

## NOTICE TO ATTORNEYS WHO PRACTICE IN MUNICIPAL COURT

**THE JUDGES OF THE FRANKLIN COUNTY MUNICIPAL COURT HEREBY GIVE NOTICE OF THEIR INTENTION TO AMEND LOCAL RULES 3, 4, 8, AND 13 AS FOLLOWS:**

### Rule 3. Duties of Counsel

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#### 3.04 Motions Practice.

A. All motions must be presented and filed within rule, in writing, accompanied by sufficient memoranda. All parties wishing to respond in writing to a motion shall do so not later than the fourteenth day following service of the motion upon the responding party. Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be permitted: "Counsel requests an oral hearing at which \_\_\_\_\_ witnesses will be presented." When an oral hearing is requested, the assignment office shall schedule the motion for hearing before the assigned judge.

B. A party shall not file a motion prior to the entry of a plea in misdemeanor, criminal and traffic cases, except motions listed as exceptions in Crim. R. 12(C)(2) which shall be assigned for hearing to the judge assigned to criminal arraignment session; and the motions listed as exceptions in Ohio Traffic Rule 11(B)(1) which shall be assigned for hearing by the judge assigned to Courtroom 4C.

~~C. All motions for summary judgment filed pursuant to Civil Rule 56 are hereby set for non oral hearing on the fifteenth day following service of the motion upon the adverse party. The adverse party shall serve and file opposing affidavits and memorandum prior to the day set for non oral hearing. An oral hearing on a motion for summary judgment shall not be scheduled unless a party so requests in accordance with paragraph (A) of this rule, or unless the judge assigned to the case so requires.~~

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### Rule 4 Criminal Practice

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#### 4.13 Regulation of Bail Agent Practices

##### (A) Specific Court Requirements

The court shall require that:

1. Each bail agent register with the Clerk of Court a personal identification number consisting of his or her birth date, the last four (4) digits of his or her social security

number, and the first and last initials of his or her name. The court may require disclosure of such number during any communication.

2. Each bail agent shall annually renew his or her license by filing with the Clerk of Court a power of attorney for each surety insurer that employs him or her

3. Each bail agent at the time of filing the power of attorney shall provide written documentation evidencing the name and address of each and every surety insurer that employs him or her. Such documentation shall be originally generated by the insurer.

4. Each bail agent at the time of filing the power of attorney shall sign a statement agreeing to adhere to these local rules and to further be subject to disciplinary action for violation of such rules as provided herein.

#### (B) License Requirement-General

a. An insurer shall not execute an undertaking of bail except by and through a person holding a bail license. A firm, partnership, association, or corporation, as such, may not be licensed.

b. A person shall not solicit or negotiate with respect to execution or delivery of an undertaking of bail or bail bond by an insurer, or execute or deliver such an undertaking of bail or bail bond unless licensed as provided in these local rules.

#### (C) License Requirement-Qualifications

An application for a license as a bail agent must be submitted on forms prescribed by the Department of Insurance and pursuant to the licensing requirements under Ohio Revised Code Section 3905.01 et seq.

#### (D) Prohibitions

1. A person may not act in the capacity of a bail agent or perform any of the functions, duties, or powers prescribed for bail agent unless:

- a) such person is licensed as provided herein
- b) such person is employed by a surety insurer

2. No person who has been convicted of, or who has pled guilty or no contest to a felony or a crime involving moral turpitude or a crime punishable by imprisonment of one (1) year or more under the law of any state, territory or country, regardless of whether adjudication of guilt was withheld, shall be eligible to receive court privileges to participate in undertakings of bail or bond unless, as of the date this local rule shall take effect, such person is already licensed as a bail bondsman in the State of Ohio.

3. A bail agent may not:

- a) Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety.

- b) Make any statement or representation to the court unless such statement or representation is under oath. Such statement or representation may not be false, misleading, deceptive, or otherwise perjurious.
- c) Make false, misleading, deceptive, or otherwise perjurious statements or representations to the Department of Insurance during the application process as provided for in these local rules.
- d) Charge a fee to his principal for personal recognizance bonds received from the court.
- e) Participate in any conduct or activity that impedes the Court's efficient operation, including but not limited to solicitation on the grounds of the Franklin County Municipal Court courthouse.
- f) Violate any of the prohibitions contained in Ohio Revised Code Section 3905.932 or Ohio Administrative Code Section 3901-1-66.

(E) Penalties

Any bail agent who violates the provisions of this local rule shall be in contempt of court and may be subject to suspension of his or her privileges to participate in any undertaking of bail or bail bond in this court. The court directs the Clerk of Courts to bring violations of this rule to the court's attention.

(F) Applicability of Rule

The provisions as set forth in this local rule shall be binding only in the Franklin County Municipal Court. Nothing in this rule shall be read to exclude the requirements set forth in Ohio Revised Code Section 3905.01 et seq. or any other governing law of the State.

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Rule 8 Assignment of cases

8.01 Single Assignment to Judges. Upon receipt of the file in any case described in Rule 1.01 (D), the assignment commissioner shall assign the case to a judge by lot unless the defendant meets the criteria set forth below.

(A) If the defendant meets any of the criteria below, the case shall be assigned in the following priority:

1. If the defendant has a pending case before an assigned judge, the new case shall be assigned to the judge to whom the pending case with the oldest case number has been assigned. Pending case means:

- a. Defendant has an active case with a judge.
- b. Defendant is order-in on an assigned case.

2. If the defendant is on community control, the new case shall be assigned to the judge who most recently placed the defendant on community control. Community control means:

- a. Defendant is on active probation.
- b. Defendant is order-in for revocation hearing.
- c. Defendant is currently under sentence suspended Provided No Convictions

(B) If the defendant meets any of the criteria below, the case shall be assigned as follows:

1. Any application for the sealing or expungement of records, including felony cases, shall be assigned to the judge who disposed of the case.

2. If the defendant has two or more cases assigned to different judges, all applications for the sealing or expungement of records in those cases shall be assigned to the Administrative Judge for disposition.

3. If a defendant has two or more cases assigned to different judges, and the defendant has filed an application to expunge records pursuant to R.C. 2953.38 (Expungement for Human Trafficking), all cases that are the subject of the application shall be referred to the CATCH Court judge for disposition.

8.011 Administrative Judge Relief From Case or Trial Duties. Pursuant to Sup.R. 4.03, the Assignment Commissioner shall reduce the number of cases individually assigned to the Administrative Judge under Loc.R. 1.01 by up to 25% percent. The percentage of the reduction shall be determined by the sitting Administrative Judge, in his or her sole discretion.

8.02 Jury Use and Management Plan. The court adopts the Jury Use and Management Plan as approved at the judges meeting on June 15, 1994, to be administered by the Jury Commissioner, subject to the supervision and direction of the Administrative Judge. A copy of the plan shall be available for public inspection in the office of the Jury Commissioner.

8.03 Conflicts in case schedules. Upon receipt of form 1.03, the assignment commissioner shall review the form for conflicts of assignment. If conflicts are discovered, the assignment commissioner shall notify the judge of the conflict, and the judge shall adjust the case schedule accordingly.

8.04 Specialized Dockets.

(A) The Specialized Dockets are the dockets certified by the Ohio Supreme Court under Sup.R. 36.20 through 36.26.

(B) Unassigned Case(s).

Upon execution of a Request for Assignment Admission to one of the specialized dockets Programs by a judge in arraignment court (4C or 4D), or the duty judge in their absence,

the arraignment case shall be ~~continued~~ referred to the next session of judge presiding over the specialized docket Program. Upon defendant's acceptance into a specialized docket, and the case shall be assigned to ~~that~~ Judge, elected to oversee the specialized docket. If the defendant is not accepted into the specialized docket Program, the case(s) shall be assigned pursuant to Loc. R. 8.01.

(C) Assigned Case(s).

Upon the execution of a Request for ~~Assignment~~ Admission to one of the specialized dockets Programs by the assigned judge and the Administrative Judge, pursuant to Sup.R. 4(B)(1), the assignment commissioner shall transfer the case from the assigned judge to the specialized docket judge. In the absence of the assigned judge, the administrative judge may authorize the transfer and sign the ~~preliminary acceptance entry~~ Request for Admission pursuant to Loc. R. 2.02.

If the defendant is accepted into a Program, the ~~transfer~~ case(s) shall be permanently assigned to the judge who has been elected to oversee the ~~Mental Health~~ LINC, ~~Addiction Program~~ Recovery Court, MAVS, H.A.R.T., or CATCH Docket. If the defendant is not accepted into a Program, the case shall be transferred back to the judge to whom the case was originally assigned.

(D) Acceptance into a Specialized Docket.

Acceptance into the ~~Mental Health~~ LINC Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2004 to govern the operation of said Program.

Acceptance into the ~~Addiction Program~~ Recovery Court shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2009 to govern the operation of said Program.

Acceptance into the CATCH Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 03-2009 to govern the operation of said Program.

Acceptance into the MAVS Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 06-2013 to govern the operation of said Program.

Acceptance into the H.A.R.T. Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 09-2013 to govern the operation of said Program.

(E) Election of Judge.

The judge assigned to ~~oversee~~ preside over a Specialized Dockets Program shall be elected each year at the meeting during which the administrative judge is elected. A judge assigned to preside over a Specialized Docket Program shall serve for a term of two years. If the judge elected to ~~oversee~~ preside over the Programs is unable or unwilling to serve, a new judge shall be elected at the next judges meeting.

Rule 13

Schedule 9.00  
Costs and Fees

I All costs outlined by this schedule are to be deposited with the Clerk of Courts at the time of filing, except with regard to the United States, the State of Ohio, Franklin County and the City of Columbus unless costs are waived by the Court. The Clerk of Courts may refuse to accept any filing where the deposit of costs as required herein has not been made, or where a judgment for costs against the party is unsatisfied. In the event such a filing is accepted by the Clerk, the same may be stricken from the files by order of the Court.

All Civil Cases except Small Claims and Forcible Entry and Detainer (Includes service for up to 3 defendants with one address each. For additional defendants and/or addresses, see additional service fees below)	60.00
Small Claims Cases (Includes service for up to 3 defendants with one address each. For additional defendants and/or addresses, see additional service fees below)	40.00
Forcible Entry and Detainer Cases – <u>Claim for Restitution, only</u> (Includes ordinary mail and bailiff or certified mail service for up to 3 defendants with one address each. For additional defendants and/or addresses, see additional service fees below)	<u>60.00</u>
<u>Forcible Entry and Detainer Cases – Restitution with Second Claim for Money</u> <u>(Includes ordinary mail and bailiff or certified mail service for up to 3 defendants with one address each. For additional defendants and/or addresses, see additional service fees below)</u>	<u>97.00</u>

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