

**IN THE GALLIPOLIS MUNICIPAL COURT, GALLIA COUNTY, OHIO**

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As amended January 1, 2020; January 1, 2018

## **LOCAL RULES OF COURT**

The Gallipolis Municipal Court hereby adopts the following rules for the conduct, government, and management of business operations, court proceedings, and other services and functions of the Court. These rules shall supplement and complement the Ohio Rules of Criminal Procedure, the Ohio Rules of Traffic Procedure, the Ohio Rules of Civil Procedure, the Rules of Superintendence for the Courts of Ohio, the Ohio Revised Code, and any other applicable authority.

These rules shall take effect on January 1, 2018. These rules govern all actions brought on or after January 1, 2018, and also all future proceedings in actions then pending, except to the extent that, in the opinion of the Court, their application in a particular action pending on January 1, 2018 would not be feasible or would work an injustice, in which event the former procedure applies.

### **RULE 1. GENERAL PROVISIONS**

**Terms, Hours and Sessions.** The Gallipolis Municipal Court shall sit continuously. The office of the clerk shall be open Monday through Friday from 7:30 a.m. until 4:00 p.m., subject to the availability of personnel. The Court shall close for all legal holidays observed by the public offices of the City of Gallipolis or when the municipal building is otherwise closed. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Judge. The Court will be in session a minimum of two hundred forty (240) days per annum, unless all business of the Court is disposed of sooner, and the Court may be closed for staff in-service a minimum of two (2) regular business days per annum.

**Audio Record.** Unless otherwise provided in these rules, all proceedings in the Gallipolis Municipal Court shall be recorded by an audio electronic recording device provided by the Court. Arraignments and other hearings that are conducted via video from the jail or other off site facility shall be recorded by audio, and by video when video is available.

**Stenographic Record.** When a written request for stenographic record is filed, the party making the request shall deposit with the Court the sum of \$75.00. The deposit shall be made with the request for stenographic record. In criminal cases, this deposit may be waived when an affidavit or other evidence of the requesting party's inability to make the required deposit is filed with the request for stenographic record and such request is approved by the Court. Failure to timely make this deposit or file for and receive a waiver thereof shall be deemed a waiver or withdrawal of any request for stenographic record.

**Inspection of Records.** All indexes, dockets, journals, and file records maintained in accordance with law by the clerk of Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk's office.

Other case file material or audio electronically recorded court proceedings shall only be inspected with permission of the Court. All inspections shall be made under the supervision of court personnel. Original papers and tapes shall not be removed from the office of the clerk.

**Fee for Copies.** A minimal charge per page shall be made for photo static copies of any documents. The charge shall be set by the clerk of court based upon the cost to the clerk of producing the copy. Depending upon the personnel available to the clerk's office, copies will be made as soon as possible after the request. The clerk or deputy clerk will consult with the requesting party as to the reasonable length of time necessary to provide the copies.

**Counsel of Record.** When counsel is retained or appointed to represent any party, such attorney shall immediately notify the clerk in writing of such representation. Any counsel intending to withdraw from such representation must submit a written request therefor and such counsel shall appear at the next scheduled court proceeding for such case unless prior leave is granted by the court, or unless a substitution of counsel entry signed by the withdrawing attorney, the party, and the party's new counsel is submitted. Withdrawal considerations shall be in conformity with the Code of Professional Responsibility.

**Fees and Costs.** The Court hereby establishes the Schedule of Fees and Costs for civil and criminal and traffic actions and proceedings as set forth in Appendix A. Such schedule, together with any amendments or modifications thereof, shall be available in the office of the clerk of court.

## **RULE 2. CASE MANAGEMENT IN CRIMINAL AND TRAFFIC CASES**

**Purpose.** The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for criminal and traffic case management that will provide for 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 system.

**Arraignment.** All criminal and traffic arraignments shall be held at 9:00 a.m. on Monday and Friday, except holidays, unless otherwise ordered by the Court. The Court will hold arraignments for newly incarcerated defendants daily as the docket permits.

**Real Property Bonds.** The Court generally sets ten percent (10%) bonds on criminal and traffic cases. In the event that the defendant wishes to post a real property bond, the following requirements must be met: (a) the real property must be titled in the name of the defendant or individual surety; (b) the real property must be located in Gallia County, Ohio; (c) the defendant or surety must file an affidavit for a real property bond with appropriate attachments, including (i) a title opinion from a title company showing all owners of the real property, (ii) a copy of the current deed, (iii) a statement showing current lien holders and the amount claimed in each encumbrance, and (iv) a current appraisal from the county auditor or a licensed appraiser

showing the fair market value of the real property, which must be twice the amount of the bond after taking into consideration the value of all liens, encumbrances, and real property taxes.

**Bonds Used to Satisfy Fines/Costs.** Bond of any type that is deposited by a defendant who is not indigent shall, in accordance with R.C. 2937.40, be applied toward the satisfaction of any fine and/or court costs assessed against the defendant upon his/her conviction or guilty plea.

**Pretrials.** If the defendant chooses to have his or her case placed on the pretrial docket rather than proceeding directly to trial, the Court will schedule an initial pretrial, a final pretrial, and a trial date. At the initial pretrial, the parties shall be prepared to advise the Court as to the status of discovery and any negotiations, and whether any motions will likely be filed. At the final pretrial, the parties shall be prepared to advise the court whether the case is resolved or if the case will proceed to trial. If a defendant chooses to have a pretrial, time will be charged to the defendant as a waiver under Ohio Revised Code Section 2945.72.

**Plea Agreements.** In any negotiated pleas where the charge is reduced or dismissed, the state may be asked to provide to the Court in writing or on the record a statement that the complaining party or victim was consulted concerning the proposed plea agreement and whether s/he agreed with the proposed plea agreement. If the complaining party or victim did not agree with the proposed plea agreement, the state shall also include reasons why the proposed agreement should be honored by the Court. The state shall notify the victim(s) of the date and time of the hearing and of his/her right to be present and to be heard at the hearing. Sentencing is always at the discretion of the Court.

**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. Evidentiary motions shall be set for oral hearing.

**Trials.** Each case not resolved at pretrial, or in cases where a defendant does not choose a pretrial, shall be set for trial to the Court. If a jury demand is timely filed, the case will be set on the next available jury trial date. Any party filing a demand for trial by jury shall notify the Court by 2:00 p.m. on the last business day preceding his/her trial of any withdrawal of demand for jury or proposed change of plea. If more than one case is scheduled for jury trial on a given date, all cases must be prepared to go forward with the oldest case being tried first.

**Vacating Trial Dates.** In any instance where a case is scheduled for trial and the defendant fails to appear for the preceding pre-trial, the trial date shall be automatically vacated. Thereafter, a new trial date will be scheduled when the defendant next appears.

**Time for Trials.** The state shall calculate the time within which cases must be tried under the provisions of Ohio Revised Code Section 2945.71, and shall notify the court in writing if any scheduled trial is not scheduled within the said time limits.

**Sentencing.** The court may hold a sentencing hearing immediately after a plea or verdict of guilty, or the court may refer the case for a presentence investigation report.

### **RULE 3. 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 that will achieve the prompt and fair disposal of civil cases.

**Court Costs Deposit.** Any person filing a civil action or proceeding shall deposit with his/her complaint the corresponding court cost deposit set forth in attached Exhibit A unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.

**Costs Deposit for Jury Trials in Civil Cases.** Any party demanding trial by jury in a civil case shall deposit, in addition to the usual court cost deposit, a sum determined by the clerk with their written demand unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of a jury demand if the deposit is not included. The party shall also file the number of Jurors requested consistent with Civil Rule 48.

**Scheduling.** The determination of scheduling begins when a civil case is filed. Thereafter, the case is managed as follows.

#### **Clerical.**

**Service.** Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. In order to save time and expense, counsel may, and is encouraged to, include within the initial complaint and/or preface for service a waiver of the notification of failure of service and request for the clerk to proceed with ordinary mail service pursuant to Civil Rule 4.6(C), (D), or (E). If counsel fails to obtain service of summons within six (6) months from the date the cause of action was filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown.

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

**Pretrial.** After any responsive pleading is filed, the clerk shall immediately set the case for pretrial or forward said pleading and file to the Judge for further determination.

**Dismissal notice.** If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within ten (10) days unless good cause is shown.

When a file is marked “waiting on settlement entry” and the entry is not received within thirty (30) days, the clerk shall notify the party that the case will be dismissed unless the entry is received within ten (10) days.

### **Judicial.**

**Pretrial.** A pretrial is a Court supervised conference designed to establish a schedule for trial, identify any uncommon legal issues, and facilitate an amicable settlement. The term “party” or “parties” used hereinafter shall mean the party or parties to the action, and/or his/her attorney of record.

**Initial pretrial conferences.** All attorneys of record and all unrepresented parties must appear at the initial pretrial, either in person or telephonically. Discovery, motion, and mediation deadlines, a final pretrial date, and a trial date will be established at the initial pretrial.

**Final pretrial conferences.** All attorneys of record and all unrepresented parties must appear in person at the final pretrial. At the final pretrial, the Court will attempt to narrow legal issues and to reach stipulations as to facts in controversy. The Court will also hear any pending motions not argued at a separately scheduled motion hearing. The parties shall each file a pretrial statement, which should contain the following:

- A concise statement of the general claims and defenses of the party;
- Those facts established by admissions in the pleadings, admissions in discovery, and stipulations of counsel;
- The contested issues of fact;
- The contested issues of law, together with citations of authority in support of the party’s position;
- The names and addresses of witnesses expected to testify at trial;
- The names, addresses, and qualifications of any expert witnesses expected to testify at trial;
- A list of exhibits the party intends to offer into evidence;

- Motions in limine not already filed; and
- A list of all special damages being requested.

All parties may submit a trial brief, and shall submit proposed jury instructions (if a jury trial) at the time of the final pre-trial. A Judge presiding at a final pretrial conference shall have the authority to dismiss the action for want of prosecution on motion of the defendant upon failure of the plaintiff or his/her counsel to appear; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear as required; and to make such order as the Court may deem appropriate under all the circumstances.

**Mediation.** If the court finds a case appropriate, the Court may order the parties to participate in mediation. The court may order mediation through the program already established in the Gallipolis Municipal Court or other appropriate mediation.

**Continuances.** No party shall be granted a continuance of a trial or hearing without a written motion from the party stating the reason for the continuance. All motions for continuance shall be accompanied by a proposed entry granting the motion and left blank for the court to fill in a new date for hearing should the motion be granted.

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, the case that 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.

**Judgment Entries.** Counsel for the party in whose favor an order or judgment is rendered shall prepare a judgment entry if directed by the Court. That entry shall be submitted to opposing counsel within five (5) days of counsel being notified of the need for an entry. Opposing counsel shall approve or reject the entry, as to form only, within five (5) days. Within fifteen (15) days of the decision, the judgment entry shall be submitted to the Judge.

Entries of settlement may be filed at any time. If a settlement is reached in a case scheduled for jury trial, the parties shall provide written notification of the settlement to the Court by 2:00 p.m. on the business day prior to the trial date. Settlement entries shall be filed within thirty (30) days of the trial date or the case will be dismissed for want of prosecution.

Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within thirty (30) days or the case may be dismissed for want of prosecution.

The judgment entry shall allocate the court costs between or among the parties.

Each judgment entry shall be submitted in triplicate, or in sufficient number for the clerk to serve a copy on all parties or counsel of record.

#### **RULE 4. CASE MANAGEMENT IN SPECIAL PROCEEDINGS**

**Purpose.** The purpose of this rule is to establish a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge, acting judge, or magistrate (in appropriate matters): small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite for contempt, garnishment hearings, debtor exams, and appropriate B.M.V. hearings. The following criminal matters are considered special proceedings and may be heard by a judge or acting judge: preliminary hearings, extradition hearings, and motions for temporary protection orders.

**Time for hearing.** Special proceedings that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

**Service.** In all new special proceedings, if counsel fails to obtain service of summons within six (6) months, the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown.

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

**Forward to Judge.** After any responsive pleadings is filed, the clerk shall immediately forward the said pleading and file to the Judge for further determination.

**Dismissal notice.** If no action has been taken on a file for a six (6) month period and the case is not set for trial, the matter will be dismissed within seven (7) days unless good cause is shown.

**Corporations as parties.** In small claims cases, if a corporation is a party, said corporation shall be identified by the exact corporate name on file with the Ohio Secretary of State's office.

A corporation or partnership shall have an attorney to prosecute or defend its case or to collect on its judgments.

**Personal Appearance.** Counsel shall personally appear for all judgment debtor examination, garnishment, show cause, and other special hearings and proceedings unless excused by the Court.

#### **RULE 5. JURY MANAGEMENT**

**Selection.** Jurors for the Court shall be drawn at the time and place corresponding to when jurors are drawn for the Gallia County Common Pleas Court in the manner provided by the Ohio Revised Code. The number of jurors selected shall be sufficient to insure that prospective jurors not be called to serve on a rotating basis more than every six (6) weeks.

**Notification.** The Clerk shall notify each prospective juror of his or her being drawn for jury service and may send each prospective juror a juror questionnaire to be completed and returned to the Court within ten (10) days. All jurors shall be notified of jury service by mail at least ten (10) days prior to that service. Each juror shall be provided a telephone number to call for a recorded message concerning the current status of that service. Each juror shall call that number after 4:00 p.m. on the day prior to his/her scheduled service. If a juror reports for service without calling the provided number as instructed, no jury service fee will be paid.

**Administration of the Jury System.** Exemption, excuse, and deferral; voir dire; jury facilities; juror orientation and instruction; and all other matters relating to the administration of the jury system shall be in accordance with the Rules of Superintendence, Ohio Trial Court Jury Use and Management Standards.

## **RULE 6. ASSIGNMENT OF ATTORNEYS IN INDIGENT CASES**

**Equitable manner.** In a criminal, traffic, or other case in which a defendant is entitled to appointed counsel (which includes having been found eligible under the indigent guidelines), the court will make reasonable efforts to ensure the appointment of attorneys in an equitable manner to the attorneys who have contracted/sub-contracted with the Gallia County Public Defender Commission to provide representation of indigent defendants. In cases of conflicts that require additional attorneys, the court shall make those appointments and those attorneys shall be paid by the Gallia County Commissioners at the public defender rate and in whatever manner the said commissioners deem appropriate.

The public defender commission shall provide the court with a list of attorneys who are available for appointment.

## **RULE 7. TRAFFIC VIOLATIONS BUREAU**

**Establishment.** Pursuant to the authority of Ohio Traffic Rule 13 and Ohio Criminal Rule 4.1, there is hereby established in the Gallipolis Municipal Court a traffic violations bureau and the clerk of court is hereby appointed as the violations clerk.

**Purpose.** The purpose of the violations bureau shall be to accept appearances, waivers of trial, pleas of guilty, and payments of fines and costs for offenses within the authority of the violations bureau.

**Authority.** The violations bureau shall have the authority to dispose of all traffic offenses and minor misdemeanor offenses except as follows:

Indictable offenses;

Operation of a vehicle while under the influence of alcohol and/or drugs of abuse;

Leaving the scene of an accident;

Driving under suspension or revocation of a driver's or commercial driver's license when jail is a possible penalty;

Driving without being licensed to drive when jail is a possible penalty;

Third moving traffic offense within a twelve month period when jail is a possible penalty;

Failure to stop and remain standing still upon meeting or overtaking a school bus stopped on a highway for the purpose of receiving or discharging a school child;

Willfully eluding or fleeing a peace officer;

Drag racing;

Any violation not specifically stated in the waiver schedule.

**Proof of Insurance.** Any person charged with a moving violation shall produce proof of valid insurance in effect at the time of the alleged violation. Proof of insurance shall be produced at the defendant's initial court appearance if not previously provided.

**Waiver Schedule.** The Court hereby establishes and publishes a waiver schedule of fines and costs attached hereto as Appendix B, for all offenses subject to the authority of the violations bureau. This schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the Court and shall be displayed at the Court.

**Use of Electronic Tickets.** Pursuant to Rule 3 of the Ohio Traffic Rules, the use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Gallipolis Municipal Court.

The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket.

If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket. A signature by the defendant is not required.

The court record of the ticket shall be filed with the court on paper of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by Rule 26.05 of the Rules of Superintendence for the courts of Ohio, or may be filed electronically.

A law enforcement officer who files a ticket electronically, pursuant to this rule, and electronically affixes the officer's signature thereto, shall be considered to have certified the ticket, which shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

**Options after traffic ticket issued.** A defendant charged with an offense that can be processed by a traffic violations bureau may, within seven (7) days after the date of the issuance of the ticket:

Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket and pay the total amount of the fine and costs; or

Sign the guilty plea and waiver of trial provision of the ticket, and mail the ticket and a check or money order for the total amount of the fines and costs to the traffic violations bureau, or pay the total amount of the fines and costs online by using the online payment system established by the traffic violations bureau, which online payment shall constitute a guilty plea and waiver. Any waiver mailed to the traffic violations bureau shall be accompanied by proof of valid insurance in effect at the time of the violation.

**Extent of waiver.** Remittance by mail or payment online of the fine and costs to the traffic violations bureau constitutes a guilty plea and a waiver of trial whether or not the guilty plea and waiver of trial provisions of the ticket are signed by the defendant.

## **RULE 8. FILING COPY OF TRAFFIC RECORD WITH UNIFORM TRAFFIC TICKETS**

Every law enforcement officer filing a uniform traffic ticket for an offense that requires a personal court appearance by the defendant shall file with the ticket a copy of the defendant's driving record as maintained by the Bureau of Motor Vehicles.

The clerk may refuse to accept for filing any uniform traffic ticket requiring a personal court appearance by the defendant if a copy of the defendant's driving record is not attached.

## **RULE 9. MEDIATION**

**Uniform Mediation Act and Definitions.** The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this Court through this Rule.

### **Cases Eligible for Mediation.**

**(a) General.** The Court has discretion to encourage parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this Rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

**(b) Exceptions.** Mediation is prohibited in the following:

- (i) As an alternative to the prosecution or adjudication of domestic violence;
- (ii) In determining whether to grant, modify, or terminate a protection order;
- (iii) In determining the terms and conditions of a protection order;
- (iv) In determining the penalty for violation of a protection order.

**(c)** Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

**Confidentiality.** Mediation and all mediation communications are confidential.

**Referral to Resources.** The Court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

**Costs.** Pursuant to Ohio Revised Code Section 1901.262(A), a fee determined and journalized by the Court shall be assessed on the filing of each criminal cause, civil action or proceeding, or judgment by confession, to support the mediation program. This fee is in addition to any other costs established by these rules.

## **RULE 10. COURT COMPUTERIZATION COSTS**

Pursuant to Ohio Revised Code Section 1901.261(A), the Court hereby determines that for the efficient operation of the court, additional funds are necessary to acquire and pay for computerization of the court and/or for legal research services. Accordingly, an additional fee of three dollars (\$3.00) is to be assessed on the filing of each cause of action, confession of judgment, or appeal, equivalent to those set forth in Ohio Revised Code Section 2303.20(A), (Q), and (U).

### **RULE 11. COMPUTERIZATION OF THE OFFICE OF CLERK OF COURT**

Pursuant to Ohio Revised Code Section 1901.261(B), the Court hereby determines that for the efficient operation of the court, additional funds are necessary to acquire and pay for computerization of the clerk's office. Accordingly, an additional fee of up to ten dollars (\$10.00) is to be assessed on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment that is equivalent to one described in division (A) (cause of action), (P) (certificate of judgment), (Q) (confession of judgment), (T) (aid in execution, petition to vacate, revive or modify judgment), or (U) (appeal) of section 2303.20 of the Ohio Revised Code. The Court shall set the specific amount of the fee by journal.

### **RULE 12. CAPITAL IMPROVEMENT/SPECIAL PROJECTS FUND**

Pursuant to Ohio Revised Code Section 1901.26(B), the Court hereby determines that for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the court as set forth in the statute. Accordingly, an additional fee to be determined by the court and set by journal is to be assessed in addition to all other costs on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

### **RULE 13. RECORD RETENTION POLICY**

The Court shall follow Rule 26, 26.01 and 26.05 of the Supreme Court Rules of Superintendence. In addition to the retention schedules established in those Rules, the retention period for the audio record of any case shall be two years from the conclusion of litigation, including times for direct appeal.

### **RULE 14. FACSIMILE FILING**

**Authority.** The provisions of this rule are adopted under Civ. R. 5(E) and Crim. R. 12(B).

**Applicability.** In criminal, traffic, civil, and small claims cases, pleadings, OTHER THAN ANY COMPLAINT OR DOCUMENT INITIATING AN ORIGINAL ACTION, and other papers may

be filed with the Clerk of Court by facsimile transmission to (740) 441-6028, subject to the conditions set forth in this rule.

**Original filing.** A document, other than a document initiating an action, 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 maintain in his/her records and have available for production on request by the court the source document filed by fax. Said document shall contain original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. The source document shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

**Definitions.**

“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.

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

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

**Cover Page.** The person filing a document by fax shall also provide therewith a cover page containing the following information: name of the court, style of the case, case number, judge’s name, title of the document being filed, date of transmission, transmitting fax number, the number of pages included in the transmission, including the cover page, the name, address, telephone number, fax number, supreme court registration number, and email address of the person filing the fax document, and if applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the clerk without the cover page information, the clerk may: enter the document in the case docket and file the document, or deposit the document in a file of failed faxed documents with a notation of the reason for the failure. If the clerk chooses the latter option, the document shall not be considered filed with the clerk.

The Clerk is not required to send any form of notice to the sending party of a failed fax filing. If practicable, the clerk may inform the sending party of a failed fax filing.

**Signature.** Any party who wishes to file a signed source document by fax shall either: fax a copy of the signed source document, or 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.

**Commentary:** the latter option addresses those instances where the fax transmission is generated by the sending party’s computer and therefore the document is not printed and capable of being signed prior to transmission.

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

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

Any exhibit filed in this manner shall be attached to a cover sheet containing the style of the case and the title of the exhibit being filed, and shall be signed and served in accordance with the rules governing the signing and service of pleadings in this court.

**Time of filing.** Subject to the provisions of these rules, all documents sent by fax and accepted by the clerk shall be considered filed with the clerk of courts as of the date and time the clerk time-stamps the documents received and not the date and time of the fax transmission.

The office of the clerk of courts will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

The Clerk may, but need not, acknowledge receipt of a facsimile transmission.

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

**Fees and costs.** No original actions will be accepted by facsimile transmission. Therefore, all filing fees necessary to implement an original action will be assessed at the time of filing in the same manner and subject to the same rules and regulations as presently in effect.

No additional fee shall be assessed for facsimile filing.

**Length of Document.** Facsimile filings shall not exceed ten (10) pages in length. Any document consisting of more than ten (10) pages in length shall not be accepted for facsimile filing.

## **RULE 14.1. ELECTRONIC FILING**

**Authority.** The provisions of this rule are adopted under Civ. R. 5(E), and in conformity with the Ohio Supreme Court on Technology and the Courts.

**Applicability.** Beginning January 1, 2018, or at a date certain thereafter as determined by the Clerk, all civil filings shall, and all post-complaint criminal and traffic filings may, when submitted by an attorney, be transmitted to the Court via the Court's web portal. Pre-registration for web portal access is required and is available by contacting the Clerk of the Court.

### **Definitions.**

“Original document” – the electronic document received by the Court from the filer.

“PDF” – Portable Document Format – documents saved as this type have the [.pdf] extension.

“DOC” – Microsoft Word Document – documents saved as this type have the [.doc] extension.

“Source document” – the document created and maintained by the filer which is then electronically transmitted to or from the Court.

“Submission” – a document or other data sent to a system or sent as a court filing.

“Effective Date of Filing of a New Complaint” – means the date the electronic filing was received and uploaded to the Clerk of Court as noted on the date stamp on the submitted document.

“Effective Date of Filing a Motion” – means the date the electronic filing was received and uploaded to the Clerk of Court as noted on the date stamp on the submitted document.

“Electronic Filing” (i.e. e-filing) – the process of transmitting a digitized source document electronically via the Internet to or from the Clerk’s Office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.

“Electronic Mail” (i.e. email) – messages sent by a user and received by another through an electronic service system utilizing the public Internet (for purposes of e-filing, any references to email or emailing are the communication between the e-filing system and the e-filer).

**Electronic Filing Policy.** Subject to the provisions of this rule, complaints, pleadings, and other documents may be filed with the Clerk of Court electronically via the Internet. Unless otherwise modified by stipulation or order, all Ohio Rules of Civil Procedure shall continue to apply to all documents electronically filed.

Accepted filings. (1) all electronically filed pleadings must be signed by an attorney admitted to practice in the state of Ohio; (2) any signature on an electronically transmitted document shall be considered that of the attorney it purports to be for all practical purposes; (3) if it is established that documents were transmitted without authority, upon motion, the Court shall order the document stricken; (4) no attorney shall authorize any person to electronically file on that attorney's behalf, other than his or her employee; (5) the electronic filing of a document by an attorney, or by another under the authorization of the attorney, shall constitute a signature of that attorney under Ohio Civil Rule 11; (6) no person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

Account assignment. Upon receipt of a properly executed and signed User Agreement Form, the Clerk of Court shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing documents. **NOTE:** third party electronic filing providers are not acceptable; for each electronic document filed, the filer shall submit a cover page in the format available from the Clerk.

Document format. Documents must be submitted in PDF or DOC formats. Attachments and exhibits are to be filed electronically. Large attachments and exhibits over 30 megabytes cannot be filed electronically and must be submitted in hard copy and served on all other parties.

Fees. The Clerk of Court shall assess normal filing fees and case payments will be collected via user credit card at the time the filing is processed. Pursuant to R.C. § 301.28(E) and (F), a surcharge for credit card use may be assessed in an amount to be determined by the Clerk of Court. No personal checks will be accepted. The Clerk may document the receipt of fees on the docket with a text-only entry. The Court shall not maintain electronic billing or debit accounts for attorneys or law firms.

Disposition and Maintenance of Source Documents. A document electronically filed shall be accepted as the original filing if the person filing electronically complies with all of the requirements set forth in this rule. The person filing electronically need not file a hard copy with the Clerk of Court but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Court, or other counsel, the source document of any document electronically filed. The filer must maintain this source document until the final disposition of the case and through any appeal or appeal period.

Public Method of Access to Electronically Filed Documents. Members of the public may obtain copies of or review electronically filed documents in the same manner as documents filed on paper via the Clerk of Court's website.

Service of Documents. Documents filed electronically with the Clerk of Court shall be served in accordance with Ohio Civil Rule 5. Once a party has entered an appearance in a case, the party

shall furnish his or her email address, and service thereafter shall be made electronically, where possible.

Signatures. If an original document requires a signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document and then electronically file it on the system. A pleading or other document requiring an attorney's signature shall be signed in the following manner if filed electronically: “/(attorney name)/.” The correct format for an attorney signature is as follows:

- /Attorney Name/
- Attorney's name (typed)
- Ohio Supreme Court number
- Attorney for (Plaintiff/Defendant)
- Address
- Telephone Number
- Facsimile Number
- Email Address

Any attorney challenging the authenticity of an electronically filed document or signature on that document must file an objection to that document within ten (10) days of receiving the notice of electronic filing.

The signature of the judge, clerk, deputy clerk, or bailiff shall consist of a scanned version of the person's original signature.

Orders (Journal Entries). A moving party, at the time of filing a motion, may submit with that motion a proposed journal entry granting the motion and setting forth the relief requested. In any event, whether submitted by a party or drafted by the Court, the Court may approve a journal entry deemed by it to be proper, sign it manually or apply an electronic signature to the document, and cause it to be filed with the Clerk pursuant to this Rule.

Privacy. Filing parties shall omit, or where inclusion is necessary, partially redact the following data from all pleadings, documents and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

- Social security numbers except for the last four digits

- Financial account numbers, including but not limited to debit card, charge card, and credit card numbers
- Employer and Employee identification numbers
- A juvenile's name, except for the juvenile's initials or a generic abbreviation
- Proprietary or trade secret information

With permission of the Court, a party may file, under seal, a document containing the un-redacted personal identifiers listed above. The party seeking to file an un-redacted document shall electronically file a motion to file the document under seal. In granting the motion, the Court may require the party to file a redacted copy for the public record.

Technical Failure. The Clerk of Court may deem the Internet web site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. on that day. A filer who cannot file a document electronically because of technical failure must file a hard copy of the document with the Clerk of Court. A filing party whose filing is made untimely as a result of a technical failure of the Court's system or site may seek appropriate relief from the Court. Known system outages will be posted on the website when possible.

Correction of Docket Entries/Documents Filed in Error. Once a document is electronically submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk of Courts. The system does not permit a filing party to make changes to a document or docket entry once the transaction has been accepted. If a document has been filed in error, the filing party should not attempt to re-file the document. As soon as possible after the error has been discovered, the filing party should contact the Clerk of Courts with the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error and the filing party will be advised if the document needs to be re-filed. If a document is filed in error (e.g., a document is filed on the wrong case or the electronic file is corrupt or unreadable), upon motion, the Court may order the document stricken from the record. The Clerk shall notify the filer of the error and inform the filer if the document needs to be re-filed. The Clerk will not delete the relevant docket text, but will annotate the docket to show the deletion, the reason for the deletion, and that the filer has been so notified.

**Nonconformance.** The Clerk of Court reserves the right to deny any party, firm, or agency the use of e-filing because of habitual nonconformance of these rules and/or equipment incompatibility issues that are not corrected.

## **RULE 15. DRUG COURT DOCKET**

**Establishment of the Gallipolis Municipal Court Drug Court Specialized Docket.** The Court hereby establishes the “Gallipolis Municipal Court Drug Court Specialized Docket Program,” effective August 2, 2014. This docket is created pursuant to the authority and requirements under the Rules of Superintendence for the Courts of Ohio, specifically, Rule 36.20, Specialized Docket Certification.

**Goals.** The goals of the program are: 1) reduce recidivism; 2) provide an effective and accountable community-based alternative to incarceration; 3) reduce substance abuse by participants; and 4) improve public safety.

**Details.** The Gallipolis Municipal Court Drug Court is a post-conviction program for non-violent addicted defendants. Defendants must meet eligibility requirements for admission into the program as set forth in the policy and procedures manual. Defendants can be referred to the Drug Court program as a condition of an initial sentence or as a treatment strategy sanction for a violation of the terms of probation.

The program shall be operated in accordance with the policy and procedures manual adopted by the Court. Said policy and procedures incorporates evidence-based practices.

## **RULE 16. MENTAL HEALTH COURT DOCKET**

The Gallipolis Municipal Court Mental Health Court is a post-conviction program for defendants with mental health issues. Defendants must meet eligibility requirements for admission into the Mental Health Court Program. Procedurally, Defendants may be referred to the Mental Health Court program as 1) a condition of an initial sentence, or 2) as a treatment strategy for defendants charged with violation of the conditions of their probation.

The Gallipolis Municipal Court Mental Health Court has the following primary goals: reduce recidivism among mental health defendants, provide an effective and accountable community-based alternative to incarceration, reduce substance abuse among mental health defendants, and improve public safety.

The program shall be operated in accordance with the policy and procedures manual adopted by the Court based on evidence-based practices.

## **RULE 17. BROADCASTING, TELEVISING, RECORDING, AND PHOTOGRAPHING BY NEWS MEDIA OR OTHERS**

The Court and all media representatives shall follow Rule 12 of the Supreme Court Rules of Superintendence.

## **RULE 18. COLLECTION OF FINES AND COSTS**

The Clerk of Court is authorized to contract with a private collection agency and/or to utilize the services of the Ohio Attorney General for the collection of delinquent fines and costs. Any person that does not pay fines and/or costs may be charged additional court costs in connection with that debt collection process.