IN THE ELYRIA MUNICIPAL COURT
LORAIN COUNTY, OHIO

STATE OF OHIO :
:ss
LORAIN COUNTY :

ORDER

IT IS HEREBY DETERMINED that, for the efficient operation of the Court, Local Court Rule 10, is modified effective November 17, 2017. The new Rule 10 attached hereto is adopted by the Court. The new Rule shall replace the existing Rule 10.

IT IS THEREFORE ORDERED that this Rule is effective November 17, 2017.

IT IS FURTHER ORDERED that the Court shall notify the Clerk of the Ohio Supreme Court, the Clerk of the Elyria Municipal Court, and the Executive Secretary of the Lorain County Bar Association of the new Rule.

Date: November 17, 2017

JUDGE GARY C. BENNETT
Administrative and Presiding Judge

FILED
2017 NOV 20 AM 11:35
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

THE ELYRIA MUNICIPAL COURT
601 BROAD STREET
ELYRIA, OHIO 44035

FILED

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CLERK OF
ELYRIA MUNICIPAL COURT
BY: _____

The Elyria Municipal Court hereby adopts the attached amended Local Rules effective August 1, 2011. All previous rules adopted by any judge or judges of the Elyria Municipal Court prior to the effective date are hereby repealed.

Judge Gary C. Bennett
Administrative and Presiding Judge

Judge Lisa A. Locke Graves

ELYRIA MUNICIPAL COURT

Local Rules

PREAMBLE

RULE 1 - HOURS

RULE 2 - RECORDS RETENTION AND DESTRUCTION

RULE 3 - SCHEDULE OF FEES AND COSTS
See Appendix A for Criminal Division Fee Schedule
See Appendix B for Civil Division Fee Schedule

RULE 4 - VIOLATIONS BUREAU

RULE 5 - DECORUM AND CONDUCT

RULE 6 - PERMISSION TO BROADCAST OR RECORD PROCEEDINGS
See Form at Appendix C

RULE 7 - RECORD OF PROCEEDINGS

RULE 8 - ELECTRONIC FILING

RULE 9 - ASSIGNMENT OF CASES

RULE 10 - COURT-APPOINTED COUNSEL

RULE 11 - CASE MANAGEMENT PLAN

RULE 12 - ARBITRATION

RULE 13 - JURY MANAGEMENT PLAN

RULE 14 - Court Records - Management and Retention (Eff 10-26-2007)

RULE 15 - Court Records - Electronic Imaging (Eff 10-26-2007)

APPENDIX A– Civil Division Fee Schedule (Eff 3-1-2017)
APPENDIX B– Criminal/Traffic Fee Schedule (Eff 3-1-2017)
APPENDIX C– Request for Permission to Broadcast
APPENDIX D– Application for Trusteeship
APPENDIX E – Service of Process Order 9-8-2008
APPENDIX F – Video/Tape Retention Order 6-30-2011

The Mission of the Elyria Municipal Court is:

To provide opportunities for people and organizations to obtain the peaceful resolution of public and private disputes in a fair, efficient, and timely manner.

In furtherance of this mission, the Court hereby adopts the following rules of the Court regulating the practice and procedures of this Court.

Rule 1: Hours

The offices of the Clerk shall be open between the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. The offices of the Judges shall be open to the public between the hours of 8:30 a.m. to Noon and 1:30 p.m. to 4:00 p.m. Monday through Friday. The offices of the Clerk and the offices of the Judges shall be closed on holidays.

The Court shall be in session at such other times as the Judges shall prescribe to meet special situations.

Rule 2: Records Retention and Destruction

A. COURT PROCEEDINGS - VIDEO/AUDIO RECORDINGS Effective 06/30/2011
See Appendix F

B. COURT RECORDS MANAGEMENT AND RETENTION
– See Rules 14 and 15 effective 10-26-2007

Rule 3: Schedule of Fees and Costs

Court fees and costs in both civil and criminal cases shall be established by the Judges of Elyria Municipal Court in conformance with the provisions of the Ohio Revised Code. Those costs shall be published by the Clerk of Elyria Municipal Court as a Criminal Division Fee Schedule

and Civil Division Fee Schedule and made available to the general public upon request.

No pleading, motion, demand, or other document related to an action or proceeding shall be accepted for filing by the Clerk of this Court unless there first shall be deposited the filing fee required by this Court or, if indigent, an affidavit of indigence.

See Appendix A for Criminal Division Fee Schedule
See Appendix B for Civil Division Fee Schedule

Rule 4: <u>Violations Bureau</u>

A Traffic Violations Bureau is hereby established pursuant to Ohio Traffic Rule 13. The Clerk of Court is appointed to be its Violations Clerk.

Rule 5: <u>Decorum and Conduct</u>

(A) On opening of any Court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with decorum and in such manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall, as far as practicable, appear in appropriate attire.

(B) Litigants and/or spectators are not permitted to smoke, eat, chew gum or drink in the courtroom, nor shall they bring food or drink into the courtroom.

(C) Litigants and/or spectators shall not read newspapers in the courtroom. All cell phones and pagers must be turned off.

(D) No person shall behave in an unseemly or disorderly manner, in the courtroom or in any halls, entryway, or stairways leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

(E) The Court expects that counsel shall call this rule to the attention of clients and witnesses.

Rule 6: Permission to Broadcast or Record Proceedings

Requests for permission to broadcast, record, photograph or televise in the courtroom shall be in writing on a form prescribed by this Court to the Judge to whom the case is assigned as far in advance as reasonably practical, but in no event later than one-half (1/2) hour prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the Judge. Permission shall be granted in accordance with Rule 12 of Ohio Rules of Superintendence and upon such terms as the Court may dictate.
See Form at Appendix C

Rule 7: Record of Proceedings

All proceedings, trials and hearings in the Elyria Municipal Court shall be preserved on video tape or other similar medium, and remain in the exclusive care and control of the Court. A transcript or video copy may be obtained by a certified court reporter obtaining permission of the Court to transcribe or copy the recorded proceedings.

Rule 8: Electronic Filing

The Clerk of Elyria Municipal Court shall accept for filing, electronic transmissions, including, but not limited to, e-mail and facsimile transfers, as an alternative method for filing of pleadings, motions and

other papers allowed by law to be filed with the Clerk of Elyria Municipal Court, subject to the conditions contained herein.

(A) Each electronic transmission shall include all of the following information in the transmission, except that in the event of a facsimile transfer all such information shall be included on a separate cover page:

(1) The date of transmission;
(2) The name, telephone number, facsimile number and/or e-mail address of the originator of the document;
(3) The caption of the case;
(4) The case number, if assigned;
(5) The title of the document to be filed;
(6) The number of pages being transmitted (exclusive of the cover page).

Papers transmitted without this information shall not be accepted for filing.

(B) Electronic transmissions shall also be subject to the following conditions:

(1) Every pleading and motion filed electronically shall be legibly signed by the originator of the document and otherwise comply with Civil Rule 11. An "electronic signature" as defined by ORC § 1306.01(H) shall be sufficient as a "signature." Any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. See subsection (B)(6) below.

(2) Every electronic transmission shall be legible and complete when received.

(3) Every document to be filed shall be transmitted in a format and manner that can be read or downloaded by the electronic equipment then in use by the Court.

(4) No electronic filing shall be made of a document which exceeds 8 ½" X 11" in size.

(5) Every electronic filing shall contain a proof of service when applicable.

(6) One person signing a document to be electronically transmitted on behalf of another without clear disclosure of the agency status on the face of the document or one person causing another's signature to appear on an electronically transmitted document without the person that is identified as signing taking the principal step to effect the entry of a signature on the document shall be regarded as contempt of court.

Papers transmitted in violation of this provision shall not be accepted for filing.

(C) The transmitted document shall be deemed and accepted as though it were the original. Neither the original nor duplicates shall be sent thereafter unless ordered. The person filing a document by electronic transmission shall retain the original document and make it available upon request to the Court.

(D) All transmissions shall be directed to the Clerk of Elyria Municipal Court and no other notice to the Clerk or approval by the Judge or Magistrate shall be required of the transmitter prior to transmission, provided that the transmission complies with this Local Rule and would be appropriately filed in the Elyria Municipal Court if personally delivered or mailed through the United States Postal Service.

(E) Transmissions intended for review, consideration, or signature by a Judge or Magistrate before filing may be sent to the facsimile or e-mail of the appropriate Judge or Magistrate, but only after telephone authorization has been given. Electronic transmissions misdirected to the Clerk of Courts may be returned or disposed of.

(F) Electronic transmissions received by the office of the Clerk of Elyria Municipal Court on a Saturday, Sunday, legal holiday, or after 4:30 p.m. on a business day shall be considered filed on the next business day. The Clerk of Elyria Municipal Court shall also time-stamp the facsimile copy received or the hard copy of the e-mail, which shall constitute "acceptance" by the Clerk, that is, that the electronic transmission appears to comply with this Local Rule and should be entered accordingly onto the docket.

(G) If possible, service of copies of the document to be filed by electronic transmission shall also be accomplished by electronic transmission and notices from the court may also be sent by electronic transmission.

(1) Service of a document by electronic transmission may be made only if the person to be served has consented to receive service of the document by electronic transmission. Consent is automatically indicated when the recipient has previously filed or otherwise transmitted a document electronically in the same action. Electronic transmission service made after 4:30 p.m. shall be considered complete on the next business day.

(2) The proof of service for a document served by electronic transmission shall state the facsimile number and/or e-mail address of the person to whom the document was transmitted and both the date and time of transmission.

(3) If a person has consented to service by electronic transmission and the transmitter receives notice in any manner that the

transmission was incomplete for any reason, the transmitter shall promptly notify the person by telephone of the problem and service shall be accomplished as otherwise authorized by law. If necessary, the transmitter shall file an amended proof of service and its grounds.

(4) A party who has consented to service by electronic transmission but who can no longer receive service by electronic transmission shall promptly notify the Court and all other parties to the action in writing, setting forth the grounds.

(H) If the Clerk of Courts finds that a document received by electronic transmission should not be filed for any reason, *e.g.* illegible, incomplete, or otherwise in violation of this Local Rule, the Clerk shall not time-stamp the document, unless directed by the Judge or Magistrate. The Clerk shall make reasonable efforts to contact the originator or the facsimile or computer operator at the telephone number in the transmission to advise that it has been rejected for filing. The Clerk of Courts shall not be required to return the documents transmitted, but may dispose of them after telephone, facsimile or e-mail notice of rejection is attempted on the party. If a document presented for filing is rejected, the attorney or party who transmitted the document for filing shall promptly notify all parties served with a copy of the document that the document was not filed in the case.

(I) If the Judge or Magistrate finds that a electronic transmission that has been accepted by the Clerk for filing violates this Local Rule, the Court may strike the filing or may disregard the transmitted document in rendering a determination, decision, or order with respect to which the transmitted document would otherwise be relevant.

(J) The transmitting party shall be solely responsible for ensuring that the document transmitted complies with these Local Rules in every respect and for monitoring the progress of transmission, receipt, filing and consideration. An omission or deviation from this Local rule that

results in the transmission not being considered by the Court shall not be a basis for reconsideration unless the transmitting party demonstrates the exercise of reasonable diligence in compliance with this Local rule.

(K) The person transmitting the document may request a hearing as to compliance with this Local Rule if the transmitting document has been rejected by the Clerk or stricken by court order and, if compliance has been shown, an appropriate order may be issued to deem the document timely filed.

(L) Any document electronically filed that requires a filing fee may be rejected unless the filer has paid the fee prior to transmission by advance deposit, credit card, or other mechanism approved by the Clerk of Elyria Municipal Court or has previously or concurrently filed a motion to waive the prepayment of costs based upon indigency.

(M) These requirements may be waived or modified within the discretion conferred by law upon the Clerk of Elyria Municipal Court.

Rule 9: <u>Assignment of Cases</u>

(A) Civil Cases

(1) Civil cases shall be assigned by the Clerk to a Judge by computerized lottery upon the filing of an answer, motion, or a jury demand in a special proceeding where permitted. For purposes of this rule, a motion is a written application for an order or judgment, other than one for default judgment, that may directly result in dismissal or judgment as to any party or claim, other than a consent judgment or Civil Rule 41(A) voluntary dismissal.

(2) A civil case shall be assigned by the Clerk to a Judge by computerized lottery upon an appeal of a Magistrate's pretrial order or order regulating proceedings pursuant to Civil Rule 53(C)(3)(a).

(3) Questions by the Clerk of Elyria Municipal Court as to assignment of a civil case to a particular session of the Court or to the individual assignment system shall be resolved by the Magistrate.

(B) Criminal/Traffic cases--Unless otherwise provided herein, all cases will be assigned to a Judge by computerized lottery upon a plea of "not guilty" in misdemeanor cases or initial appearance in felony cases. Cases involving the same defendant, parties or subject matter may be directly assigned in the interests of judicial economy.

RULE 10: COURT-APPOINTED COUNSEL

It is the responsibility of the Court to ensure indigent defendants are assigned competent, reliable counsel for criminal or traffic offenses which carry possible jail time. The Court's primarily responsibility is to protect the rights of the accused, indigent individual. Court-appointed counsel shall be selected and compensated as follows:

(A) Definitions

(1) Appointment" means the selection by a Court or judicial officer of a person designated pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the Court to represent, act on behalf or in the interests of another, or perform any services in a court proceeding for a person deemed to be indigent or who, in the opinion of the judicial officer, is incapable of understanding the charge or the nature of the proceeding.

(2) "Appointee" means any person, other than a Court employee, receiving an appointment by a Court or judicial officer. "Appointee" does not include a person or entity who is selected by someone other than the Court.

(3) "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all persons from the list maintained by the Court or division of persons pre-qualified for appointment.

(4) "Judicial officer" means a Judge or Magistrate.

(5) "Court-appointed Attorney List" means a list of attorneys qualified and approved by the Court to accept appointments to represent indigent persons in a criminal/traffic matter pending in the Elyria Municipal Court.

(B) Appointments:

(1) The Judge shall use the Ohio Public Defender's Indigent Client Eligibility Guidelines when assessing whether the person satisfies the economic requirements for Court-appointed counsel.

(2) The Court shall maintain a list of attorneys qualified and approved to take appointments. The primary responsibility of a Judge in appointing counsel for an indigent person is to provide competent counsel whose experience and expertise will provide the indigent client with reliable, competent representation.

(3) The Court, in making appointments, shall take into account all of the following:

(a) The anticipated complexity of the case in which appointment will be made;

(b) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;

(c) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;

(d) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;

(e) Intangible factors, including the Court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

(f) Whether the defendant has pending cases in this Court or Common Pleas Court or any other Court in which an attorney from the Court-appointed attorney list has been appointed.

(4) The Court shall use a rotary system when appointing counsel and will, whenever possible, attempt to equitably distribute Court-appointments among the attorneys on the Court-appointed Attorney List.

(5) The Court shall review the distribution of assignments at a minimum every forty-five (45) days and shall, whenever possible, make or adjust assignments to cause equitable distribution of assignments.

(6) Attorneys on a list maintained by the Court pre-qualified to serve are not assured a substantially equal number of appointments. No person is granted a legal right or claim by virtue of this rule.

(7) At times, there will be an immediate need for appointment of counsel for an indigent person. In the interest of justice and to facilitate expediency, the Court may appoint an attorney from the list who happens to be in the Courthouse at the time the need arises.

(8) In making appointments, the Court shall conform to all applicable ethical and campaign finance restrictions and requirements of the Ohio Revised Code.

(C) Appointment List, Application

(1) The Court shall maintain felony and misdemeanor lists of attorneys who are willing to accept appointments for the various classifications of offenses. The appointed attorney list shall be updated as needed based on current need, counsel's credentials and current standing with the Supreme Court.

(2) In order to be appointed to serve as a Court-appointed attorney in Elyria Municipal Court, the attorney must:

(a) Be a licensed Ohio attorney in good standing.

(b) Maintain professional liability (malpractice) insurance in an amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct and supply written verification of his/her coverage. Attorneys on the list shall supply proof of insurance by January 31st of each calendar year.

(c) File a written application on a form supplied by the Court with a resume' attached.

(d) Interview with the Judge.

(e) The attorney shall have a working phone with an assistant/or voicemail to be able to respond to calls from the Court or the client. The attorney shall keep the Court informed of his/her address and phone number at all times.

(f) Many of the people who qualify for Court-appointed attorneys have no means of transportation. Attorneys on the list must, therefore, have a local location to arrange to meet with the client.

(3) Any attorney may be removed from the Appointment List at the discretion of the Court. Cause for removal would include, but not be limited to:

(a) Habitual tardiness or failure to show for scheduled hearings.

(b) Failure to speak to the client when the client is in the holding cell in the Courthouse and the attorney is in the building.

(c) Failure to maintain malpractice insurance.

(d) Failure to maintain minimum Continuing Legal Education requirements.

(D) Compensation

(1) Appointed counsel are compensated upon approval of an application for fees by the Judge. In fixing the amount of compensation, the Court shall be guided by the resolution of the Lorain County Commissioners in state statute cases and local enactments in ordinances cases.

(2) Applications will be processed approximately one time per week. To ensure payment without reduction, the attorney must submit his/her bill at least ten days before the cutoff date.

(3) The Judge in his/her discretion may order an amount less than the attorney has requested if the Judge deems the original request excessive in terms of time spent by the attorney and the complexity of the case.

(4) Attorneys with fee requests in excess of the standard maximum fee (currently $250.00) shall file a Motion in which the attorney briefly states the reason/rationale for a fee in excess of the maximum amount of $250.00.

(5) If the attorney fee bill exceeds the maximum amount of $250.00 and no motion is filed, the Judge will award the attorney the sum of $250.00.

Rule 11: Case Management Plan

The purpose of this rule is to establish, pursuant to Rule 5 of the Rules of Superintendence, a system to eliminate unnecessary delay and expense for all parties involved.

(A) Civil Cases

(1) Pleadings: Pleadings shall be prepared, served and filed in accordance with the Ohio Rules of Civil Procedure. In addition, the following rules apply:

(a) Where service is requested or required by the Clerk, sufficient copies shall be delivered to the Clerk with the filing or the Clerk may either decline to process service or require payment of a reasonable copy fee.

(b) In the event of failure of service, the Clerk shall send notice to Plaintiff immediately. All cases in which service is incomplete within six months of filing shall be dismissed by the Court.

(c) Leave to Plead (other than special proceedings): When a party is not prepared to move or plead by the answer day, one extension of thirty (30) days will be granted upon application to the Court on or before the answer day. For good cause shown, one additional thirty (30) day leave may be had with the consent of the opposing party, which alone shall not be deemed good cause.

(2) Notice of Appearances and Changes in Status:

(a) Each party and each party's attorney is charged with the duty to notify the Court of any settlement, change of address or other change in the status of the parties or subject matter of the

action which may affect the proceedings, such as deaths and transfers of interests in real or personal property.

(b) An attorney who appears at hearing on behalf of a party and who has not made an appearance by pleading or written motion on behalf of the represented party that contains the attorney's address, phone number, and registration number, shall promptly file a journal entry or "notice of appearance" with such information or shall not have cause to seek an extension of time or to vacate an order or judgment due to the failure by the Court or Clerk of Elyria Municipal Court to notify that counsel of hearings, orders or decisions.

(3) Motions:

(a) General Provisions: Except as provided herein, all motions shall be in conformance with applicable Rules of Civil Procedure, shall include a memorandum containing arguments or appropriate affidavits, and shall be accompanied by a proposed order.

(b) Reply Memoranda: Unless otherwise ordered, the schedule for filing memoranda in opposition to a motion shall be as follows:

i) seven (7) days for motions regarding parties, pleadings, discovery, scheduling or otherwise pertaining to the regulation of proceedings, except for motions that fully dispose of a claim or a party;

ii) thirty (30) days for motions that may fully dispose of a claim or a party, including, motions to dismiss or summary judgment, or for judgment on the pleadings;

iii) reply or additional memoranda may be filed only with leave and upon a showing of necessity; and

iv) if not set by the Court or required by law, oral arguments on motions and evidentiary hearings will be permitted only upon written request and upon a showing of necessity. Failure by a movant to appear at hearing on a motion may result in dismissal of the motion.

(c) Default Motions: Motions for default judgment will be set for hearing before the Magistrate. Movant is required to attend said hearing unless, as provided below, supporting documents and affidavits are submitted in lieu of appearance. Failure of movant to attend or provide necessary documents may result in dismissal of the claim for failure to prosecute or a finding of no damages.

When the amount claimed is liquidated, i.e. readily ascertainable by mathematical calculation, the movant need not appear at the hearing if the following documents supporting the amount claimed are submitted prior to the hearing:

i) proposed Journal Entry;
ii) any instrument(s) on which any part of the claim is based, evidence of written assent to interest other than at the statutory rate from the date of judgment;
iii) if the claim is based on an account, a statement of account starting with a zero balance or other provable sum that contains listed items and a summarization which permits the calculation of the amount claimed to be due;
iv) an affidavit with specific and nonconclusory averments by a person with knowledge supporting 1) the amount claimed, 2) submission of any accompanying documents, and 3) if written notice has not been given to the party against whom the application for default judgment is

sought, that the defaulting party has not communicated with the moving party or counsel since commencement of proceedings.

(4) Discovery: Discovery documents shall not be filed with the Court, except upon order of the Court or for use in conjunction with the consideration of a Motion or as evidence at trial. If filed in violation of this rule, discovery documents may be stricken from the record and discarded without further notice to the filing party.

(5) Bankruptcy: Upon written notification to the Court of any pending bankruptcy proceeding, including the case number, affecting any litigant in this Court, the Court shall file an appropriate Journal Entry staying all proceedings. Unless a motion to the contrary is filed, any pending actions will be dismissed without prejudice or any existing judgment shall be marked as discharged in bankruptcy after one hundred eighty (180) days.

(6) Satisfactions: Satisfactions in whole or part of a judgment may be entered on the docket by the Court after a party in whose favor a judgment has been rendered files a journal entry or other form of written communication with the Court indicating satisfaction and after said entry has been approved by the Judge or Magistrate. Filing a satisfaction before judgment has been rendered shall be treated as a dismissal.

(7) Voluntary Dismissal: The Clerk shall enter a voluntary dismissal when a party has timely filed a request pursuant to Civil Rule 41(A) and such request has been marked as reviewed by a Judge or Magistrate. Filing of a notice of dismissal after final judgment on the merits shall be entered by the Clerk as a satisfaction, unless a motion to vacate the judgment has also been filed.

As required by Civil Rule 5(A), counsel or the pro se plaintiff shall serve upon opposing counsel or pro se opposing party who has made an appearance in the action any written notice of voluntary dismissal

pursuant to Civil Rule 41(A). If an opposing party or counsel, due to lack of notice, incurs "needless cost", relief may be available under ORC § 2323.51 upon application.

(8) Pretrial Conference: Pretrial conferences shall be conducted in accordance with Rule 16 of the Ohio Rules of Civil Procedure. In addition the following rules apply:

(a) Attendance: Attendance shall be required as to the following persons, unless excused:

i) all parties in interest unless the claim for relief against the party is fully covered by insurance;

ii) an insurance company representative in all cases in which the claim for relief is covered in whole or in part by insurance;

iii) counsel who shall have full authority to present and conclude all matters concerned; except that

iv) represented parties may be excused from the initial pretrial if at least one additional pretrial is anticipated by counsel, counsel appears, and the parties are available by phone, and trial counsel shall, without exception, be required to appear at final pretrial; and

v) one continuance may be had by agreement of the parties on grounds that further discovery or negotiations prior to pretrial may result in settlement or render the pretrial conference more productive.

(b) Sanctions for failure to appear: Provided that notice has been given, either by reference to this rule in the notice of pretrial conference or otherwise, the Judge or Magistrate may:

i) upon failure of plaintiff and counsel to appear in person at pretrial, dismiss the claim for want of prosecution;

ii) upon failure of defendant and counsel to appear in person, allow plaintiff to proceed with the case on the merits ex parte; and

iii) strike, as waived, a jury demand filed by a nonappearing party.

(c) Pretrial Discovery: The parties shall make reasonable efforts to complete documentary discovery by the time of the first pretrial conference. The court may disallow further discovery at the pretrial conference or set the case for trial without additional pretrial conference although further discovery may be permitted.

(9) Case Management in Forcible Entry & Detainer Hearings:

(a) Summons in a forcible entry and detainer action will be served by concurrent certified and ordinary mail service in accordance with ORC § 1923.06, unless some other method of service is requested. The Ohio Rules of Evidence and applicable Rules of Civil Procedure shall apply at that hearing. Should the plaintiff fail to appear, the case will be dismissed. Should the defendant fail to appear, after being duly served, the hearing will proceed.

(b) If a jury demand is filed, the case shall be assigned to a Judge pursuant to Local Rule 9. The hearing on the merits shall be converted to a pretrial conference and hearing before the Magistrate on issue of bond/deposit of rent and determination of any pending motions. Should the plaintiff and counsel fail to appear, the case may be dismissed. Should the defendant and counsel fail to appear, the jury demand shall be waived and the hearing on the merits may proceed.

(c) Failure to pay bond/rent deposit as ordered pursuant to ORC § 1923.08 constitutes a waiver of the jury demand by that

party and the case will be set for immediate hearing before the Magistrate on the eviction.

(d) A tenant that abandons or surrenders possession of premises to the landlord prior to trial, rendering the claim for restitution moot, will be deemed to have consented to release of the bond posted to the landlord, except as otherwise ordered by the Court. Failure by a landlord or tenant to appear at any hearing set on release of bond may be deemed a waiver of any claim to the bond by that party.

(e) An action on the second cause shall be set for hearing only upon the request of the plaintiff.

(10) Case Management in Proceedings in Aid:

(a) When utilizing foreign forms, unless the forms are neatly and appropriately altered to indicate to the Garnishee the required mandate and order, they will be returned by the Clerk.

(b) After notice of a garnishment has been given, if a judgment debtor fails to request a hearing, the Clerk shall pay to the judgment creditor, without further Order, all funds deposited by the garnishee, after deduction for any poundage, no sooner than the eighth day from the date of service if service on the judgment debtor was obtained by personal, residence or certified mail; the fifteenth day from date of mailing if service was completed by regular mail with certificate of mailing; or the thirty-first day from date of service if given by a third party, such as an employer.

(c) If a garnishee reports no funds are due, that particular special proceeding shall be deemed concluded, without further order of the Court. Any hearing requested shall be deemed canceled as moot.

(11) Case Management in Trusteeships:

(a) A debtor making application for a trusteeship under ORC § 2329.70 must complete the Application for Appointment of Trustee in its entirety, under oath. See form at Appendix D. Upon the filing of the Application, the Judge shall designate the Clerk of Court to act as Trustee.

(b) The applicant shall furnish a Notice for service upon each creditor which notice shall show the amount owed said creditor, the account number and the amount of total indebtedness, together with addressed, stamped envelopes. The furnished Notices shall be mailed by the Trustee together with written notice to the creditor to answer in accordance with ORC § 2329.71.

(c) Any trusteeship that is in arrears for payment for sixty (60) days shall be dismissed, after notice and hearing.

(d) The attorney representing an applicant for trusteeship shall be permitted to include a claim for such service and said claim shall be given prior over all other creditors in an amount not exceeding two hundred dollars ($200).

(e) ORC §§ 2329.63 through 2329.71 provide for exemptions. The Trustee is hereby authorized to require proof of disposable earnings and eligibility for exemption of payment by affidavit or otherwise and at such times as deemed necessary.

(f) In all other regards, an applicant for a trusteeship must comply with the provisions of ORC § 2329.70.

(B) Criminal/Traffic Cases

(1) Arraignment and Pleas

(a) Minor Misdemeanor and Unclassified Cases: Upon entering of a "not guilty" plea on any minor misdemeanor or unclassified charge for which punishment does not include possible jail, the cases will be scheduled for trial before the Magistrate.

(b) All Other Misdemeanors: Persons cited, summoned or arrested and charged with a non-waiverable misdemeanor must appear in open court (except as otherwise provided herein), and after receiving an explanation of their rights, enter a plea of "guilty", "no contest", or "not guilty". If a "not guilty" plea is entered, the case shall be assigned to a Judge as provided in Local Rule 9(B), and shall be immediately scheduled for a pretrial conference.

Pursuant to Criminal Rule 10(B) or Traffic Rule 8(C), the Court may permit a written "not guilty" plea presented by the defendant's attorney to be received in the absence of the defendant. The case will thereafter be assigned to a Judge and set for pretrial as outlined above.

(2) Pretrial Conference

(a) The prosecuting attorney, the defendant and defendant's attorney, if any, are required to attend the pretrial conference wherein the issues will be discussed, the issues narrowed, discovery given, compromises made and the matter resolved, if possible.

(b) If the case is not resolved at the pretrial conference, the case shall be set for trial, except that the assigned Judge may, for good cause, continue the pretrial conference.

(3) Motions

(a) All requests for continuances shall be made prior to the scheduled hearing time with notice given to the opposing side. Unless a journal entry granting such request or a rescheduled date is received, all parties shall be present for the hearing.

(b) All other motions shall be in conformance with applicable Rules of Criminal Procedure. Motions shall be set for oral hearing, unless otherwise ordered by the Court.

Rule 12: <u>Arbitration</u>

In accordance with Rule 15 of the Rules of Superintendence for Municipal and County Courts, the Elyria Municipal Court hereby adopts the following procedures for compulsory arbitration:

(A) <u>Supervisory Power of Court:</u> The assigned Judge, or a Judge designated by the assigned Judge in the assigned Judge's absence, shall have full supervisory power with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

(B) <u>Cases for Submission to Arbitration:</u>

(1) Every civil case, except those involving title to real estate, equitable relief, or appeal, in which the amount actually in controversy (exclusive of attorney fees, interest and costs) has been determined at pretrial by the assigned Judge to be Fifteen Thousand Dollars ($15,000.00) or less may be submitted to compulsory arbitration pursuant to this rule. The Court shall

determine at pre-trial whether a case is to be manditorily arbitrated.

(2) Without limitation as to amount, counsel in any civil action which is at issue may stipulate in writing, before or after pretrial, that it may be submitted for compulsory arbitration in accordance with this rule. Upon the filing of such stipulation, together with the pre-trial statements of the parties, the action shall be submitted to arbitration.

(C) Arbitrators:

(1) Qualifications: In order to serve as an arbitrator, one must have been admitted to the practice of law for more than two (2) years and have consented to act as an arbitrator.

(2) List of Arbitrators: The list of those consenting to be arbitrators shall be kept on file by each Judge of Elyria Municipal Court. Each Judge shall maintain a record of all appointments. Attorneys subsequently desiring to be added to or eliminated from the list may so notify each municipal Judge by letter.

(3) Manner of Appointment of Arbitrators: The Judge assigned to a case subject to arbitration shall appoint three attorneys from the list to act as arbitration board. One of the attorneys so appointed shall be designated as chairman of the board by the assigned Judge. Prior to the appointment of the arbitration board, the parties may agree, in writing, to submit the case to a single arbitrator, rather than a board.

(4) Disqualification of Arbitrators:

(a) Not more than one member of a law partnership or association of attorneys shall be appointed to the same arbitration board, nor shall an attorney be appointed to a board who is related by blood or marriage to any party to the case or to any attorney of record in the case or who is a law partner or an associate of any attorney of record in the case.

(b) No disclosure shall be made to the arbitrators prior to the filing of the report and award, of any offers of settlement made by either party, except by written agreement of the parties. An arbitrator who has knowledge of settlement demands or offers shall be disqualified.

(5) Oaths of Arbitrators: Prior to the arbitration hearing, the arbitrators shall be assembled and shall be sworn or affirmed to justly and equitably try all issues properly submitted to them pursuant to this rule. The oath shall be administered by the Judge assigned to the case or an authorized representative of the assigned Judge who is a notary public.

(6) Compensation of Arbitrators:

(a) Each member of an arbitration board who has signed an award or has filed a minority report shall receive as compensation for his/her service a fee of Fifty Dollars ($50.00). When more than one case arising out of the same transaction is heard at the same hearing, it shall be considered as one case insofar as compensation of the arbitrators is concerned. In cases requiring a hearing of unusual duration or involving questions of unusual complexity, the Judge assigned to the case, on written application of the members of the arbitration board and

for good cause shown, may allow additional compensation. The members of an arbitration board shall not be entitled to receive their fees until after filing their report and award with the Clerk of Elyria Municipal Court. Fees paid to arbitrators shall be taxed as costs.

(b) In the event that a case shall be settled and dismissed or a request for continuance is granted sooner than two (2) days prior to the date scheduled for the hearing, the board members shall not be entitled to the aforesaid fee and any deposit made in accordance with section (J) shall be refunded to the party making said deposit. In the event that a case shall be settled and dismissed or a continuance is granted within the said two-day period, the board members shall be entitled to receive said fee.

(c) All compensation for arbitrators shall be paid, upon certification by the Judge assigned to the case, from funds deposited with the clerk of Court as provided in section (J) below. If no such funds are available, then the assigned Judge shall pay the arbitrator(s) from funds of the City of Elyria, Ohio, which have been allocated for the operation of the Elyria Municipal Court.

(D) Communication with Arbitrators: There shall be no unilateral communications by counsel or the parties with the arbitrators concerning the merits of the controversy at any time prior to the filing of the report and award of the arbitration board.

(E) Arbitration Hearings:

(1) Time and Place of Hearing; Notice: Hearings shall be held at a place designated by the Judge assigned to the case, preferably in the courthouse or other city building. The assigned Judge

shall fix a time and date for the hearing and shall send written notice of the time, date and place of the hearing to the members of the arbitration board and to the parties or their counsel in accordance with Civil Rule 5(B).

(2) Continuances: All requests for continuation of an arbitration hearing shall be addressed to the Judge assigned to the case and shall be by formal motion in compliance with Civil Rule 7(B). Only the assigned Judge may grant a continuance. Any request for a continuance which is granted within forty-eight (48) hours of the scheduled arbitration shall result in payment to the members of the arbitration panel in accordance with section (J). The assigned Judge shall order funds deposited with the clerk of Courts disbursed in accordance with section (J) and the parties shall re-deposit additional fees in accordance with this rule upon rescheduling of the arbitration date.

(3) Default in Appearance: The arbitration hearing may proceed in the absence of any party or his counsel, who, after due notice, fails to be present or fails to obtain a continuance. An award shall not be made solely on the default of a party or his counsel. The arbitration board shall require the other party to submit such evidence as they may require for the making of the award.

(4) Conduct of Arbitration Hearing: The three members of the board, unless the parties agree upon a lesser number, shall be the Judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and of all the parties, except where any one of the parties is absent, in default, or has waived his right to be present. The board may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they

deem it to be entitled to after consideration of any objections made to its admission.

(5) Powers of Arbitration Board: The arbitration board shall have the general powers of a Court including, but not limited to, the following:

(a) Subpoenas: To issue subpoenas for the attendance of witnesses at the hearing. Counsel shall, upon request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

(b) Production of Documents: To compel the production of all books, papers and documents which they shall deem material to the case.

(c) Administering Oaths; Admissibility of Evidence: To administer oaths or affirmations of witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and the facts of the case submitted to them.

(d) Medical Bills; Property Damage Bills or Estimates: In actions involving personal injury and/or damage to property, the following bills or estimates may be offered and received in evidence without further proof, for purposes of proving the value and reasonableness of the charges for services, labor and material, or items contained therein, and, where applicable, the necessity for furnishing the same, on condition that one week's written notice has been given to the adverse party, accompanied by a copy of the bills to be offered in evidence.

i) Hospital Bills: Hospital bills on the official letterhead or billhead of the hospital, when dated and itemized;

ii) Bills of Doctors and Dentists: Bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge thereof;

iii) Bills of Nurses, etc.: Bills of registered nurses, licensed practical nurses, or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges thereof;

iv) Bills for Medicines, etc.: Bills for medicines, eye glasses, prosthetic devices, appliances, or similar items;

v) Property Repair Bills or Estimates: Property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used in the repair of the property;

vi) Procedure in Case of Estimate: In the case of an estimate, the party intending to offer the estimate shall forward a copy of the estimate, a statement indicating whether or not the property was repaired, and, if it was, whether the estimated repairs were made in full or in part by attaching a copy of the receipted bill showing the items of repair made and the amount paid.

(6) Record of Testimony: The arbitrators shall not be required to make a transcript of the proceedings before them. If any party shall desire a transcript, that party shall provide a reporter and cause a record to be made. The party requesting the same shall pay the costs thereof, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the reporter upon payment thereof,

based upon the usual charges made for a copy of a deposition plus one-half of the costs of the reporter at the hearing.

(F) Report and Award:

(1) The report shall be a clear, concise statement of the board's findings of fact and conclusions of law on the issues presented to them.

(2) Within thirty (30) days after the hearing, the arbitration board shall file a report and award with the Clerk of Elyria Municipal Court and on the same day shall mail or otherwise forward copies thereof to the parties or their counsel in accordance with Civil Rule 5(B). An award may not exceed $15,000.00 exclusive of interest and costs. The report and award shall be signed by all of the members of the arbitration board. In the event that all three members do not agree on the findings and award, the dissenting member shall write the word "Dissents" before that member's signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances.

(3) The report and award, unless appealed from as hereinafter provided, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified thereof, the Judge assigned to the case shall enter judgment in accordance with the majority report. After entry of such judgment, execution process may be issued as in the case of other judgments.

(G) Witness Fees: Witness fees in any case referred to an arbitration board shall be in the same amount as now or hereafter provided for witnesses in trials in Elyria Municipal Court and may be ordered taxed as costs in the case, and the costs in any case shall be paid by the same

party or parties by whom they would have been paid had the case been tried in Elyria Municipal Court.

(H) Appeals:

(1) Right of Appeal: Any party may appeal from the action of the arbitration board to the Elyria Municipal Court unless the right of appeal is waived by all parties and all counsel to the proceedings in writing prior to the arbitration hearing; said waiver shall be filed as part of the arbitration record. The right of appeal shall be subject to the conditions set forth in this rule, all of which shall be completed within thirty (30) days after the filing of the report and award with the Clerk of Elyria Municipal Court.

(2) Notice of Appeal and Costs:

(a) The appellant shall pay an appeal fee of Fifty Dollars ($50.00) to the Clerk of Elyria Municipal Court and shall file with the Clerk a notice of appeal, together with an affidavit that the appeal is not taken for delay but because the appellant or affiant believes that an injustice has been done. Copies of such documents shall be served upon opposing parties or their counsel in accordance with Civil Rule 5(B).

(b) The appellant shall, at the time of the filing his appeal, repay to the City of Elyria by deposit with the Clerk of Elyria Municipal Court, all ordinary and extraordinary fees received by the members of the arbitration board in the case in which the appeal is taken.

(c) A party without funds desiring to appeal an award may apply, by written motion and affidavit, to the Judge assigned to the case, averring that by reason of poverty,

the party is unable to make the payments required for an appeal. Said motion shall be governed by the Civil Rules of Procedure and the Rules of this Court.

(3) Trial De Novo: All cases which have been appealed shall be tried *de novo* by the Judge assigned to the case.

(4) Testimony of Arbitrators: In the event of an appeal from the award of the arbitration board, the arbitrators shall not be called as witnesses as to what took place before them in their official capacity as arbitrators upon any hearing *de novo*.

(I) Exceptions and Reasons Therefore:

(1) Any party may file exceptions to the decision of the arbitration board within thirty (30) days after the filing of the report and award with the Clerk of Elyria Municipal Court for either misconduct or corruption of the arbitration board or of a single arbitrator. Proof of service shall be endorsed thereon.

(2) Copies of said exceptions shall be mailed to each arbitrator on the board and to the opposing parties or their counsel within 48 hours after filing of the exceptions.

(3) The exceptions shall be forthwith assigned for oral hearing before the Judge assigned to the case.

(4) If such exceptions are sustained, the report and award of the arbitration board shall be vacated and the case either assigned to a new arbitration board or returned to the active civil docket.

(J) Deposit of Fees Prior to Arbitration: Each party shall deposit $75.00, unless there are more than two parties involved in the arbitration in which case each party shall deposit an equal amount which totals

$150.00 (if indigent, an affidavit), with the office of the Clerk of Elyria Municipal Court seven (7) days prior to the arbitration. This is a nonrefundable deposit for the payment of the fees of the arbitrators. In the case of an award of extraordinary fees to the arbitrators due to an arbitration of unusual duration or complexity as provided in section (C)(6)(a), above, the extraordinary fee allowed above the original $150.00 deposit shall be taxed as costs and the assigned Judge shall direct by journal entry how the extraordinary fee shall be assessed to the parties. Failure to make the deposit for the arbitration fee will result in waiver of jury trial.

Rule 13: Jury Management Plan

This Jury Management Plan is hereby adopted in compliance with Rule of Superintendence 18(C) to implement an efficient and effective system of jury use and management for Elyria Municipal Court.

Jury Eligibility

To ensure that the jury pool is representative of the adult population of the Court's jurisdiction, all persons are eligible to serve on a jury, except as follows:

(1) Persons less than 18 years of age;
(2) Persons who are not citizens or who are not residents of the Court's jurisdiction;
(3) Persons who are not able to communicate in the English language; and
(4) Persons who have been convicted of a felony and have not had their civil rights restored.

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

Procedure for Jury Selection

Jurors in Elyria Municipal Court shall be chosen and summoned as follows:

Certified Poll List

On or before the 1st day of December and the 1st day of June of each year, unless otherwise ordered by the Court, a certified current poll list of 250 names of electors who reside within the jurisdiction of the Court shall be obtained from the Lorain County Board of Elections. This jury source list shall be compiled by the Board of Elections utilizing the Board's automation data processing system, randomly selecting such list by a key number to be fixed by order of this Court. Such list shall be accompanied by mailing labels and shall be certified to the jury commissioners of the Court.

Notification of Prospective Jurors

Upon receipt of the certified poll list and mailing labels from the Board of Elections, the Court shall cause to be mailed to each prospective juror a notification letter and pre-stamped postcard to be returned to the Court.

Jury Commissioners

Each judge shall designate a bailiff as a jury commissioner for the purpose of selecting jury panels. No later than the second Friday in January and the second Friday in July, the jury commissioners shall convene and alternatively draw juror names in the presence of the Clerk of Court, or a named designee, from the responses received of persons on the jury source list most recently certified by the Board of Elections.

The jury source list shall be reviewed for its representativeness and inclusiveness of the adult population of the jurisdiction. Should the

Court determine that improvement is needed, appropriate corrective action shall be taken.

In the event the jury panels drawn are insufficient to meet the needs for the Court, the jury commissioners shall reconvene as necessary to select additional jury panels.

If, in the opinion of the Court, the jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.

Further random selection processes shall be utilized to assign prospective jurors to specific panels and for assignment during voir dire.

Departures from random selection shall be permitted only as follows:

(1) To exclude persons ineligible for service.
(2) To excuse or defer prospective jurors.
(3) To remove prospective jurors for cause or if challenged peremptorily.
(4) To provide all prospective jurors with an opportunity to be called for jury services and to be assigned to a panel.
(5) If, by challenge or otherwise, there shall not be left upon said venire a sufficient number of persons to make up the panel, the Court may order the bailiff to fill the panel from bystanders on the street.

Summoning Jurors

Prospective jurors shall be summoned only upon the filing of a written jury demand, if required. A demand for a jury trial shall be accompanied by an initial filing fee and a minimum deposit as outlined in Appendix B, or if indigent an affidavit of indigence. Failure to make the deposit shall be deemed a waiver of the right to trial by jury.

In criminal cases, no deposit shall be required.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of thirty persons per trial shall be summoned for service unless otherwise ordered by the Court.

Persons summoned for jury service shall receive compensation in an amount established by the Court.

If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury.

Any juror wishing to waive his/her fee for service shall be permitted to do so in writing in the Office of the Clerk of Court. All waived fees shall be returned to the City or County Treasury, as appropriate.

The term of service for any prospective panel shall not be longer than two months.

Exemption, Excuse and Deferral

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excuse, exemption, or deferral must be made in writing. These writings shall be retained by the Court.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

(1) Any person who suffers from a substantial physiological or psychological impairment.
(2) Any person who has a scheduled vacation or business trip during potential jury service.
(3) Any person for whom jury service would constitute a substantial economic hardship.
(4) Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
(5) Any person who has served on a jury within the last year.
(6) Any person for whom it may be readily determined is unfit for jury service.
(7) Any person for whom it is readily apparent would be unable to perform their duty as a juror.
(8) Other valid excuse.

No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors. Once a prospective juror has submitted a request for excuse, the prospective juror must report for service, unless otherwise notified by the Court.

Jury Orientation

Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. Prospective jurors shall be provided with oral and video orientation upon their initial appearance to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principals.

After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of trial, except those which the Court must consider by law or by rule of procedure.

Voir Dire

Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

To reduce the time required for voir dire, juror questionnaires containing basic background information will be made available for use of counsel as soon as possible on the day of the trial. Under no circumstances may counsel or a party retain any juror questionnaire.

The trial judge will conduct a preliminary voir dire examination. Counsel will then be permitted to question panel members for a reasonable amount of time.

The judge will ensure that the privacy of prospective jurors is reasonably protected and that questioning is consistent with the purpose of the voir dire process.

In criminal cases, the voir dire process will be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties. Notwithstanding the foregoing, voir dire may be conducted outside the presence of other jurors to protect juror privacy, or to avoid juror embarrassment.

Removal From Jury Panel

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case fairly and impartially, that individual should be removed from the panel. Further, ORC 2313.42 and Ohio Criminal Rule of Procedure 24(B) set forth additional cause challenges. Motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court.

Peremptory Challenges

Peremptory challenges shall be exercised in accordance with ORC 2945.23, Criminal Rule 24 and Civil Rule 47 and all other applicable statutory authority.

Jury Facilities

The Court shall provide an adequate and suitable room for jurors to deliberate, minimizing contact between parties, counsel and the public to the extent feasible. The entrance shall be clearly marked and the safety and security of the room shall be ensured.

Deliberations

Prior to deliberation, the Court shall instruct the jury on the law and appropriate procedures to be followed during the course of deliberations. A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation. All jury deliberations shall be conducted in the jury room.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict(s) shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

Administration of the Jury System

The responsibility for administration of the jury system shall be vested in administrators acting under the supervision of the Judges of Elyria Municipal Court in accordance with the procedures concerning

jury selection and service in the Ohio Revised Code, Ohio Rules of Court and the local rules of this Court.

Conclusion

The Court shall collect and analyze information regarding the performance of this jury management plan to evaluate the representativeness of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall juror satisfaction.

Rule 14. Court Records – Management and Retention

COURT RECORDS MANAGEMENT AND RETENTION

All court records will be retained according to the record retention schedule set forth in Rule 26 of the Supreme Court Rules of Superintendence or ORC 1901.41 and may be disposed of thereafter without notice.

1. All case files may be disposed of immediately after the date of the final entry provided the file has been audited and electronically imaged as outlined by Local Rule (15).
2. All reports that must be retained by the Clerk of Court or the Court itself may be disposed of immediately after they been electronically imaged as outlined by Local Rule (15).
3. All minor misdemeanor traffic and criminal cases with a completion date greater than five (5) years may be shredded and disposed of without scanning.
4. All non-misdemeanor cases that must be retained for more than five (5) years per Sup R 26 may be scanned, then immediately shredded and disposed of.
5. All Civil cases that have been dismissed or satisfied for greater than 15 years can be shredded and disposed of without scanning.
6. Probation files will follow the same retention schedule as case files and may be disposed of in accordance with Sup. R. 26

2016-63

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

: ss

LORAIN COUNTY : **COURT ORDER**

December 1, 2016

In order to comply with Ohio Revised Code Section 1901.41 and the Rules of Superintendence for the Courts of Ohio Rule 26, the court hereby amends Local Rule 14, Section 5, for this court as follows:

> All Civil cases that have been dismissed or satisfied for greater than five years can be shredded and disposed of without scanning.

IT IS SO ORDERED.

FILED
2016 DEC -1 AM 10: 04
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

Judge Lisa A. Locke Graves
Administrative and Presiding Judge – 2016

Judge Gary C. Bennett

Rule 15. Court Records – Electronic Imaging

All Court Records may be maintained in an electronic format

All cases electronically scanned or imaged by the court will be either in a “Portable Document Format” (PDF), “Tagged Image File Format” (TIF) or in a format that meets the requirements set down in Sup. R. 26 and will be retained accordingly.

Elyria Municipal Court

Gary C. Bennett, Judge - Robert C. White, Judge

Eric J. Rothgery, J.D., Clerk

Civil Division Court Fees - Effective 2/1/2019

Basic Court Costs/Fees Charged on Civil Cases	$ 124.00
Basic Court Costs/Fees Charged on Small Claim C	$ 94.00

BASIC COURT COSTS BREAKDOWN	
Court Security Fund	$ 16.00
Special Facility Improvement Fund	$ 31.00
Legal Aid Fee (Civil)	$ 26.00
Legal Aid Fee (Small Claims)	$ 11.00
Computerization of Clerk's Office	$ 10.00
Legal Research & Court Computerization	$ 3.00
Special Court Maintenance Fund	$ 2.00
Clerk Fee (Civil)	$ 25.00
Special Magistrate Fund	$ 4.00
Software Improvement Fund	$ 7.00
Clerk Fee (Small Claims)	$ 10.00
Additional Defendant	$ 6.00

Basic Court Costs/Fees Charged on all Forcible Entry and Detainer Cases (Evictions)	$ 144.00

BASIC COURT COSTS BREAKDOWN	
Court Security Fund	$ 16.00
Special Facility Improvement Fund	$ 31.00
Legal Aid Fee (Civil)	$ 26.00
Computerization of Clerk's Office	$ 10.00
Legal Research & Court Computerization	$ 3.00
Clerk Fee (FED)	$ 45.00
Special Court Maintenance Fund	$ 2.00
Special Magistrate Fund	$ 4.00
Software Improvement Fund	$ 7.00
Additional Defendant	*$ 6.00*

Each Additional Defendant	$ 6.00
Additional Service Requested - Each Defendant	
Regular Mail	$ 6.00
Certified Mail	$ 15.00
Personal or Residence Service	$ 15.00
Alias Summons - Each Defendant	
Regular Mail	$ 6.00
Certified Mail	$ 15.00
Personal or Residence Service	$ 15.00
Amended Complaint	$ 30.00
Each Additional Defendant	$ 6.00
Appraiser Fee	$ 15.00
Arbitration Fee	$ 75.00
Attachment before Judgment	$ 10.00
Attachment of Money	$ 40.00
Attachment of Property	$ 200.00
Bank Aid	$ 25.00
Bench Warrant - Capias (plus mileage)	$ 20.00
Certificate of Judgment	$ 10.00
Certified Copy	$ 1.00
Certificate to Bureau of Motor Vehicles	$ 25.00
Certificate of Mailing	$ 6.00
Calling Jurors	$ 10.00
Cancel Jurors, each name	$ 2.00
Counter Claim	$ 30.00
-Each Additional Defendant	$ 6.00
Cross Claim	$ 30.00
- Each Additional Defendant	$ 6.00
Docket on Diskette or emailed, one month	$ 15.00
Data on Diskette 12 or more months	$ 210.00
Execution to Keep Judgment Alive	$ 5.00
Execution to Levy on Property	$ 65.00
Exemplified Copy	$ 5.00
Financial Disclosure	$ 15.00
Garnishment of Wages	$ 84.00 **

Jury Deposit	$ 350.00	***
Juror - Half Day	$ 10.00	
Juror - Full Day	$ 25.00	
All Motions except Default Judgment	$ 30.00	
Each Additional Defendant (if served by the court)	$ 6.00	
Motion to Continue	N/C	
Notice of Appeal	$ 50.00	
Out of Town Sheriff Service - *requires deposit*	$ 25.00	
Objection to Magistrate Decision - Small Claims and Eviction cas	$ 25.00	
Objection to Magistrate Decision - All other Civil Cases	$ 50.00	
Pretrial	$ 5.00	
Personal Examination + Mileage	$ 15.00	
Request for Jury Trial - Jury Demand	$ 10.00	
Subpoenas + Mileage	$ 5.00	
Transfer Small Claims to Civil Docket	$ 40.00	
Transfer of Judgment from another Court	$ 84.00	
Transcript	$ 20.00	
Third Party Complaint (same as Basic Civil fees)	$ 124.00	
Each Additional Defendant	$ 6.00	
Trial	$ 15.00	
Witness Fees - Half Day	$ 6.00	
Witness Fees - Full Day	$ 12.00	
Venire - Per Person	$ 2.00	
Video Tape Fee, Copy or Viewing	$ 25.00	
Electronic/Fax Filing - Copy Fee	$ 3.00	
Electronic/Fax Filing	$ 3.00	
Copies 1 - 20 pages (court records only)	n/c	
21-30 pages (court records only)	$ 1.00	
31-40 pages (court records only)	$ 2.00	
every 10 pages after 40 (court records only)	$ 1.00	

A fee of two percent (2%) shall be charged by the clerk upon monies received and disbursed toward the satisfaction of judgments including Trusteeship.

** Includes $11.00 Clerk Fee and all other Basic Court Costs except Legal Aid

*** Jury Deposit covers the cost for 12 jurors plus two alternates for one full day. Additional jurors or additional days will be assessed $25.00/juror for a full day and $10.00/juror for a half day.

Elyria Municipal Court

Gary C. Bennett, Judge - Robert C. White, Judge
Eric J. Rothgery, J.D., Clerk

Criminal/Traffic Division Court Fees – Effective 2/1/2019

		FELONY	MISDEMEANOR	TRAFFIC MOVING VIOLATIONS	NON - MOVING TRAFFIC	PARKING VIOLATIONS
	Basic Court Costs	**$ 87.00**	**$ 116.00**	**$ 126.00**	**$ 97.00**	**$ 87.00**
BASIC COURT COSTS BREAKDOWN	Indigent Defense Support Fund (ORC 2949.091)	$ -	$ 20.00	$ 20.00	$ 10.00	$ -
	State Reparation Fund (ORC 2743.70)	$ -	$ 9.00	$ 9.00	$ -	$ -
	Alcohol Treatment Drug Enforcement (ORC 2949.094)	$ -	$ -	$ 10.00	$ -	$ -
	Computerization of Clerk's Office	$ 10.00	$ 10.00	$ 10.00	$ 10.00	$ 10.00
	Legal Research & Court Computerization	$ 3.00	$ 3.00	$ 3.00	$ 3.00	$ 3.00
	Special Security Project Fund	$ 16.00	$ 16.00	$ 16.00	$ 16.00	$ 16.00
	Special Facility Improvement Project Fund	$ 31.00	$ 31.00	$ 31.00	$ 31.00	$ 31.00
	Clerk Fee	$ 14.00	$ 14.00	$ 14.00	$ 14.00	$ 14.00
	Special Court Maintenance Fund	$ 2.00	$ 2.00	$ 2.00	$ 2.00	$ 2.00
	Special Fund for Magistrate	$ 4.00	$ 4.00	$ 4.00	$ 4.00	$ 4.00
	Software Improvement Fund	$ 7.00	$ 7.00	$ 7.00	$ 7.00	$ 7.00

Application for Expungment	$ 127.00
Bond - Posting	$ 5.00
Bond Forfeiture	$ 5.00
Bond Reinstatement	$ 5.00
BOND SURCHARGE ORC 2937.22	$ 25.00
Calling Jury	$ 10.00
Calling Action	$ 0.50
Calling each Witness/Subpoena	$ 10.00
Certified Copies/Page	$ 1.00
Change of Plea	$ 15.00
Collections Dept - Installment Fee	$ 30.00
Commitment - Issue	$ 5.00
Continuance	$ 15.00
Defensive Driver Diversion/AOD Eye Opener	$ 125.00
Hearing on Contempt	$ 15.00
Hearing on Motion	$ 15.00
Motions, unless other wise listed	$ 15.00
All Post Conviction Motions	$ 50.00
PSR Pre-Sentence Report	$ 25.00
Pretrial	$ 5.00
Probation - Probation placement fee	
Release of Prisoner	$ 5.00
Summons - Ordinary Mail	$ 6.00
Summons - Certified Mail	$ 15.00
Warrant - *Includes processing Warrant Block if required*	$ 50.00
Copies 1 - 20 pages (court records only)	n/c
21-30 pages (court records only)	$ 1.00
31-40 pages (court records only)	$ 2.00
Every 10 pages after 40 (court records only)	$ 1.00

Venire - Per Person		$ 2.00
Trial		$ 15.00
Driving Privileges (Pre-conviction or Post-Conviction)		$ 25.00
Vehicle Immobilization Fee (Residence Service)		$ 100.00
Video Tape Fee, Copy or Viewing		$ 25.00
Bailiff Fee for Service - Per Name		$ 4.00
Bailiff Fee for Service - Per Mile		$ 0.40
Witness - Half Day		$ 6.00
Witness - Full Day		$ 12.00
Transcript		$ 5.00
Appeal		$ 125.00
Ohio Habitual OVI/OMVI Offenders	**4510.13 ORC**	$ 2.50
Habitual OVI/OMVI - Court Reporting	**4510.13 ORC**	$ 2.50
Immobilization Waiver Fee	**4503.235 ORC**	$ 50.00
Public Defender ORC 120.36 - Per Case		$ 25.00
Process License Forfeiture Order		$ 25.00
Process NRVC License Suspension Order		$ 25.00
Sheriff Fee - County Jail		$ 5.00
City Jail		$ 4.00
Juror - Half Day		$ 10.00
Juror - Full Day		$ 25.00
Objection to Magistrate Decision		$ 25.00
Data on Diskette/month		$ 15.00
Data Diskette 12 or more months		$ 210.00

Elyria Municipal Court

Gary C. Bennett, Judge - Robert C. White, Judge
Eric J. Rothgery, J.D., Clerk

WAIVER SCHEDULE - Effective 3/19/2020

	Fines	Costs	Total
HANDICAPPED PARKING			
Elyria Ordinance 351.04(e)	$ 250.00	$ 87.00	$ 337.00
SPEED			
0 - 10 mph Over the limit	$ 30.00	$ 126.00	$ 156.00
In construction zone	$ 60.00	$ 126.00	$ 186.00
11 - 20 mph Over the limit	$ 30.00	$ 126.00	$ 156.00
In construction zone	$ 60.00	$ 126.00	$ 186.00
21 - 30 mph Over the limit	$ 30.00	$ 126.00	$ 156.00
In construction zone	$ 60.00	$ 126.00	$ 186.00
over 30 mph Over the limit	$ 30.00	$ 126.00	$ 156.00
In construction zone	$ 60.00	$ 126.00	$ 186.00
License	$ 30.00	$ 126.00	$ 156.00
Expired or Display of License Plates	$ 30.00	$ 126.00	$ 156.00
Seatbelt - Driver	$ 30.00	$ 97.00	$ 127.00
Seatbelt - Passenger	$ 20.00	$ 97.00	$ 117.00
Child Restraint	$ 50.00	$ 97.00	$ 147.00
Approaching Safety Vehicle - ORC 4511.213	$ 240.00	$126.00	$ 366.00
All Other Minor Misdemeanors Traffic**	$ 30.00	$ 126.00	$ 156.00
All Other Minor Misdemeanors Criminal**	$ 30.00	$ 116.00	$ 146.00
All Other Non-Moving Traffic**	$ 30.00	$ 97.00	$ 127.00
Possession of Marijuana	**$30.00**	**$116.00**	**$146.00**

** Except for the following violation categories which will follow the individual waiver schedules for each: Gross Overload; PUCO; Parking; ODNR (Wildlife and Watercraft); Lorain County Metro Parks.

Elyria Municipal Court
601Broad Street
Elyria, OH 44035

Judge Gary C. Bennett Judge Robert C. White

Request for Permission to Broadcast, Record or Photograph Proceedings

The undersigned, _____, representing
(print your name)

_____, hereby requests permission to
(print name of media outlet or other agency)

broadcast/record/photograph proceedings before the Honorable _____
(circle one) (print Judge's name)

relating to case no. _____, _____
(print plaintiff's name)

v. _____on _____.
(print defendant's name) (date)

_____
(signature)

Permission granted, subject to compliance
with Rule 12 of Rules of Superintendence
for the Courts of Ohio

_____
(Judge's signature)

ALL REQUESTS FOR PERMISSION MUST BE GRANTED BY THE
JUDGE PRIOR TO SUBJECT PROCEEDINGS

APPENDIX C

IN THE ELYRIA MUNICIPAL COURT, ERIC J. ROTHGERY, CLERK

APPLICATION FOR APPOINTMENT OF TRUSTEE AND AFFIDAVIT UNDER SECTION 2329.70 O.R.C.

Debtor _

Address _

TRUSTEESHIP NO. _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Employer _

S. S. No. _

Address of Employer _

Phone No. _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Date of Birth _ _ _ _ _ _ _ _ _ _ _ _ _

State of Ohio

ss

County of Lorain

I, the undersigned, desiring to take advantage of the provisions of Section 2329.70 of the Ohio Revised Code, hereby respectfully apply to this Court for the appointment of a Trustee. Having first been duly sworn, I hereby aver, depose, and state:

(A) I am a resident of Ohio and reside in the jurisdiction of this Court (or am not a resident of Ohio but am employed in the jurisdiction of this Court);

(B) My personal earnings are now being garnished or I have received an R.C. §2716.02 demand that my personal earnings are about to be garnished and I have attached to this application proof of the existing garnishment or demand; that the total amount of my indebtedness is $ _ _ _ _ _ _ _ _ _ _ _ _ _ _.

(C) I will pay that portion of my personal earnings not exempt from execution, garnishment, attachment, or proceedings in aid of execution, and any additional sums as I may voluntarily pay or assign to the Trustee, in accordance with R.C. §2329.70.

(D) My average personal earnings, after deductions for taxes and social security **only**, for the past (specify number) _ _ _ _ of pay periods amounted to $ _ _ _ _ _ _ _ _ per _ _ _ _ _ _ _ _ _ _ (specify week, two weeks, half -month, month or other duration);

(E) I agree that payments of $_ _ _ _ _ _ _ _ _ _ _ _ _ are to be made each _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _, which amount shall be distributed by the trustee to my creditors, after 2% poundage is deducted for administration of the trusteeship, until all of my secured and unsecured creditors with liquidated claims have been fully paid and satisfied; and

(F) I have set forth below a full, accurate, and complete statement of the names, addresses, and account numbers of all of my secured and unsecured creditors with liquidated claims and the amounts due each;

1. _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

SUBTOTAL FROM PAGE ONE $ _ _ _ _ _ _ _ _ _ _ _

6. _ _ _ _ _ _ _ _ _ _

2016-2

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

: ss

LORAIN COUNTY : **COURT ORDER**

January 13, 2016

IT IS HEREBY DETERMINED that, for efficient operation of this court's Probation Department, there be a fee for the preparation of a Pre-Sentence Report.

FURTHER, IT IS DETERMINED that the fee shall be $25.00.

IT IS THEREFORE ORDERED that effective February 1, 2016, a fee of $25.00 shall be assessed on every case where a Pre-Sentence Report is prepared.

Judge Lisa A. Locke Graves
Administrative and Presiding Judge - 2016

Judge Gary C. Bennett

FILED
2016 JAN 19 PM 2:30
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

2016-4

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

: ss

LORAIN COUNTY : **COURT ORDER**

January 13, 2016

IT IS HEREBY DETERMINED that, for efficient operation of this court's Probation Department, there be a one time fee for placement on probation, as opposed to the monthly fee currently being assessed.

FURTHER, IT IS DETERMINED that the fee shall be $75.00.

IT IS THEREFORE ORDERED that effective February 1, 2016, a fee of $75.00 shall be assessed on every case where the defendant is placed on probation.

Judge Lisa A. Locke Graves
Administrative and Presiding Judge - 2016

Judge Gary C. Bennett

FILED
2016 JAN 19 PM 2:30
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

2016-1

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

: ss

LORAIN COUNTY : **COURT ORDER**

January 13, 2016

IT IS HEREBY DETERMINED that, for efficient operation of the court, additional funds are necessary to operate the Magistrate Division at the Elyria Municipal Court;

FURTHER, IT IS DETERMINED that current costs charged to each criminal and traffic case filed in the court for Special Traffic Magistrate Fund are $3.00, and that to cover the costs of operating the Magistrate Division of this court it is necessary that the court costs be charged on all cases filed in the court, including civil cases, and the amount charged on each case for the Special Traffic Magistrate Fund be amended to $4.00;

IT IS THEREFORE ORDERED that the court costs charged to every case filed in the court on and after February 1, 2016 shall be $4.00 per case for the Special Traffic Magistrate Fund.

FILED
2016 JAN 19 PM 2:29
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

Judge Lisa A. Locke Graves
Administrative and Presiding Judge - 2016

Judge Gary C. Bennett

2016-3

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

: ss

LORAIN COUNTY : **COURT ORDER**

January 13, 2016

IT IS HEREBY DETERMINED that, for efficient operation of the court, additional funds are necessary to operate the Security Division at the Elyria Municipal Court;

FURTHER, IT IS DETERMINED that current costs charged to each case filed in the court for Municipal Court Security Fund are $14.00 and that to cover the costs of operating the Security Division of this court it is necessary that the court costs charged on each case for the Municipal Court Security Fund be amended to $16.00;

IT IS THEREFORE ORDERED that the court costs charged to each case filed in the court on and after February 1, 2016 shall be $16.00 per case for the Municipal Court Security Fund.

Judge Lisa A. Locke Graves
Administrative and Presiding Judge - 2016

Judge Gary C. Bennett

FILED
2016 JAN 19 PM 2:30
CLERK OF
ELYRIA MUNICIPAL COURT
BY:

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

STATE OF OHIO :

:ss

LORAIN COUNTY :

FILED

ORDER

2008 SEP -8 P 1:56

CLERK OF
ELYRIA MUNICIPAL COURT

BY: _____

IN RE: Service of Process

The Judges of the Elyria Municipal Court adopt the attached local rule of practice for electronic service of process in accord with Civil Rule 4.1 of the Ohio Rule of Civil Procedure.

An immediate need exists for this rule.

In accordance with Rule 5 of the Rules of Superintendence for the Courts of Ohio, the Clerk of the Elyria Municipal Court shall implement this local rule immediately and serve a copy upon the Supreme Court of Ohio for filing.

Notice of the adoption of this rule and the opportunity to comment shall also be given to the Lorain County Bar Association.

IT IS SO ORDERED.

The Rule:

Rule 11(C) SERVICE OF PROCESS

The Clerk of the Elyria Municipal Court may use service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods may include "virtual" service of process utilizing advanced postal technology for service by certified mail. This advanced postal technology does not modify Civil Rule 4.1, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation electronically to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.

All service by virtual service of process is subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data available through this Clerks' office.

Judge John R. Musson, Presiding

Judge Lisa A. Locke Graves

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

FILED

2011 JUN 22 P 4: 17

CLERK OF
ELYRIA MUNICIPAL COURT
BY: _____

STATE OF OHIO :

: ss

LORAIN COUNTY :

COURT ORDER

IT IS HEREBY DETERMINED that, for the efficient operation of the court, the Local Rules of the Elyria Municipal Court be amended to include a subsection to Local Rule 2, which is entitled, "Records Retention and Destruction" in order to provide a schedule for the retention and destruction of recordings of court proceedings made on tape recordings, both reel-to-reel tapes and video tapes.

IT IS FURTHER DETERMINED that, for the efficient operation of the court, the tape recordings described above be retained for a period of five years after the date of the recording and after that time may be destroyed at the discretion of the court upon court order signed by every judge serving on the court.

IT IS FURTHER DETERMINED that the procedure described above complies with the Rules of Superintendence for the Courts of Ohio.

IT IS THEREFORE ORDERED that, effective June 30, 2011, Elyria Municipal Court Local Rule 2 is amended to include subsection (A) which shall state: "The court shall retain tape recordings of court proceedings which are recorded on reel-to-reel tape or video tape for a period of five years from the date of the recording. After five years from the date of any tape recording, the court may order the destruction of a tape recording. A court order, signed by every judge serving on the court, is required for destruction of any tape recording."

June 30, 2011

Judge Gary C. Bennett
Administrative and Presiding Judge

Judge Lisa A. Locke Graves

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

FILED

2012 MAR 22 P 2:34

CLERK OF
ELYRIA MUNICIPAL COURT

STATE OF OHIO :

: ss

LORAIN COUNTY :

COURT ORDER

IT IS HEREBY DETERMINED that, for the efficient operation of the court, it is necessary to provide adequate maintenance and cleaning of the Elyria Municipal Courthouse facility for the health and safety of court staff and the public which uses the facility. In order to provide adequate maintenance and cleaning, it is necessary to raise the fee for the Special Maintenance Fund $1.00.

THEREFORE, it is ordered that the fee for the Special Maintenance Fund be raised $1.00 effective April 1, 2012.

March 22, 2012

Judge Lisa A. Locke Graves

Judge Gary C. Bennett

FILED

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

2019 JAN 29 AM 10: 12

CLERK OF
ELYRIA MUNICIPAL COURT
BY:_____

STATE OF OHIO :

:§

LORAIN COUNTY :

COURT ORDER

January 28, 2019

IT IS HEREBY DETERMINED that, for efficient operation of this court's Computer Systems, there be an additional fee assessed for each case filed in the court.

FURTHER, IT IS DETERMINED that the fee shall be $7.00.

IT IS THEREFORE ORDERED that a fee of $7.00 be assessed on every case filed on or after February 1, 2019, and this money shall be deposited in the Software Improvement Fund.

Judge Gary C. Bennett
Administrative and Presiding Judge 2019

Judge Robert C. White