

Rule 3. Duties of Counsel

- 3.01 Designation of trial attorney. Attorneys and not parties will designate their capacity as trial counsel on all pleadings in civil and criminal cases and shall include their office address, zip code, computer identification code, and telephone number. A law firm is not to be named as trial attorney.
- 3.02 Withdrawal of trial counsel. (1) Counsel shall be allowed to withdraw from trial counsel responsibility in cases where counsel was designated, with the consent of the judge assigned to the case. (2) In the absence of judicial assignment, or in the absence of the assigned judge, such application shall be made to the administrative judge. No such application will be considered unless a) a written entry or motion is presented stating the reasons for the application, b) containing certification of service to opposing counsel, c) stating the time and date of trial if set, and d) including counsel's professional statement that, if allowed, a copy of the entry will be mailed immediately to the last known address of the client. (3) Withdrawal of counsel within less than five court days of any hearing assignment shall not be permitted. (4) If the judge assigned to a case finds that M.C. Sup. R. 16(C) may become applicable, he shall refer such matter to the administrative judge for determination.
- 3.03 Change of trial counsel. Once trial counsel has been designated, such designation shall remain until termination of the case. Change of trial counsel may be permitted by the judge assigned to the case upon the filing of an entry containing the designation of new trial counsel and the agreement of prior trial counsel.
- 3.04 Motions Practice.
1. All motions must be presented and filed in duplicate within rule, in writing, accompanied by sufficient memoranda. 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." All parties wishing to respond in writing to a motion shall do so in duplicate not later than the fourteenth day following service of the motion upon the responding party.

Commentary

Motions, where an oral hearing is requested, will be filed with the clerk, docketed by the clerk and transferred to the assignment office where the case coordinator will schedule the motion for hearing on the first appropriate civil day for the assigned judge.

2. 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(B)(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 traffic arraignment session.
3. 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 responding 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 held or scheduled unless counsel so requests in accordance with paragraph (1) of this rule, or unless the judge assigned to the case so requires.

3.05 Joinder and separation of cases.

- (1) Criminal and traffic cases which are filed at the same time against the same defendant will be assigned together. A motion for joinder or separation of these cases shall be addressed to the judge assigned to the criminal case with the lowest case number. If joinder is permitted, all cases so joined will be assigned to that judge. If separation is permitted, the ordering judge shall retain the criminal case with the lowest case number, and the remaining cases shall be referred to the assignment commissioner for assignment pursuant to Rule 1.01.
- (2) All other motions for joinder or separation of defendants and for joinder or separation of offenses shall be addressed to the judge assigned the criminal case with the lowest case number. If there is no criminal case among the cases that are the subject of the motion, the motion shall be addressed to the judge assigned the lowest case number. If joinder is permitted, all cases so joined will be assigned to that judge. If separation is permitted, the judge shall retain the case filed first, and the remaining cases shall be referred to the assignment commissioner for assignment pursuant to Rule 1.01.
- (3) Motions for joinder or separation of civil cases shall be made to the judge assigned the lowest case number affected by such motion. If joinder is permitted, all cases so joined will be assigned to the judge assigned the case bearing the lowest number. If separation is permitted, the judge ordering separation shall retain one of the separated cases and the remaining cases

shall be referred to the assignment commissioner for assignment pursuant to Rule 1.01.

- (4) A misdemeanor defendant's active probation and PNC (Providing No Conviction) status cases may be consolidated to a single judge by motion of the defendant. Approvals must be obtained from both the transferring and receiving judges. These consolidation motions may be considered at any time during the period of probation/PNC without regard to whether or not a statement of violations is pending. The receiving judge must, however, have placed the defendant in question on such status and the status must be active. An absconder is not considered to be in active status.

3.06 Requests for continuances. Once a case is assigned to a judge, requests for continuances of hearing dates shall be submitted to the judge assigned to the case at least five court days prior to the date of the hearing. Requests for continuance shall be by entry which must include (1) reasons for the request, (2) the date and time of the current assignment, (3) the acknowledgment of all parties, and (4) a space for the date certain to be assigned.

3.07 Size of paper filed. All pleadings, motions, briefs, and other papers, in any civil or criminal matter, filed with the clerk's office on and after January 1, 1986, shall be on paper not exceeding 8½1/2"½x11" in size.