

# **CONNEAUT MUNICIPAL COURT**

**290 Main Street  
Conneaut, Ohio 44030**

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***LOCAL RULES OF COURT***

**Effective: October 12, 2020**

**Serving the City of Conneaut, Ohio**

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# CONNEAUT MUNICIPAL COURT

## LOCAL RULES OF COURT

The Conneaut Municipal Court, Ashtabula County, Ohio, (hereinafter, “the Court”) hereby adopts the following Rules of Court for the handling of cases and management of the Court. These Rules are adopted pursuant to the authority of the Rules of Superintendence for the Courts of Ohio and are intended to:

- A. Supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules of Superintendence for Municipal and County Courts, and other controlling rules and statutes in the application and administration of proceedings within this court, and repeal all Rules of the Court previously enacted except as otherwise provided in Rule 37 herein.
- B. Apply to all parties, counsel of record, and subject matter of all actions, civil, criminal, or traffic, filed on and after the effective date hereof.
- C. Be applied, construed, and enforced so as to avoid inconsistency with other rules of court and statutes, governing proceedings, functions, and services of this Court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just, expeditious, and inexpensive determination of all actions and proceedings.

### **Rule No. 1 – Hours of the Court**

The offices of the Court shall be open between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday. These hours may be extended or diminished by Order of the Court from time to time. The Court offices will be closed on all weekends and legal holidays, and Good Friday of each year.

### **Rule No. 2 – Motions for Continuance**

All motions for continuance shall be submitted to the Court in writing at least seven (7) days prior to scheduled hearing and must contain a brief in support setting forth the reasons requiring the continuance along with a proposed judgment entry for the Court’s review and approval. The party requesting the continuance must obtain written or verbal consent from the opposing party. The verbal consent must be noted in the body of the motion. A continuance that has not been ruled on by the date of any hearing shall be considered to be denied. When a continuance is sought for the reason that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in another Court in the State, the movant shall append to the motion a copy of the notice received from the other Court, along with a copy of the notice received from this Court. Motions for continuance sought due to a conflict in hearing or trial schedules shall be decided in accordance with Rule 41(B) of the Rules of Superintendence for the Courts of

Ohio. Motions for continuance, when submitted within the required seven (7) days, will be granted only upon the showing of good cause constituting extreme hardship, unforeseen circumstances, or other unavoidable conditions. No continuance will be granted by telephone. The granting of any request for continuance is a matter within the discretion of the Court. If a continuance is granted, it shall be the responsibility of the moving party to obtain a mutually agreeable date from the other party or parties and the Court for the hearing.

### **Rule No. 3 – Filing Fees**

The schedule of filing fees and costs in civil and criminal cases has been adopted by the Court and may be amended from time-to-time by Court Order. Copies of such schedules are attached to these rules and available upon request. Funds will be established by journal entry to aid in the efficiency of the court as deemed necessary per Ohio Revised Code § 1901.26(B)(1). No civil action or other proceeding shall be accepted for filing by the Clerk of the Court unless there is first deposited with the Clerk a sum not less than that amount which is established by the Court. A jury demand in any civil action before the Court must be accompanied by a payment deposit as established by the Court, unless waived by the Court in its own exclusive discretion for indigency reasons only.

### **Rule No. 4 – Facsimile Filings**

The provisions of this local rule are adopted under Rules 5(E) and 73(J) of the Ohio Rules of Civil Procedure and Rule 12(B) of the Ohio Rules of Criminal Procedure. Pleadings and other papers may be filed with the Clerk of Court by facsimile transmission to (440) 593-6402, subject to the following conditions:

#### **APPLICABILITY**

1.01 These rules apply to criminal, traffic, civil and small claims proceedings in the Conneaut Municipal Court.

1.02 The following documents will not be accepted for fax filing: Jury Demand, New Complaints, Garnishments, and Agreed or Consent Judgment Entries.

#### **DEFINITIONS**

As used in these rules, unless the context requires otherwise:

2.01 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.

2.02 A “facsimile machine” means a machine that can send and receive a facsimile transmission.

2.03 “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

## **ORIGINAL FILING**

3.01 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy for the facsimile cover sheet used for the subject filing.

3.02 The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief have been exhausted.

## **COVER PAGE**

4.01 The person filing a document by fax shall also provide therewith a cover page containing the following information:

- 1) The name of the court;
- 2) The title of the case;
- 3) The case number;
- 4) The assigned Judge;
- 5) The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
- 6) The date of transmission;
- 7) The transmitting fax number;
- 8) An indication of the number of pages included in the transmission, INCLUDING the cover page;
- 9) The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available.

4.02 If a document is sent by fax to the Clerk of Court without the cover page information listed above, the clerk may, at his/her discretion: 1) Enter the document in the Case Docket and file the document; 2) If filing is not clear – return by fax requesting Cover Page.

4.03 The clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the clerk of Court may inform the sending party of a failed fax filing.

## **SIGNATURE**

5.01 A party who wishes to file a signed source document by fax shall either:

- 1) Fax a copy of the signed source document; or
- 2) 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.

5.02 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

## **EXHIBITS**

6.01 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

6.02 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 (e.g., Plaintiff Smith’s Notice of Filing Exhibit “G” Plaintiff Smith’s Response to Defendants’ Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

## **TIME OF FILING**

7.01 Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. However, the fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays.

7.02 Fax filings may only be transmitted directly through the facsimile equipment operated by the Clerk of Court.

7.03 Documents faxed to/from a third party, then forwarded to the Court are not acceptable.

7.04 The Clerk of Court may, but is not required to, acknowledge receipt of a facsimile transmission.

7.05 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 through other available technological means.

## **FEES AND COSTS**

8.01 Within five (5) days after the court has time-stamped the transmission, the party sending the transmission shall pay the court the applicable filing fee, if any. Failure to pay the applicable fee will result in dismissal of the pleading filed by the party.

8.02 This rule on facsimile filing shall not apply to the filing of a jury demand in a civil case in the court.

8.03 No additional fee shall be assessed for facsimile filings.

## **LENGTH OF DOCUMENT**

9.01 Facsimile filing shall not exceed 10 pages in length. The filer shall not transmit service copies by facsimile. Any intended filing which exceeds 10 pages cannot be filed by facsimile transmission and therefore will not be accepted by the Court.

### **Rule No. 5 – Record of Proceedings**

- A. All traffic, criminal and civil proceedings, shall be recorded. Unless otherwise noted, the proceedings will be recorded by digital or other electronic audio recording means. Upon prior notice and order of court, a party in any case may have a court reporter present to record the proceedings. No fees for court reporters will be taxed as cost or otherwise paid by anyone other than the party providing the court reporter, unless that party makes a timely motion prior to trial or hearing for the appointment of an official court reporter and requests in advance that the fees be taxed as costs. See Civil Rule 54(D) and R.C. 1901.33.
- B. The court shall maintain exclusive custody and control of the electronic recording of proceedings. The court will maintain all recordings for any period required by law. At the expiration of this period the recordings may be disposed of at the discretion of the court except in the instance of an appeal in which event the subject recording will be retained while the appeal is pending.
- C. A party may obtain a full or partial transcript from a recording by either arranging for the presence and payment of a court reporter to prepare the transcript or purchasing a copy of the recording from the court on an audio disc.
- D. Unless otherwise ordered, the audio recording shall be the official record of court proceedings. If a party seeks to obtain a transcript of the proceedings for appeal or use in other court proceedings, a motion shall be filed with the court for appointment of a court reporter to make a written transcription of the audio recording. Any transcript prepared other than by an official court reporter appointed by the court shall not be considered as an official transcript of the record of proceedings. The costs of the transcript shall be paid by the party requesting the transcript directly to the court reporter. In the case of an appeal,

the expense of the preparation of the transcript may be taxed as costs and assessed against the losing party on appeal.

### **Rule No. 6 – Video Conference or Hearing**

A party in a case may be permitted to participate in a conference or hearing by video conference, due to geographic distance, incarceration, or other reason which, in the discretion of the court, may impose an undue hardship on the party to personally appear in court. All hearings shall be recorded in accordance with Local Rule 5.

## **LOCAL RULES OF COURT IN CIVIL CASES**

### **Rule No. 7 – Civil Case Management**

- A. *Purpose*: The purpose of these rules is to establish, pursuant to the Rules of Superintendence for the Courts of Ohio, a system for civil case management, which will achieve the prompt and fair disposal of civil cases.
- B. *Scheduling of Events*: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and four (4) judicial steps.
- C. *Clerical Steps*:
  - 1. Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. Counsel shall have thirty (30) days from notification by the clerk to obtain service of the summons; if counsel fails or is unable to do so, the case will be dismissed by the Court without prejudice, unless good cause is shown to the contrary.
  - 2. Upon perfection of service and the failure of defendant to respond in twenty-eight (28) days, a Motion for Default Judgment and a proposed Judgment Entry should be filed and submitted, respectively, with the appropriate supporting evidence. The failure to submit a Motion and proposed Judgment Entry within thirty (30) days could result in the case being dismissed without prejudice by the Court.
  - 3. Before any notice is provided by the Clerk to the Plaintiff of perfection of service and any default judgment is granted based upon certified mail service, if it is determined by the Court that a Certified Mail Return Receipt is not executed by the defendant or if there is a question about proper certified mail service upon the defendant the Clerk will schedule a hearing. At said hearing, the defendant will be provided an opportunity to represent to the Court that certified mail service was not properly made. The Clerk shall mail the notice of the default hearing by regular United States Mail

(Certificate of Mailing not required) to the last known address of the defendant. Failure of the defendant to appear at the hearing or provide sufficient evidence to the Court that certified mail service was not properly made will result in the Clerk notifying the Plaintiff that certified mail service has been perfected and that a Motion for Default Judgment should be filed. Plaintiff is not required to attend the hearing established by this rule.

4. After any responsive pleading is filed, the clerk shall immediately schedule the matter for a hearing.
5. If no action has been taken on a file for any reason for a period of six (6) months and the case is not set for trial, then the clerk may notify the party that the matter will be dismissed without prejudice by the Court, unless good cause is shown to the contrary.

*D. Judicial Steps:*

1. All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court. There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.
2. For the purpose of this rule, "pretrial conference" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or his, hers, or their attorney of record. Any attorney for a party to the action who fails to attend a scheduled pretrial conference without just cause being sufficiently demonstrated may be punished for contempt of this court. Notice of the pretrial conference shall be given to all counsel of record by mail and/or by telephone from the clerk. Any application for continuance of the conference shall be addressed to the Judge. Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority or have their client present. The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit. The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed, as well as set any future discovery time limits. The Judge presiding at the pretrial conference of trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff and/or his

counsel to appear in person at a pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters *ex parte* upon failure of defendant to appear in person or by counsel at any pretrial conference or trial as required; to make such other order as the court may deem appropriate under all the circumstances. If the case cannot be settled at the pretrial conference, the case will be set for trial at the time agreeable to all parties.

3. No party shall be granted a continuance of trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, such request must provide the other court's notice of such assignment, the date of the notice and the receipt thereof. The case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial Court.
4. The Court will prepare all judgment entries where determination was made at trial. Agreed entries may be filed at any time prior to trial or fourteen (14) days upon agreement by the parties. The journal entry shall state which party will pay the court cost.

#### **Rule No. 8 – Forcible Entry and Detainer Actions**

- A. All forcible entry and detainer cases shall be set for hearing before the Judge pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied. The Judge shall, at the conclusion of the hearing, issue a decision within seven (7) days and cause a copy of the decision to be served on the plaintiff and defendant. In cases involving combined claims for forcible entry and detainer and claims for money damages, the Court may hear both causes at the time of the forcible entry and detainer hearing pursuant to Ohio Revised Code Section 1923.081.
- B. If an answer or a jury demand is filed or a continuance is sought by the defendant in a forcible entry and detainer case which would result in a delay of the eviction proceeding for longer than eight (8) days, then the Court shall set the required bond pursuant to Ohio Revised Code Section 1923.08.
- C. Within seven (7) days of the journalization of any judgment entry or order, the Clerk of Court shall serve the entry or order upon every party who is not in default for failure to appear. Service shall be made in the manner provided in

Civil Rule 5. In general, this will mean service via ordinary U.S. Mail upon the party's attorney or, if the party is a *pro se* litigant, upon the party.

- D. In cases in which the Court has issued a Writ of Restitution in actions in forcible entry and detainer, it shall be the exclusive responsibility of the plaintiff and his/her/its agents to provide the services for the moving out of the defendant(s) and their personal property from the residence premises. The Court's Bailiff shall be available to schedule the move-out and shall be in attendance at the time of the execution of the Writ of Restitution. The Bailiff shall not make advanced arrangements for movers or actually conduct the move-out. Any personal property left outside of the building as part of the move-out shall be deemed abandoned by defendant(s) after twelve (12) hours of the move-out and shall be completely removed from the property and properly disposed of by plaintiff within twenty-four (24) hours following removal. Nothing in this Rule shall prevent a party from recovering the costs of Restitution of premises as damages or court costs in an appropriate case pursuant to law.
- E. In cases where an Order granting the plaintiff the right to request a Writ of Restitution has been issued, no Writ of Restitution will be issued by this Court if the request or application for a Writ of Restitution is made more than thirty (30) days after the date of the Court's Order.

#### **Rule No. 9 – Small Claims Division and Actions**

- A. *General.* The Court hereby establishes the Small Claims Division in accordance with Section 1925.01 of the Ohio Revised Code. A small claim action is commenced by completing all of the information contained thereon and filing a Statement of Claim on the form prescribed by the Court or other approved document, pursuant to Ohio Revised Code Section 1925.04.
- B. *Date and Time of Hearings.* Small claims hearings shall take place on Wednesday of each week, and at other times as scheduled by order of the Court. The Court shall provide the person executing the Statement of Claim with a copy of the Statement of Claim and a hearing notice including the date and time of the hearing. The time set for the hearing shall be not less than fifteen (15) days and not more than forty (40) days after the filing of the action.
- C. *Indexes and Instruments.* The Clerk shall prepare and keep the following indexes and instruments which shall be public records of this Court:
- D. *Representatives.* Except as otherwise provided herein, no person, except a member in good standing of the Bar of the State of Ohio, shall be permitted to appear in a party's representative capacity, except for the purpose of securing a continuance. Corporations may utilize the small claims proceeding with an individual representative so long as the representative does not act as an advocate and shall not engage in cross-examination, arguments, or other acts

of advocacy. A corporate representative shall be limited to any bona fide officer salaried employees.

- E. *Addresses of Parties and Attorneys.* The addresses of the parties and their attorneys stated in the original Statement of Claim as first given by the plaintiff shall be considered the correct and accurate addresses of such parties and attorneys for the purpose of all subsequent notices in the case, unless such party or attorney notified the Clerk, in writing, of a change in such address.
- F. *Service.* Service of notice and a copy of the Statement of Claim shall be served on the defendant in the same manner as a summons is served in any ordinary civil action, including service by mail as permitted by Section 2703.23 of the Ohio Revised Code.
- G. *Subpoenas.* Subpoenas for witnesses, if requested by either party, shall be issued by the Clerk in the same manner as provided in other civil actions of the Court.
- H. *Waiver and Assessment of Costs.* The Court may waive the pre-payment of costs or the payment of costs that have accrued during this action upon the sworn statement of the plaintiff or upon other satisfactory evidence of his or her inability to pay such costs. The assessment of costs shall be according to the discretion of the Court, which may include therein the reasonable cost of bonds and undertakings and other reasonable expenses incident to the action, incurred by either party.
- I. *Filing Fees.* The fees for the filing of the original or intervening Statement of Claim and any Counterclaim are noted on the attached Schedule.
- J. *Limitations.* All small claims actions shall be limited to civil actions for the recovery of money only, other than libel, slander, alienation of affection, malicious prosecution, and abuse of process, for amounts not to exceed the sum of Six Thousand Dollars (\$6,000.00), or other maximum limitation as amended by statute, exclusive of interest and costs.
- K. *Non-Appearance of Parties.* All parties are required to be present at the time of the hearing. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant, provided the Court has appropriate jurisdiction over the case. If the plaintiff fails to appear, the action may be dismissed for want of prosecution, the defendant may wish to proceed to a trial on the merits, the case may be continued, or other just and proper disposition as the Court may direct. If both parties fail to appear, the action may be dismissed for want of prosecution, the case may be continued, or other just and proper disposition as the Court may direct.

- L. *Pleadings*. It shall not be necessary for any party in any cause to file any answer, plea, or other defense in writing, except in case the defendant asserts a set-off or counterclaim, in which case the requirement of such a plea of writing shall be discretionary with the Court. All pleadings shall be construed to accomplish substantial justice.
- M. *Conduct of the Hearing*. At the hearing, the Judge shall place all parties who plan to offer evidence under the oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure may be modified in small claims hearings to permit hearings consistent with the intent of Ohio Revised Code Chapter 1925.
- N. *Transfer to Regular Docket*. Upon filing of motion and affidavit, as required by the Ohio Revised Section 1925.10, and upon payment of the required cost, the small claims action will be transferred to the regular docket. No transfer will be granted until the filing fees are paid in full.
- O. *Jury Trial and Record – Demand*. Any party filing a small claims action shall, by his or her filing and payment of advance costs, automatically waive any right to a trial by jury upon such action. If the case is transferred to the regular docket of the Court, the parties to the action may then demand a trial by jury in any case presenting an issue triable of right by a jury by serving upon the other parties and filing with the Clerk of Court a demand therefore at any time after the transfer of the action to the regular docket but not later than seven days after said action has been transferred. Such demand for jury trial must be accompanied by a deposit of advance costs as required by local rules of the Court.
- P. *Assistance*. Pursuant to Ohio Revised Code Section 1925.13 and where a party is not represented by counsel, the court, upon payment of court costs, shall explain to the party and assist the party in the preparation and filing of, and supply the party with any necessary forms for, proceedings in aid of execution to collect and enforce judgments. The court shall not complete the forms for the party, but only assist the party.
- Q. *Dismissals*. Voluntary dismissals of actions can only be accomplished in writing, and any attempts to discuss by telephone shall be not be permitted.

### **Rule No. 10 – Trusteeship**

In order for a debtor to qualify for a trusteeship with the Court, the debtor must submit a payroll check stub or payroll statement of earnings and pay in full the filing fee. Debtor's payments into the trusteeship account must be made either in cash, with bank drafts, or by money order. Individuals with active trusteeship accounts must immediately notify the trustee clerk of any change in their work status, job, or personal address. A trusteeship

account will be automatically canceled if there has been no payment received or no change in work status reported within thirty (30) days of last recorded payment. Debtors must make a minimum payment of Three Dollars (\$3.00) from each check received regardless of the length of time worked. Interest must be paid outside of trusteeship on any interest-bearing accounts listed on the trusteeship account. Interest must be paid outside of trusteeship on any interest-bearing accounts listed on the trusteeship account. The only creditors which may be added to existing trusteeship accounts shall be those which were past due and owed by the debtor at the time of filing the trusteeship but were not listed due to mistake, and any medical bills acquired by the debtor before or after the filing of trusteeship.

### **Rule No. 11 - Default/Failure to Appear - Dismissal by Court**

In all civil cases where the defendant(s) have failed to answer or further plead ninety (90) days after the filing of the complaint, the Court shall cause to be served upon the plaintiff a Notice pursuant to Rule 41 of the Ohio Rules of Civil Procedure that the Court will dismiss the case for want of prosecution unless good cause is shown. If the plaintiff fails to move the Court for an Order granting judgment by default pursuant to Rule 55(A) or otherwise show good cause why it should not be dismissed, then, in that case, the Court shall dismiss the action without prejudice, for want of prosecution after six (6) months. **Failure to appear at any scheduled hearing, including a pretrial conference, may result in a Dismissal or Default Judgment.**

### **Rule No. 12 – Motion Practice**

#### *A. General Motion Practice*

A party filing any motion shall file therewith a brief in support containing a short concise statement of the points relied upon and the authorities supporting such contentions. **All motions shall be accompanied by a proposed Judgment Entry for the Court's review and consideration.**

#### *B. Motion for Summary Judgment*

Unless otherwise ordered by the Court, Motions for Summary Judgment shall be heard on briefs and supporting documentation authorized by Civil Rule 56(C) without oral hearing no less than fifteen (15) days after the service and filing of the Motion. Adverse parties shall serve and file opposing briefs and documentation within fourteen (14) days of the filing of the Motion.

#### *C. Motions for Default Judgment*

Unless otherwise ordered by the Court, Motions for Default Judgment which are accompanied by an Affidavit on personal knowledge, showing affirmatively that the Affiant is competent to testify to the matters stated therein and setting forth such facts as would be admissible in evidence in support of the allegations contained in plaintiff's Complaint, shall be considered by the Court without oral hearing. **The Court will not accept affidavits of the plaintiff's attorney in**

**support of a Motion for Default Judgment unless the attorney is also the plaintiff.**

### **Rule No. 13 – Settlements**

All settlements presented to the Court as a Consent Order, Agreed Judgment Entry, or similar settlement order which requires the Court's approval and execution which details the terms of an agreement between the parties shall include the signatures of the attorneys representing the parties and, if a party is *pro se*, the signature of the *pro se* party which has either been notarized or witnessed by a deputy clerk, before Court approval and execution. If a proposed settlement order is submitted to the Court that does not meet the requirements of this rule, the Court may return the order to plaintiff's counsel for proper execution and resubmission unless other satisfactory evidence is presented to the Court supporting the *pro se* litigant's agreement and/or signature.

### **Rule No. 14 – Pretrial/Case Management Conferences**

All civil cases, except forcible entry and detainer, replevin and small claims, shall be set for a pretrial/case management conference after the case is at issue. Counsel and parties must appear before the Court at the conference. Insurance adjusters may substitute for their insured, if they have authority to settle the case on behalf of their insured. Counsel will be encouraged by the Judge at the conference to review the possibility of settlement of the action, to simplify and narrow the issues for trial, to reach stipulations of fact not in controversy, to shorten the time and expense of the trial and to consider such other matters as may aid in the disposition of the action, including any appropriate and available alternative dispute resolution programs. At the conference, the Judge and counsel will complete a Pretrial Statement form setting forth the possibility or probability of settlement, facts which can be stipulated and those remaining in contention, special legal issues, if any, and a time-table for the amendment of pleadings, the filing of motions, the exchange of expert witness reports and medical and hospital records, the termination of discovery and the trial of the action. At the time of the conference, the Judge may consider other appropriate pretrial matters in accordance with Civil Rule 16, including the imposition of sanctions as authorized by Civil Rules 16 and/or 37, and other such matters as may aid in the disposition of the case.

### **Rule No. 15 – Status Conferences Prior to Jury Trial**

A status conference will be scheduled at least fourteen (14) days prior to all jury trials. All settlement agreements must be executed prior to the jury trial day. No settlement agreements will be accepted by the Court on the day of the jury trial, unless the jury demand has been withdrawn.

### **Rule No. 16 – Judgment Entries - Final Appealable Orders**

The purpose of this Rule is to comply with the dictates of the Supreme Court of the State of Ohio contained in *Atkinson v. Grumann Ohio Corp.* (1988), 37 Ohio St. 3d 80. The

obligation to distinguish between interlocutory orders and final appealable orders is with the parties and their counsel and not with the Clerk or Deputy Clerks of this Court.

### **Rule No. 17 – Service by Publication**

In cases where there is a request for service by publication pursuant to Civil Rule 4.4, the Clerk shall cause service of Notice to be made by publication in a newspaper of general circulation in the County pursuant to Rule 4.4. The Clerk shall notify the publisher that the payment of the costs of the publication shall be the responsibility of the plaintiff. Payment arrangements shall be made directly by the plaintiff with the publisher without the Court assessing the publication costs as costs of suit or without the requirement of an advanced deposit by the plaintiff to the Court for payment of the publication costs. Nothing in this Rule shall prevent a party from recovering the costs of publication as damages or court costs in an appropriate case pursuant to law.

## **LOCAL RULES IN CRIMINAL CASES**

### **Rule No. 18 – Criminal Case Management**

- A. The purpose of these rules is to establish, pursuant to the Rules of Superintendence for the Courts of Ohio, a system for criminal case management, which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.
- B. All defendants must appear for arraignment and the setting of bond. For minor misdemeanors, defense attorneys may enter an appearance of representation including a not guilty plea and waiver of time which must be signed by the defendant. The defendant must appear at all pretrial conferences and other hearings, unless excused by order of the Court. If not present at the arraignment, the prosecutor shall prepare and file with the Court a written bond recommendation on a form supplied by the Court.
- C. Except as previously noted, the scheduling begins after arraignment. Thereafter, the case is managed in four judicial steps:
  - 1. Pretrial Conferences: After arraignment, all misdemeanors shall be set by the clerk for a pretrial conference at the Court's earliest availability, unless defendant enters a written and signed waiver of time of his or her speedy trial rights. Preliminary hearings on all felonies shall be heard within fourteen (14) days, unless time is waived, or within ten (10) days if defendant is unable to post bond. The pretrial conference shall be conducted in accordance with Criminal Rule 17.1, and where matters are agreed upon, a memorandum should be prepared and filed by the

Court in said case. Any attorney who fails to appear for the pretrial conference without just cause being shown, may be punished for contempt of court, and a warrant will be issued for any defendant who fails to appear without court's approval unless he or she appears at the court within a reasonable time as agreed by court, defense counsel, and defendant. If the parties cannot resolve the case, then the case will be set for trial to the court unless a jury is demanded.

2. Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Most motions shall be set for oral hearing. Any motion which by its nature is capable of determination without hearing shall be ruled on without hearing. Where continuances are sought, there must be an affidavit and if applicable, a copy of other court notice showing dates of previously scheduled conflicting case hearings.
3. Trials: Each case not resolved at the pretrial conference shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. Dates of trials will be given to attorney and/or defendant at the pretrial conference. All attorneys shall notify the court by 3:00 P.M. of the day preceding their trial of any change in plea or jury costs will be attached to their case. A status conference will be scheduled at least fourteen (14) days prior to all jury trials. All plea agreements must be executed prior to the jury trial day. No plea agreements will be accepted by the Court on the day of the jury trial, unless jury demand has been withdrawn.
4. Sentencing Hearings: Sentencing hearings will occur at time of the guilty plea and finding unless a pre-sentencing report is requested and ordered by the Court or the Court deems it necessary in the interest of justice to sentence at later reasonable date. All criminal cases wherein the defendant pleads "not guilty" at the initial appearance or the case is not otherwise disposed of, shall be immediately set for a trial unless time limits are waived. The notice of the trial or pretrial conference date shall be personally delivered to the defendant and/or his attorney prior to leaving court. The defendant and his attorney shall be required to personally appear at the pretrial conference unless expressly excused by Court order. All cases which are not disposed of at the conclusion of the pretrial conference shall be set for trial unless otherwise ordered by the Court. Prior to leaving the Court at the conclusion of the pretrial conference, a notice of the trial date shall be personally delivered to the defendant and/or his attorney.

### **Rule No. 19 – Motions**

All motions shall be made in accordance with Criminal Rule 12. Any motion which, by its nature, is capable of determination without hearing shall be ruled on without hearing.

### **Rule No. 20 – Cases Heard on Scheduled Date**

All criminal cases shall be heard only at the regularly scheduled date and time. Defendants may appear for hearing or disposition of their case at a time other than the regularly scheduled date and time only upon written motion filed in advance with the Court.

### **Rule No. 21 – Dismissals**

When the prosecutor desires to dismiss a criminal charge, he or she shall file a written application therefore pursuant to the provisions of Rule 48 of the Ohio Rules of Criminal Procedure. The prosecutor shall state in a written application the reasons for the requested dismissal. A criminal charge may only be dismissed by the State by leave of court pursuant to this Rule.

### **Rule No. 22 – Notification to Victims of Crime**

In cases involving a charge under Ohio Revised Code Sections 2903.05 (Negligent Homicide); 2903.07 (Vehicular Homicide); 2903.13 (Assault); 2903.21 (Aggravated Menacing); 2903.211 (Menacing by Stalking); 2903.22 (Menacing); 2907.06 (Sexual Imposition); 2919.25 (Domestic Violence); 2921.04(A) (Intimidation of Attorney, Victim or Witness in criminal case); or any successor statute of the referenced statutes; or a violation of any substantially equivalent municipal ordinance, it shall be the duty of the prosecutor and/or his designee in the case to provide the alleged victim of act that was the basis of the charge or a representative member of the alleged victim's family with the information required under Section 2930.06 of the Ohio Revised Code. The prosecutor and/or his designee shall provide the information, either orally or in writing, upon his earliest contact with the alleged victim after the charges have been filed. The prosecutor and/or his designee shall notify the court of the date of such notice at the time of sentencing. In cases which are disposed of by plea, trial, reduction to another charge, or which are requested to be dismissed, it shall be the duty of the prosecutor or his designee to advise the court at the time of the disposition whether or not the alleged victim, or his/her representative in such case, is present in the courtroom so that they may be given an opportunity to address the court prior to court action pursuant to such statutes.

### **Rule No. 23 – Court-Appointed Attorneys**

Pursuant to Ohio Administrative Code 120-1-10 and Rule 8 of the Rules of Superintendence for Courts of Ohio, the local rule for the appointment of counsel ensures the equitable distribution of appointments among persons on the list. The Court must take into account the following factors when making an appointment:

1. The complexity of the case.
2. Any language, educational, or other challenges facing the defendant.
3. The relevant experience of the attorney.
4. The avoidance of any conflicts of interest or other situations that could delay the case.
5. Intangible factors, including a potential appointee's commitment to providing timely, quality representation to the client.

**Rule No. 24 – Traffic Violations Bureau**

- A. Pursuant to the authority of Ohio Traffic Rule 13 and Criminal Rule 4.1 there is hereby established at the Conneaut Municipal Court, a Traffic Violations Bureau. The Clerk of Court is hereby appointed as the Violations Clerk.
- B. The purpose of the Traffic Violations Bureau shall be to accept appearance, waiver of trial, plea of guilty and payment of fine and costs for offenses within the authority of the Traffic Violations Bureau.
- C. The Court hereby establishes and publishes a schedule of fines and costs for all offenses subject to the authority of the Traffic Violations Bureau. Upon request, this schedule, which is attached hereto, shall be distributed to all law enforcement agencies operating within the jurisdiction of the Court and shall be prominently displayed at the payment window of the Traffic Violations Bureau of the Court, and may be amended from time to time by the Court.
- D. The Violations Bureau shall have authority to dispose of all traffic offenses and minor misdemeanor offenses except for the following offenses:
  1. Indictable Offenses.
  2. Operating a Motor Vehicle While Under the Influence of Alcohol or any Drug of Abuse.
  3. Leaving the Scene of an Accident.
  4. Driving While under Suspension or Revocation of Driver's License.
  5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less.
  6. A third moving traffic offense within a 12-month period.
  7. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school aged child.
  8. Willfully eluding or fleeing a police officer.

9. Drag Racing.

10. Wrongful Entrustment.

E. The procedure for a defendant's appearance, plea and waiver of trial at the Violations Bureau shall be as set forth in Traffic Rule 13(D).

**Rule No. 25 – Non-Resident Violator Compact (O.R.C. 4511.95 and 4511.951)**

Pursuant to the provisions of the Non-Resident Violator compact, any police officer issuing a traffic citation or minor misdemeanor citation to a resident of a member jurisdiction shall not require the violator to post collateral to secure his appearance if the arresting officer receives the violator's signed personal recognizance that he or she will comply with the summons. Any police officer issuing a citation to a non-resident motorist from a compact member jurisdiction for one of the following offenses shall not accept the violator's personal recognizance but shall instead require the violator to post security in accordance with the attached bond schedule or in lieu thereof take the violator into custody and hold the violator in custody for an immediate appearance in Court at the first available court session.

A. Indictable Offenses.

B. Operating a Motor Vehicle While Under the Influence of Alcohol or any Drug of Abuse.

C. Leaving the Scene of an Accident.

D. Driving While under Suspension or Revocation of Driver's License.

E. Driving without Being Licensed to Drive, except where the driver's or commercial driver's license had been expired for six months or less.

F. Willfully eluding or fleeing a police officer.

G. Drag Racing.

H. Wrongful Entrustment.

**Rule No. 26 – Non-Resident Violator Not a Member of the Interstate Violators Compact**

Any law enforcement officer issuing a traffic citation or minor misdemeanor citation to a violator who is not a resident of Ohio but is a resident of a state which is not a signatory to the Non-Resident violator Compact shall require the violator to post security in accordance with the attached bond schedule or, in lieu thereof, shall take the violator into custody and hold the violator in custody for an immediate appearance in Court at the first available court session.

### **Rule No. 27 – Ohio Violator**

Any law enforcement officer issuing a traffic citation or minor misdemeanor citation to a violator who is a resident of the State of Ohio shall not require the violator to post collateral to secure his appearance if the arresting officer receives the violator's signed personal recognizance that the violator will comply with the summons. Provided, however, any such violator who has been charged with one of the following offenses shall instead be required to post security in accordance with the attached bond schedule or, in lieu thereof, the violator shall be taken into custody and held for an immediate appearance in Court at the first available court session:

- A. Indictable Offenses.
- B. Operating a Motor Vehicle While Under the Influence of Alcohol or any Drug of Abuse.
- C. Leaving the Scene of an Accident.
- D. Driving While under Suspension or Revocation of Driver's License.
- E. Driving without Being Licensed to Drive, except where the driver's or commercial driver's license had been expired for six months or less.
- F. Willfully eluding or fleeing a police officer.
- G. Drag Racing.
- H. Wrongful Entrustment.

### **Rule No. 28 – Continuing Traffic Appearance**

The date of any defendant's initial appearance on a traffic citation may only be continued one time upon the written request of the defendant or defendant's attorney, provided the writing is signed by the defendant and includes a waiver of the defendant's speedy trial rights. Any further continuances shall not be continued by the Court unless the defendant files a written motion with the Court in advance of the appearance date along with a brief memorandum or statement of facts setting forth the reasons requiring the continuance.

### **Rule No. 29 – First-Time Offenders Program**

The First-Time Offender Program (FOP) is an alternative to prosecution of persons charged with certain misdemeanor crimes who have no prior criminal convictions. FOP informs defendants about the penalties if their actions result in the conviction of a crime, imposes consequences for their acts and, upon successful completion of FOP, provides for dismissal of the criminal charge(s) against them.

### **Rule No. 30 – Jury Use and Management**

- A. The opportunity for jury service shall not be denied or limited on basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group.
- B. The jury commissioners appointed by the Judge of the Conneaut Municipal Court shall be responsible for the administration of the jury system, acting under the supervision of the Judge of said court.
- C. The names of potential jurors shall be drawn from the list of electors in the City of Conneaut certified annually by the Ashtabula County Board of Elections and the list of those who are licensed motor vehicle drivers or have identification cards in the City of Conneaut, using a non-automated process that assures random selection procedures throughout the jury selection process and that provides each eligible person with an equal probability of selection.
- D. Persons called for jury service shall not be required to remain available for a period of more than one month.
- E. All requests for exemptions, excuses or deferrals, must be in writing for approval by the Judge of the Conneaut Municipal Court. No exemption, excuse, or deferral shall be permitted unless approved by the Judge.
- F. Jurors shall be compensated in accordance with the fees adopted by the Ashtabula County Board of Commissioners, and the Judge shall review the fees annually to assure that they are reasonable.
- G. Persons who fail to respond to a summons for jury service may be subject to contempt of court proceedings.
- H. The Court will provide an orientation for persons call for jury service, and such instructions as may be appropriate and necessary to increase the understanding of the judicial system and each phase of the trial process, and to prepare such persons to serve competently as jurors.
- I. A jury shall be not sequestered, except for good cause, or when required by law.

### **Rule No. 31 – Use of Electronically Produced Tickets**

Pursuant to Rule 3(F) of the Ohio Traffic Rules, the use of electronically produced tickets is hereby permitted provided that the ticket conforms in all substantive respects, including lay-out and content, to the “Ohio Uniform Traffic Ticket”. Further, if a ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket. Any law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

### **Rule No. 32 – Record Management and Retention Schedule**

The Conneaut Municipal Court adopts the Record Management and Retention Schedule pursuant to Rule 26 of the Rules of Superintendence for the Courts of Ohio.

### **Rule No. 33 – Electronic Transmission of Supreme Court Report**

The Clerk of Court shall submit in electronic format via the Ohio Supreme Court website reports as required by Rules 37.01 through 37.03 of the Rules of Superintendence of the Courts of Ohio. The reports shall be as prescribed by the Supreme Court and submitted no later than the fifteenth day after the close of the reporting period. Only the Judge and Clerk of Court shall have access to the Supreme Court website login credentials. The Judge and Clerk of Court shall take all necessary steps to ensure and maintain the security of the Supreme Court website login credentials.

### **Rule No. 34 – Community Work Service**

Any person who has received prior authorization from the Court, and who has performed court-ordered Community Work Service in lieu of fines and/or costs, shall receive a credit of \$8.00 per hour for every hour worked at a previously-approved Community Work Service location.

### **Rule No. 35 – Schedules of Fees, Waivers/Bonds, Fines and Costs**

The schedules associated with fees, waivers/bonds, fines and costs assessed by this Court as adopted by this Court on the effective date of these local rules are attached hereto, and may be amended from time to time.

### **Rule No. 36 – Specialized “Renewal Court” Docket**

#### **A. Creation of a Specialized “Renewal Court” Docket:**

1. Pursuant to Sup. R. 36.20 through 36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, the Specialized “Renewal Court” Docket is hereby established and the rules and guidelines associated with such specialized docket are hereby adopted.

2. The Conneaut Municipal Court Specialized Court, designated as the “Renewal Court” (RC), is created with the goal of addressing the unique needs of offenders who suffer from any mental health disorder or from co-occurring mental health and opioid use/substance use disorders that have contributed to an underlying criminal offense, while increasing the likelihood of future criminal justice involvement.

3. RC will hold participants accountable by providing immediate and appropriate mental health disorder and opioid use/substance use disorder assessment and treatment, and facilitating behavioral change through the use of risk/needs assessments, referrals to appropriate community services, comprehensive case management and community supervision.

4. The target population for RC is individuals involved with the criminal justice system who are charged with low, moderate and high-risk misdemeanor charges, are on community control/probation, and may be eligible for benefits and services from community service providers. Individuals can qualify for the RC Program as part of an intervention in lieu of conviction/diversion or post-conviction/probation treatment and will be appropriate for care in the community as part of supervision by probation for a misdemeanor offense.

5. The goals and objectives of the RC are to:

- a. Reduce the likelihood of recidivism of RC participants through intensive treatment, supervision and personal accountability (recidivism is defined as a new charge, conviction, and sentence resulting in a sentence of jail or prison incarceration);
- b. Reduce the cost of incarceration by tracking the cost savings in diverting jail bed days to community corrections-based treatment and court supervision;
- c. Link all participants to available community resources to reduce recidivism, unemployment, homelessness or provide benefits for disability; and
- d. Treat victims with respect and dignity by providing them with a voice during the court process and providing victims with information regarding victim-related community resources.

## **B. Placement in Renewal Court:**

The following outlines the general process associated with placement of Individuals in RC:

1. Potential participants can be referred to RC in various ways, including, but not limited to, Prosecutor/Law Director referral; Judge referral; Probation referral; Defense Counsel referral; Jail referral; Treatment provider referral; and Self-referral.

2. A referral can be made at any stage of the court process, including initial appearance, pretrial, plea agreement, change of plea, intervention in lieu of conviction, post-plea, and sentencing, while currently under court supervision/probation or as a result of a probation violation.

3. The referring entity will complete an application form and provide the completed form to the Prosecutor/Law Director who will then contact the Renewal Court Administrator (RCA) along with a recommendation in favor or against the individual's participation in RC. The RCA will then interview the potential participant and conduct an initial screening. All potential participants referred to RC shall be screened using the

Global Assessment of Individual Needs Short Screener (GAIN SS) among other tools to screen for opioid use/substance use disorder issues.

4. If deemed appropriate, the RCA will contact the Probation Department to further evaluate the potential participant. If the potential participant is deemed clinically eligible for the Specialized Docket, he or she is referred for a mental health and/or opioid use/substance use disorder evaluation to initiate the assessment process.

5. The Court shall have the sole authority to accept or reject cases referred to RC for supervision, guidance and treatment.

**C. Eligibility Criteria in Renewal Court:**

In order to be eligible for RC, the offender must satisfy all of the following criteria:

1. Reside in Ashtabula County.
2. Be charged with criminal or traffic offenses that are misdemeanors of the first, second, third, or fourth degree, which are not otherwise excluded herein. Offenders are not eligible to participate if they are charged with OVI/DUI; any type of a sex crime; crimes involving the use of a weapon; and any crime having a child or children or elderly as victim(s). Offenders charged with violent offenses involving a victim with an injury are eligible only if the Prosecutor/Law Director, with the consent of the alleged victim(s), requests placement in RC, and an agreement has been reached for the offender to pay restitution to the victim, if any, prior to the offender's completion of RC.
3. Express and demonstrate a desire and willingness to participate in RC, engage in mental health disorder and/or opioid use/substance use disorder treatment and recognize the benefit of intensive outpatient services and individual and/or group therapy. RC is voluntary, and not everyone who is appropriate will be accepted. The potential participant must be motivated and receptive to complete RC.
4. Be diagnosed with any debilitating mental health disorder or any debilitating mental health disorder and opioid use/substance use disorder condition; be sufficiently stable to understand and comply with program requirements; have no acute health condition; be capable of participating in and completing RC, and not pose an unacceptable risk to RC staff or the community.
5. Acknowledge that their criminal behavior has a negative consequence on their life and that they are willing to change.

6. If an offense of violence is involved, acknowledge that violence has had a significant impact on their victim and other household and family members.
7. Recognize that case management and probation services will improve their quality of life.
8. Demonstrate a responsiveness to positive incentives and graduated sanctions imposed by the court, and recognize that they would benefit from RC by seeking mental health disorder and/or opioid use/substance use disorder treatment and other treatment and services provided by community service providers.
9. Be willing and able to comply with all court orders regarding victim contact.
10. Be willing to enter a plea of guilty to the charge(s) and sign all waivers and agreements.

**D. Tracks/Case Assignment:**

Two tracks of assignment to RC exist: (1) intervention in lieu of conviction/diversion, and (2) post-conviction/community control. All cases will be assigned to Judge Nicholas A. Iarocci or his successor, the only presiding Judge in Conneaut Municipal Court.

**E. Case Management:**

Case Management is an integral element of RC. All offenders referred to RC are appropriately screened, and thereafter an individualized case management plan is developed. The plan is prioritized based on the risk findings to ensure that the most imminent concerns are addressed immediately. Participants are educated as to the role of case management through the program description, participant handbook and executed participation agreement. Participants, therefore, understand the relationship between the Court and adjunct service providers as well as the expectations for compliance. The case plan is an ever-evolving document that follows the offender through every state of community control supervision, thus ensuring continuity and that all identified issues and risks are addressed even beyond RC involvement.

**F. Renewal Court Team:**

The Renewal Court team shall consist of the Judge, RCA and any subordinate staff, RCA, probation officers, case managers, licensed treatment providers, the Law Director or Assistant Law Director, and an attorney with the Public Defender's Office or other defense counsel. The RC team shall convene weekly to handle the Docket, to discuss the progress and status of individual offenders, and to apply sanctions and incentives as needed.

## **G. Renewal Court Treatment Phases:**

RC offenders shall be required to complete phases of treatment, and all other requirements, as identified in the Renewal Court Program Description, the Renewal Court Participant Handbook, and the Renewal Court Participation Agreement. While in RC, offenders shall receive services to assist in meeting criminogenic needs. Upon graduation (Commencement) from RC, those offenders in the post-conviction/community control track the offender may remain under community control sanctions to ensure continued compliance/success.

## **H. Completion/Discharge from Renewal Court:**

1. Criteria for Successful Completion: Successful completion criteria are the guidelines used to identify the manner in which RC participants can successfully complete the program. While program completion is based on a relatively standard set of expectations, each case is assessed individually and the Judge makes the final determination of successful completion.

In general, the following indicate positive accomplishment to be considered for successful completion (graduation):

- Completed community service hours;
- Demonstrated period of treatment compliance:
  - Evidenced by submitting verification of treatment attendance; and
  - Medication regime compliance as reported from Treatment Provider.
- Displayed a change in thinking, attitude and beliefs;
- Successfully completed treatment or programming, or continues to be actively engaged in treatment process;
- Maintained consistent employment and housing;
- Demonstrated ability to identify and eliminate criminal thinking patterns; and
- Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent successful completion).

Accomplishments may include:

- Medication regime compliance;

- Demonstrated abstinence from alcohol and drugs as evidenced by negative screens (as relevant);
- Completion of treatment or continued engagement in treatment;
- Aftercare plan established;
- Completed Renewal Court Program requirements including community service;
- Completed vocational or educational plan;
- Paid in full restitution, fines and court costs, unless otherwise determined;
- Displayed responsibility for his or her behavior; and
- Demonstrated stability in the community.

***The RC Judge has sole discretion to determine whether and when the participant will successfully complete the program.***

In general, the process for determining when a participant has successfully completed RC includes the following steps:

- a. Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant for successful completion.
- b. Treatment Team Review: The Treatment Team conducts a review of compliant behavior and accomplishments, to include drug testing results, violations/sanctions, incentives, treatment compliance and aftercare activities.
- c. Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the RC Judge.
- d. Judicial Decision: The RC Judge determines that the participant successfully completed the RC program.
- e. Graduation Ceremony: Each graduate has a formal graduation ceremony in which they are presented with a certificate of completion and addressed by the Treatment Team and participants. The RC Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.

- f. Aftercare Components: The participant is then directed to the aftercare component of the program.
  - g. Final Disposition: Depending on case type, the underlying case is closed, or in cases implementing intervention in lieu of conviction, the underlying case is dismissed.
2. Unsuccessful Termination: There are two types of written termination criteria from RC: unsuccessful and neutral discharge. The RC Judge has the discretion to terminate the participant from RC in accordance with the termination criteria. Common behaviors that lead to unsuccessful termination include, but are not limited to, the following:
- Ongoing noncompliance with treatment;
  - Resistance to treatment;
  - New serious criminal convictions;
  - A serious RC infraction or series of infractions; and/or
  - A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- Loss of future eligibility for RC or another Specialized Docket;
- Further legal action, including revocation of intervention in lieu of conviction, or motion for probable cause or probation violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

If an offender is an intervention in lieu/diversion participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of RC, the stay of legal proceedings will be lifted and the offender will be sentenced to the usual sanctions allowable under the law for the offense(s). Disposition of the charge(s) will then be determined by the Judge and the Prosecutor/Law Director.

If an offender is a post-conviction participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of probation will be filed and the matter will be set for a violation hearing. Should the Court determine that the offender violated the terms of probation for being terminated from RC, then he or she will be sentenced to the usual sanctions allowable under the law for the offense.

3. Neutral Discharge: There may be circumstances in which the participant is discharged from the RC through a Neutral Discharge status. This status is assessed in situations when the participant has reached maximum benefit for various possible reasons:

- a serious medical condition;

- cognitive impairment;
  - serious mental health condition that cannot be addressed by Renewal Court;
  - death; and
  - other factors that may keep the participant from meeting the requirements for success completion.
4. Inactive Status: There may be circumstances that necessitate a participant being placed in “inactive status,” whereby they are not formally discharged from the program yet are not actively participating. Examples of situations warranting this status include participants who are:
- Placed in a residential facility and cannot be transported for status review hearings;
  - Charged with new crimes pending adjudication and/or a final disposition for sentencing;
  - In need of further assessments or evaluations to determine if the Renewal Court is beneficial to the participant and the program;
  - Unable/unwilling to comply with program requirements in a timely manner as directed; or
  - Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.

**Rule No. 37 – Various Prior Local Rules Not Affected**

Certain local rules of court involving employment of court staff and court security, among others, enacted prior to the effective date of adoption of these Local Rules, shall remain in full force and effect, subject to modification at any time. Any prior local rule not affected by these Local Rules and which are amended by the Court subsequent to the adoption of these Local Rules shall be replaced with the new local rule.

These rules are adopted and shall be effective October 13, 2020. Unless otherwise provided herein, these rules shall supersede and replace any and all prior local rules of the Conneaut Municipal Court.

**IT IS SO ORDERED.**

*Nicholas A. Iarocci*

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NICHOLAS A. IAROCCI, JUDGE  
CONNEAUT MUNICIPAL COURT

## **SCHEDULES**

Criminal Division - Fees and Costs

Criminal Division and Traffic Violations Bureau - Waiver and Bond

Overload Violations - Waiver and Bond

PUCO Violations – Waiver and Bond

Parking Violations - Waiver

Seat Belt Violations - Waiver

Ohio Division of Wildlife Violations – Bond and Waiver

Ohio Division of Wildlife – Wildlife Cases, Bond Forfeitures, Order for Destruction  
of Evidence

Ohio Department of Natural Resources Violations – Waiver and Bond

Ashtabula County Metroparks Violations – Waiver and Bond

Civil Division and Small Claims Division - Filing Fees and Costs

Off-Site Trial Charge

Supervised Community Control Charges

Suspended License Intervention Program Order

Probation Drug Testing

Appointment of Counsel for Indigent Defendants

Community Service In Lieu of Payment of Fines and/or Costs