

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 RULE 13, SCHEDULE 9.00 AS FOLLOWS:

Local Court Rule 13, Schedule 9.00

II COSTS IN CRIMINAL, TRAFFIC AND ENVIRONMENTAL CASES:

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<u>Supervised Community Service Fee-Worker's Compensation Administrative Fee</u>	6.00
<u>Supervised Community Service Fee - Community Clean Up Crew</u>	<u>10.00</u>

THE JUDGES OF THE FRANKLIN COUNTY MUNICIPAL COURT HEREBY GIVE NOTICE OF THEIR INTENTION TO RESCIND AND RESERVE LOCAL RULE 9.16(B) AS FOLLOWS, AND TO USE ADMINISTRATIVE ORDERS ON AN INTERIM BASIS TO AUTHORIZE THE USE OF ELECTRONIC FILING BY THE FRANKLIN COUNTY MUNICIPAL CLERK OF COURT'S OFFICE AND TO IMPLEMENT AND MODIFY PRACTICES AND PROCEDURES FOR ELECTRONIC FILING.

Local Court Rule 9.16

~~B. [RESERVED] Electronic Filing. Pleadings and other papers may be filed by an attorney or party with the clerk electronically via the internet. The Rule, supplemented by the "Franklin County Municipal Court Electronic Filing Policies and Procedures Manual "(hereinafter the "E-filing Manual") as amended from time to time by agreement of the clerk and the court, shall govern use of the electronic filing system in the court. Technical terms used in this Rule have the meaning set forth in the E-filing Manual.~~

~~1. Electronic filing defined. Electronic filing is a process of electronically submitting pleadings and other papers (hereinafter "documents") to the clerk utilizing computer software via the Internet. The list of documents which may be filed electronically is identified in the E-filing Manual.~~

~~2. Consequences of Electronic Filing. The party utilizing the Franklin County Municipal Court electronic case filing system bears the risk of any delay, disruption, interruption of electronic signals, and readability of the filings.~~

~~3. Registration. Electronic filers shall execute a Registration Form with the clerk. Upon receipt of the Registration Form, the clerk shall assign a unique, secure user name and password.~~

~~4. Accepted Documents; Confirmation Notice; Date and Time; Notice of Filing~~

~~(a). Accepted Documents. Documents transmitted electronically to the clerk shall be accepted as the original document, provided the person sending the document complies with all the requirements set forth in this Rule. Documents filed electronically shall conform substantially to the requirements of the Ohio Rules of Practice and Procedure, these local rules and to the format for the electronic filing system set forth in the E-filing Manual.~~

~~(b). Confirmation Notice. Each document shall be assigned a confirmation number by the clerk, which shall be displayed on the computer screen of the person sending the document upon successful transmission.~~

~~(c). Date and Time. A document submitted electronically via the Internet shall be considered filed with the clerk at the date and local time in Columbus, Ohio captured in the computer equipment of the clerk. Electronic documents may be submitted at any time.~~

~~(d). Notice of Filing. Once the document has been processed and accepted by the clerk, no later than the next business day the clerk shall send a notice of filing that confirms the date and time the document was filed. Parties using the electronic filing process shall be notified if the document has not been accepted pursuant to section (B)(5) of this Rule.~~

~~5. Notice of Non-Acceptance. If a party receives notification that the document has not been accepted for filing in accordance with this Rule, the party may re-transmit the document or seek other appropriate relief from the court.~~

~~6. Fees. The fees set forth in Schedule 9.00 of Loc. R.13 shall be collected when each document is processed. Upon the submission of each document, the filing party shall submit a valid credit or debit card number, and the clerk shall charge the filing party's credit or debit account the appropriate amount for the document. Any document filed electronically may be rejected by the clerk unless the filer has complied with the procedures established by the court for the payment of filing fees.~~

~~7. Signatures.~~

~~a. An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record, and executed or adopted by a person with the intent to sign the electronic record.~~

~~b. The documents that may be filed electronically with the clerk using an electronic signature are outlined in the E-filing Manual.~~

~~c. The format for an electronic signature employed in an electronic record filed with the clerk shall meet the signing requirements of any rule governing practice~~

~~or procedure in the courts of Ohio promulgated by the Ohio Supreme Court, including the rules for procedure in traffic cases.~~

~~d. The process to ensure the authentication of an electronic signature used in an electronic record filed with the clerk shall, at a minimum, be of one of the following types:~~

~~Type 1: This process uses a signature pad or other similar device to associate with an electronic record a digital representation of a physical signature of the person signing the record. To authenticate the electronic signature on the electronic record, the signature shall be created in the presence of a deputy clerk other than the signer. Either the signer or the witness shall immediately submit the record to the electronic filing or case management system.~~

~~Type 2: This process is used to authenticate an electronic signature on an electronic record by the sender logging in to an application recognized by the court (i.e., a case management system, or an e-filing system/portal) which will receive the electronic record. The electronic record may be created from within the court's case management system (court user) or from an application outside of the court (non court user). The login will involve a user name and password which are unique to the sender. The court, or a vendor under a contract with the court, will maintain a secure register of the user name and password for each authorized user. The user name and/or password may either be created by the user or assigned to the user by the administrator of the court application. The court will utilize secure password procedures.~~

~~Type 3: This process is used to authenticate an electronic signature on an electronic record by a two-step process. First, the sender must log in to the application as described above for the Type 2 process, plus the sender must additionally verify the transaction by either entry of a separate unique personal identifier (e.g., a personal identification number ("PIN")) or the use of a physical identification device (e.g., smart card, biometric reader, etc.).~~

~~Type 4: This process is used by the clerk to authenticate the electronic signature of the clerk in an e-mail which certifies that an electronic record attached to the e-mail is a true copy of a document on file with the clerk. Prior to transmitting the e-mail, the clerk must obtain a digital certificate from a certificate authority and must associate the digital certificate with the e-mail to authenticate the clerk's electronic signature. For this process, the digital certificate must use either public key infrastructure or a certificate system providing an equal or greater level of security.~~

~~Type 5: This process is used to authenticate electronic signatures on electronic records by complying with specific secure data transfer protocols negotiated by the clerk with a trusted authority, such as a financial institution, large employer, or government agency.~~

~~e. Minimum Authentication Requirements. At a minimum, the following types of authentication shall be required for the different categories of electronic signatures in electronic records exchanged in electronic transactions involving the clerk:~~

~~————— 1. Electronic Records filed with the clerk from outside of the court:~~

~~————— a. Attorneys and other litigants Type 2~~

THE JUDGES OF THE FRANKLIN COUNTY MUNICIPAL COURT HEREBY GIVE NOTICE OF THEIR INTENTION TO ADOPT LOCAL RULE 17 AS FOLLOWS:

Rule 17. Parking Violation Appeal Process

17.01 Scope

These rules govern the procedure in an appeal to the Franklin County Municipal Court from any judgment or default judgment of the Parking Violations Bureau of the City of Columbus, (hereafter referred to as the P.V.B.), pursuant to Section 2150.07(D) of the Columbus City Code and Ohio Revised Code Section 4521.08(D).

17.02 Filing the Notice of Appeal

A. Parties

Any person against whom a judgment or default judgment is entered pursuant to Section 2150.07(D) of the Columbus City Code, or the City of Columbus if judgment is entered against the city pursuant to Section 2150.07(D) of the Columbus City Code, may appeal the judgment or default judgment to the Franklin County Municipal Court by filing notices of appeal with the Franklin County Municipal Court, Clerk of Courts, Civil Division pursuant to the rules below.

B. Time of Filing

The appealing party must properly and timely file his or her notice of appeal within fifteen (15) days of the date of entry of the judgment or default judgment and pay all required costs with the Franklin County Municipal Court, Clerk of Courts, Civil Division.

C. Stay of Execution

The filing of the notice of appeal and the posting of bond with the P.V.B. in the amount of the judgment, plus costs, at or before service of the notice of appeal stays enforcement and collection of the judgment or default judgment from which the appeal is taken. The stay shall automatically terminate at journalization of the decision resolving the appeal.

D. Appeal Forms

The appeal must be filed on a form provided by the Franklin County Municipal Court, Clerk of Courts, Civil Division.

17.03 Notice of Hearing

Upon the filing of the notice of appeal, the Franklin County Municipal Court, Clerk of Courts, Civil Division, shall serve notice upon the prosecutor's office and the P.V.B. If the City of Columbus appeals, the defendant shall be notified by regular U.S. Mail at the most current address reflected in the P.V.B. file.

17.04 Assignment of Hearing Date and Time

After the appeal is processed by the Clerk of Court, it shall be assigned a hearing date in accordance with the local rules of the Franklin County Municipal Court. The Clerk of Court shall send notice to the appealing party and the prosecutor's office.

17.05 Magistrates

The magistrates of the Franklin County Municipal Court are empowered to hear and issue decisions for parking violation appeals. An appeal to the Franklin County Municipal Court from any judgment or default judgment of the P.V.B. shall be governed by Rule 7 of the local rules of the Franklin County Municipal Court and Rule 53 of the Ohio Rules of Civil Procedure as it relates to magistrates.

17.06 Hearing Procedure

A. Either party may request a trial de novo

The court shall determine the legal and factual issues that are being appealed. The court may order that (1) evidence be presented solely on the issues being appealed; (2) the matter proceed to a trial de novo; or (3) if there is a legal issue and no factual dispute, that the hearing be limited to addressing the legal issue. If either party to the appeal requests a trial de novo, the court shall grant the request. Neither party is entitled to a trial by jury.

B. Evidence to be admitted at the hearing

At the hearing, the parties may admit any relevant evidence, including, but not limited to, the audio recording of the hearing conducted by the hearing examiner of the P.V.B. of the person appealing the judgment or default judgment.

C. Other hearing procedures

The court shall administer an oath to witnesses. Unless all parties are represented by counsel, the hearing shall be conducted in an informal manner. The rules of evidence shall apply to these proceedings except as otherwise provided by these rules.

D. The right to subpoena witnesses

The parties to the appeal shall have the right to subpoena witnesses. The costs and the rules for the filing of such subpoenas shall be determined by the existing local and civil rules regarding subpoenas in civil matters.

17.07 Post Appeal Procedure

A. No further appeals may be taken

Notwithstanding any other provision of law, the judgment on appeal of the Franklin County Municipal Court is final and no other appeal of the municipal court may be taken.

B. If appealing party succeeds on appeal

If the appealing party succeeded in the appeal, all moneys posted by that party in the instant case shall be returned to him or her.