

- Erie County Municipal Court -
COURT ADMINISTRATION AND GENERAL RULES

Rule 1.00
COURT SESSIONS

The sessions of this Court shall be held from 8:00 a.m. until 4:00 p.m. Monday through Thursday, and Friday from 8:00 a.m. until 12:00 noon, except legal holidays and as otherwise ordered by the Court.

Holidays: The Court shall be closed on the following days and such other days as ordered by the Court:

- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day and day after
- Christmas Day
- New Year's Day

Rule 2.00
CLERK OF COURTS

The office of the Clerk of Courts shall be open for the transaction of business from 8:00 a.m. until 4:00 p.m., Monday through Thursday, and 8:00 a.m. until 12:00 noon on Friday, except all legal holidays and as otherwise ordered by the Court.

By direction of the Judge, the Clerk of Courts has the power to speak for the Court with relation to bond, continuances, and administrative acts of the Municipal Court.

Rule 2.01
RECORDS

The Clerk of Courts shall keep and maintain the following records which are the public records of the Municipal Court. Notwithstanding Sec. 149.39 O.R.C., the disposition of said records shall be pursuant to Sec. 1901.41 O.R.C. and the Court's Records Retention Schedule.

- A. CIVIL DOCKET AND JOURNAL - This docket and journal contain civil cases, together with all proceedings, properly dated and numbered and are the complete and final record of each case.
- B. CRIMINAL AND TRAFFIC DOCKET AND JOURNAL - This docket and journal contain criminal and traffic cases, together with all proceedings properly dated and numbered and are the complete and final record of each case. Orders and Entries shall be shown as entered on the Journals of the Court as of the date said Judgments, Orders or Entries were announced.
- C. ADMINISTRATIVE JOURNAL - The Administrative Journal contains orders made by the Municipal Court in all administrative matters. Rules and orders regulating the business of the Municipal Court shall be entered into the Administrative Journal, which shall be reserved for that purpose.
- D. GENERAL INDEX - The General Index is an alphabetical listing of the names of parties to any action or proceeding.
- E. TRUSTEESHIP DOCKET - This docket is a record of proceedings on behalf of debtors and accounts or creditors, administered by the Clerk of Courts as Trustee for such debtors.

Rule 2.02
COPIES

The Clerk, upon proper request, shall permit copying of cases, according to public record. The expense of extended records shall be paid by the party or person requesting same.

Rule 2.03
NUMBERING

All civil, criminal and traffic actions brought in the Municipal Court shall be numbered in accordance with the Ohio Rules of Superintendence.

Rule 2.04
PAPERS FILED WITH THE COURT

- A. PREPARATION - The officers or employees of this Court shall not prepare or help prepare any pleading, affidavit, entry or order in any Civil or Criminal matter, except as provided under 1925.13 O.R.C.
- B. COPIES - The Clerk shall permit any person to make a copy of any of the papers which are public record, but original papers filed in any case shall not be removed from the office without approval of the Judge or the Clerk of Courts. Reproduction of any material shall be at a rate established by the Clerk and paid for by the party or person requesting same. When papers are being filed, sufficient copies shall be furnished by the filing party to cover each party served, as well as an original and one copy for the Court.
- C. IDENTIFICATION - All papers offered for filing with the Court shall bear:
1. A case caption and case court number;
 2. A title identifying the name and party designation of the party filing the paper and the nature of the document (e.g. Answer of Defendant, John Doe) and;
 3. The typed name, office address, office telephone number, attorney registration number and signature of the designated trial attorney, if applicable. If a party is unrepresented, said party shall include their name, address, and telephone number. **ALL PARTIES ARE RESPONSIBLE FOR ADVISING THE COURT, IN WRITING, OF ANY CHANGE IN ADDRESS.**
- D. PROOF OF SERVICE - All documents (except the Complaint) offered for filing and required to be served on other parties shall contain proof of service in the form provided by Civil Rule 5(D).

Rule 2.05
ELECTRONIC FILING

Pursuant to Rule 5(E) of the Ohio Rules of Civil Procedure, this Court will allow the filing by electronic transmission, through the clerk's office, of requests for continuances, motions, and other pleadings, not in excess of seven (7) pages. **THIS COURT WILL NOT ACCEPT ELECTRONIC FILING OF ANY DOCUMENT THAT MUST BE ACCOMPANIED BY A FEE.**

The words "**Filed by Fax**" must appear on any electronically filed document. The facsimile will be accepted as the original to be filed with the Court. The sender's original and fax confirmation slip will serve as proof of filing. No filed stamped copy of an electronically transmitted document will be mailed to any party.

The Court FAX machine will be on line twenty-four (24) hours a day. A document will be considered received on the day transmitted if that transmission takes place Monday through Friday (except holidays) between the hours of 8:00 a.m. and 4:00 p.m. After 4:00 p.m., the next business day's filing date will be applicable.

Rule 2.06
COMPUTATION OF TIME

The time within which an act is required to be done shall be computed by excluding the first day, but including the last; except that when the last day falls on a Saturday, Sunday or a Holiday, it shall be excluded and the next business day counted.

Rule 3.00
TRIAL ATTORNEY OF RECORD

All attorneys of record shall file an Entry of Appearance on behalf of their client. All documents filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney and show the Supreme Court Registration Number. All notices and communications from the Court and all documents required to be served will be sent to such designated trial attorney. No attorney who has entered his or her appearance in a case may withdraw as trial attorney except upon written motion for good cause shown and after notice to the client.

Rule 4.00
APPOINTED AND ACTING JUDGES AND MAGISTRATES

All appointed and acting Judges and Magistrates shall sit as designated by Court Order. No appointed or acting Judge or Magistrate shall modify any previous orders of the Court not entered by said appointed or acting Judge or Magistrate.

Rule 5.00
MAGISTRATES

The Magistrate of the Municipal Court is empowered to hear and report on all matters authorized under Civ. R. 53, Traf. R.14, Crim. R. 19, Sup. R. 19, and other appropriate matters referred by the Judge.

Rule 5.01
OBJECTIONS TO MAGISTRATE'S DECISION

In all cases, other than Forcible Entry and Detainer actions, the party objecting to a Magistrate's Decision shall file objection(s) pursuant to Civ. R. 53., Crim. R. 19, or Traf. R. 14, as applicable.

Rule 6.00
BAILIFF

The Bailiff selected by the Judge shall formally open sessions in the traffic, criminal and civil court, maintain order, and provide service of court papers and documents if so ordered by the Judge. All Bailiffs shall comply with any and all court job description and security operations manuals, whether currently in place or hereafter adopted.

Rule 7.00
JURORS

- A. **SELECTION:** Jurors shall be chosen by a jury commissioner designee as generally provided for in Section 2313.01 et seq. O.R.C. The Clerk of Courts shall serve as an alternate jury commissioner and shall have possession of the jury records. Jurors are selected at random from a computerized list of legal voters provided by the Erie County Board of Elections. A minimum of fifty (50) jurors shall be summoned for each criminal and civil jury.
- B. **SUMMONS:** Unless otherwise directed by the Court, all service upon persons summoned for jury duty shall be by ordinary first class mail and mailed out at least fifteen (15) days before the trial date.
- C. **CANCELLATION:** If a jury is cancelled after it has been summoned into court and the Clerk of Courts is unable to notify all prospective jurors of said cancellation, the Court may assess costs so incurred to the last party canceling the jury demand.

Rule 8.00
WITNESSES AND SUBPOENAS

- A. **PRAECIPE:** The praecipe (request) for subpoenas of witnesses shall be filed with the Court not later than seven (7) days before the date of trial. Praecipos requesting documents shall be in the form of a subpoena duces tecum and shall state with specificity whether the custodian of the records is required to attend with said documents, or whether such documents may be submitted in lieu of appearance.
- B. **DEPOSIT.** No subpoena for witnesses in a civil proceeding shall be issued until the witness fees, costs and estimated mileage are deposited with the Clerk. A witness who testifies or is timely available for that purpose shall receive the fee upon presentation of the subpoena to the Clerk of Courts.
- C. **FAILURE TO APPEAR.** Failure of witnesses to appear in court may subject them to prosecution and fine for contempt of court. Failure of a witness to appear for whom the praecipe was not timely filed, will not be grounds for a continuance of the case.

Rule 9.00
RECORDING DEVICES

This Court utilizes mechanical recording devices for courtroom proceedings.

Rule 10.00
SOLICITATION

No solicitation will be tolerated within the premises of the Municipal Court, or any of the offices or halls adjoining the same.