

**LOCAL RULES OF THE COURT**  
**RULES OF PRACTICE AND PROCEDURE**  
**of the**  
**AKRON MUNICIPAL COURT**  
**of AKRON, OHIO**

~~{Originally Effective January 3, 1984}~~

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The following rules have been promulgated by the Akron Municipal Court, Summit County, Ohio, pursuant to Article IV, Section 5(B), of the Ohio Constitution and Rule ~~18-5~~ of ~~Ohio The Ohio Supreme Court~~ Rules of Superintendence for ~~Municipal Courts and County~~ Courts of ~~Ohio~~. These rules were adopted to provide for the efficient and expeditious management of business before the Court. All former rules of this Court are hereby revoked.

As used in these rules, "Civ. R." is a reference to the Ohio Rules of Civil Procedure; "Crim. R." is a reference to the Ohio Rules of Criminal Procedure; "Sup.R." is a reference to the Rules of Superintendence for ~~Municipal and County~~ Courts OF OHIO; "R.C." is reference to the Ohio

~~Revised Code; and~~ "Traf. R." is a reference to the Ohio ~~Rules of Practice and Procedure in Traffic Cases~~ Rules; and "O.A.C." is a reference to the Ohio Administrative Code.

~~(Effective October 21, 1997)~~

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## RULE No. 1

### CITATION OF RULES

These rules shall be known as the Akron Municipal Court Rules of Practice and may be cited as AMCR No. \_\_\_\_\_. In the event of a conflict with the Rules of Superintendence for the Courts of Ohio, the Ohio Civil Rules of Civil Procedure, the Ohio Criminal Rules of Criminal Procedure the Ohio Revised Code ; or the Ohio Traffic Rules, these rules shall be subservient.

## RULE No. 2

### HOURS OF SESSION

The hours for holding the regular sessions of the Court shall be from 8:30 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday of each week, except on those days designated by law as legal holidays, or by entry. A judge may extend the hours to include evening, Saturday, and holiday sessions when deemed necessary, and each judge may establish different hours for his or her Court, ~~except the judge assigned to misdemeanor and felony arraignment hearings.~~ The hours for arraignment court, traffic court, small claims court, and mediation are

~~A schedule of Court sessions is~~ set forth in Appendix A at the end of these Rules.

## RULE No. 3

### DECORUM AND CONDUCT

#### A. Courtroom Conduct.

Upon the opening of any Court sessions, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with proper decorum and in such a manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall, as far as practicable, appear in appropriate dress. Sup.R.54(A)

#### B. Food and Drink.

No smoking, eating, or drinking is permitted in the courtroom, nor shall anyone bring food or drink into the courtroom without permission of the court.

#### C. Loitering.

No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any halls, entryways, or stairways leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

## **D. Attention to Rule.**

The Court expects that counsel shall call this rule to the attention of clients and witnesses.

## **E. Broadcasting and Photographing Court Proceedings. In accordance with Sup.R 12:**

### **1. Presiding Judge.**

The judge presiding at the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public ~~as provided in Canon 3A(7) of the Code of Judicial Conduct.~~ Requests to broadcast or record magistrate's hearings shall be forwarded to the Presiding Judge for action. The judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the written ~~permission order~~ of the judge required by ~~Canon 3A(7)- Sup.R.12~~ shall be made a part of the record of the proceedings. Sup.R. 54(B).

### **2. Permissible equipment and operators.**

- a) Use of more than one portable camera (television, video tape or movie) with one operator shall be allowed only with the permission of the judge.
- b) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge.
- c) For radio broadcast purposes, the audio pickup shall be as inconspicuous as possible but must be visible.
- d) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
- e) Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. In the event disputes arise over such arrangements between or among media representatives, the judge shall exclude all contesting representatives from the proceeding.
- f) The use of electronic or photographic equipment which produces distracting sound or light shall be prohibited by the judge. No artificial lighting other than that normally used in the courtroom shall be employed, provided that if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
- g) Still photographers, television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

### **3. Limitations.**

- a) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients of co-counsel, counsel, or of conferences conducted at the bench between counsel and the judge.
- b) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed.
- c) This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.
- d) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

#### **4. Revocation of Permission.**

Upon the failure of any media representative to comply with the conditions prescribed by the judge, the superintendence rules of the Supreme Court, or by interrupting or interfering with court proceedings, the judge may revoke the permission to broadcast or photograph the trial or hearing.

#### **F. Weapons in the Court Facility:**

**No Weapons shall be permitted in Akron Municipal Court except as permitted as follows:**

- a) Court security officers shall be permitted to carry weapons in the Court when acting within the scope of his or her employment.
- b) Law enforcement officers shall be permitted to carry weapons in the Court when the law enforcement officer is acting within the scope of his or her employment.
- c) If a Court security officer or law enforcement officer is a party to, a witness in, an interested party or an observer of a case outside the scope of his or her employment, the law enforcement officer is not permitted to carry a weapon in the Court.
- d) Any person conveying a weapon which is intended to be used as evidence in a pending case, should notify court security upon bringing the weapon to the Court.

### **RULE No. 4**

#### **APPEARANCE OF PERSONS** **ARRESTED/NOT ARRESTED CRIMINAL AND TRAFFIC COURT APPEARANCE**

##### **A. Summoned.**

~~Persons who are~~ A defendant summoned to appear for arraignment ~~as defendants~~ in a criminal ~~misdemeanor~~ case shall report to Room 740, the Criminal Division of the Clerk of Court's office, at the time designated on the summons.

**B. Released on Bail.**

~~Persons~~ A defendant charged with a criminal ~~or traffic misdemeanor or felony~~ offense, ~~who and are~~ released on bail shall appear for arraignment at the time and place designated on ~~their~~ the bond papers.

**C. Arrested.**

~~Persons~~ A defendant arrested and held in custody for ~~a criminal misdemeanor~~ or traffic offenses shall appear at the next available session of ~~Felony Arraignment~~ or Traffic Court. ~~Prisoners shall be brought before the Court as soon as practical before the next session of the court.~~

~~Persons~~ A defendant arrested and held in custody for ~~a~~ felony offenses shall appear ~~before a~~ for arraignment by way of video ~~camera transmission~~ at the Summit County Jail ~~for arraignment, as soon as possible~~ at the next session of ~~Felony Arraignment~~ Court.

**D. Charged with Traffic Violation.**

~~Persons~~ A Defendant charged with ~~a~~ traffic violations, except ~~for~~ for a minor misdemeanors, must be present at the arraignment and all subsequent ~~appearances~~ hearings. ~~This paragraph is more restrictive than~~ Traf.R. 8(C).

**E. Conducting Other Proceeding Through Video Transmissions.**

At the Court's discretion it may hold bond hearings, ~~preliminary hearings~~, misdemeanor arraignments or other court proceedings by means of closed circuit video transmission from the Summit County Jail or any other correctional facility where a defendant is being held.

**RULE No. 5**

**BENCH WARRANTS AND  
BOND FORFEITURE PROCEDURE**

When a bench warrant is ordered by the Court, the following procedure shall occur, unless otherwise ordered by the Court:

**A. Complaint Prepared.**

A contempt complaint shall be prepared by the Clerk;

## B. Deposit Forfeited.

Any cash deposit for bond shall be forfeited in accordance with R.C. 2937.35 and 2937.40.

## C. Complaint Issued.

The contempt complaint shall be signed by a judge and issued to the appropriate law enforcement agency.

~~The Clerk of Courts of the Akron Municipal Court, after business hours, may release the active bench warrant only after payment in full of all fines and costs.~~

## RULE No. 6

### OFFICIAL NOTICE OF CIVIL PROCEEDINGS

The **Akron Legal News** is the official daily journal of the Municipal Courts of Summit County Akron Municipal Court as authorized by O.R.C. 2701.09. Publication in the **Akron Legal News** shall be deemed official and complete notification to all local counsel of any assignment of any case for any purpose, and it shall be the duty of counsel to ascertain such notice from **The Akron Legal News**. Non-local counsel and parties representing themselves shall be notified by mail. Notwithstanding provisions of any rule to the contrary, any mail notification provided shall be sufficient.

## RULE No. 7

### PRESIDING/ADMINISTRATIVE JUDGE

The judges shall, by majority vote, elect one of their members to serve as the Presiding / Administrative Judge, hereinafter referred to as the Presiding Judge. The term of the presiding judge shall be for one year beginning January 1<sup>st</sup>. The annual election or designation of the presiding judge shall occur on or before December 31<sup>st</sup> of the preceding year of the term. The Presiding Judge will call and chair at least one meeting each month. The Presiding Judge or his or her representative may represent the Court at all public or civic functions occurring during the Presiding Judge's term of office. Sup.R.3 and 4.

If the Judges of a Court are unable to elect a presiding judge of the Court, the presiding judge shall be determined pursuant to Sup.R.3A.

In the absence of the Presiding Judge, the currently active judge, who was the last Presiding Judge, and who is still an active judge, shall assume the role of Presiding Judge. (Sup.R. 3 ~~&~~and 4)

The Presiding judge will be relieved a portion of the Judge's case or trial duties in order to manage the calendar and docket or division. The docket of the Presiding Judge shall be



assigned twenty percent (20%) fewer civil and criminal cases than the remaining Judges. Sup.R.4.03.

The Presiding Judge shall notify the Administrative Director of the Supreme Court of the Judge's designation or election as the presiding Judge by January 15<sup>th</sup> of the year of the term.

~~(Effective October 21, 1997)~~

### Rule No. 8

#### ROTATIONAL JUDICIAL DUTIES

On a rotational weekly basis, each Judge shall perform the following additional duties including but not limited to: civil signing (motions for default judgement, objections to magistrate's decisions, garnishments, and other miscellaneous and ex-parte orders), performance of weddings, presiding over arraignments, and the signing of after-hour search warrants.

Regarding after-hour search warrants, Judges shall be on-call and shall be contacted in the following order: arraignment week judge, signing week judge, and the presiding judge. The on-call rotation shall be from 8:00 a.m. Monday through 7:59 a.m. the following Monday. Should a judge be on vacation during his/her on-call week, arrangements shall be made and communicated to the Clerk of Court's office with the name of the covering judge.

### RULE No. 89

#### ASSIGNMENT OF CASES TO JUDGES

All cases shall be assigned to a judge by lot as provided in this Rule. The case file and lot card shall show the date the lot was assigned, the lot number, and who pulled the lot. The case file for each such case shall be brought to the assigned judge within twenty-four (24) hours of assignment, unless otherwise directed by the assigned judge.

Refiled cases shall be assigned to the original judge of the underlying case.

The Case Auditor's Office/Service Bailiff's shall keep a record of all cases assigned to each judge and provide each with a current listing of those cases so assigned and pending three times a month. The cases so assigned shall include:

#### **A. Civil Cases.**

Civil cases, in which an answer, other pleadings or motions (other than for default judgment) ~~have~~ has been filed, and except for those cases heard by a ~~referee~~ magistrate.

## B. Criminal Misdemeanor Cases.

Criminal misdemeanor cases, upon a "Not Guilty" plea, ~~or upon the "filing of"~~ a motion, and except for cases ~~which are companion containing cases of a companion~~ felony.

## C. Traffic Misdemeanor Cases.

~~In unrelated~~ Traffic misdemeanor cases, and traffic minor misdemeanor cases, other than minor misdemeanors, upon a "Not Guilty" plea, or upon the "filing of" a motion.

## ~~D. Traffic Minor Misdemeanor Cases.~~

~~Traffic minor misdemeanor cases when the defendant has refused to allow a trial by a referee or when the referees are unavailable to hear the case.~~

## ~~E. Felony Cases.~~

~~In Felony Court the judge assigned to that Court may retain, in his or her discretion, a case which is a companion to a felony case pending a preliminary hearing. If the judge finds probable cause as to the felony, then as provided in Crim. R. 8(A), the misdemeanor case may be transferred with the felony case.~~

## ~~F.D. Multiple Offenses/Defendants.~~

When a defendant is, ~~or multiple defendants are,~~ charged ~~as a result of a single event or in cross-complaints, or~~ with multiple offenses, or multiple defendants are charged as a result of a single event, then pursuant to Crim. R. 8 and 13 the case shall be assigned to one judge by one lot.

In the event new charges are filed against a defendant who has ~~an~~ either an active pending matter or an open violation with the court, the new case or cases shall be assigned to the judge presiding over the pending case.

## ~~G.E. Family Violence Court Violation of Probation.~~

In the event a new charge ~~of Violation of a Temporary Protection Order~~ is filed against a defendant who has ~~an active Family violence Court a probation~~ case, the new case shall be assigned to the judge currently presiding over ~~Family Violence Court~~ the defendant on probation. ~~The transferring judge shall then receive the next case that would have been assigned by lot to the Family Violence Court judge's regular docket.~~  
(amended August 9, 2000—Journal Entry #3494)

~~(Effective October 21, 1997)~~

## **RULE No. 9**

## **CASES THAT HAVE BEEN ASSIGNED**

### **F. Assigned Judge and Unavailability**

The judge assigned to a case shall be responsible for the determination of every issue and proceeding in that case until its termination. Emergency orders and orders as of right, including requests for continuance, shall be submitted to the assigned judge ~~to whom the case is assigned~~. If the assigned judge is unavailable, the matter may be submitted to ~~and determined by~~ the Presiding Judge, to determine whether if in the opinion of the Presiding Judge undue prejudice would ~~be caused- exist~~ by not considering and ruling upon the matter at that time.

## **RULE No. 10**

### **REASSIGNMENT OF CASES**

#### **A. Related Case.**

If an assigned case under AMCR No. 8 is found to be related to another case or cases, or if there is a companion case which presents substantially the same issues for determination, such fact shall be called to the attention of the Presiding Judge by submitting a "Related Case Transfer Entry-" signed by the transferring judge and the receiving judge. If the related case transfer entry has been approved by the transferring judge and the receiving judge, the Presiding Judge shall approve the same and reassign such case or cases to the receiving judge. The Presiding Judge may transfer the case without the approval of the receiving judge when he or she finds such transfer appropriate. As used herein, the receiving judge shall be the judge with the lowest lotted case number of the companion case(s) unless the affected judges otherwise agree.

#### **B. Disqualification.**

If, for any reason, a judge is disqualified to hear an assigned case, that judge shall sign and submit a case transfer entry to the Presiding Judge. If approved by the Presiding Judge, a new lot shall be drawn and that case shall be assigned to another judge. The transferring judge shall then receive the next case that would have been assigned by lot to the receiving judge.

#### **C. Illness or Absence.**

In the event of the protracted illness or absence of a judge, ~~or the unduly prolonged time for trial of a case assigned to a judge~~, the Presiding Judge may reassign said cases ~~assigned to that judge~~ to another judge, or to a visiting judge, or a Magistrate as the Presiding Judge may determine.

#### **D. General.**

The Presiding Judge may reassign any case in the furtherance of justice. A judge appointed or elected to succeed another shall handle the cases assigned to his or her predecessor. When there is a transfer of a case, the case file and the other records shall be changed to reflect the reassignment to the receiving judge.

## RULE No. 11

### CIVIL PLEADINGS AND OTHER PAPERS

#### A. Form.

All papers filed with the Clerk of Court shall be filed ~~under the style and number of the cause, and shall include with the following designations:~~

1. Case caption including the names of the plaintiff and defendant
- ~~1-2.~~ the case number, if any;
- ~~2-3.~~ the name of the judge assigned the case, if any;
- ~~3-4.~~ a notation as to the type of case;
- ~~4-5.~~ a short description of the pleading or motion being filed;
- ~~5-6.~~ any other information required by Civ.R. 10.

All papers shall remain in the Office of the Clerk of Courts except when required by the Court.

#### B. Space for Time-Stamp.

The caption on all pleadings shall provide a blank space of approximately three inches (3") in diameter on the upper right portion of the pleadings for the Clerk's time-stamp imprint. ~~The face sheet of all complaints filed in civil cases shall provide a two and one-half inch (2 1/2") type horizontal line approximately one-half inch (1/2") below and parallel to the line provided for the case number.~~

#### C. ~~Address of Attorney~~ Signing of Pleadings, Motions, or other Documents.

All pleadings, motions, and other papers filed in an action shall be signed by the attorney or pro se party and shall bear the name, address, and telephone number, facsimile number, and email address when applicable. of the person filing the same. If an attorney is the person filing the document, the attorney registration number shall be included. An attorney shall also include their registration number CIV.R.11.

#### D. Certificate of Service.

Other than the original complaint, every pleading, motion or other paper filed with the Clerk shall contain a certification of service to the other parties to the action. In every proceeding where there is an attorney of record, the service shall be made upon such attorney unless service upon the party is ordered by the Court. [Civ.R.5(B)] (3).

## E. Size of Paper.

All pleadings and other papers shall be typewritten or printed on ~~short~~ (8-1/2 x 11 inch) paper only, front side only and, ~~They shall be offered without backing,~~ suitable for a flat filing system. Original documents attached or offered as exhibits are exempt from this requirement, provided that all exhibits shall be neatly bound.

## F. Electronically Transmitted Faxed Filings.

Pursuant to ~~Rule Civ. R 5(EC) of the Ohio Rules of Civil Procedure~~, the Court will allow the filing by electronic Fax transmission, through the Clerk of Court's Office, of complaints, motions, pleadings, letters, documents and all other matters, ~~not longer than ten pages in length which may be filed in person or by mail~~ with the following additional provisions:

1. The Clerk shall maintain a dedicated phone line of (330) 375-2427 to accept electronically transmitted faxed filings.
2. An attorney ~~must~~ shall provide all required identification on the first page of transmission in the format prescribed in ~~Civ. R Rule 11(C)~~. Transmissions without such information will not be accepted. A transmitted document must be no longer than ten pages and must pertain to only one case.
3. The electronically transmitted document's filing date is determined by court hours. Any filings sent electronically by fax and received by the Court after 4:00 p.m. Eastern Time will be file-stamped the next business day.
4. All filings made by electronic fax transmission must be followed within three business days by an original filing ~~of the same on standard bond paper~~ bearing original signatures. If an original is not received within the time period, the electronically transmitted faxed filings will be considered null and void and discarded. The original filing received with in the requisite time period shall be file-stamped when received but effective the date and time of the electronically transmitted faxed filing. Attorneys must indicate on the original filing the date and time the electronic fax transmission was sent.

Deposit for costs must accompany the complaint or other original document. If costs do not accompany the documents, it will not be accepted by the Clerk and the electronically transmitted filing will be discarded.

5. Electronically transmitted faxed filings must contain all information that will be included in ~~the an~~ original filing in addition to the transmitting phone number of the responsible attorney and the date and time of the electronic fax transmission.

## G. Privacy/Redaction of Personal Identifying Information

No "personal identifiers" should be included in any case document

"Personal identifiers" are social security numbers except the last four digits, financial account numbers, and employee identification numbers.

The responsibility for redacting personal identifiers from a case document submitted to the Court shall rest solely on the party filing the court document. The Court and Clerk of Court are not required to review a case document to confirm that personal identifiers have been redacted, nor shall the Clerk of Court refuse to accept or file the document on that basis. Sup. R. 44 (H) and 45 (D).

## **RULE No. 12**

### **CIVIL COURT COSTS**

The Clerk of Court shall not accept for filing any ~~No~~ civil action or proceeding shall ~~be accepted for filing by the Clerk~~ unless a filing fee is deposited as set forth on Appendix B at the end of these Rules, and unless exempted by law or ~~otherwise~~ ordered by the ~~Presiding signing or assigned~~ Judge. Such prescribed fees may be amended from time to time by order of the Court. All entries or other dismissals terminating any case shall indicate the party having responsibility for payment of the court costs. Signing Judge or assigned Judge may issue order for Waiver of Indigency.

The Court may waive civil court costs for filings by a government entity.

## **RULE No. 13**

### **DISMISSALS ON FAILURE OF SERVICE**

A civil case pending for six (6) months or longer in which service of process of the complaint has not been ~~made perfected~~ shall be dismissed after notice to the plaintiff, unless, for good cause shown, ~~the Presiding Judge~~ Signing Judge otherwise directs. [Sup.R. 40]

~~(Effective October 21, 1997)~~

## **RULE No. 14**

### **CIVIL LEAVES TO ~~MOVE OR~~ PLEAD**

In all civil cases a party may obtain one automatic leave to ~~move or~~ plead by certification to the Clerk or by motion and order, with notice to other parties stating that no previous leaves have been taken in that case. Such leave may not exceed twenty-one (21) days.

Any additional leave to ~~move or~~ plead must be obtained from the assigned judge. The request for such leave shall be made in writing, with notice to other parties, stating the reason for requesting such leave and setting forth the particulars of the prior leave. Such additional leave shall not exceed twenty-one (21) days. A judge, for good cause, may waive any requirement in this paragraph.

~~(Effective October 21, 1997)~~

## RULE No. 15

### MOTION PRACTICE

An application to the Court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing unless waived by the judge. A motion, whether written or oral, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. A written motion, and any supporting affidavits, shall be served in accordance with Civ.R. 5 and Crim.R.49 unless the motion can be heard ex parte. Civ.R. 7(B) and Crim. R. 47.

~~Motions made during a hearing or trial may be made orally or in writing. All other motions shall be made in writing, unless waived by the judge.~~

Motions for a definite statement pursuant to Civ.R. 12(~~Ec~~) and motions to strike pursuant to Civ.R. 12(F) shall set forth the language sought to be stricken or claimed to be indefinite.

Motions will not be set for hearing except as the Court, in its discretions, orders. A party desiring a hearing should request one. When a motion is set for hearing, the Court shall notify the parties to the action of the date and time of the hearing.

Responses to all motions, including motions for summary judgment, shall be filed and served within fourteen days after service of the motion, and a movant's reply within seven days after the service of the response to the motion. Civ.R 6(c).

The Court, in its discretion, may extend the time for filing and answering motions, unless prohibited by statute or the civil and criminal rules.

~~To the extent that this rule may conflict with AMCR No. 14 or 17, the latter rules shall prevail.~~

## RULE No. 16

### PRETRIAL CONFERENCES

#### A. Civil.

In any civil action the Court may, in its discretion, ~~with or without request of a party~~, set the case for an initial pretrial conference and subsequent pretrials, if needed. All attorneys and a party without counsel shall be present for the pretrial conference; ~~however~~, unless the judge may order all of the parties to be present otherwise.

~~At the pretrial conference, the parties and/or counsel shall be prepared as follows:~~

- ~~1. Have completed the pleading and motion process unless the judge or the Civil Rules allow for a longer period;~~
- ~~2. Have completed discovery unless the judge or the Civil Rules allow for a longer period;~~

- ~~3. Be prepared for consideration of evidence questions, stipulations as to facts and law, and other issues;~~
- ~~4. List and describe all exhibits intended to be offered at trial;~~
- ~~5. Present the legal theory of the case;~~
- ~~6. Be prepared to discuss the possibility of settlement. Furnish a list of all witnesses whom they intend to call along with a statement of the general nature of their testimony;~~
- ~~7. Other matters as the Court may require.~~

At the pretrial conference, the court may establish the following deadlines and dates:

1. Motion and discovery deadlines;
2. Final pretrial and trial dates as well as deadlines for filing motions in limine, exhibits and witness lists, and agreed upon jury instructions, verdict forms, and special interrogatories;
3. Any other matters that the Court may require.

Attorneys and parties without counsel shall also be prepared to discuss the legal theories of the case as well as the possibility of settlement.

## **B. Criminal/Traffic.**

In any criminal or traffic action the Court may in its discretion, ~~with or without request of a party,~~ assign such cause for pretrial conference and subsequent pretrials, if needed. ~~When a criminal or traffic case is assigned for a pretrial conference, the prosecutor assigned to the case, defendant's counsel and the defendant shall be present. If the defendant fails to appear at the pretrial conference, the judge may issue a warrant for the defendant's arrest.~~

Criminal or traffic cases which carry potential jail time shall be set for a pretrial. The prosecutor assigned to the case, defendant's counsel and the defendant shall be present. If the defendant fails to appear at the pretrial conference, the judge may issue a warrant for the defendant's arrest.

Prior to or at this pretrial, the prosecutor shall provide to defense counsel electronic discovery via the MATRIX system.

The prosecutor shall comply with all requirements of Chapter 2950 of the Revised Code and Marsy's law in conducting pretrials.

Both the prosecutor and defense counsel shall comply with all requirements of Criminal Rule 16 in handling any criminal case.

~~The complaining witness and the arresting officer or other appropriate officer shall be notified of the pretrial conference. An officer involved in the case scheduled for pretrial conference may, with approval of the Court, make arrangements with the prosecutor prior~~



~~to the pretrial conference so as to eliminate the necessity of his appearance. The Akron Police Department may designate one of more of its members as a liaison officer to represent the officer requested to appear at the pretrial conference.~~

~~The prosecutor and defense counsel, to the best of their ability, shall ~~bring to the pretrial conference the following information;~~make available to opposing counsel all Crim.R.16 discovery in their possession to the initial and any subsequent pretrial conferences.~~

- ~~1. Any written or recorded statement of the defendant or co-defendant, or a summary of any such oral statement;~~
- ~~2. Criminal record of the defendant, as is available to the prosecutor, including the BMV printout in traffic cases;~~
- ~~3. Reports of tests or examinations made in connection with the case, accident reports, and in DUI/BAC cases, calibration information and alcohol influence reports, or in the alternative, have this information available to the defendant's counsel within a reasonable time;~~
- ~~4. A written list of the names and addresses of all known witnesses intended to be called at trial, together with any record or prior felony convictions of any such witnesses;~~
- ~~5. Documents or tangible objects which may be material to the defense if used at the trial or which were obtained from or belong to the defendant;~~
- ~~6. A written statement of all known evidence favorable to the defendant and material either to guilt or punishment.~~

~~The defendant's counsel shall bring to the pretrial conference the following information:~~

- ~~7. Documents or other tangible objects which may be material to the case or used at the trial;~~
- ~~8. Reports of tests or examinations made in connection with the case, including chemical tests in DUI cases;~~
- ~~9. A written list of the names and addresses of all witnesses intended to be called at trial, together with any record of prior felony convictions of any such witnesses.~~

~~No provisions contained in this Rule shall be construed to limit or otherwise modify the requirements and procedures prescribed by Crim. R.16.~~

## **RULE No. 17**

### **TELEPHONE/ REMOTE HEARINGS**

The Court may, in its discretions, hear oral argument on any motion or conduct a pretrial conference or other hearing by ~~speaker or regular~~ telephone or other video or electronic means~~conference, provided that every statement is audible to all persons.~~ Upon request of any party, such oral argument, conference, or hearing may be recorded under such conditions as the judge/magistrate shall deem practicable. ~~The Court may direct which party shall pay the cost of long distance telephone calls.~~

## RULE No. 18

### SUBPOENAS FOR WITNESSES

Witnesses may be served by filing a praecipe/request with the Clerk of Court or by a person designated by any order of the Court as provided in Civ. R. 45(~~CB~~). Any praecipe/request for subpoena or order designating a person to serve a subpoena should be filed with the Clerk of Court at least seven (7) days before the date of trial.

If the subpoena is filed less than seven (7) days before trial, failure of service or nonappearance of a witness shall not constitute grounds for a continuance.

## RULE No. 19

### JURY TRIALS

#### A. Civil.

A demand for trial by jury shall be made in accordance with Civ. R. 38. If no number is specified on the jury demand, the number of jurors shall be eight (8). To obtain a jury in a civil case, a written jury demand shall be filed with the Clerk, together with a jury deposit in the sum of \$320.00 or other such sum as established by the Court. If no number is specified on the jury demand, the number of jurors shall be eight (8). ~~To be effective, a jury demand requires both a written request and a \$320.00 deposit.~~ The jury deposit may be waived if the party files an affidavit of indigency and the assigned judge determines that the party making the jury demand is indigent. The nonprevailing side shall be responsible for jury costs unless the Court otherwise directs.

#### B. Criminal/Traffic.

Where there is a right of jury trial, the jury demand shall be made in accordance with Crim. R. 23. In criminal and traffic cases, the defendant, if found guilty, shall be responsible for the jury costs. R.C. 2947.23(A)

#### C. General.

In all civil, criminal, and traffic cases, when a jury is requested and not used, the jury costs shall be assessed against the party making the demand, unless the demand is withdrawn in writing before the time set by the Summit County Jury Commissioner, but no later than ~~the last working 3:00 pm on the business~~ day immediately before the date set for trial.

#### D. Jury Management Plan.

The jury management plan required by Sup. R. 5(B)(2) is contained in Appendix DC of ~~these Rules and is incorporated by reference.~~

~~(Effective October 21, 1997)~~

## **RULE No. 20**

### **CIVIL TRIAL DATE ASSIGNED**

When a civil case is assigned a date for trial, the case shall proceed to trial on that date, unless the Court directs otherwise. If plaintiff is not willing to proceed, the court may dismiss the case with or without prejudice, pursuant to Civ.R. ~~4741(B)(1)~~.

If a civil case set for trial is settled, the attorneys assigned to that case shall immediately notify the Court. The Court may order an appropriate judgment entry or stipulation to be filed in accordance with [AMCR No. 21](#).

## **RULE No. 21**

### **JUDGMENT ENTRIES**

Whenever a judgment or dismissal entry is required in any case, the Court may prepare it or order that counsel prepare the same. The proposed entry shall be submitted or filed within thirty (30) days. If such entry was to be prepared and presented by counsel, the Court may prepare and file the same when it is not timely presented to the Court. [Sup.R.7.]

Any judgment ~~or dismissal entry~~ or other final order as specified in RC 2505.02 prepared by counsel shall have the following language typed, rubber-stamped, or printed below the line prepared for the signature of the judge:

*"Pursuant to Civ. R. 58(B) the Clerk of Courts shall serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal."*

~~"Judgment or dismissal entry" as used in this Rule includes all decrees and orders from which an appeal lies as provided in R.C. 2505.02.~~

~~(Effective October 21, 1997)~~

## **RULE No. 22**

### **CIVIL CONTINUANCES**

#### **1. Written Request.**

No party shall be granted a continuance of a trial or hearing without first submitting a written request motion to the assigned judge or magistrate stating the reason for such request.

#### **2. Scheduling Conflict.**

When a continuance is requested for ~~the~~ reason that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in the same or another court of this state, or a federal court of the Northern District of Ohio, the case which was first set ~~for trial~~ shall have priority ~~and shall be tried~~ on the date assigned. A copy of the conflicting assignment shall be attached to the motion. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial or hearing is a matter within the discretion of the trial court for good cause shown. [Sup. R.41]

**3. Stipulations.**

Stipulated continuances shall not be granted as a matter of course.

**4. Waiver.**

A judge or magistrate, for good cause, may waive any requirement in this Rule.

~~(Effective October 21, 1997)~~

**RULE No. 23**

**DUTIES OF ATTORNEYS**

**A. Withdrawal or Change of Counsel.**

It shall be the duty of any attorney in any proceeding to promptly notify in writing the assigned judge ~~or referee~~ and the clerk when a withdrawal or change of counsel occurs, with proof of service on all parties, including the affected client.

**B. Permission to Withdraw.**

Notwithstanding subdivision (A) of this rule, an attorney cannot withdraw from any case unless he or she first makes the request for such withdrawal in writing and obtains the written approval of the assigned judge or ~~magistrate~~referee.

**C. Designated Trial Attorney.**

Each party represented by counsel shall have one attorney designated as trial attorney. All notices and communications from the court and all documents required to be served will be sent to the designated trial attorney. Sup.R.36(A).

**RULE No. 24**

**TRANSFER OF CASE TO ANOTHER COURT**

**A. Monetary Jurisdiction.**

The party causing a case to be transferred to the Summit County Common Pleas Court based upon the filing of a monetary amount in excess of the court's jurisdiction or a counterclaim, cross-claim or third-party claim exceeding the monetary jurisdiction of the court, which is transferred to the Court of Common Pleas, shall pay the required costs for such transfer to the Clerk of this Court and to the Clerk of the Common Pleas Court and physically transport the file to the office of the Clerk of Common Pleas.

**B. Venue.**

The plaintiff in a case that is ordered transferred because of improper venue or other reason shall pay the required costs for such transfer to the Clerk of this Court and to the Clerk of the transferee court.

**C. Failure to Comply.**

Failure to comply with subdivision (A) or (B) of this rule within fourteen (14) days shall be deemed to be a failure to prosecute under Civ. R. 41(B)(1). A Court, in its discretion, may grant additional time, but failure to comply within that extended period shall also be deemed to be a failure to prosecute under Civ.R.41(B)(1).

**RULE No. 25**

**COURT REPORTERS AND TRANSCRIPT FEES**

The responsibility of arranging for the attendance of a court reporter shall rest with the attorney and/or party desiring the same.

An individual requesting court transcripts shall file a written request to the Court Reporter under the assigned case number and make full payment to the court in accordance with the rate schedule as set forth in Appendix B.

**RULE No. 26**

**AUDIO TAPE ELECTRONIC RECORDING OF COURT PROCEEDINGS**

The court has determined that audio electronic recording devices shall be used to record the official proceedings of the court. All requests for audio taped copies of court proceedings shall be made in writing and directed to the secretary/court records officer. Such requests may be made on the form provided by the ~~secretary/court records officer~~ Court Reporter.

The ~~secretary/court records officer~~ Court Reporter shall prepare a verbatim, audio tape copy of the court proceedings and provide same to any requesting party within 48 hours of said request. The requesting party shall pay the cost of the tapes at a rate of \$2.50 per tape. The requesting party may then cause the tape to be transcribed in accordance with ~~the 9(A) of the #~~Rules of ~~a~~Appellate ~~p~~Procedure. (Sup. R. 11)

Master audio tapes, except Arraignment Court, shall be erased three (3) years after the last day recorded on that tape.

Master audio tapes from the Arraignment Court shall be erased after six (6) months from the last day recorded on the tape reel.

~~(Effective October 21, 1997)~~

#### **RULE No. 27**

#### **RETENTION OF RECORDED TAPES COURT RECORDS MANAGEMENT, RETENTION, AND DISPOSITION**

~~Master audio tapes, except in Felony Court, shall be erased three (3) years after the last day recorded on that tape.~~

~~Master audio tapes from the Felony Court shall be erased after six (6) months from the last day recorded on the tape reel.~~

The Court's record management, retention, and disposition policy shall be in accordance with Sup.R.26, Sup.R.26.01, Sup.R.26.05, and R.C. 1901.41, and as set forth in Appendix E.

#### **RULE No. 28**

#### **DISPOSITION OF FILES**

~~The Clerk may destroy or otherwise dispose of case files which have been terminated by the Court on its computer records for a period of fifteen (15) years for civil and criminal cases and five (5) years for traffic cases, except as set forth in R.C. 1901.41.~~

#### **RULE No. 289**

#### **MAGISTRATES**

A Magistrate shall have a minimum of six (6) years experience as a licensed attorney. The Administrative Judge shall notify the Supreme Court within thirty days of the appointment or termination of appointment of a magistrate for the court. A magistrate shall annually register with the Supreme Court by filing a certificate of registration. Sup.R. 19

In accordance with Sup.R. 19.1, The Court shall employ one or more magistrates who may ~~hear~~ oversee the following ~~unless otherwise ordered~~:

- a. Small Claims case proceedings under Θ.R.C. 1925;
- b. Forcible Entry and Detainer proceedings under Θ.R.C. 1923, in which the right to trial by jury is waived or not demanded as well as including second causes of action for money damages;
- c. Traffic misdemeanor proceedings in which arraignments, and dispose of such cases when there is a "guilty" or "no contest" plea or written waiver of the right to trial by a judge;
- ~~d. Traffic minor misdemeanors when defendant waives trial by a judge;~~
- d. Civil proceedings as set forth in Civ.R. 53 and criminal proceedings as set forth in Crim.R. 19, and traffic cases as set forth in Traf.R. 14;
- e. Mandatory orders;
- f. License suspension hearings under Θ.R.C. 4511.191 and Θ.R.C. 4507.02;
- g. Default proceedings under Civ.R. 535 where a hearing has been ordered is required;
- h. Post judgment proceedings hearings;
- i. Replevin and other; prejudgment attachment, etc.;
- j. Other appropriate matters as referred by the Presiding ~~Administrative Judge~~ or assigned judge.

As limited above, a Magistrate assigned to a case shall have the same signing and other authority and discretion that a judge assigned to the case would have. The A mMagistrate in Traffic Court is designated an officer of the Court and is authorized to issue warrants and summons. Pursuant to Crim. R. 4(A)(1)

~~Objections to magistrate's report shall be made in accordance with the provisions of Civ. R. 53(E). In considering objections to magistrate's reports the Court shall only review evidence that was presented at the hearing before the magistrate. After considering the report the Court may adopt the report, sustain the objection, conduct an evidentiary hearing or remand the case to the magistrate for further fact finding.~~

Motions to set aside civil magistrate's orders and objections to magistrate's decisions shall be filed in accordance with Civ.R. 53(D).

~~(Effective October 21, 1997)~~

## **RULE No. 3029**

### **~~COMPLAINT IN~~ FORCIBLE ENTRY AND DETAINER**

#### **A. Complaint**

A complaint in Forcible Entry and Detainer shall be filed in accordance with AMCR No. 11 and shall contain a reason for the eviction, a copy of the notice given under Θ.R.C. 1923.04 and a copy of the written instrument, if applicable, upon which the claim is founded. A plaintiff/owner must file a complaint personally or through a licensed attorney. When the plaintiff/owner is a

corporation, the complaint must be signed by a licensed attorney. Noncompliance with this rule shall result in the dismissal of the complaint.

~~(Effective August 27, 2002)~~

### **RULE No. 31**

#### **~~TRIAL IN FORCIBLE ENTRY AND DETAINER~~**

##### B. Trial

~~There shall be no "Answer Day" or "Call Day" as the term is used in other civil cases, and the trial date shall be set forth in the summons. DA~~ defendant shall be served at least five (5) days prior to the date set for trial. Motions shall be heard at the trial, unless the assigned judge or magistrate directs otherwise.

A continuance ~~may shall~~ be ~~filed in accordance with granted as provided in~~ [AMCR No. 22](#), ~~except the number of days in AMCR No. 22 shall be three (3) calendar days. Unless otherwise granted, no continuance shall be extended for more than three (3) calendar days. No continuance in an action under this chapter shall be granted for a period longer than eight (8) days, unless the plaintiff applies for the continuance and defendant consents to it, or unless the defendant applies for the continuance and gives a bond to the plaintiff, with good and sufficient surety, that is approved by the court and conditioned for the payment of rent that may accrue, if judgment is rendered against the defendant. R.C. 1923.08.~~

~~(Effective October 21, 1997)~~

### **RULE No. 32**

#### **~~JURY TRIAL IN FORCIBLE ENTRY AND DETAINER~~**

##### C. Jury Trial.

A demand for jury trial shall be made in accordance with [AMCR No. 19\(A\)](#), except that ~~it said demand~~ shall not be made less than ~~three (3) five (5)~~ days prior to the trial date. ~~AMCR No. 19(C) is applicable.~~

### **RULE No. 33**

#### **~~WRITS OF RESTITUTION~~**

##### D. Writs of Restitution



The Clerk shall not issue a writ of restitution or an alias writ of restitution after sixty (60) days has expired from the date a Court ordered restitution of the premises, unless authorized by the Presiding or signing Judge.

#### **RULE No. 34**

#### **~~SMALL CLAIMS DIVISION~~**

~~The Small Claims Division is established for Akron Municipal Court and has been in existence since 1967.~~

~~These Rules are suspended to the extent that they are inconsistent with the practice and procedure for Small Claims set forth in O.R.C. 1925.~~

#### **RULE No. 350**

#### **SMALL CLAIMS TRIALS**

##### a. Commencement.

The small claims division is established pursuant to R.C. 1925.01 et. Seq. An action is commenced when the plaintiff, or the plaintiff's attorney, states the amount and nature of the plaintiff's claim. The commencement constitutes a waiver of any right of the plaintiff to trial by jury upon such action. At the time of the filing of an action, the plaintiff, or the plaintiff's attorney shall pay the filing fees in accordance with R.C. 1901.26(C) and as set forth in Appendix B.

The plaintiff, or the plaintiff's attorney, shall state the plaintiff's and the defendant's place of residence, the military status of the defendant, and the nature and amount of the plaintiff's claim. The claim shall be reduced to writing in concise, nontechnical form. Such writing shall be signed by the plaintiff, or the plaintiff's attorney, under oath.

~~A memorandum of the time and place set forth for A notice of~~ trial shall be given to the person signing the claim. The time set for such trial shall not be fewer than fifteen (15) nor more than forty (40) days after commencement of the action. Notice shall be served on the defendant pursuant to ~~O.R.C. 1925.04., R.C. 1925.05.~~

##### b. Continuance

A continuance may be granted as provided in AMCR No. 22, except the number of days in AMCR No. 22(C) shall be three (3) days Unless otherwise granted, no continuance shall be extended for more than five (5) calendar days.

**RULE No. 36**

**SMALL CLAIMS MEDIATION**

c. Mediation

In accordance with R.C. 1925.03, the Court has established a mandatory Mediation Program for all small claims with the exception that tax recovery actions may be set for mediation on voluntary basis.

~~Effective December 1, 2001, a claim filed in the Small Claims Division shall be scheduled for a mandatory mediation hearing with the Court's Mediation Program which shall begin January 1, 2002.~~

The following shall apply to all Small Claims mediation hearings:

1. All parties shall attend;
2. Participation by the parties in the hearing is mandatory;
3. The purpose is to attempt to resolve the dispute between the parties;
4. If the plaintiff fails to appear, the claim may be dismissed without prejudice;
5. If the defendant fails to appear, then a judgment by default may be entered;
6. If the dispute cannot be resolved, then a trial shall be scheduled on the claim.

~~This order does not preclude the transfer of a Small Claims case to the court's regular docket in accordance with Rule 37 of the Akron Municipal Court Rules of Practice.~~

**RULE No. 37**

**TRANSFER OF SMALL CLAIMS CASE**

d. Transfer

In the discretion of the Court, a case duly entered on ~~the docket~~ a case filed in the of Small Claims Division may be transferred to the regular docket upon motion of the Court, upon motion of a defendant, or upon the filing of a counterclaim in an amount greater than the six thousand dollars, the jurisdiction of the Small Claims Division of a party against whom a claim, counterclaim, or cross-claim is instituted or upon the motion of a third party defendant. . The motion of a defendant shall be accompanied by an affidavit stating that a good defense to the claim exists and setting forth the grounds of defense and the compliance of the defendant with any terms fixed by the Court. Such a transfer is at the discretion of the Court and is not mandatory. The motion shall be accompanied by an affidavit stating that a good defense to the claim exists, setting forth the grounds of the defense, and setting forth the compliance of the party or third-party defendant with any terms fixed by the court.

The failure to file a motion under this division to transfer ~~the a~~ case to the regular docket of the Court constitutes a waiver by the party or third-party defendant of any right to trial by jury.

If the court grants the motion and a case is ordered transferred to the regular docket, the defendant shall pay the required deposit and comply with any other orders. This deposit must be paid before the case is transferred to the regular docket. Said case shall be allotted in accordance with AMCR No. 9.

## **RULE No. 318**

### **INSTALLMENT PAYMENTS OF FINES AND COSTS**

~~In any criminal or traffic matter when the assigned judge gives the defendant time to pay fines and costs, the fines and costs may be paid in installments. Installment payments shall not be received beyond the date set forth for payment unless authorized by the assigned judge or as consistent with AMCR No. 5. The court will collect a \$20 fee on all cases wherein the offender requests time to pay costs and fines.~~

The clerk of court collects all fines and costs. Court costs may include issuing subpoenas and jury costs. The clerk shall add any other costs required by law and will collect a \$20.00 fee on all cases where the defendant requests additional time to pay after sentencing. Installment payments will be accepted by the clerk without a judge's order before the date the payment is due as set by the clerk.

Requests for extensions for time to pay are authorized by the clerk without a judge's order. If fines and costs are not paid when due and the defendant has not requested an extension, the clerk of court will refer the case to an authorized collection agency.

~~(Effective October 21, 1997)~~

## **RULE No. 392**

### **COMMUNITY SERVICE PROGRAM**

A community service program is ~~established as a~~ an alternative to sentencing and payment of fines and court costs alternative. The sentencing judge or ~~referee~~ magistrate may allow a person convicted of a misdemeanor who qualifies for the community service program to elect to perform community service work as approved by the Probation Department. The Probation Department shall establish the guidelines for the qualification and administration of the community service program. The community service work may be performed for the following:

1. As a condition of suspended confinement;
2. In lieu of confinement; and/or
3. In lieu of payment of fines and court costs. See R.C. 1901.44(A)(1).

~~Community service work shall be at the option of the misdemeanant, but only as ordered by the Court and approved by the Probation Department. Credit for the same shall be given upon verification by the Probation Department and at the Court's discretion.~~

~~When a misdemeanant performs community service as a condition of a suspended sentence or in lieu of confinement, then an eight hour day of work shall be equal to one day's confinement.~~

~~When a misdemeanant defendant performs community service in lieu of fines and court costs, the defendant shall be credited \$80.00 per eight hour day or \$10.00 per hour. Said credited amount shall not be less than the wage rate that is specified in 26 U.S.C.A. 206(a)(1) under the federal Fair Labor Standards Act of 1938, current in effect. is unable to pay fines imposed, the Court may refer him to the community service program. He shall be credited \$50.00 towards fines for each eight hours of work. If the balance on fines is \$10.00 or more but less than \$35.00, then four hours of work shall be credited for the same, but waived if the balance is less than \$10.00.~~

~~Any violation of the community service program relating to a suspended sentence or in lieu of confinement by a misdemeanant defendant, ~~including the requirements established by the Probation Department or the sentencing judge~~, is a violation of a court order and subjects ~~that~~ misdemeanant the defendant to sanctions as provided by law.~~

~~A misdemeanant herein is defined as provided in O.R.C. 2901.02.(D), (F), and (G).~~

#### **RULE No. 3340**

### **CRIMINAL/TRAFFIC BOND SCHEDULE**

~~All bonds shall be set in accordance with Crim. R. 46. In lieu of bond set by a judge or referee magistrate, the Clerk is authorized to release a person charged in this Court with a crime based on the schedule set forth in Appendix CD at the end of these Rules.~~

#### **RULE No. 3441**

### **REPRESENTATION OF INDIGENT ~~DEFENDANTS / COURT APPOINTMENTS~~**

#### **A. Misdemeanor Appointments**

~~A.~~

1. The Summit County Legal Defender Office is designated to provide the legal representation for an indigent charged with a criminal or traffic misdemeanor, other than a minor misdemeanor. ~~Any such individual found by the Court to be in need of an attorney and entitled to such services may be considered for an appointment of the Legal Defender.~~ A twenty-five dollar fee shall apply.

Payment for the remainder of the services of the Summit County Legal Defender Office shall be from Summit County and/or other governmental bodies contracting with it.

2. In cases where there the Legal Defender's Office identifies to the Court a conflict of interest in representing that person, an attorney shall be appointed and paid as provided herein.
3. When a felony is reduced to a misdemeanor, or otherwise remanded back to the Municipal Court, ~~an practicing~~ attorney previously appointed ~~as provided herein~~ may continue with such representation and be paid as provided herein.
4. When other exceptional circumstances exist, and for good cause, ~~the Presiding a~~ Judge may appoint ~~an practicing~~ attorney in a misdemeanor case, and the attorney shall be paid as provided herein.

4.

### **B. Appointment List**

**B.**

1. The Court, through the Akron Bar Association, shall maintain a list of attorneys in private practice who are willing to accept appointments for cases identified in (A)(2)-(4), and felony cases arraigned in the Akron Municipal Court. Attorneys who wish to be placed on that list of Appointed Counsel shall apply in writing to the Akron Bar Association, and submit a photograph and proof of malpractice insurance along with that application. Applications may be found on the Akron Municipal Court's website, the Akron Bar Association website, or in the Felony Arraignment Court. Open enrollment for the list occurs at the creation of this rule for ninety (90) days, and thereafter in August and February of each year. During the months of February and August, members of the Appointed Counsel Committee of the Akron Bar Association will meet in person or communicate through electronic mail and review the list for any additions or changes.
2. In order to be approved for inclusion on the Appointment List, an attorney must meet the following standards:
  - a. Be a licensed Ohio attorney in good standing;
  - b. Meet the requirements set forth in the Ohio Administrative Code 120-1-07 and 120-1-10;
  - c. Take the Annual Criminal Law Update, offered through the Akron Bar Association or equivalent course, during each calendar year;
  - d. Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct. An attorney shall file a certificate of compliance with this requirement with his or her application, and thereafter with each renewal as prescribed in (B)(6).
  - e. For attorneys with less than two years of practice, take the ABCs of a Jury Trial, offered through the Akron Bar Association or equivalent course;

- f. For attorneys with less than two years of practice, take the Nuts-n-Bolts of Criminal Practice, offered through the Akron Bar Association or equivalent course;
3. Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.
4. The attorney shall have a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number.
5. An attorney may be removed from the Appointment List with the approval of a majority of the Appointed Counsel Committee. Any attorney being considered for removal will be notified by the Committee in writing, with the reasons for removal, and given an opportunity to respond in writing within fourteen (14) days. Such response will be distributed prior to the Appointed Counsel Committee meeting at which the removal will be discussed and determined. If an attorney is so removed, the attorney may seek reinstatement upon correction of the reasons for removal. Such reinstatement is governed by (B)(6) herein.
6. An attorney seeking renewal or reinstatement to the Appointment List must submit the application and supporting information required by the February and August application deadlines of each year. No renewals or reinstatements will be accepted during other times.

6.

### **C. Felony Appointments**

Any person charged with a felony and found to be indigent, in need of an attorney, and entitled to the same, shall be appointed a practicing attorney from the Appointment List. The Judge sitting in Arraignment Court shall appoint counsel from the Appointment List as defined herein, and shall ensure an equitable distribution of appointments among all persons on the appointment list. Each Judge may also consider the skill and expertise of potential appointees in selecting counsel in an individual case. A record of the appointments made in Arraignment Court shall be maintained by the bailiff in the Arraignment Court, and shall be reviewed annually at a Judges' Meeting to ensure the equitable distribution of appointments among attorneys on the Appointment List.

### **D. Fee Schedule**

The fee schedule applicable to all practicing attorneys on the Appointment List will be the fee schedule identified by the Ohio Public Defender Commission and approved by Summit County at the time of the request, as well as expenses allowed by Court.

No attorney, including the Legal Defender, appointed to represent an indigent defendant, shall receive any fees other than public funds for services relative to that appointment. Before the appointed attorney shall receive any money from or on behalf of an indigent

for services in such representation, the Court shall immediately be notified, withdrawing with waiver of any fees from public funds.

~~(Effective January 11, 2017)~~

**RULE No. 3542**

**PROBABLE CAUSE**

When a private citizen or attorney files a criminal or traffic affidavit without ~~authorization from~~ a prosecutor, law enforcement officer or judge, the Clerk shall number, index and docket that affidavit separate from other filings. Such affidavit shall be assigned as provided in [AMCR No. 89](#), and the assigned judge shall schedule a date for a probable cause hearing. A copy of the affidavit shall be forwarded to the City [of Akron](#) Prosecutor's Office. [R.C. 2935.09](#)

If the judge finds no probable cause for the affidavit, it shall be ordered dismissed, and the Clerk shall enter that finding on the probable cause docket. If the judge finds probable cause, the Clerk shall assign to it a case number and the proceedings shall be held in that case by the assigned judge as required.

**RULE No. 3643**

**SPECIALIZED DOCKETS**

The Court may create specialized dockets [as certified by the Supreme Court](#) to respond to local needs and resources.

The Court ~~will has~~ [adopted the following](#) ~~local rules to establish~~ specialized dockets ~~and implement pursuant to~~ the 'specialized docket standards' under Sup.R. 36.20.

- [Rule 4336.1 Specialized Dockets: ~~Drug Recovery~~ Court](#)
  - [Rule 4336.2 Specialized Dockets: Family Intervention Court](#)
  - [Rule 4336.3 Specialized Dockets: Mental Health Court](#)
  - [Rule 4336.4 Specialized Dockets: OVI Court](#)
  - [Rule 4336.5 Specialized Dockets: Valor Court](#)
- [Here](#)

~~(Effective September 30, 2013)~~

**RULE No. 4437**

**USE OF ELECTRONICALLY PRODUCED TICKETS**

The use and filing of a ticket that is produced by a computer or other electronic means is hereby authorized in The Akron Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is

issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket. A paper copy shall also be filed with The Akron Municipal Court

~~(Effective September 30, 2014)~~

**RULE No. 38**

**ADMINISTRATIVE APPEAL OF TRAFFIC LAW PHOTO-MONITORING DEVICE – CIVIL VIOLATION TICKET**

**Pursuant to R.C. 1901.20 and R.C. 4511.099 (G), this Court has jurisdiction over administrative appeals relating to written decisions rendered by hearing officers contesting civil violation traffic tickets originating from the use of a traffic law photo-monitoring device.**

**The parties subject to the administrative appeal shall follow the procedures set forth in R.C. Chapter 2506 as it relates to filing the notice of appeal, the transcript/record of proceedings, and hearing. Furthermore, the following timetable for appeal shall apply when no additional evidence is required:**

- a. Appellant’s brief containing assignments of error and brief shall be filed within thirty days after the filing of the record of proceedings with the Clerk of Court,**
- b. Appellee’s brief containing assignments of error, if any, and brief within thirty days after the filing of Appellant’s brief,**
- c. Appellant’s reply brief within ten days after the filing of Appellee’s brief,**
- d. For good cause shown, the Court may, upon motion, extend or otherwise modify the foregoing schedule,**
- e. The Court may grant hearing for oral arguments, if requested.**

**Any request for hearing on the evidence pursuant to R.C. 2506.03 shall be filed within fourteen days after the filing of the record of proceedings, supported by an affidavit requesting the submission of additional evidence and specifying the nature and type of additional evidence to be submitted and the reasons therefor.**

**If the Appellant fails to file his/her brief and assignments of error within the timetable provided, the Court may dismiss the appeal or otherwise dispose of the case as justice requires.**

**The Court shall follow the procedures set forth in R.C. 2506.04 as it relates to the above administrative appeal.**



**APPENDIX A**

**MUNICIPAL COURT OF AKRON  
SCHEDULE OF COURT SESSIONS**

(See AMCR RULE No. 2)

**INDIVIDUAL DOCKET**

	A.M.	P.M.
Monday	8:30 - 12:00	1:00 - 4:00
Tuesday	8:30 - 12:00	1:00 - 4:00
Wednesday	8:30 - 12:00	1:00 - 4:00
Thursday	8:30 - 12:00	1:00 - 4:00
Friday	8:30 - 12:00	1:00 - 4:00

**ARRAIGNMENT ROOM**

	Felony Docket	Misdemeanor Docket
	A.M.	P.M.
Monday	8:30 - 12:00	1:00 - 4:00
Tuesday	8:30 - 12:00	1:00 - 4:00
Wednesday	8:30 - 12:00	<del>1:00 - 4:00</del>
Thursday	8:30 - 12:00	1:00 - 4:00
Friday	8:30 - 12:00	1:00 - 4:00
Saturday	8:30 - 12:00	-----

**TRAFFIC DOCKET**

	A.M.	P.M.
Monday	8:30 - 12:00	1:00 - 4:00
Tuesday	8:30 - 12:00	1:00 - 4:00
Wednesday	8:30 - 12:00	1:00 - 4:00
Thursday	8:30 - 12:00	1:00 - 4:00
Friday	8:30 - 12:00	1:00 - 4:00

**SMALL CLAIMS DOCKET**

	A.M.	P.M.
Monday	8:30 - 12:00	1:00 - 4:00
Tuesday	8:30 - 12:00	1:00 - 4:00
Wednesday	8:30 - 12:00	1:00 - 4:00
Thursday	8:30 - 12:00	1:00 - 4:00
Friday	8:30 - 12:00	1:00 - 4:00

**MEDIATION HEARINGS**

	A.M.	P.M.
Saturday	8:30 - 12:00	-----

**APPENDIX B**

**JIM LARIA, CLERK OF COURTS  
CIVIL DIVISION COURT COSTS**

<b>Description</b>	<b>Cost</b>
<b>Regular Civil Case Filing w/Certified Mail Service (Up to 2 Defendants)</b>	<b>\$ 159.00</b>
<b>Each additional defendant</b>	<b>\$ 16.00</b>
<b>Eviction Case Filing w/Certified Mail, Bailiff Service, Regular Mail (1 Defendant)</b>	<b>\$ 169.00</b>
<b>Eviction Case Filing w/Certified Mail, Bailiff Service, Regular Mail (2 Defendants)</b>	<b>\$ 179.00</b>
<b>Each Additional Defendant w/Certified Mail, Bailiff Service, Regular Mail</b>	<b>\$ 26.00</b>
<b>Replevin (Up to 2 Defendants)</b>	<b>\$ 159.00</b>
<b>With Locksmith Order (1 Defendant)</b>	<b>\$ 171.00</b>
<b>With Locksmith Order (Each Additional Defendant)</b>	<b>\$ 20.00</b>
<b>Cognovit Note</b>	<b>\$ 156.00</b>
<b>Small Claims (1 Defendant)</b>	<b>\$ 101.00</b>
<b>Each Additional Defendant</b>	<b>\$ 16.00</b>
<b>License Suspension Appeal</b>	<b>\$ 94.00</b>
<b>Transfer of Judgment from Another Court</b>	<b>\$ 86.00</b>
<b>Alias Bailiff Service</b>	<b>\$ 12.00</b>
<b>Alias Certified Mail</b>	<b>\$ 15.00</b>
<b>Alias Regular Mail</b>	<b>\$ 10.00</b>

<b>Amended Complaint &amp; Cross-Complaint (up to 2 parties)</b>	<b>\$ 43.00</b>
<b>Additional service per defendant:</b>	
<b>Certified Mail</b>	<b>\$ 15.00</b>
<b>Bailiff Service</b>	<b>\$ 12.00</b>
<b>Regular Mail</b>	<b>\$ 10.00</b>
<b>Counterclaim &amp; Third Party Complaint (up to 2 parties)</b>	<b>\$ 78.00</b>
<b>Additional service per defendant:</b>	
<b>Certified Mail</b>	<b>\$ 15.00</b>
<b>Bailiff Service</b>	<b>\$ 12.00</b>
<b>Regular Mail</b>	<b>\$ 10.00</b>
<b>Appeal / Transcript</b>	<b>\$ 20.00</b>
<b>Certificate of Judgment</b>	<b>\$ 45.00</b>
<b>Change of Venue / Transcript</b>	<b>\$ 30.00</b>
<b>Execution</b>	<b>\$ 60.00</b>
<b>Foreign Service:</b>	
<b>Sheriff Service</b>	<b>\$ 25.00</b>
<b>Secretary of State Service</b>	<b>\$ 15.00</b>
<b>FRR</b>	<b>\$ 9.00</b>
<b>Garnishment - Personal Earnings:</b>	
<b>If Total Amount Now Due is \$3,000 or Less</b>	<b>\$ 109.00</b>
<b>If Total Amount Now Due is Greater than \$3,000</b>	<b>\$ 179.00</b>
<b>Garnishment - Other Than Personal Earnings:</b>	

<b>Bailiff Service (In-County)</b>	<b>\$ 66.00</b>
<b>Certified Mail (Out-of-County)</b>	<b>\$ 78.00</b>
<b>Jury Demand</b>	<b>\$ 320.00</b>
<b>Mandatory Order, Show Cause w/Certified Mail or Bailiff Service (1 Defendant)</b>	<b>\$ 15.00</b>
<b>Each additional defendant</b>	<b>\$ 8.00</b>
<b>Motions (Any Civil Motion Which Would Terminate the Action):</b>	<b>\$ 25.00</b>
<b>Summary Judgment, Default Judgment, Judgment on the Pleadings &amp;</b>	
<b>Dismissals (Except 1st and 2nd Cause of Evictions)</b>	
<b>Motions to Vacate &amp; any other Civil Motion that modifies a final judgment</b>	<b>\$ 60.00</b>
<b>NSF Check</b>	<b>\$ 40.00</b>
<b>Objection to Magistrate Decision</b>	<b>\$ 35.00</b>
<b>Order of Sale and Appraisal for Executions</b>	<b>\$ 78.50</b>
<b>Pay Order</b>	<b>\$ 7.00</b>
<b>Photocopies:</b>	
<b>No Charge for First Ten Copies</b>	<b>\$ 0.10</b>
<b>Certified</b>	<b>\$ 1.00</b>
<b>Exemplified</b>	<b>\$ 3.00</b>
<b>Revivor w/Certified Mail or Bailiff Service (1 Defendant)</b>	<b>\$ 72.00</b>
<b>Each additional defendant</b>	<b>\$ 16.00</b>
<b>Subpoenas w/Certified Mail or Bailiff Service (1 Witness)-does not include witness fee</b>	<b>\$ 10.00</b>
<b>Transfer to Regular Court Docket</b>	<b>\$ 35.00</b>

<b>Trusteeship (First 10 Creditors)</b>	<b>\$ 60.00</b>
<b>Writ of Restitution</b>	<b>\$ 20.00</b>

**CRIMINAL WAIVER COSTS**

[CRIMINAL LOCAL AND STATE COSTS](#)

[CITY ORDINANCE](#)

[STATE ORDINANCE](#)

<b>CRIMINAL LOCAL AND STATE COSTS</b>	
<b>LOCAL BASIC COSTS</b>	<b>\$41.00</b>
<b>STATE PUBLIC DEFENDER</b>	<b>20.00</b>
<b>STATE VICTIMS OF CRIME</b>	<b>9.00</b>
<b>COMPUTERIZATION FEE</b>	<b>7.00</b>
<b>CRIMESTOPPERS</b>	<b>1.00</b>
<b>BANK AUTOMATION FEE</b>	<b>2.00</b>
<b>SPECIAL PROJECTS FUND</b>	<b>45.00</b>
<b>TOTAL</b>	<b>\$125.00</b>

<b>City of Akron Ordinances</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>92.08 - 92.14</b>	<b>DOG VIOLATIONS</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>92.25B1</b>	<b>DOG AT LARGE</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>

<b>96.01</b>	<b>VEHICLES OPERATED IN PARKS</b>	<b>\$14.00 &amp; COSTS</b>	
<b>111.471</b>	<b>RUBBISH HAULERS LICENSE</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>111.474</b>	<b>COVERED RUBBISH VEHICLES</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>132.01</b>	<b>DISORDERLY CONDUCT</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$194.00</b>
<b>132.13</b>	<b>DISTURBING THE PEACE</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$194.00</b>
<b>139.06</b>	<b>CURFEW</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>

<b>State of Ohio Ordinances</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>715.55</b>	<b>DISTURBING THE PEACE</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$194.00</b>
<b>951.02</b>	<b>DOG AT LARGE</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>955.01</b>	<b>REGISTRATION OF DOG</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>955.24 - 955.26</b>	<b>DOG VIOLATIONS</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>1545.09</b>	<b>PARK DISTRICT &amp; TURNPIKE VIOLATIONS (SEE CITY AND STATES CODES)</b>		
<b>1547.</b>	<b>WATERCRAFT VIOLATIONS</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>1548.</b>	<b>WATERCRAFT VIOLATIONS</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$139.00</b>
<b>2917.11</b>	<b>DISORDERLY CONDUCT</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$194.00</b>

**TRAFFIC WAIVER COSTS**

[TRAFFIC LOCAL AND STATE COSTS](#)

CITY ORDINANCE

STATE ORDINANCE

<b>TRAFFIC LOCAL AND STATE COSTS</b>	
<b>LOCAL BASIC COSTS</b>	<b>\$42.00</b>
<b>STATE PUBLIC DEFENDER</b>	<b>\$20.00</b>
<b>STATE COURT COST (HB 562)</b>	<b>10.00</b>
<b>STATE VICTIMS OF CRIME</b>	<b>9.00</b>
<b>COMPUTERIZATION FEE</b>	<b>7.00</b>
<b>BANK AUTOMATION FEE</b>	<b>2.00</b>
<b>SPECIAL PROJECTS FUND</b>	<b>45.00</b>
<b>TOTAL</b>	<b>\$135.00</b>

**ALL WAIVERABLE ACCIDENTS ARE \$204.00 REGARDLESS OF CHARGE.**

<b>Chapter 70 GENERAL PROVISIONS</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>52.01 - 52.18</b>	<b>VIOLATIONS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>70.04</b>	<b>RESISTING POLICE OFFICER</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$204.00</b>
<b>70.07</b>	<b>PROHIBITIONS ON USE OF FREEWAY</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>70.08</b>	<b>SHORTCUTTING ACROSS PRIVATE PROPERTY</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>70.20 - 70.24</b>	<b>TRAFFIC CONTROL DEVICES; RED LIGHTS; PEDESTRIAN CONTROL SIGNALS; AND FLASHING TRAFFIC SIGNALS</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>

<b>Chapter 71 LICENSING PROVISIONS</b>			
	<b>VIOLATION</b>	<b>FINE</b>	
<b>71.01C</b>	<b>EXPIRED DRIVERS LICENSE</b>		<b>\$154.00</b>
<b>71.15</b>	<b>LICENSE PLATE AND VALIDATION STICKER VIOLATIONS:</b>		
	<b>(1) NO LICENSE PLATES</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
	<b>(2) EXPIRED LICENSE PLATES:</b>		
	<b>A. 1 TO 7 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>B. 8 TO 30 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>C. 31 TO 90 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>D. OVER 90 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
<b>71.17</b>	<b>USING LICENSE PLATES OF FORMER OWNER</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$169.00</b>
<b>71.18</b>	<b>OHIO RESIDENT USING LICENSE PLATES FROM ANOTHER STATE</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$204.00</b>

<b>Chapter 72 TRAFFIC RULES</b>			
	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>72.01</b>	<b>LANES OF TRAVEL ON ROADWAYS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.02</b>	<b>DRIVING IN MARKED LANE</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.03</b>	<b>VEHICLES TRAVELING IN OPPOSITE DIRECTION</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.04-72.08</b>	<b>PASSING VIOLATIONS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.09</b>	<b>ONE-WAY STREETS &amp; ROTARY TRAFFIC</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>



	<b>ISLAND</b>		
<b>72.10</b>	<b>DIVIDED ROADWAYS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.11</b>	<b>FOLLOWING TOO CLOSELY</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>72.12- 72.16</b>	<b>TURNS AT INTERSECTIONS; U-TURNS AND STOP SIGNALS; HAND AND ARM SIGNALS; STARTING AND BACKING VEHICLES</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
<b>72.20- 72.26</b>	<b>RIGHT OF WAY VIOLATIONS</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
<b>72.28</b>	<b>THROUGH STREETS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.30- 72.33</b>	<b>RAILROAD CROSSING VIOLATIONS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>72.35</b>	<b>OPERATING MOTOR VEHICLE WITH CONTROL OR VISION OBSTRUCTED</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>72.36</b>	<b>OCCUPYING TRAILER WHILE IN MOTION</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>72.37- 72.39</b>	<b>DRIVING ON CLOSED STREET OR SIDEWALK; OBSTRUCTING VEHICLES</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>72.45</b>	<b>DRIVING THROUGH SAFETY ZONE</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>72.47</b>	<b>OPENING DOORS IN TRAFFIC ZONE</b>	<b>\$25.00 &amp; COSTS</b>	<b>\$160.00</b>
<b>72.70 B1</b>	<b>NON-USE OF SEAT BELT DRIVER</b>	<b>\$25.00 &amp; COSTS*</b>	<b>\$131.00</b>
<b>72.70 B2</b>	<b>NON-USE OF SEAT BELT PASSENGER</b>	<b>\$15.00 &amp; COSTS*</b>	<b>\$121.00</b>
<b>* COSTS FOR SEAT BELT ARE \$106.00</b>			

<b>Chapter 73 MOTOR VEHICLE CRIMES</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
73.10	RECKLESS OPERATION	\$69.00 & COSTS	\$204.00
73.11	UNSAFE VEHICLE	\$34.00 & COSTS	\$169.00
73.12	PEELING	\$29.00 & COSTS	\$164.00
73.13	FAILURE TO CONTROL	\$34.00 & COSTS	\$169.00
73.20	SPEEDING VIOLATIONS:		
	(1) SCHOOL ZONES: 73.20B2		
	A. SPEED CHARGED NOT MORE THAN 35 MPH	\$90.00 & COSTS	\$225.00
	B. SPEED CHARGED MORE THAN 35 MPH	\$140.00 & COSTS	\$275.00
	(2) ALL OTHER ZONES:		
	A. SPEED CHARGED NO MORE THAN 15 MPH $\frac{1}{2}$ ABOVE LIMIT	\$29.00 & COSTS	\$164.00
	B. SPEED CHARGED FROM 16-20 MPH ABOVE LIMIT	\$34.00 & COSTS	\$169.00
	C. SPEED CHARGED MORE THAN 20 MPH $\frac{1}{2}$ ABOVE THE LIMIT	\$69.00 & COSTS	\$204.00
73.20A	ASSURED CLEAR DISTANCE	\$69.00 & COSTS	\$204.00
73.21	SLOW SPEED	\$14.00 & COSTS	\$149.00
73.33	ACCIDENT REPORT	\$14.00 & COSTS	\$149.00

<b>Chapter 74 EQUIPMENT AND LOADS</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>74.05-74.56</b>	<b>MECHANICAL DEFECTS INCLUDING: ALL LIGHTS; RED REFLECTORS; EXTENDED LOAD; HORN, SIREN, AND WARNING DEVICES; WINDSHIELD AND WIPER; MIRRORS; BUMPERS; AND MUFFLERS</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>74.47</b>	<b>TINTED GLASS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>74.58</b>	<b>WHEEL PROTECTORS ON HEAVY COMMERCIAL VEHICLES</b>	<b>\$25.00 &amp; COSTS</b>	<b>\$160.00</b>
<b>74.59</b>	<b>MAXIMUM WIDTH, HEIGHT &amp; LENGTH</b>	<b>\$25.00 &amp; COSTS</b>	<b>\$160.00</b>
<b>74.70-74.74</b>	<b>LOAD VIOLATIONS INCLUDING: EXTENDED AND INSECURE LOADS; TOWING RULES; WEIGHING VEHICLES; AND SPECIAL PERMITS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>

<b>Chapter 75 BICYCLES, MOTORCYCLES AND SNOWMOBILES Chapter 76 PARKING REGULATIONS</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>75.01-75.26</b>	<b>BICYCLE, MOTORCYCLE, SNOWMOBILE AND ALL-PURPOSE VEHICLES</b>	<b>\$9.00 &amp; COSTS</b>	<b>\$144.00</b>
<b>76.01</b>	<b>PARKING ON HIGHWAYS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>76.02</b>	<b>UNATTENDED MOTOR VEHICLE</b>	<b>\$25.00 &amp; COSTS</b>	<b>\$160.00</b>
<b>76.12C</b>	<b>PARKING ON HIGHWAY</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>

<b>Chapter 77 PEDESTIANS</b>			
<b>CITY ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>77.01</b>	<b>VIOLATIONS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>77.02</b>	<b>FAIL TO YIELD RIGHT OF WAY TO PEDESTRIAN</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>77.03-77.09</b>	<b>PEDESTRIAN VIOLATIONS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>77.10</b>	<b>PEDESTRIAN INTOXICATION ON HIGHWAY</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$204.00</b>

<b>Chapter 4503 LICENSING OF MOTOR VEHICLES Chapter 4507 DRIVER'S LICENSE LAW</b>			
<b>STATE ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
<b>4503.21</b>	<b>LICENSE PLATE AND VALIDATION STICKER VIOLATIONS:</b>		
	<b>(1) NO LICENSE PLATES</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
	<b>(2) EXPIRED LICENSE PLATES:</b>		
	<b>A.½ 1 TO 7 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>B.½ 8 TO 30 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>C.½ 31 TO 90 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
	<b>D.½ OVER 90 DAYS</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>
<b>4507.02</b>	<b>(A)(1), (A)(3) (SEE 4507.99(B) PENALTY SECTION)</b>		
	<b>EXPIRED DRIVERS LICENSE</b>	<b>\$19.00 &amp; COSTS</b>	<b>\$154.00</b>

<b>Chapter 4511 TRAFFIC LAWS -- OPERATION OF MOTOR VEHICLES</b>			
<b>STATE ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
4511.051	PROHIBITIONS ON USE OF FREEWAYS	\$14.00 & COSTS	\$149.00
4511.12-4511.15	TRAFFIC CONTROL DEVICES; RED LIGHTS; PEDESTRIAN CONTROL SIGNALS; AND FLASHING TRAFFIC SIGNALS	\$34.00 & COSTS	\$169.00
4511.20	RECKLESS OPERATION	\$69.00 & COSTS	\$204.00
4511.202	FAILURE TO CONTROL	\$34.00 & COSTS	\$169.00
4511.21	SPEEDING VIOLATIONS:		
	(1) SCHOOL ZONES:		
	A. SPEED CHARGED NO MORE THAN 35 MPH	\$29.00 & COSTS	\$164.00
	B. SPEED CHARGED MORE THAN 35 MPH	\$69.00 & COSTS	\$204.00
	(2) CONSTRUCTION ZONE (FINES DOUBLED)		
	A. SPEED CHARGED NOT MORE THAN 15 MPH ABOVE LIMIT	\$58.00 & COSTS	\$193.00
	B. SPEED CHARGED FROM 16-20 MPH ABOVE LIMIT	\$68.00 & COSTS	\$203.00
	C. SPEED CHARGED MORE THAN 20 MPH $\frac{1}{2}$ ABOVE LIMIT	\$138.00 & COSTS	\$273.00
	(3) ALL OTHER ZONES:		
	A. SPEED CHARGED NOT MORE THAN 15 MPH ABOVE LIMIT	\$29.00 & COSTS	\$164.00
	B. SPEED CHARGED FROM 16-20 MPH ABOVE LIMIT	\$34.00 & COSTS	\$169.00

	<b>C. SPEED CHARGED MORE THAN 20 MPH <math>\frac{1}{2}</math> ABOVE LIMIT</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$204.00</b>
<b>4511.22</b>	<b>SLOW SPEED</b>	<b>\$14.00 &amp; COSTS</b>	<b>\$149.00</b>
<b>4511.25</b>	<b>LANES OF TRAVEL ON ROADWAYS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.26</b>	<b>VEHICLES TRAVELING IN OPPOSITE DIRECTION</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.27-4511.31</b>	<b>PASSING VIOLATIONS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.32</b>	<b>ONE-WAY STREETS &amp; ROTARY TRAFFIC ISLANDS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.33</b>	<b>DRIVING IN MARKED LANES</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.34</b>	<b>FOLLOWING TOO CLOSELY</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>4511.35</b>	<b>DIVIDED ROADWAYS</b>	<b>\$29.00 &amp; COSTS</b>	<b>\$164.00</b>
<b>4511.36-4511.40</b>	<b>TURNS AT INTERSECTIONS; U-TURNS AND STOP SIGNALS; HAND AND ARM SIGNALS; STARTING AND BACKING VEHICLES</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
<b>4511.41-4511.451</b>	<b>RIGHT OF WAY VIOLATIONS</b>	<b>\$34.00 &amp; COSTS</b>	<b>\$169.00</b>
<b>4511.452-4511.48</b>	<b>PEDESTRIAN VIOLATIONS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>4511.481</b>	<b>PEDESTRIAN INTOXICATION ON HIGHWAY</b>	<b>\$69.00 &amp; COSTS</b>	<b>\$204.00</b>
<b>4511.49-4511.511</b>	<b>PEDESTRIAN VIOLATIONS</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>
<b>4511.52-4511.56</b>	<b>BICYCLE, MOTORCYCLE, SNOWMOBILE, AND ALL-PURPOSE VEHICLES</b>	<b>\$9.00 &amp; COSTS</b>	<b>\$144.00</b>
<b>4511.60</b>	<b>DRIVING THROUGH SAFETY ZONE</b>	<b>\$24.00 &amp; COSTS</b>	<b>\$159.00</b>

4511.61-4511.64	RAILROAD CROSSING VIOLATIONS	\$29.00 & COSTS	\$164.00
4511.65	THROUGH STREETS	\$29.00 & COSTS	\$164.00
4511.66	PARKING ON HIGHWAY	\$24.00 & COSTS	\$159.00
4511.661	UNATTENDED MOTOR VEHICLE	\$25.00 & COSTS	\$160.00
4511.68	PROHIBITED STANDING OR PARKING PLACES	\$25.00 & COSTS	\$160.00
4511.69	PARKING NEAR CURB AND HANDICAPPED PARKING	\$25.00 & COSTS	\$160.00
4511.70	OPERATING MOTOR VEHICLE WITH CONTROL OR VISION OBSTRUCTED	\$24.00 & COSTS	\$159.00
4511.701	OCCUPYING TRAILER WHILE IN MOTION	\$14.00 & COSTS	\$149.00
4511.71-4511.712	DRIVING ON CLOSED STREET OR SIDEWALK; OBSTRUCTING VEHICLES	\$24.00 & COSTS	\$159.00
4511.79	DRIVING WITH IMPAIRED ALERTNESS OR ABILITY	\$69.00 & COSTS	\$204.00
4511.81	CHILD RESTRAINT VIOLATIONS	\$100.00 & COSTS	\$235.00

<b>Chapter 4513 TRAFFIC LAWS -- EQUIPMENT; LOADS</b>			
<b>STATE ORD.</b>	<b>VIOLATION</b>	<b>FINE</b>	<b>TOTAL</b>
4513.02		\$34.00 & COSTS	\$169.00
4513.021-4513.28	MECHANICAL DEFECTS INCLUDING: ALL LIGHTS; RED REFLECTORS; EXTENDED LOAD, HORN, SIREN, AND WARNING DEVICES; WINDSHIELD AND WIPER; BUMPERS; AND MUFFLERS	\$14.00 & COSTS	\$149.00

4513.241	ILLEGALLY TINTED GLASS	\$24.00 & COSTS	\$159.00
4513.263 B1	NON-USE OF SEAT BELT DRIVER	\$30.00 & COSTS*	\$136.00
4513.263 B2	NON-USE OF SEAT BELT PASSENGER	\$20.00 & COSTS*	\$126.00
	* COSTS FOR SEAT BELT ARE \$106.00		
4513.30- 4513.34	LOAD VIOLATIONS INCLUDING: EXTENDED AND INSECURE LOADS; TOWING RULES; WEIGHING VEHICLES; AND SPECIAL PERMITS	\$24.00 & COSTS	\$159.00
4513.36	RESISTING POLICE OFFICER	\$69.00 & COSTS	\$204.00
4513.64	ABANDONING JUNK VEHICLE	\$25.00 & COSTS	\$160.00
4513.65	FAILURE TO COMPLY WITH ORDER TO REMOVE JUNK VEHICLES	\$69.00 & COSTS	\$204.00

<b>Chapter 4549 MOTOR VEHICLE CRIMES</b> <b>Chapter 5577 LOAD LIMITS ON HIGHWAYS</b> <b>Chapter 5589 OFFENSES RELATING TO HIGHWAYS</b>			
	VIOLATION	FINE	TOTAL
4549.11	USE PLATES OF FORMER OWNER	\$69.00 & COSTS	\$204.00
4549.12	OHIO RESIDENT USING LICENSE PLATES FROM ANOTHER STATE	\$69.00 & COSTS	\$204.00
5577.05	MAXIMUM WIDTH, HEIGHT & LENGTH	\$25.00 & COSTS	\$160.00
5577.11	WHEEL PROTECTORS ON HEAVY COMMERCIAL VEHICLES	\$25.00 & COSTS	\$160.00
5589.08- 5589.081	VEHICLES WITH SPIKES, LUGS OR CHAINS	\$29.00 & COSTS	\$164.00



**TRANSCRIPT COSTS**

The requesting party shall pay the court for transcripts (per page) prepared by the official court reporter according to the following rate schedule set forth below:

	<b>ORDINARY DELIVERY</b> (7-10 days)	<b>EXPEDITED DELIVERY</b> (within 2-6 days)
ORIGINAL	\$3.25 per page	\$4.00 per page
<b>PAPER COPY</b>	<b>\$0.10 per page</b>	<b>\$0.10 per page</b>

The requesting party must file a written request for transcripts under the case number and make full payment to the court prior to receiving the transcript. There shall be no charge by a court reporter employed by the court for any transcript requested by a Judge of this court.

Transcribers hired as independent contractors by the court shall be deemed by accepting the undertaking to have waived any claim of copyright in the transcripts produced from the court’s audio recordings.

~~(Effective October 21, 1997)~~

~~APPENDIX C~~

BOND SCHEDULE

~~(Effective October 21, 1997)~~

## APPENDIX ~~CD~~

### JURY MANAGEMENT PLAN

#### ~~INTRODUCTION~~

~~This Local Rule is being implemented to comply with the mandate of the Ohio Supreme Court that each municipal court develop and implement a jury management plan prior to July 1, 1994.~~

#### **1. JURY ELIGIBILITY AND PROCEDURE FOR JURY SELECTION.**

Juror eligibility shall be determined and prospective jurors shall be selected by the jury commission of the Summit county Court of Common Pleas in accordance with its policies and procedures for potential service with the Akron Municipal Court.

#### **2. SUMMONING OF PROSPECTIVE JURORS.**

Prospective jurors shall be summoned only on the filing of a written jury demand and pursuant to [AMCR No. 19](#).

Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial.

#### **3. EXAMINATION OF PROSPECTIVE JURORS**

Examination of prospective jurors shall be limited to matters relevant to the matter before the Court and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code.

The Court may conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

- Questions are to be asked collectively of the panel whenever possible.

- Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual may be removed from the panel for cause. Such motion for removal for cause may be made by counsel, ~~or~~ a party if unrepresented, or ~~upon the motion of sua sponte by~~ the Court. Further, ~~Ohio Revised Code Section R.C. 2313.42 and Ohio Criminal Rule of Procedure Crim R. 24(B)~~ set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternately as presently established by ~~Revised Code Section R.C. 2945.23, Civil Rule Civ. R. 47, and Criminal Rule Crim R. 24,~~ unless prior to trial the parties agree on the record to another method. ~~Unless otherwise agreed, all challenges shall be made in open court.~~ In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause; however, peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

~~Challenges to the jury array shall be made in accordance with established rules of procedure.~~

In criminal cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror. In civil cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, an additional alternate juror may be selected.

#### **4. JURY ORIENTATION.**

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action.

The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, along with other basic and relevant legal principles as the Court deems necessary and appropriate.

Upon the completion of ~~the a~~ cases and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of

deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instruction be given to the jury.

A final jury charge may in the discretion of the judge be committed to writing, and may be provided to the jury for its use during deliberation.

All communications between the judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

Upon completion of service, each juror shall be given a personalized certificate of appreciation at the discretion of the judge.

## **BOND SCHEDULE**

### **APPENDIX D - BOND SCHEDULE**

[TRAFFIC](#)

[CRIMINAL](#)

CONTEMPT OF COURT

<b>TRAFFIC</b>	<b>BOND AMOUNT</b>	<b>10 % AMOUNT (W/VA-PD \$54)</b>
<b>VEHICULAR HOMICIDE</b>	<b>\$ 3,500.00</b>	<b>\$ 404.00</b>
<b>OVI (DUI)</b>	<b>\$ 3,500.00</b>	<b>\$ 404.00</b>
<b>HIT SKIP</b>	<b>\$ 3,500.00</b>	<b>\$ 404.00</b>
<b>DRAG RACING</b>	<b>\$ 3,500.00</b>	<b>\$ 404.00</b>
<b>WILLFULL FLEE</b>	<b>\$ 3,500.00</b>	<b>\$ 404.00</b>
<b>UNCLASSIFIED MISDEMEANOR</b>	<b>\$ 2,000.00</b>	<b>\$ 254.00</b>
<b>1<sup>st</sup> DEGREE MISDEMEANOR</b>	<b>\$ 2,000.00</b>	<b>\$ 254.00</b>
<b>2<sup>nd</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,750.00</b>	<b>\$ 229.00</b>
<b>3<sup>rd</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,500.00</b>	<b>\$ 204.00</b>
<b>4<sup>th</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,250.00</b>	<b>\$ 179.00</b>
<b>MINOR MISDEMEANOR</b>	<b>\$ 1,000.00</b>	<b>\$ 154.00</b>

<b>CRIMINAL</b>	<b>BOND AMOUNT</b>	<b>10 % AMOUNT (W/VA-PD \$54)</b>
<b>UNCLASSIFIED MISDEMEANOR</b>	<b>\$ 2,000.00</b>	<b>\$ 254.00</b>
<b>1<sup>st</sup> DEGREE MISDEMEANOR</b>	<b>\$ 2,000.00</b>	<b>\$ 254.00</b>
<b>2<sup>nd</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,750.00</b>	<b>\$ 229.00</b>
<b>3<sup>rd</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,500.00</b>	<b>\$ 204.00</b>
<b>4<sup>th</sup> DEGREE MISDEMEANOR</b>	<b>\$ 1,250.00</b>	<b>\$ 179.00</b>
<b>MINOR MISDEMEANOR</b>	<b>\$ 1,000.00</b>	<b>\$ 154.00</b>

CONTEMPT OF COURT	BOND AMOUNT	10 % AMOUNT (DO NOT ASSESS VA-PD)
UNCLASSIFIED MISDEMEANOR	\$ 3,500.00	\$ 350.00
1 <sup>st</sup> DEGREE MISDEMEANOR	\$ 3,500.00	\$ 350.00
2 <sup>nd</sup> DEGREE MISDEMEANOR	\$ 3,500.00	\$ 350.00
3 <sup>rd</sup> DEGREE MISDEMEANOR	\$ 2,500.00	\$ 250.00
4 <sup>th</sup> DEGREE MISDEMEANOR	\$ 2,500.00	\$ 250.00
MINOR MISDEMEANOR	\$ 1,500.00	\$ 150.00
FAMILY VIOLENCE COURT	\$ 25,000.00	\$ 2,500.00
DRUG COURT	\$ 25,000.00	\$ 2,500.00
MENTAL HEALTH COURT	\$ 25,000.00	\$ 2,500.00
OVI COURT	\$ 25,000.00	\$ 2,500.00
5 OR MORE CONTEMPT CONVICTIONS	\$ 5,000.00	\$ 500.00

**\*THERE IS NO AUTOMATIC BOND FOR ANY OF THE FOLLOWING OFFENSES:**

**ANY FELONY, DOMESTIC VIOLENCE, DOMESTIC VIOLENCE/MENACING, AGGRAVATED MENACING, ASSAULT, RESISTING ARREST, PROCURING, SEXUAL IMPOSITION, IMPORTUNING, CONTEMPT ON CONTEMPT, MORE THAN ONE OPEN CONTEMPT, OR ANY CHARGE WITH A TEMPORARY PROTECTION ORDER OR MOTION FOR TEMPORARY PROTECTION ORDER**

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**All bonds in domestic violence cases (violations of O.R.C. Section 2919.25 and 2919.27 and Akron City Code Sections 135.16 and 135.22) All bonds for the above referenced offenses shall be set in person before a judge after booking. No bond in these cases shall be set by telephone. (effective July 6, 1999; revised December 28, 2018)**

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**\* Information based on Akron Municipal Court Journal Entry Number 1894 submitted 9-28-1987 and Journal Entry Number 3089A**

## APPENDIX E

### RECORDS MANAGEMENT AND RETENTION RULES

The Akron Municipal Court adopts the following Records Management and Retention Rules.

#### **Court Records** Sup.R. 26.01(C)

The **combined records**, indexes, dockets and journals of the Court shall be maintained in an electronic medium. These records and backups shall be permanently retained. But see Sup.R. 26.05(E) and RC 1901.41 – shall be retained for 25 years. ~~CHOOSE~~

#### **Litigation Exhibits, Depositions, and Transcripts** Sup.R. 26(F)

At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied.

1. The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification;
2. The written notification informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;
3. The written notification informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts; and
4. The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification.

#### **Administrative Records** Sup.R. 26.01

- A. **Administrative Journal.** Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.
- B. **Annual reports. Two copies of each** annual reports shall be retained permanently.
- C. **Bank records.** Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of the State, whichever is later.
- D. **Cash books.** Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the State, whichever is later.
- E. **Communication records.** Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
- F. **Correspondence and general office records.** Correspondence and general office records, including all sent and received correspondence, in any medium, may be

destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

- G. **Drafts and informal notes.** Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes.
- H. **Employment applications for posted positions.** Employment applications for posted or advertised positions shall be retained for two years.
- I. **Employee benefit and leave records.** Employee benefit and leave records, including court office copies of life and medical insurance records, shall be retained by the appropriate fiscal officer for three years or until the issuance of an audit report, whichever is later.
- J. **Employee history and discipline records.** Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.
- K. **Fiscal records.** Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report, whichever is later.
- L. **Grant records.** Records of grants made or received by a court shall be retained for three years after expiration of the grants.
- M. **Payroll records.** Payroll records of personnel time and copies of payroll records maintained by other office agency shall be retained for three years or until the issuance of an audit report, whichever is later.
- N. **Publications received.** Publications received by a court may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications.
- O. **Receipt records.** Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
- P. **Request for proposals, bids, and resulting contracts.** Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

#### **Final Records** Sup.R. 26.05(D)

That the following retention schedule shall apply for the ~~Financial records of the Court:~~

- 1. **Auditor reports.** Auditor reports shall be retained permanently.
- 2. **Monetary records.** Monetary records shall be retained for three years after the issuance of an audit report.
- 3. **Rental escrow account records.** Rental escrow account records shall be retained for five years after the last date of deposit with the Court.
- 4. **Yearly reports.** Yearly reports shall be retained permanently.

#### **Judge, Magistrate, and Clerk notes drafts and research** Sup.R. 26.05(F)

Judge, Magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.



**Case Files** Supr.R. 26.05(D)

1. Civil case files. Civil case files shall be retained for two years after the issuance of an audit report by the Auditor of State.
2. DUI case files. Driving under the influence of alcohol or drug (DUI) case files shall be retained for fifty years after the date of the final order of the Court.
3. First through fourth degree misdemeanor traffic and criminal case files. Except for DUI case files, first through fourth degree misdemeanor traffic files shall be retained for twenty-five years and criminal case files shall be retained for fifty years after the date of the final order of the Municipal Court or one year after the issuance of an audit report by the Auditor of State, whichever is later.
4. Minor misdemeanor traffic and minor misdemeanor criminal case files. Minor misdemeanor traffic and minor misdemeanor criminal case files shall be retained for ~~two~~ five years after the final order of the Municipal Court or one year after the issuance of an audit report by the Auditor of State, whichever is later.
5. Parking ticket records. Parking ticket records shall be retained until the ticket is paid and an audit report is issued by the Auditor of State.
6. Real estate. Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

Search warrant records. Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

**APPENDIX ~~EE~~**

**SECURITY PLAN**

Pursuant to the Rules of Superintendence, R. 9, the Akron Municipal Court implemented a security policy and procedure plan on July 1, 1995, which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994. Said plan has been filed with the clerk of the Supreme Court and shall not be a public record.

~~(Effective October 21, 1997)~~