RULE 2. CASE MANAGEMENT IN CRIMINAL AND TRAFFIC CASES

Purpose. The purpose of this rule is to establish a system for criminal and traffic case management that will provide for the fair and impartial administration of criminal and traffic cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court system.

Use of Electronic Complaints. Pursuant to Rule 4(G) of the Criminal Rules, the use and filing of a complaint that is produced by computer or other electronic means is hereby authorized in the Gallipolis Municipal Court.

The electronically produced complaint shall conform in all substantive respects to the Ohio Rules of Criminal Procedure.

If an electronically produced complaint is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the complaint and summons as required by Rule 4(D) of the Criminal Rules.

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 criminal offenses as prescribed by Superintendence Rule 26.05.

A law enforcement officer who files a complaint electronically, pursuant to this rule, and electronically affixes the officer's signature thereto, shall also have his/her signature attested to by either a "peace officer," "judge," "clerk," or "deputy clerk," after which the complaint and summons shall be considered to have been certified and shall have the same rights, responsibilities, and liabilities as with all other criminal complaints and summons issued pursuant to the Criminal Rules.

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 Revised Code Section 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. If a defendant chooses to have a pretrial, time will be charged to the defendant as a waiver under Revised Code Section 2945.72. 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. In the event that scheduling is the only matter to be determined at an initial pretrial, the parties may submit a written pretrial report in lieu of personally appearing, but may not do so in the event that the defendant is non-compliant with any pretrial services or if the case is not within the time limits of Revised Code Section 2945.71 or Superintendence Rule 39. The pretrial report form authorized for such purposes is published by the Court. 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.

Continuances. Continuances shall be governed by the provisions of Superintendence Rule 41.

Notification to Victims. The State of Ohio is responsible for notifying the individual victim or victim's representative, if any, of the status of each case and of any public proceedings.

The Court has, by journal entry filed April 3, 2023, designated the Gallipolis City Solicitor and the Gallia County Prosecuting Attorney as the responsible entities for purposes of providing to victims and victim representatives all notices required to be given to a victim pursuant to R.C. § 2930.03, et seq.

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 Criminal Rules. 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 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.

Presentence Investigation Report. Pursuant to Criminal Rule 32.2, all presentence investigation reports shall only be used in accordance with professional practices or correctional work.

Pursuant to Ohio Revised Code Section 2951.03(D)(1), the contents of a presentence investigation report are confidential information and are not a public record.

The victim or victim's representative may make a written or oral statement regarding the impact of the offense to the probation department, which the probation department shall use in the preparation of the presentence investigation report. Upon request by the victim or victim's representative, the presentence investigation report shall include the written statement submitted by the victim.

The city solicitor/prosecuting attorney, defendant, and the defendant's counsel may be permitted to read a presentence investigation report prior to sentencing.

However, the following information shall be redacted and available only to the Court:

(a) Any recommendation as to sentence;
(b) Any diagnostic opinions that, if disclosed, the Court believes might seriously disrupt a program of rehabilitation for the defendant;
(c) Any sources of information obtained on a promise of confidentiality;
(d) Any other information that, if disclosed, the Court believes might result in physical harm or some other type of harm to any person.

Immediately following the imposition of sentence upon a defendant, all copies of a presentence investigation report and any written summary of a presentence investigation report that the parties were permitted to read shall be returned to the Court.

The Court shall retain all presentence investigation reports under seal.

Reporting to law enforcement and compliance plan. The Court recognizes a duty to ensure complete, accurate, and timely submission of information to the state's computerized criminal history repository at the Bureau of Criminal Identification and Investigation, to the Ohio Bureau of Motor Vehicles, and to other law enforcement databases. Pursuant to Superintendence Rule 5(F), the Court has adopted by journal a reporting to law enforcement and compliance plan, which shall remain on file in the office of the Clerk of the Court. The Court will review the plan every three years from its adoption date.

RULE 3. CASE MANAGEMENT IN CIVIL CASES

Purpose. The purpose of this rule is to establish 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 Rules 38 and 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 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 precipe 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) or (D). 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 notification from the clerk that service has been perfected and that each defendant is in default of appearance, prevailing counsel shall submit an application for default judgment within fourteen (14) days or the case may be dismissed for want of prosecution.

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.

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

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.

Initial pretrial conferences. All attorneys of record and all unrepresented parties may attend the initial pretrial by telephone conference. The purpose of the initial pre-trial conference is to establish discovery, motion, and mediation deadlines; a final pretrial date; and a trial date. The parties shall comply with Civil Rule 26(F) in connection with the conference.

Final pretrial conferences. All attorneys of record and all unrepresented parties must attend the final pretrial. The Court may require the attorneys and parties to attend in person or may permit the attorneys and parties to attend by telephone or video conference. The purpose of the final pretrial is to narrow legal issues; to reach stipulations as to facts in controversy; and to hear any pending motions not argued at a separately scheduled motion hearing.

At the time of the final pretrial conference, the parties shall each file a trial brief, which should, at a minimum, contain the following:

- Those facts established by admissions and stipulations;
- 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, including the curriculum vitae of any expert witnesses expected to testify at trial;
- A list of exhibits the party intends to offer into evidence; and
- Identification of all special damages being requested.

Each party requesting to appear by telephone or video conference for the final pretrial shall submit the trial brief simultaneously with the request to appear remotely.

All parties 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. The Court may, at any time, order the parties to participate in mediation.

Continuances. Continuances shall be governed by the provisions of Superintendence Rule 41.

Judgment Entries. Judgment entries shall be filed and journalized in accordance with Superintendence Rule 7. The judgment entry shall allocate the court costs between or among the parties. Each judgment entry shall be submitted in sufficient number for the clerk to serve a copy on all parties or counsel of record.

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.