docketing the same, setting them for hearing and receiving court cost deposits. Also, the Deputy Civil Clerk is responsible for scheduling and administering the conciliation conference. A Small Claims Magistrate or Judge shall hear and decide those cases which cannot be settled by conciliation.

3. **Failure of Service on Defendants:** Upon failure of service on the defendant(s), the clerk shall notify the plaintiff that the case will be dismissed within sixty (60) days unless the plaintiff has a new address for the defendant(s).
4. **Continuances:** Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client. If a prior trial conflict exists, the date of scheduling shall be stated with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date, and whether or not it is agreed to by opposing counsel. No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuance of a scheduled trial is a matter at the discretion of the trial court.

5. **Counter-claims:** Counter-claims are filed by the defendant against the plaintiff for a sum not to exceed \$3,000.00. A counter-claim must be filed no later than Seven (7) days prior to the conciliation conference. If you file a counter-claim with the court, you must serve the Plaintiff and all other parties with a copy of the counter-claim at least seven days prior to the date of the conciliation conference.
6. **Contested Hearings:** PROCEEDINGS are informal and shall be recorded by means of audio and/or video tape. WITNESSES AND EXHIBITS, IF ANY, ARE NECESSARY FOR THIS HEARING.

Plaintiff's failure to appear will result in dismissal without prejudice. Defendant(s)' failure to appear for the contested hearing will result in a default judgment for the plaintiff.

Rule D6 Small Claim Case Management

1. **Purpose:** The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

2. Clerical Steps:

1. **Complaint:** The clerk shall process all complaints within seven (7) days for service of summons. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements, and utilizing the worksheet provided by the Ohio Supreme Court.
2. **Summons:** Summons shall be served in accordance with the Ohio Rules of Civil Procedure.
3. **Failure of Service:** In the event there is a failure of service, the clerk shall notify counsel immediately in accordance with Rule 4.1 of the Ohio Rules of Civil Procedure. If no action is taken within sixty (60) days the case will be dismissed for want of prosecution pursuant to M.M.C. Rules.
4. **Responsive Pleading:** After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Assignment Commissioner for scheduling.
5. **Administrative Dismissal:** When a file has been marked "settled, hold for entry" and the entry has not been received within ten (10) days, the clerk shall notify the party or counsel that the case will be dismissed unless the entry is received within fourteen (14) days. If no entry is received, the clerk shall forward the file to the assigned Judge for dismissal without prejudice.
6. **Motions:** Upon the filing of a motion, the clerk shall immediately forward the motion and case file to the assigned Judge's office for review by the assigned Judge.

3. Judicial Steps:

1. **Pretrial Hearing:** In all cases where an answer has been filed, a pretrial will be scheduled by the Assignment Commissioner to be heard within forty-five (45) days of completion of the pleadings.
2. **Motions:** After review of motions filed, the Assignment Commissioner will assign for oral or non-oral hearing, if appropriate, or immediately forward said file to the assigned Judge for ruling.
3. **Court Trials/Jury Trials:** At the completion of the pretrial hearing, the trial date shall be scheduled by the Judge to be held within ninety (90) days of the pretrial conference.

Administrative Drivers License Suspension Appeals Section E

Administrative License Suspension reinstatement hearings will be considered by the Mason Municipal Court to be a civil matter.

Rule E1 Judicial Steps

The ALS hearing will be held at the next meeting of that division of civil court.

While ALS matters are considered civil, the reinstatement of a defendant's driving privileges by the magistrate does not relinquish the authority of the criminal Judge to revoke driving privileges pursuant to any criminal conviction.

General Definitions and Rules Section F

Rule F1 Broadcast and Television Coverage

The Judge presiding at any trial or hearing shall permit, pursuant to Superintendence Rule 12, the broadcasting or recording by electronic means and the taking of photographs in the courtroom of proceedings that are open to the public only under the following conditions:

1. The judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned.
2. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing to the judge as early as is practical, and the written permission of the Judge shall be made a part of the record of the proceedings.
3. Microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but must be visible.
4. News media reporters may use visible audio recording equipment.
5. Arrangements among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements must be made outside the courtroom without imposing on the Judge or court personnel. In the event disputes arise over such arrangements between or among media representatives, the Judge shall exclude all contesting representatives from the proceeding.
6. The use of electronic or photographic equipment that produces distracting sound, flashing lights and/or other lights shall be prohibited. No artificial lighting other than that normally used in the courtroom shall be employed.
7. Still photographing, television and radio representatives shall be afforded a clear view but shall not move about in the courtroom during proceedings from the places where the Judge has positioned them, except to leave or enter the courtroom.
8. The changing of film or recording tape in the courtroom during court proceedings is prohibited.
9. There shall be no audio pickup or broadcast of conference conducted between attorneys and clients or co-counsel, or of conference conducted between counsel and the judge.
10. Neither victims nor witness nor jurors who object thereto shall be filmed, video taped, recorded or photographed and the Judge shall inform victims and witnesses of their right to object thereto.
11. Media representatives shall not transmit or record anything other than the court proceedings from the courtroom while court is in session.
12. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be by written request filed by the media representative or his/her attorney(s) accompanied with an affidavit by the employer of the media representative stating the name and business address of the media representative, the name and address of the employer, that the named media representative who will be appearing in the court are acting within the scope of their authority and employment with the named employer, and that they will comply with this rule. The request shall be delivered to the Judge no less than three (3) days before the hearing.
13. The provisions of canon 3 A (7), Code of Judicial Conduct, and Criminal Procedure

Superintendence Rule 11 are incorporated herein by reference.

14. The presence of and the use of surveillance cameras shall not be considered in the provisions of either Superintendence Rules 11, 12, or 13 and the feeds from such camera shall not be used by or made available to any person or agency for any purpose other than reactive law enforcement to an incident occurring in the court facility. Such use by law enforcement will only be permissible upon written request of the Administrative Judge of the Mason Municipal Court and his/her grant of said request.

Rule F2 Citation of Rules

These rules shall be known as the Local Rules of the Mason Municipal Court and may be cited as Mason Municipal Court Local Rules or M. M. C. L. R.

Rule F3 Amendment of Rules Procedure

Upon the necessity of the Court, these rules and procedures may from time to time be amended, changed or disregarded. After approval of the proper Authority, a copy of the amend rules will be sent to the proper person(s) or agencies for posting. After serving a thirty (30) day notice period the rule will be effective. The notice date will be the date printed at the top of the page or pages sent to the proper person(s) or agencies.

Any rule or procedure so amended will be noted by the word "amended" after the section. To insure that the proper updated copy of that rule or any amended rule is used, the date in the lower right of the page will dictate the most recent update or amendment.

Rule F4 Definitions used Herein

The time within which an act or action is required to be performed or occur shall be computed by excluding the first day and including the last day, except when the last day falls on a Sunday or legal holiday, in which case it shall be excluded from the number of days and the next day counted. Authority for this rule is Civil Rules of Procedure Rule 6.

Rule F5 Courtroom and Courthouse Security

Background: Pursuant to the Supreme Court/ Ohio Judicial Conference Committee on Court Security's Court Security Standards effective October 17, 1994, the follow is presented as the security plan guidelines for the Mason Municipal Court.

Taken from that Supreme Court Report appendix C, the court sets forth the plan for courtroom security.

Ohio courthouses represent justice and reason. Court facilities must be safe and secure for all those who visit and work there.

The Court Security Standards balance many competing concerns. The Supreme Court Judicial Conference Committee on Court Security recognizes that there has been an increase in the use of weapons in our society. The committee also recognizes the diversity of the court system-urban and rural, large and small and that courts deal with emotional issues. The Standards attempt to balance the diverse interests in each community by the use of local court security advisory committees for each trial and appellate court. The committees will be comprised of a broad range of interested

community parties and will examine each court's security needs, including the facilities and the resources available, and adopt a plan that addresses the unique needs of that court.

These standards are not mandates. Rather, they are goals to which the courts should aspire to ensure safe access to all.

The Court, to ensure consistent, appropriate and adequate security procedures, shall establish a written security policy and procedures manual governing security of the Court and its facilities. The manual shall include: a physical security plan, routine security operations, a special operations plan, a hostage situation plan, a high risk trial plan and emergency procedures.

Rule F6 Impounded Vehicles

Pursuant to any applicable traffic or criminal ordinance under the Mason Municipal Code and/or Ohio Revised Code section, any vehicle impounded by any police agency for any purpose will immediately be released by Judge's order if the paperwork accompanying the arrest documentation does not include, as required by statute, a statement defining where the vehicle is held, how long and under what circumstances the vehicle was impounded and is to remain in impound, and under what authority (state statute or local ordinance) the vehicle is held.

Any vehicles, prior to November 17, 2003, and are in impound, are not under any Court hold and therefore will not be released by the Court as no such documentation is now in case file.

Rule F7 Public Records Request

- A. Public Records are available pursuant to the provisions of law,
- B. Any public records request must be submitted to the Clerk of Court in writing and requesting party must allow up to 3 business days to receive copied documents.

Rule F8 Mediation:

Mediation can be defined as a structured process in which a neutral third party, called the mediator, helps disputing parties generate and evaluate options for reaching a mutually acceptable agreement. The mediator does not have the power to impose a decision on the parties. Parties to a dispute have the knowledge and the incentive to resolve the dispute in a mutually acceptable manner. If its use is timed appropriately, mediation can diminish the escalation of emotions and the posturing of parties which, otherwise, may impede settlement.

Private Criminal Mediation

The Court recognizes that most private criminal complaints are filed by the victim to seek recompense for an offense committed against them and that the underlying motivation is to seek restitution first and punishment second. Therefore, in matters of private criminal complaints, where both the complaining witness/victim and the defendant agree, the case may be referred to a mediator for resolution.

At arraignment or pre-trial, pursuant to said agreement, the trial judge may submit the matter to mediation. The defendant must agree to accept the amount of restitution for the provable loss arising out of the offense and the complaining witness/victim agrees to forego pursuing the

criminal charges. The defendant agrees that he/she will pay all incurred costs of the action plus all restitution agreed to by both parties.

The mediation process will safeguard against a complaining witness/victim seeking more than incurred restitution and the defendant being placed in monitored programs to ensure that their promise to pay is complied with.

The criminal action will not be dismissed until the defendant provides the mediator with the appropriate proof of payment and a signed agreement with the complaining witness that full payment has been received and no future transaction between the complaining witness/victim and defendant will occur.

Small Claims and Regular Civil Mediation

Any regular civil action will be referred to mediation at the request of both parties but all small claims actions filed will be referred to mediation. This process will allow for the interaction between the parties, in an attempt to resolve the issues with common agreement. Failing this process the case will be docketed on the small claims docket for the next session of that court. No agreement reached in mediation can be allowed where the amount agreed upon is more than the statutory limits of the Court.