

Rule 9. Duties of The Clerk Of Court

9.01 (A) Numbering of Cases. On receipt of each complaint by the clerk's office, the clerk shall assign a number to that case in accordance with the following method:

- 2000 CR A/B 00001
- 2000 TR C/D 100001
- 2000 CV E/F/G/H/I 000001
- 2000 ER A/B/C/D 70001
- 2000 EV E/F/G/H/I 60001
- 2000 CR X 50001

(B) Definitions.

- 2000 The year the case was filed
- CR Criminal case
- ER Environmental case
- A Felony Case - Criminal or Environmental
- B Misdemeanor Case - Criminal or Environmental
- TR Traffic Case
- C OMVI Case - Traffic or Environmental
- D Other than OMVI - Traffic or Environmental
- CV Civil Case
- A Administrative Appeal - Environmental
- EV Environmental Civil Case
- E Personal Injury Case - Civil or Environmental Civil
- F Contract Case - Civil or Environmental Civil
- G Forcible Entry and Detainer Case - Civil or Environmental Civil
- H Bureau of Motor Vehicle or Replevin Case - Civil or Environmental
- CV Civil
- I Small Claims Case - Civil or Environmental Civil
- P Parking Violations Case - Civil or Traffic
- R Rent Escrow
- T Trusteeship
- X Application for Expungement Case - Criminal or Environmental
- N Photo Traffic Enforcement – Appeal

- 00001 The number of criminal cases received consecutively, one defendant per case number, on a calendar year basis; starting with the number 00001.
- 100001 The number of traffic cases received consecutively, one defendant per case number, on a calendar basis; starting with the number 100001.
- 000001 The number of civil cases received consecutively on a calendar year basis, starting with the number 000001.
- 50001 The number of expungement cases received consecutively on a calendar year basis, starting with the number 50001.
- 60001 The number of civil environmental cases received consecutively on a calendar year basis, starting with the number 60001.
- 70001 The number of environmental traffic or criminal cases received consecutively on a calendar year basis, starting with the number 70001.

9.02 Filing and numbering of forcible entry and detainer cases. The clerk shall assign a CVG category designation to all landlord-tenant cases. In those landlord-tenant cases containing two causes of action and in which the first cause of action for removal of the tenant has been completed, the clerk shall transfer the case to the assignment commissioner who shall cause the case to be assigned on

the individual judge docket by the established method. This requires modifying the letter to a CVF category to make the case compatible with the individual judge reports to the Ohio Supreme Court. The clerk shall collect the appropriate cost deposit for each cause of action.

- 9.03 Transfer of cases to the assignment commissioner. When any case is qualified for individual assignment to a judge pursuant to Loc.R. 1.01, the clerk shall cause the case to be initiated in the computer and shall transfer that case to the assignment commissioner not later than one day after qualification.
- 9.04 Transfer of traffic and criminal cases to the assignment commissioner. Upon the filing of a demand for record trial or jury trial, the clerk shall enumerate the misdemeanor classification of the offense upon the cover of the complaint. The completed complaint, cover, other enclosures, if any, together with the demand, shall then be transferred to the assignment commissioner as directed by Rule 9.03.
- 9.05 Cases not transferred and report to administrative judge. The clerk shall maintain current records of all cases not qualifying for individual assignment. The clerk shall prepare the administrative judge report as required by the Supreme Court of Ohio. A draft of the report shall be submitted to the administrative judge for review by the tenth day of each month in which a report must be transmitted to the Supreme Court.
- 9.06 Procedures in forcible entry and replevin cases. Forcible entry and detainer and preseizure hearings on replevin cases shall be assigned as follows:
- A. When service of summons is requested by certified mail in forcible entry and detainer cases on the first cause of action and in replevin cases where an automatic hearing is assigned before seizure of the property, the case will be assigned for hearing on the twenty-first day from the day of filing the complaint.
  - B. When residence or personal service of summons is requested to be made by the service bailiffs' office, such cases shall be assigned for hearing on the fourteenth day from the day of filing the complaint. When residence or personal service of summons is requested to be made by an appointed process server, such cases shall be assigned for hearing on the fourteenth day from the date of filing the order of appointment of process server. The bailiff or appointed process server shall file the return no later than three business days before the date of the hearing. In a forcible entry and detainer action, the court will not designate as a process server an employee of the plaintiff, nor an employee of the plaintiff's management company.
  - C. When service of summons has been attempted and the return has been marked "refused" or "unclaimed" in accordance with Rule 4.6 of the Ohio Rules of Civil Procedure, the clerk shall upon written request of the attorney or person upon whose insistence the process was issued, issue a supplemental summons setting forth the new hearing date which shall be the tenth day from the day summons is issued.
  - D. A writ of restitution in forcible entry and detainer cases shall not be issued after thirty days from the date of judgment unless the parties have entered into an agreement to extend the period during which a writ may be issued. In no event shall a writ of restitution be issued after 120 days from the date of judgment. The writ shall not be re-activated after a request by the plaintiff for non-service. The Franklin County Municipal Court Service Bailiff's Office is hereby designated as the levying officer for writs of restitution.

- E. When a claim of forcible entry and detainer is disposed of with an agreed judgment for restitution of premises in which the plaintiff agrees not to enforce the judgment in exchange for the defendant's performance of certain acts (e.g., vacating the premises, making payments, etc.), the Clerk shall not issue a writ of restitution unless the plaintiff presents an affidavit demonstrating a breach of the agreement and an entry is journalized authorizing issuance of the writ of restitution.
- F. Preseizure hearings in replevin cases will be assigned as outlined in this rule. Upon completion of the hearing, the court will enter its findings upon the half sheet of the case file. Should the court order an immediate seizure of the goods, the clerk, upon receipt of proper instructions, the posting of the bond as required in R.C. 1919.040, the advanced security costs of \$10.00, and appraisers fees in the amount of \$50.00, will issue a writ of replevin forthwith. Whenever a proceeding for an order of attachment or replevin is made pursuant to R.C. 2715.043 and 2737.07 of the Ohio Revised Code, the hearing on said matter shall be set on the 20th day thereafter; and whenever a proceeding for garnishment of property, other than wages, is made pursuant to R.C. 2716.13 of the Ohio Revised Code, the hearing on said matter shall be set on the 12th day thereafter.

9.07 Procedure for release of rent deposits. (A) In cases of deposit of rent with the clerk of court pursuant to Section 5321.07, Revised Code, no money shall be released to the landlord except according to the provisions of Section 5321.09, Revised Code. (B) Where the tenant does give written notice to the clerk, the clerk may release the rent according to the agreement between the landlord and the tenant. Where the tenant does not agree to a release of the rent, the clerk shall release no funds to the landlord; but the clerk may advise the landlord of the necessity of filing the action required by Section 5321.09(A)(2) and (3).

9.08 Summons and arrest warrants upon misdemeanor complaints. The court adopts the following procedure for the issuance of summons or arrest warrants upon a complaint for a criminal offense classified as a misdemeanor under the Columbus City Code and Ohio Revised Code:

- A. The clerk or deputy clerk shall review the sworn complaint and determine if all statutory elements of the crime are alleged, if the facts contained in the complaint are sufficient to establish probable cause that a crime has been committed, and that the defendant committed that crime.
- B. If the clerk or deputy clerk determines that the complaint is insufficient, the complaint shall be immediately referred to the duty judge for a determination of probable cause. If the duty judge determines that the complaint is insufficient in law or facts, no process shall issue. If the duty judge determines that the complaint establishes probable cause that a crime was committed and that the defendant committed that crime, the duty judge may order process to issue on summons or may order that a warrant be issued for the defendant's arrest.
- C. All misdemeanor complaints shall be issued on summons unless an arrest warrant is authorized or requested under this rule.
- D. An arrest warrant on a misdemeanor complaint shall be issued by the clerk or deputy clerk only when at least one of the following apply:

1. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer upon the charge contained in the complaint.
2. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer, or confined in any type of penal facility, on a charge other than the charge contained in the complaint.
3. The clerk or deputy clerk shall issue an arrest warrant for the defendant the complainant is a law enforcement officer as defined in Section 2901.09(k), Ohio Revised Code, and the officer requests the issuance of an arrest warrant.
4. The clerk or deputy clerk shall issue an arrest warrant for the defendant upon the written request of the Columbus City Prosecutor.
5. The clerk or deputy clerk shall issue an arrest warrant for the defendant upon the written request of the city prosecutor of a municipality for an offense under a city ordinance of that municipality or for a violation of state law occurring within that municipality. This subparagraph does not apply to cases transferred to this court from a mayor's court.
6. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the complainant is a private citizen and an arrest warrant is requested in writing by a law enforcement officer who is a supervisor or the rank of sergeant or above at a time when the City prosecutor's office or Franklin County prosecutor's office is not open for business.
7. The clerk or deputy clerk shall issue an arrest warrant when the duty judge so orders in accordance with this rule.
6. Pursuant to Section 2935.24, Ohio Revised Code, this court hereby honors arrest warrants issued by any other court of competent jurisdiction of this state, and grants authority to serve such arrest warrants by teletype by all law enforcement agencies in Franklin County, Ohio. Any arrest warrant issued by the clerk pursuant to Chapter 2935, Ohio Revised Code, may be served by teletype.

9.09 Contents of caption of petition filed pursuant to Sections 4507.021 or 4511.191, Revised Code. The caption of a petition filed pursuant to Sections 4507.021 or 4511.191, Revised Code, shall include the first, middle and last names and the address of the petitioner. Such caption shall also include the date of birth, the social security number, and the operator's license number of the petitioner. The clerk shall not accept for filing a petition the caption of which fails to contain every item of information required by this rule.

9.10 Passing bad checks. The court adopts the following procedure for the filing of complaints for passing bad checks under Section 2313.11, Columbus City Code and Section 2913.11, Ohio Revised Code:

- A. The clerk of courts shall not file a criminal complaint for passing bad checks and assign a case number to such complaint, placing the complaint upon the court's docket, unless the prosecuting attorney with jurisdiction to prosecute such offense has endorsed his authorization upon the complaint.

- B. The clerk of courts shall accept for filing sworn criminal complaints for passing bad checks that do not have the endorsed authorization of the prosecuting attorney, time stamp such complaint, but shall not assign a case number to the complaint. Such complaints shall be referred to the prosecuting attorney with jurisdiction to prosecute such offense for investigation and for determination if authorization should be endorsed upon the complaint.
- C. After referral of an unendorsed complaint for passing bad checks, if the prosecuting attorney endorses authorization on such complaint, it shall be returned to the clerk's office, assigned a case number and process shall issue upon the complaint.
- D. After referral of an unendorsed complaint for passing bad checks, if the prosecuting attorney does not endorse authorization upon such complaint, it shall be returned to the clerk of courts. Upon return of such complaint with no authorization, the clerk shall assign a case number to the complaint, and refer the complaint to the duty judge who shall consider the case submitted for decision as upon a motion to dismiss pursuant to Criminal Rule 48 by the prosecuting attorney.

9.11 Summons and arrest warrants upon felony complaints. The court adopts the following procedure for the issuance of summons or arrest warrants upon a complaint for a criminal offense classified as a felony under the Ohio Revised Code:

- A. The clerk or deputy clerk shall review the sworn complaint and determine if all statutory elements of the crime are alleged, if the facts contained in the complaint are sufficient to establish probable cause that a crime has been committed, and that the defendant committed that crime.
- B. If the clerk or deputy clerk determines that the complaint is insufficient or was filed by a private citizen without prior approval of the prosecutor or a law enforcement agency, the complaint shall be immediately referred to the duty judge for a determination of probable cause. If the duty judge determines that the complaint is insufficient in law or facts, no process shall issue. If the duty judge determines that the complaint establishes probable cause that a crime was committed and that the defendant committed the crime, the duty judge may order process to issue on summons or may order that a warrant be issued for the defendant's arrest.
- C. A complaint in which a private citizen is the complainant shall be accepted for filing. Summons shall issue at any time after the preliminary determination of probable cause is made pursuant to Crim. R. 4 and this local rule.
- D. All felony complaints shall be issued on summons unless an arrest warrant is authorized or requested under this rule.
- E. An arrest warrant on a felony complaint shall be issued by the clerk or deputy clerk only when at least one of the following apply:
  - 1. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement office upon the charge contained in the complaint.

2. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer, or confined in any type of penal facility, on a charge other than the charge contained in the complaint.
3. The clerk or deputy clerk shall issue an arrest warrant for the defendant if the complainant is a law enforcement officer as defined in Section 2901.09(k), Ohio Revised Code, and the officer requests the issuance of an arrest warrant.
4. The clerk or deputy clerk shall issue an arrest warrant for the defendant upon the written request of the county prosecutor.
5. The clerk or deputy clerk shall issue an arrest warrant for the defendant when the complainant is a private citizen and an arrest warrant is requested in writing by a law enforcement officer of the rank of sergeant or above.
6. The clerk or deputy clerk shall issue an arrest warrant when the duty judge so orders in accordance with this rule.

F. Pursuant to Section 2935.24, Ohio Revised Code, this court hereby honors arrest warrants issued by any other court of competent jurisdiction of this state, and grants authority to serve such arrest warrants by teletype by all law enforcement agencies in Franklin County, Ohio. Any arrest warrant issued by the clerk pursuant to Chapter 2935, Ohio Revised Code, may be served by teletype.

9.12 Petition for release of seized property. When a petition or motion for the release of seized property is filed pursuant to R.C. 2981.03, the civil division shall assign the case a CVH number and transfer it for assignment under Loc.R. 1.01(G). The clerk shall also require the person filing the petition or motion to complete the “Questionnaire - Release of Seized Personal Property (R.C. 2981.03),” which shall be filed.

9.13 Service of garnishment. Service of affidavits and orders of garnishment of personal earnings, and orders of garnishment of property other than wages shall be made in the following manner unless the attorney for the judgment creditor specifically requests another method of service pursuant to Civil Rule 4.1:

- A. Affidavits and orders of garnishment of personal earnings and orders of garnishment other than personal earnings shall be served upon an employer or garnishee residing in Franklin County by personal service;
- B. Affidavits and orders of garnishment of personal earnings and orders of garnishment other than personal earnings shall be served upon an employer or garnishee residing in a county other than Franklin County by ordinary mail, unless a party requests another method of service. The service bailiffs are not permitted to make personal service beyond the territorial limits of Franklin County unless the address is located within the City of Columbus. Service of garnishments in counties other than Franklin County shall occur only if the instructions for service include the name, full address of the employer/garnishee, and the name of the county in which said employer/garnishee resides.

9.14 Post-judgment executions. The clerk may affix to post-judgment execution court orders the name of the judge presently assigned to the duty session by using a rubber stamp, in lieu of obtaining a signature.

9.15 Appointment of Process Server for Annual Term. Upon proper motion, the court may appoint individuals to serve as process servers pursuant to Civil Rules 4.12(2) and 45(B) for a period of one year from the date of the entry granting the motion for appointment. The motion shall represent that the individual seeking appointment is over eighteen years of age, is a resident of the State of Ohio and will never be a party to any action in which process or a subpoena is issued.

9.16 Filing of pleadings and other papers by facsimile or electronic means.

A. Facsimile Filing. A document filed with the clerk by facsimile transmission shall be accepted as the original filing, provided the person sending the document by facsimile transmission complies with all the requirements set forth in this rule.

1. A document filed by facsimile transmission shall be filed with a signature or notation “/s/” followed by the name of the person signing the original document. The person transmitting the document represents that the original document is in his/her possession and is available for inspection by the court upon request. The original document shall be retained until the time period for appeal has expired.
2. All documents filed by facsimile transmission pursuant to this rule shall be considered filed with the clerk as of the date and time imprinted by the clerk’s fax equipment. The risks of transmitting a document by facsimile transmission to the clerk shall be borne entirely by the sender.
3. The clerk may accept for filing by facsimile transmission any document except those for which the clerk is required to collect a specific filing fee pursuant to statute or court rule or to effectuate service and summons. The clerk shall not accept a document that exceeds 20 pages.
4. The clerk shall not assess a fee other than the “clerk computerization fee” authorized by R.C. 1901.261 for the act of accepting a document by facsimile transmission. Fees authorized by Loc. R. 13 for copying, postage and other services of the clerk may be assessed.
5. The person filing a document by facsimile transmission shall provide therewith a cover page containing the following information: (i) the caption of the case; (ii) the case number; (iii) the assigned judge; (iv) a description of the document being filed; (v) the transmitting fax number; and (vi) an indication of the number of pages included in the transmission, including the cover page. Attorneys sending facsimile transmissions must include their Ohio Supreme Court attorney registration numbers.
6. Documents filed by facsimile transmission filings may **NOT** be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the clerk. For filings regarding general civil matters, the fax number is (614) 645-6919. For filings regarding environmental civil matters the fax number is (614) 724-0502. For filings regarding criminal or traffic matters, the fax number is (614) 645-6828. Transmissions sent to any other location are not covered by or permitted under this rule. Transmissions may be sent 24 hours 7 days per week.

7. This rule has been adopted solely for the convenience of those filing documents with the clerk, and neither the clerk nor the court assumes any new or additional responsibilities, obligations or liabilities by virtue of this rule, except as expressly provided for herein. Further, this rule pertains only to the method of filing; it does not override, alter, amend, revoke or otherwise change any local rule or any provision of Ohio law.
8. A person filing a document by facsimile transmission is required to use the court approved "Facsimile Filing Transmission Cover Sheet."

B. [RESERVED]

- 9.17 Procedures for collection of forfeited bail: After a declaration of forfeiture of bail in all cases in which a surety bond has been posted and upon the failure of the surety to produce the body of the defendant or show good cause why bond should not be forfeited within the time prescribed by law, the Clerk shall send a notice to the surety on the first business day of the month thereafter setting forth a listing of each case in which forfeiture of bail is owed the court. The surety shall remit the full amount of the forfeited bail reported by 4:30 p.m. on the last business day of the month the notice was sent. If the amount of the forfeitures billed are not paid in full or otherwise provided for by an entry of the court, the general power of the surety or any agent of the surety to execute bonds in the Franklin County Municipal Court shall be revoked. Judgment shall be rendered against the surety for the amount stated in the recognizance and notice of the judgment shall be sent to all parties. The clerk shall refer the collection of judgment to counsel.