PORTAGE COUNTY MUNICIPAL COURT

RULES OF COURT

JUDGE BARBARA R. OSWICK
JUDGE JOHN J. PLOUGH
JUDGE BARBARA R. WATSON

EFFECTIVE DECEMBER 1, 2008

PORTAGE COUNTY
DEC 01 2008
LINDA K. FANKHAUSER, CLERK

PORTAGE COUNTY MUNICIPAL COURT

STATE OF OHIO)
: SS
PORTAGE COUNTY)

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IN THE MATTER OF THE)
) JOURNAL ENTRY
LOCAL RULES)

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The attached Local Rules of Court are to be adopted for use in the Portage County Municipal Court in all criminal, traffic, civil and small claim cases effective December 1, 2008. It is further ordered that all previous rules are hereby rescinded as of December 1, 2008 and the Clerk of Courts shall journalize this entry and the attached Local Rules of Court.

IT IS SO ORDERED.

BARBARA R. OSWICK
PRESIDING AND ADMINISTRATIVE JUDGE

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RULE 1. HOURS OF SESSION

The hours for holding the regular session of the Court shall be from 8:00 a.m. to 4:00 p.m., Monday through Friday of each week, except on those days designated by law as legal holidays, or by journal entry.

RULE 2. COURTROOM CONDUCT

Upon the opening of any Court session, all persons in the courtroom shall stand. Children must be monitored by an adult and shall be removed from the courtroom if their behavior does not comply with the requirements of the Court. All persons in the courtroom shall conduct themselves with 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 appear in appropriate dress. No smoking, eating or drinking is permitted in the courtroom, nor shall anyone bring food or drink into the courtroom. No animals shall be permitted in the courtroom, unless the animal is specifically trained to assist a handicapped individual, and the animal's presence does not disrupt the Court. All cell phones, pagers, palm pilots and any other electronic devices must be turned off before entering the courtroom.

RULE 3. PRESIDING/ADMINISTRATIVE JUDGE

The Judges shall, by majority vote, elect annually one of their members to serve as the Presiding/Administrative Judge, hereinafter referred to as the Presiding Judge. The Presiding Judge may call and chair one meeting per month. The Presiding Judge or the Judge's representative may represent the Court at all public or civic functions occurring during the Presiding Judge's term of office. In the absence of the Presiding Judge, the previous Presiding Judge shall assume the role of Presiding Judge. In all matters pertaining to the Court, the Presiding Judge will have an equal vote with the other two (2) Judges. This includes hiring of new employees, salaries, budgets, job descriptions and all other matters pertaining to the effective operation of the Court.

RULE 4. ASSIGNMENT OF CASES FOR GENERAL SESSIONS

The Judge assigned to a case shall be responsible for the determination of every issue and proceeding in that case until termination. All motions, orders, journal entries and requests for continuance shall be submitted to the Judge to whom the case is assigned. If the assigned Judge is not available, the matter may be submitted to and determined by the Presiding Judge. Subject to Ohio Revised Code Section 2945.71, priority of normal assignments shall be as follows:

1. Jury trials
    a. Criminal
    b. Civil
2. Criminal trials
3. Traffic trials

4. Evictions
5. Other civil trials
6. Motions

RULE 5. REASSIGNMENT OF CASES

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 said Judge's predecessor. When a case is transferred, the case file and all records shall be changed to reflect the reassignment to the receiving Judge.

RULE 6. WITHDRAWAL OF COUNSEL

Only attorneys of record shall be considered as representatives of any party in a case. Withdrawal of such counsel shall be only upon application to the Judge no later than ten (10) days before trial, with a statement or affidavit explaining the reason for withdrawal and a journal entry approved by the Court. Upon allowance of withdrawal by the Court, such withdrawn counsel shall serve a copy of said journal entry upon the client.

RULE 7. PLEADINGS AND CORRESPONDENCE

Any pleading or correspondence filed with the Court by an attorney must have the attorney's name, address, telephone number and Supreme Court registration number. Letters of representation must be filed with the clerk's office and become part of the file. If a letter of representation is not filed in a timely manner, the Court is not responsible for any lack of notification of hearings.

RULE 8. COURT COSTS

All court costs shall be set by journal entry. A copy of the journal entry setting forth the current court costs is attached hereto.

RULE 9. TRANSCRIPT OF PROCEEDINGS

All requests for transcripts shall be made in writing and directed to the court reporter or to the bailiff if the court reporter is not available. The court reporter shall determine the order of preparation and the rate. The court reporter may require an advance deposit based on the estimated cost of the transcript. Priority shall be given to appeals and preliminary hearings.

RULE 10. RETENTION OF COURT RECORDS

Audio tapes shall be erased three (3) years after the last day recorded on that tape. Exhibits, transcripts and depositions may be destroyed at the conclusion of litigation, including times for direct appeal, providing all conditions of Rule 26.05 of the Rules of Superintendence are met.

RULE 11. DISQUALIFICATION OF SURETY

No attorney or other officer of the Court shall be accepted as bail or surety, nor shall any bond be approved having the name of such person thereon as surety.

RULE 12. CASE MANAGEMENT IN CIVIL CASES

(A) Purpose: The purpose of this rule is to establish a system for civil case management that will achieve the prompt and fair disposal of civil cases.

(B) Scheduling of Events: The scheduling of a civil case begins when the case is filed. The case is then managed in five (5) clerical steps and four (4) judicial steps.

(C) Clerical Steps:

1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. The Clerk of this Court shall accept service of process methods outlined in Rule 4.1 of the Ohio Rules of Civil Procedure, which methods shall include "virtual" service of process utilizing advanced postal technology for service by certified mail, which technology does not modify said Rule, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the Court website to show the recipient of the mail, the date of delivery and address to which it was delivered, all in accordance with the Ohio Rules of Civil Procedure. All service of process of complaints or other documents with "virtual" service of process are subject to review and/or challenge as further outlined in the above-mentioned Rule, with confirmation of service or process data being made available through the Clerk of this Court.

2. In the event that there is failure of service, the clerk shall notify plaintiff/counsel immediately. If plaintiff/counsel fails to obtain service of summons within six (6) months from the original filing date, the clerk shall notify plaintiff/counsel that the case will be dismissed in ten (10) days, unless good cause is shown to the contrary.

3. Upon perfection of service and failure of the defendant to answer or otherwise appear, the clerk shall notify the plaintiff if pro se or counsel of the default and that failure to submit a journal entry within fifteen (15) days may result in the case being dismissed.

4. After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so that the matter may be set for hearing.

5. If no action has been taken on a file for a six (6) month period, and the case is not set for trial, then the clerk shall notify the plaintiff/counsel that the case will be dismissed in ten (10) days unless good cause is shown.

6. When a file has been marked "settlement entry to come" and the journal entry has not been received within thirty (30) days, then the clerk shall notify the

plaintiff/counsel that the case will be dismissed unless the journal entry is received within ten (10) days.

(D) Judicial Steps:

1. Pretrial: For the purpose of this Rule, pretrial shall mean a court-supervised conference chiefly designed to produce an amicable settlement. Said pretrial shall be between the parties and/or their attorneys. The term "party" or "parties" used hereinafter shall mean the party or parties to the action and/or their attorneys of record. After an answer is filed, the case will be assigned to a Judge and the clerk will forward the file to said Judge. The Court will then schedule a pretrial hearing. Notice of said hearing shall be given to all counsel of record and pro se parties by regular mail not less than fourteen (14) days prior to the hearing. Any motion for continuance of the pretrial hearing shall be addressed to the Judge to whom the case has been assigned. Counsel requesting the continuance shall seek the approval of the opposing party before forwarding the request to the Judge, if possible. Counsel attending the pretrial hearing must have complete authority to stipulate on items of evidence and to settle the matters in dispute. The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The parties will file a pretrial statement with the Court, to become part of the record of the case, setting forth all stipulations, admissions and other matters considered at the pretrial hearing. In all civil cases assigned for a bench trial (other than those cases based on "accounts"), counsel for all parties shall furnish to the Court a trial brief filed with the Clerk's office at least seven (7) days before the scheduled trial date containing the following:
   1. A summary of the factual issues to be decided;
   2. A list of all lay witnesses to be called;
   3. A list of all expert witnesses to be called along with each person's qualifications as an expert witness and a brief summary of their testimony;
   4. A list of all exhibits to be offered as proof.

   Said briefs are not to be exchanged with opposing counsel, nor shall they become part of the case file. The brief is solely for the use of the Judge to afford reasonable time to prepare any necessary legal research. The filing of these trial briefs through the Clerk's office is merely designed to provide proof of compliance with this Rule.

   In all civil cases assigned for a jury trial, counsel for all parties shall furnish to the Court a trial brief filed with the Clerk's office at least fourteen (14) days before the scheduled trial date containing the following;
   1. A summary of the factual issues to be decided;
   2. The applicable law of the case complete with citations of statutes and cases;
   3. A list of all lay witnesses to be called;
   4. A list of all expert witnesses to be called along with each person's qualifications as an expert witness and a brief summary of their testimony;
   5. A list of all exhibits to be offered as proof;
   6. A complete set of instructions to be given to the jury.

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
JUN 29 2012
LINDA K. FANKHAUSER, CLERK
RAVENNA, OH

STATE OF OHIO)
: SS **Administrative Order**
PORTAGE COUNTY)

Commencing July 1, 2012, the Court hereby adopts Rule 12 (C) 7 to the Portage County Municipal Local Rules of Court.

IT IS SO ORDERED.

Mark K. Fankhauser
Administrative and Presiding Judge

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
JUN 29 2012
LINDA K. FANKHAUSER, CLERK
RAVENNA, OH

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

Rule 12 (C) 7

When the clerk receives a judgment from the Court, the clerk shall enter the judgment upon the journal and serve a copy of the judgment within three days of entering the judgment upon the journal in the manner prescribed in Rule 5(B) of the Ohio Rules of Civil Procedure and note in the appearance docket.

Mark K. Fankhauser
Administrative and Presiding Judge

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
JUL 12 2010
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

STATE OF OHIO)
: SS Administrative Order
PORTAGE COUNTY) Amendment to Local Rules

Commencing July 12, 2010, Rule 7 of the Portage County Municipal Court Local Rules shall include the following:

Rule 7.02 Each motion filed with the Court shall be accompanied by a proposed entry.

IT IS SO ORDERED.

BARBARA R. OSWICK
Administrative and Presiding Judge

MARK K. FANKHAUSER
Judge

KEVIN T. FOLAND
Judge

Said briefs are not to be exchanged with opposing counsel, nor shall they become part of the case file. The brief is solely for the use of the Judge to afford the Judge reasonable time to prepare the charge to the jury. The filing of these trial briefs through the Clerk's office is merely designed to provide proof of compliance with this Rule.

Any Judge presiding at the pretrial hearing or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant or sua sponte upon failure of plaintiff and/or plaintiff's counsel to appear in person at any pretrial hearing or trial, to order the plaintiff to proceed with the case, to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial hearing or trial, and to make such other decisions as the Court may deem appropriate under the circumstances, including referring the case to the mediation program in the Portage County Common Pleas Court. If the case cannot be settled at pretrial, the case will then be set for arbitration, mediation or trial. In certain instances, the court may set the case for a status hearing or another pretrial hearing if settlement or narrowing the issues appears to be possible.

2. Motions: All motions not made in open Court shall be submitted in writing alleging sufficient facts in support of the ruling sought and supported by a memorandum of law. Citations to sections of constitutions, statutes and/or cases alone will not be deemed in compliance with this Rule. Opposing counsel may file a response to said motion within fourteen (14) days from service of the motion, and must also file a statement of facts, if alleged different from that of movant, and a memorandum of law in support of respondent's position contra. Citations to sections of constitutions, statutes and/or cases alone will not be deemed in compliance with this Rule. Affidavits may be submitted by either the movant or respondent as exhibits to said motions and responses. Unless either party requests an oral hearing or the Court determines an oral hearing should be held to determine disputed questions of fact, the matter will be deemed to have been submitted and the Court will rule on the motion without oral hearing. Issues not raised shall be deemed waived. The Court shall, however, schedule a summary judgment motion for a non-oral hearing pursuant to Rule 56 of the Ohio Rules of Civil Procedure, unless either party requests an oral hearing at the time of filing of the motion or the response to the motion.

3. Continuances: No party shall be granted a continuance of a trial or other hearing without a written motion from said party or counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. 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 is a matter within the discretion of the trial court. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Presiding Judge may require the trial attorney to provide a substitute trial

attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute attorney.

4. Judgment entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. The journal entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the journal entry within five (5) days after receipt thereof. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge. The Court may, in the alternative, prepare its own journal entry. Journal entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of a journal entry, but such journal entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution. The journal entry shall state which party will pay the court costs. Upon notification from the clerk that the case has defaulted, plaintiff/counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

RULE 13. CASE MANAGEMENT IN CRIMINAL CASES

(A) Purpose: The purpose of this Rule is to establish a system for criminal case management that will achieve the fair and impartial administration of criminal cases. This Rule shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court system.

(B) Scheduling of Events: The scheduling begins after arraignment when a "not guilty" plea has been entered and a Judge is assigned to the case. The case is then managed in four (4) judicial steps.

1. Pretrial: When the defendant is not in jail, then all first degree and second degree misdemeanors shall be scheduled for pretrial by the assignment commissioner. All other misdemeanors shall be scheduled for trial unless time is waived and a pretrial is requested. The pretrial shall be conducted in accordance with Rule 17.1 of the Ohio Rules of Criminal Procedure and a memorandum of the matters agreed upon shall be filed in each case. Any counsel who fails to appear for pretrial without just cause being shown may be punished for contempt of court. If the parties cannot resolve the case, the case shall then continue in accordance with paragraph 3 below.

2. Motions: All motions not made in open Court shall be submitted in writing alleging sufficient facts in support of the ruling sought and supported by a memorandum of law. Citations to sections of constitutions, statutes and/or cases alone will not be deemed in compliance with this Rule. Opposing counsel may file a response to said motion within fourteen (14) days from service of the motion, and must also file a statement of facts, if alleged different from that of movant, and a memorandum of law in support of respondent's

position contra. Citations to sections of constitutions, statutes and/or cases alone will not be deemed in compliance with this Rule. Affidavits may be submitted by either the movant or respondent as exhibits to said motions and responses. Unless either party requests an oral hearing or the Court determines that an oral hearing should be held to determine disputed questions of fact, the matter will be deemed to have been submitted and the Court will rule on the motion without oral hearing. Issues not raised shall be deemed waived.

3. Trials: Each case not resolved at pretrial shall be scheduled for trial to Court. If a jury demand is timely filed, in writing, then the case will be moved to the jury trial schedule, in accordance with Rule 20(B) below.

4. Sentencing: If a pre-sentence report is requested, the sentencing hearing shall be scheduled as soon after the receipt of the report as the Court schedule allows. If a pre-sentence report is not requested, the sentencing hearing shall be scheduled as soon after trial as the Court schedule allows.

RULE 14. CASE MANAGEMENT IN SPECIAL PROCEEDINGS

(A) Purpose: The purpose of this Rule is to establish a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a Judge or Magistrate, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite, garnishment hearings and debtor's exams. The following criminal matters are considered special proceedings to be heard by a Judge, to wit: preliminary hearings, extradition hearings and B.M.V. appeal hearings.

(B) Scheduling of Events: Cases which have time limitations established by the Ohio Revised Code shall be scheduled within those time limits for hearing. In all other special proceedings, cases shall be scheduled for hearing within a reasonable time not to exceed ninety (90) days.

(C) Clerical steps: In all new cases, if plaintiff/counsel fails to obtain service of summons within six (6) months, the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary. Upon perfection of service, the clerk shall notify plaintiff/counsel of any default in answer or appearance and that failure to submit a journal entry within fifteen (15) days may result in the case being dismissed. After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so the matter may be scheduled for a hearing. If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the plaintiff/counsel that the case will be dismissed within seven (7) days unless good cause is shown. When a file has been marked "settlement entry to come" and the journal entry has not been received within thirty (30) days, then the clerk shall notify plaintiff/counsel

that the case will be dismissed unless the journal entry is received within ten (10) days.

RULE 15. SMALL CLAIMS COURT

(A) A small claims action is commenced by the filing of a small claims complaint and information sheet pursuant to Ohio Revised Code Section 1925.04. The forms are attached hereto. The defendant is not required to file an answer or statement of defense. If the defendant fails to appear for the hearing, after being duly served, then a default judgment may be entered against the defendant. All pleadings will be construed to accomplish substantial justice.

(B) Upon filing of a motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, which motion and affidavit shall be filed at least five (5) days prior to the scheduled trial date, the small claim case will be transferred to the regular docket. No transfer will be granted until the required cost is paid.

(C) The hearing in Small Claims Court shall be conducted by the Magistrate. The Magistrate shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their cases. The plaintiff and defendant may subpoena and call witnesses. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to hearings in small claims court.

(D) After the hearing is concluded, the Magistrate shall make a decision forthwith or take the case under advisement. In either case, after the magistrate files with the clerk a decision in the case and a Judge enters an order based on said decision, a copy of the decision and order will be sent by the clerk to each of the parties. The Magistrate's Decision may be general unless findings of fact and conclusions of law are timely requested by a party or otherwise required by law. A request for findings of fact and conclusions of law shall be made before the entry of a Magistrate's Decision or within seven (7) days after the filing of a Magistrate's Decision. The Magistrate's Decision shall indicate conspicuously that a party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Rule 53(D)(3)(a)(ii) of the Ohio Rules of Civil Procedure, unless the party timely and specifically objects to that factual finding or legal conclusion as required by Rule 53(D)(3)(b) of the Ohio Rules of Civil Procedure. Objections to the Magistrate's Decision shall be considered and the case decided in accordance with the provisions of Rule 53(D)(3)(b) and 53(D)(4) of the Ohio Rules of Civil Procedure.

(E) The employees of the Court shall assist prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

RULE 16. FORCIBLE ENTRY AND DETAINER

(A) Hearing: All forcible entry and detainer cases shall be set for hearing before the Magistrate, pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied. The Magistrate shall, at the conclusion of the hearing, file a written decision within seven (7) days, copies of which will be sent to the parties by the clerk.

(B) Judgment Entries: The Court shall review the decisions of the Magistrate at least weekly and enter the appropriate judgment entries.

(C) Objections to Magistrate's Decision: Objections to the Magistrate's Decision shall be considered and the case decided in accordance with the provisions of Rules 53(D)(3)(b) and 53(D)(4) of the Ohio Rules of Civil Procedure.

(D) If a jury demand is filed in a forcible entry and detainer case, the clerk shall assign and forward the case to a Judge so the case may be scheduled for the appropriate hearing.

(E) When a plaintiff/attorney files a drug eviction under Ohio Revised Code Section 1923.05.1, the words drug eviction must be displayed prominently in the caption of the case. Failure to do so may result in improper service to the defendant or untimely hearing dates. Upon receiving a drug eviction, the Clerk shall cause both of the following to occur:

(1) The service and return of the summons in the case in accordance with the Ohio Rules of Civil Procedure, which service shall be made, if possible, within three (3) working days after the filing of the Complaint; and

(2) The case is to be set for trial not later than the 30th calendar day after the date that the tenant is served with a copy of the summons in accordance with paragraph (E)(1) above.

RULE 17. MAGISTRATES

(A) Appointment and Use: The Court shall appoint one or more Magistrates to hear the following proceedings:

(1) Default proceedings under Rule 55 of the Ohio Rules of Civil Procedure;

(2) Forcible entry and detainer proceedings under Chapter 1923 of the Ohio Revised Code in which a jury trial is not demanded;

(3) Small claims proceedings under Chapter 1925 of the Ohio Revised Code;

(4) Traffic proceedings in which there is a guilty plea or written waiver by the defendant of the right to a trial by a Judge;

(5) Automatic reference without limitation is hereby made to duly appointed Magistrates of this Court pursuant to Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure and Rule 14 of the Ohio Traffic Rules. Duly appointed Magistrates are authorized to preside over all actions and proceedings described in the above Rules and as otherwise allowed by law and any other rules of procedure, and reference of each such action is hereby made by adoption of this Rule.

(B) Qualification and Procedure: Magistrates shall have the qualifications specified in the Rules mentioned in the preceding paragraph, each of which Rules shall govern the Magistrate's conduct of civil cases, criminal cases and traffic cases.

RULE 18. ARBITRATION

To expedite the administration of justice, the following procedures for arbitration shall be followed in all civil cases:

(A) In civil cases in which it has been determined at pretrial by the assigned Judge that the case shall be submitted to compulsory arbitration pursuant to this Rule.

(B) In any civil case, without limit, the parties may stipulate in writing that the case will be submitted to arbitration in accordance with this Rule. Upon filing of the stipulation together with a pretrial statement from each party, the case shall be submitted to arbitration.

(C) In all cases subject to arbitration, the arbitrator shall be appointed by the Court from a list of members of the Bar of Portage County.

(D) Rule 13 of the Rules of the Court of Common Pleas of Portage County shall be followed in all cases assigned for arbitration in this Court, and that Rule is attached hereto, except that the amounts of compensation allowed are increased to the following: Rule 13.12(A) - $150.00; Rule 13.12(B) - $150.00; Rule 13.12(D) - $125.00 per non-chairperson arbitrator.

RULE 19. COURT STATISTICAL REPORTS, CASE INVENTORY AND ANNUAL REPORTS

(A) Judges of this Court shall submit monthly to the Court Statistical Reporting Section of the Supreme Court the following report forms in the manner specified:

(1) Each Administrative Judge shall submit a complete Administrative Judge Report, which shall be a report of all cases not individually assigned.

(2) Each Judge shall submit a complete Individual Judge Report, which shall be a report of all cases assigned to the individual Judge. The report shall be submitted through the Administrative Judge and shall contain the signatures of the reporting Judge, the Administrative Judge and the preparer, if other than the reporting Judge, attesting to the accuracy of the report.

(B) Each Judge, on or before the first day of October, shall complete an annual physical inventory of all cases reported as pending. A Judge, when initially elected or appointed, shall complete a physical case inventory within three (3) months of the date on which the Judge takes office. Subsequent annual physical inventories shall be completed on or before the first day of October of each ensuing year.

(C) On or before the last day of March of each year, the Court shall render a complete report of its operation during the preceding calendar year to the legislative authority and the Board of Commissioners. The report shall show the work performed by the Court; a statement of receipts and expenditures for the civil and criminal branches; number of cases heard, decided and settled, and any other data that the Supreme Court, the Secretary of State, the legislative authority and the Board of County Commissioners require.

RULE 20. JURY TRIALS

(A) Civil: A demand for trial by jury shall be made in accordance with Rule 3 of the Ohio Rules of Civil Procedure. To obtain a jury in a civil case, a written jury demand shall be filed with the clerk, together with a jury deposit. 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 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 directs otherwise. Said jury demand and deposit must be paid by the pretrial date or the Court will set the matter for trial to Court.

(B) Criminal/Traffic: Where there is a right of jury trial, the jury demand shall be made in accordance with Rule 23 of the Ohio Rules of Criminal Procedure, on the

form contained in the Appendix hereto, within the statutory time constraints. In criminal and traffic cases, the defendant, if found guilty, shall be responsible for the jury costs.

(C) General: In all civil, criminal and traffic cases, when a jury is demanded and not used, the jury costs shall be assessed against the party making the demand, unless the demand is withdrawn in writing by Friday at noon during the week prior to the trial. If that Friday is a holiday, then the withdrawal shall be filed on Thursday by noon of that same week. The Court must be notified on the Friday prior to jury week if a jury trial is going forward. Failure to do so may result in an assessment of jury costs.

(D) Jury Use and Management Plan: The jury use and management plan, effective August 1, 1999, is contained in the appendix of these Rules and is incorporated by reference.

RULE 21. MISDEMEANOR VIOLATIONS BUREAU

The Misdemeanor Violations Bureau is established and the Clerk of Courts is appointed to be the Violations Clerk, to collect fines, give receipts and render accounts of the Bureau.

RULE 22. TRAFFIC VIOLATIONS BUREAU

The Traffic Violations Bureau is established and the Clerk of Courts is appointed to be the Violations Clerk, to collect fines, give receipts and render accounts of the Bureau.

RULE 23. TRUSTEESHIP

Applicants must be qualified under Ohio Revised Code Section 2329.70. At the time of application, applicant shall exhibit to the clerk a legal fifteen (15) day notice received from a creditor listed in the application within thirty (30) days prior to the date of application. The acceptance of the filing by the clerk of the debtor's application for trusteeship will not cause any attachment or garnishment filed prior to application to be dismissed by the Court.

At the time of application, debtor shall disclose to the clerk the debtor's pay and pay period (weekly, bi-weekly, semi-monthly or monthly). At the time of filing, the debtor must make a payment to the clerk of $25.00 and, upon receipt of the first pay thereafter, must make a full payment before the trusteeship will become effective. At every pay thereafter, the debtor shall appear and show a pay stub to the clerk, as trustee, and pay as set forth in Ohio Revised Code Section 2329.70. Failure to appear after the initial conference shall cause the deposit to be forfeited by the Court. Failure to make regular payments as set forth above will be cause for termination of the trusteeship. The clerk, in the event that debtor shall fail to make any scheduled payment, shall, within ten (10) days after the scheduled payment is due, mail a letter by regular mail to the debtor, at the address contained in the application, requiring debtor to appear on a date not less than five (5) days nor more than ten (10) days from the date of the letter to show cause why the trusteeship shall not be terminated. If debtor appears on that date, a hearing may be held before a Judge or Magistrate at debtor's request. If debtor shall fail to

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
MAR 21 2011
LINDA K. FANKHAUSER, CLERK
RAVENNA, OH

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

Rule 22. TRAFFIC VIOLATIONS BUREAU

The following paragraph is hereby added to RULE 22:

Tickets produced by computer or other electronic means may be filed, provided that the ticket confirms in all substantive respects, including layout and content, to the Ohio Uniform Ticket set forth in the Ohio Traffic Rules. If a ticket is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by the Ohio Traffic Rule 3(E).

Kevin T. Poland
Administrative and Presiding Judge

appear, the clerk shall forthwith prepare a journal entry terminating the trusteeship for cause. The clerk shall cause notice of trusteeship to be forwarded to each unsecured creditor by certified mail with request to verify, under oath, the existence of the account and the amount owed on said account. No appointment or distribution shall be made to any creditor until verification of the existence of the account and the amount owed is filed with the clerk.

The clerk shall cause notice to be forwarded to each secured creditor by certified mail with request to verify account and with election to participate or not participate in the trusteeship. Failure to elect within ten (10) days after receipt of notice shall cause the trustee to declare the creditor a participant in the trusteeship in accordance with Ohio Revised Code Section 2329.71. The election to participate shall constitute a waiver of all interest, penalties and late charges claimed by the creditor. If the debtor wishes to make payments to creditors from exempt pay, such payments may be made directly to any secured creditor (holder of mortgage on any property) in an amount of debtor's choice, provided the payment of the required amount has been made to the clerk as trustee, but only if said creditor is not listed as a creditor in debtor's schedule or such creditor has refused to participate in the trusteeship, or an agreement has been filed and approved by the Court, or debtor may make payment of such amount to the clerk for distribution among the listed creditors. Debtor shall not make any payment directly to a listed creditor who is participating in the proceeds of the trusteeship except with the approval of the Court. Any payment in violation of this Rule shall be grounds for termination of the trusteeship and the clerk on final distribution shall omit the account of that creditor in calculating the distribution. The clerk, as trustee, shall pay to the county Treasurer the sum of two percent (2%) of the total payments made to the clerk immediately prior to disbursement to the creditors. The clerk shall not be required to make distribution to creditors more often than once every ninety (90) days, except that the clerk shall disburse all funds, including the two percent (2%) fee to the county Treasurer, within ten (10) days after termination of any trusteeship.

RULE 24. BROADCASTING AND PHOTOGRAPHING PROCEEDINGS

(A) The Judge presiding at the trial or other hearing shall permit the broadcasting or recording by electronic means and the taking of photographs of Court proceedings open to the public as provided in Canon 3A(7) of the Code of Judicial Conduct. 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 of the Judge required by Canon 3A(7) shall be made a part of the record of the proceedings.

(B) Use of more than one (1) portable camera (television, videotape or movie) with one operator shall be allowed only with the permission of the Judge. Not more than one (1) still photographer shall be permitted to photograph trial proceedings without permission of the Judge. Still photographers shall be limited to two (2) cameras with two (2) lenses for each camera.

For radio broadcast purposes, not more than one (1) audio system shall be permitted in Court. Where available and suitable, existing audio pickup systems in the court

facility shall be used by the media. If no such systems are available, microphone and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible. Visible audio recording equipment may be used by news media reporters with the prior permission of the Judge. 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. If disputes arise over such arrangements among media representatives, the Judge shall exclude all contesting representatives from the proceedings. 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.

Still photographers and 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 in which they have been positioned by the Judge, except to leave or enter the courtroom. The changing of film or recording tape in the courtroom during court proceedings is prohibited.

There shall be no audio pickup or broadcast of conferences conducted in the court facility among attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the Judge. The Judge shall have discretion to limit the photographing of victims, witnesses or jurors.

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. 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.

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

RULE 25. LEGAL NEWS

In conformity with Ohio Revised Code Section 2701.09, The Portage County Legal News, as published by John L. Burleson, is hereby designated the daily law journal for publication of all calendars of the courts of record. The Clerk shall require a payment for each new case filed, as listed in the civil costs attached.

RULE 26. COURT SECURITY

A Crisis Response Plan has been developed in 2008 for the Portage County Common Pleas and Municipal Courts. A copy of the Plan is contained in Appendix G of these Rules and is incorporated herein by reference.

RULE 27. LOCAL RULE FOR FAX

Pursuant to Rule 5(E) of the Ohio Rules of Civil Procedure, the Court will allow the filing by electronic transmission, through the Clerk of Court's office, of motions, pleadings, letters, documents and all other matters which may be filed in person or by mail with the following provisions:

(A) The clerk shall maintain a dedicated telephone line to accept electronically transmitted filings;

(B) The electronically transmitted document's filing date is determined by court hours. Any filings sent electronically and received by the Court after 4:00 p.m. will be file-stamped the next business day;

(C) The FAX shall be considered an original document.

RULE 28. ISSUANCE OF ARREST WARRANTS

All arrest warrants for cases not covered by Ohio Revised Code Section 2935.03 (crimes which do not require a warrant) shall be issued by a Judge of this Court, upon finding of adequate probable cause, during Court hours. During the hours in which the Court is closed, a police officer in need of an arrest warrant for cases not covered by said section may contact a Judge of this Court to request a finding of probable cause for the arrest warrant. Upon such a finding by the Judge, the police officer shall note on the complaint the date of said finding.

RULE 29. INSTALLMENT PAYMENT OF FINE AND COSTS

In any criminal or traffic matter, when the assigned Judge gives the defendant time to pay the fine and costs, such payment may be made in installments, unless otherwise stated as a condition of the sentence. Any unclaimed bond money posted by the defendant that has been held for more than one (1) year may be applied to any outstanding fine and costs on that case.

RULE 30. COMMUNITY SERVICE PROGRAM

A community service program is established as a sentencing alternative. The sentencing Judge may allow a person convicted of a misdemeanor who qualifies for the community service program to perform community work service as approved by the Probation Department. The Probation Department shall establish the guidelines for the qualification and administration of the community service program. Any violation of the community service program is a violation of a court order and subjects the violator to sanctions provided by law.

RULE 31. CRIMINAL/TRAFFIC BOND SCHEDULE

In lieu of bond set by a Judge, the clerk is authorized to release a person charged in the Court with a crime based on the schedule attached to these Rules.

RULE 32. PROCEEDINGS THROUGH VIDEO TRANSMISSIONS

Bond hearings, preliminary hearings, arraignments or other Court proceedings may, at the discretion of the Court, be held by means of video transmission from the Portage County Jail where the defendant is being held. The Portage County Jail and each Ravenna courtroom shall be furnished with the necessary equipment for such proceedings.

RULE 33. ACTING JUDGES

The Court may appoint Acting Judges, during temporary absences, pursuant to Ohio Revised Code Section 1901.12. Acting Judges must be registered with the Secretary of the Commission on Continuing Legal Education and meet the requirements of the Supreme Court. Acting Judges shall be compensated at the rate of $150.00 per diem.

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
FEB 22 2013
LINDA K. FANKHAUSER, CLERK
RAVENNA, OH

STATE OF OHIO)
: SS **Administrative Order**
PORTAGE COUNTY)

Commencing February 25, 2013, the Court hereby adopts Rule 27 to the Portage County Municipal Local Rules of Court.

IT IS SO ORDERED.

Barbara R. Oswick
Administrative and Presiding Judge

IN THE PORTAGE COUNTY MUNICIPAL COURT
KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
FEB 21 2013
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

RULE 27.

LOCAL RULE FOR ELECTRONIC TRANSMISSIONS

Pursuant to Rule 5(E) of the Ohio Rules of Civil Procedure, the Court will allow the filing by electronic transmission, through the Clerk of Courts office, of motions, pleadings, letters, documents and all other matters which may be filed in person or by mail, subject to the following provisions:

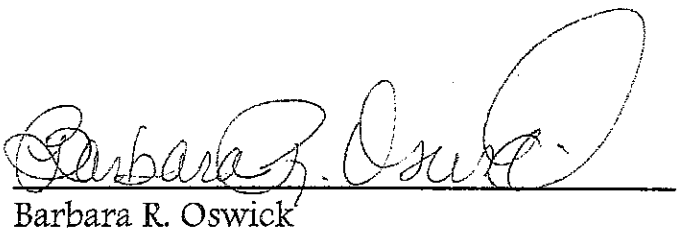
(A) The Clerk shall maintain a dedicated telephone line to accept electronically transmitted filings;

(B) The electronically transmitted document's filing date is determined by court hours. Any filings sent electronically and received by the Court before 8:00 a.m. or after 4:00 p.m. on a business day or at anytime on a non-business day will be time- stamped the next business day. Documents transmitted electronically may be transmitted 24 hours per day, seven days per week;

(C) A FAX or an e-mail shall be considered an original document;

(D) Any signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken;

(E) Any document filed electronically that requires a filing fee may be rejected by the Clerk of Court unless the filer has complied with the mechanism established by the Court for the payment of filing fees.



Barbara R. Oswick
Administrative and Presiding Judge

PORTAGE COUNTY MUNICIPAL COURT
RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 16 2013
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

STATE OF OHIO)
: SS
PORTAGE COUNTY)

****

IN THE MATTER
OF CIVIL COURT FEES

JOURNAL ENTRY

****

Effective July 29, 2013 the Portage County Municipal Court civil clerks shall charge for the following:

$ 200.00 deposit for a jury demand.

IT IS SO ORDERED.

Barbara R. Oswick
Administrative and Presiding Judge

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
DEC 12 2014
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

IN RE: **Local Rules of Court**

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

Rule 34

Process Servers- Appointment and Practices

Kevin T. Poland,
Administrative and Presiding Judge

2014 JE 0203

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
DEC 12 2014
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

STATE OF OHIO)

: SS

PORTAGE COUNTY)

****

IN THE MATTER OF AMENDMENT

OF CIVIL COURT FEES ***JOURNAL ENTRY***

****

Effective December 15, 2014 the Portage County Municipal Court civil clerks shall charge for the following:

$ 50.00 for Civil Process server appointment of a one (1) year term.

IT IS SO ORDERED.

Kevin T. Poland
Administrative and Presiding Judge

2014 JE 0203

IN THE PORTAGE COUNTY MUNICIPAL COURT
KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 24 2016
JILL FANKHAUSER, Clerk
RAVENNA, OH

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court: the Bond and Waiver Schedule, Criminal Fee Schedule and Civil Filing Fees effective September 1, 2016.

Kevin T. Poland
Administrative and Presiding Judge

2016 JE 0087

PORTAGE COUNTY MUNICIPAL COURT
KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 24 2016
JILL FANKHAUSER, Clerk
RAVENNA, OH

STATE OF OHIO

PORTAGE COUNTY

IN THE MATTER OF
BOND AND WAIVER SCHEDULE

JOURNAL ENTRY

Effective: **September 1, 2016**

BOND SCHEDULE

I. Domestic Violence- all code sections
Violation of Temporary Protection Order/ Violation of Civil Protection Order; Menacing by stalking

(A) No bond. Defendant must appear before Court.

II. All other Misdemeanors of the 1st degree

(A) Portage County Resident	$4,500 – 10% cash or surety
(B) Adjacent County Resident	$5,500 – 10% cash or surety
(C) Non-Adjacent County Resident	$6,500 – 10% cash or surety

III. All other Misdemeanors of the 2nd degree

(A) Portage County Resident	$4,000 – 10% cash or surety
(B) Adjacent County Resident	$4,500 – 10% cash or surety
(C) Non-Adjacent County Resident	$6,000 – 10% cash or surety

IV. All other Misdemeanors of the 3rd and 4th Degree

(A) Portage County Resident	$3,500 – 10% cash or surety
(B) Adjacent County Resident	$4,000 – 10% cash or surety
(C) Non-Adjacent County Resident	$5,000 – 10% cash or surety

V. Unclassified Misdemeanors:

(A) Driving under suspension unclassified only - Personal Recognizance

(B) 3rd Offense O.V.I.

(1) Portage County Resident	$7,500 – 10% cash or surety
(2) Adjacent County Resident	$8,000 – 10% cash or surety
(3) Non-Adjacent County Resident	$9,000 – 10% cash or surety

(C) All other unclassified misdemeanors	$2,500 – 10% cash or surety

VI. **Minor Misdemeanors:**

Personal Recognizance

Waiver Fee Schedule

All Waiver Fees include court cost of $107.00 unless otherwise indicated.

VII. **Overload cases WAIVER FEE AMOUNTS AS FOLLOWS:**
FINE:

5,000 lbs. overweight or less	$150. 00	17,001 - 18,000 lbs	$ 700.00
5,001 - 5,000 lbs	$250.00	18,001 - 19,000 lbs	$ 730.00
6,001 - 7,000 lbs	$270.00	19,001 - 20,000 lbs	$ 760.00
7,001 - 8,000 lbs	$290.00	20,001 - 21,000 lbs	$ 790.00
8,001 - 9,000 lbs	$310.00	21,001 - 22,000 lbs	$ 820.00
9,001 - 10,000 lbs	$330.00	22,001 - 23,000 lbs	$ 850.00
10,001 -11,000 lbs	$490.00	23,001 - 24,000 lbs	$ 880.00
11,001 - 12,000 lbs	$520.00	24,001 - 25,000 lbs	$ 910.00
12,001 -13,000 lbs	$550.00	25,001 - 26,000 lbs	$ 940.00
13,001 -14,000 lbs	$580.00	26,001 - 27,000 lbs	$ 970.00
14,001 -15,000 lbs	$610. 00	27,001 - 28,000 lbs	$1000.00
15,001 -16,000 lbs	$640.00	28,001 - 29,000 lbs	$1030.00
16,001 -17,000 lbs	$670.00	29,001 lbs or more	$1060.00

Plus additional court cost of $107.00

VIII. Waiverable Offenses all amounts below include court costs
See Traffic Rule 13 and Criminal Rule 4.1 for waiverable offenses.

(A) All Speeding Violations $150.00
(1) 30 miles per hour or over the speed limit must appear in court, is not waiverable.

(B) All Violations in a Construction Zone Waiver Fee $260.00

Violations in a Construction Zone No Workers Present
Waiver Fee $150.00

(C) Approaching Stationary Public Safety Vehicles displaying emergency lights
Waiver Fee $260.00

(D) All School Zone Violations personal appearance is required.

(E) All other Waiverable Minor Misdemeanor Traffic Offenses; all amounts below include court costs.
(1) All Moving Violations and Non-moving Violation:
Except Seatbelt $150.00

(2) Seatbelt and Pedestrian Violations $98.00 (includes $78.00 court cost)

(3) Parking in a handicapped zone $328.00

(4) Child restraint Violations $150.00

(F) Other Minor Misdemeanors:

(1) Disorderly Conduct $175.00
(2) Open Container $175.00
(3) Failure to Confine Dog/ Dog at large $145 00
(4) Failure to Register Dog $145.00
(5) Public Gaming $175.00
(6) Littering $175.00
(7) Expired License-less than 6 months $175.00
ORC 4510.12 (C)(2)
(8) Marijuana Drug Possession is not Waiverable, you must appear in Court.
(9) Carrying Concealed Weapon is not Waiverable, you must appear in Court.
(10) Possession of Marijuana Drug Paraphernalia is not Waiverable, you must appear in Court.

After the court date for all minor misdemeanor offenses the Waiver Fee shall be increased by $25.00.

All Waiverable traffic offenses: If 2 or more Waiverable traffic offenses out of the same incident; Defendant must appear in Court, except if 1 Violation plus Seatbelt or Child restraint violation, Defendant may still pay the Waiver fee.

IX. WILDLIFE & WATERCRAFT WAIVER FEE SCHEDULE

(A) The following will not be Waiverable under any circumstances:
(1) 1533.17- Hunting without permission
(2) 1533.66-Trespassing on fishponds
(3) 1547.07-Reckless Operation (M3 with injury)
(4) 1547.12- Incapacitated Operation (M3 with injury)

(B) The following are Waiverable unless the officer marks "Must Appear in Court":
(1) All wildlife and watercraft 4th Degree Misdemeanor waiver fee $195.00.
(2) All wildlife and watercraft 3rd Degree Misdemeanor waiver fee $235.00.

(C) All first and second degree misdemeanors will follow the regular bond schedule.

(D) All minor misdemeanors under ORC Section 1547 shall be waiverable the waiver fee of $150.00 shall apply unless the officer marks "must appear in Court".

X. The following Traffic Offenses are not Waiverable under any circumstances:

(A) Felonies
(B) Operating a motor vehicle while under the influence of alcohol or any drug of abuse.
(C) Leaving the scene of an accident;

(D) Driving while under suspension or revocation of a driver's or commercial driver's license.
(E) No operator's license.
(F) A third moving violation within a twelve-month period.
(G) Failure to stop for school bus violation.
(H) Willfully eluding or fleeing a police officer.
(I) Drag racing.
(J) Reckless Operation.

There is a 4% service fee when using a credit or debit card

IT IS SO ORDERED.

Judge Kevin T. Poland
Administrative and Presiding

Judge Mark K. Fankhauser

Judge Barbara R. Oswick

B

PORTAGE COUNTY MUNICIPAL COURT
RAVENNA AND KENT CRIMINAL DIVISIONS
FEE SCHEDULE EFFECTIVE

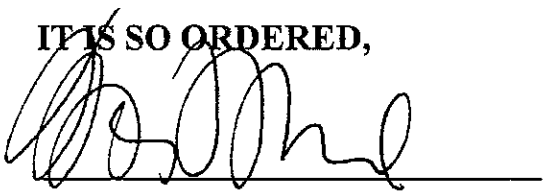
FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 2 4 2016
JILL FANKHAUSER, Clerk
RAVENNA, OH

Summons by Certified Mail	$10.00
Any Supplemental Summons / Compact Notice	$25.00
House Bills, Compact Suspensions and Releases prior to 2004	$15.00
Jury Demand	$ 1.00
Issuing a Subpoena	$ 2.00
Issuing a Bench Warrant	$25.00
Making a Certificate of Judgment	$ 5.00
Notice of Appeal – 2 Checks 1st check made payable to Clerk of Courts for $150.00 2nd check made payable to Portage County Municipal Court for $25.00	$175.00
Expungement <u>convictions only</u>: includes Application/Administrative fees	$75.00
Motion for CWS in Lieu of	$10.00
Driving Letter	$10.00
Driving Letter with Ignition Interlock	$12.50
Forfeitures / Immobilization of Vehicle	$15.00
Vehicle Club Order at Residence	$15.00
Certified Mail	$10.00
Regular Mail	$ 1.00
Bailiff Service Fee	$20.00
Witness Fees Paid (Full Day)	$ 12.00
Witness Fees Paid (1/2 Day)	$ 6.00
Witness Mileage from Residence per mile	$ .35

Court Costs	$107.00
Court Cost (Seat Belts Only)	$78.00
NSF Check – Returned from Bank	$30.00
Copies (per page)	$0.10
Certified Copies	$1.00

Faxes…(For each electronic transmission of a document, plus $1.00 per page, these fees are to be paid by the party requesting the electronic transmission).

IT IS SO ORDERED,



Judge Kevin T. Poland
Administrative and Presiding Judge

PORTAGE COUNTY MUNICIPAL COURT
KENT BRANCH
214 SOUTH WATER STREET
KENT OH 44240
330.678.9170

www.co.portage.oh.us

PORTAGE COUNTY MUNICIPAL COURT
RAVENNA BRANCH
203 WEST MAIN STREET PO BOX 958
RAVENNA OH 44266
330.297.3635

C

SMALL CLAIM COMPLAINT

CASE NO._____

Plaintiff_____
Address_____
_____
_____
Phone No._____

-vs-

Defendant_____
Address_____
_____
_____
Phone No._____

Defendant_____
Address_____
_____
_____
Phone No._____

To The Clerk: Please take notice that a claim is hereby filed against the above Defendant(s) and request that they be summoned to appear in Court to answer same.

STATEMENT OF CLAIM

☐ Account – Exhibit A attached and made a part hereof
☐ Wages
☐ Other _____
_____
_____

Wherefore Plaintiff prays judgment against Defendant in the sum of $_____, plus interest from the _____day of _____, 20_____, at the rate of _____% and costs.

THE STATE OF OHIO)
COUNTY OF _____) ss.

AFFIDAVIT OF COMPLAINANT'S CLAIM

_____ being first duly sworn, on oath states that they are the Plaintiff(s) in the above entitled cause; that the said cause is for the payment of money, that the nature of Plaintiff's demand is as stated, and that there is due to the Plaintiff(s) from the Defendant(s) the amount stated above; Defendant(s) (is/are) not now in the military or naval service of the United States.

_____
Plaintiff's signature

Subscribed and sworn to before me this_____day of_____,20____

_____
Clerk, Deputy Clerk, Notary Public

SMALL CLAIM INFORMATION SHEET

DATE _____

PLAINTIFF _____ DEFENDANT _____

_____ _____

ADDRESS _____ ADDRESS _____
(NUMBER AND STREET) (NUMBER AND STREET)

_____ _____
(STATE AND ZIP CODE) (STATE AND ZIP CODE)

TELEPHONE #: _____ TELEPHONE #: _____

IS DEFENDANT PRESENTLY IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES? _____
(YES OR NO)

COMPLAINT: _____

AMOUNT CLAIMED $_____, WITH INTEREST AT THE RATE OF _____%

FROM THE _____ DAY OF _____, 20_____.

THE ABOVE COMPLAINT IS TRUE TO THE BEST OF MY BELIEF.

_____
PLAINTIFF

PC 0349 (Rev. 08/07)

D

RULE 13 OF THE RULES OF THE COURT OF COMMON PLEAS OF PORTAGE COUNTY:

RULE 13. Arbitration

13.01. To expedite the administration of justice, the following procedures for arbitration shall be followed in all civil cases.

13.02. Case for Submission to Arbitration:

(A) Every civil case, except those involving title to real estate, equitable relief, appeal, or declaratory judgment, in which the value of each plaintiff's claim is Forty Thousand Dollars ($40,000.00) or less, excluding interest and costs, may be submitted to arbitration.

(B) In any civil case, the parties may stipulate in writing that the case will be submitted to arbitration in accordance with this rule. Upon filing of the stipulation, together with a pretrial statement from each party, the case shall be submitted to arbitration.

(C) In any civil case at least three (3) months old, counsel for either party may move, or the Court on its own motion may mandate, that the case be submitted to arbitration in accordance with this rule. Exceptions to an order submitting a case to arbitration shall be made by motion filed within ten (10) days of the order.

13.03. Selection of Arbitrators:

Unless the parties otherwise request, one (1) arbitrator shall be appointed by the assignment commissioner from the list of members of the Portage County Bar Association. The members of the Bar qualified to arbitrate shall be only those who have filed with the assignment commissioner their consent to be an arbitrator. The members who desire to be eliminated from the list must notify the assignment commissioner by letter.

The parties may request the appointment of three (3) arbitrators provided the parties comply with the requirements of 13.12. The three (3) arbitrators shall constitute a board with one arbitrator acting as chairperson. The first arbitrator selected by the assignment commissioner will be the chairperson.

13.04. Hearing Notice:

(A) The hearings shall be held at the place designated by the arbitrator or chairperson of the board of arbitrators, preferably in the Courthouse or other County building. The arbitrator or chairperson shall fix the time and date of hearing and shall notify the parties. The chairperson shall also notify the other arbitrators. No hearing shall be fixed for Saturdays, legal holidays, or evenings, except upon agreement of the arbitrator(s) and the parties.

(B) Since time is available to the parties prior to the hearing date to settle or compromise the case, once a hearing date is set the hearing shall proceed at the scheduled time. There shall be no unilateral communications by counsel or the parties with the arbitrator(s) concerning the merits of the case at any time prior to the filing of the report and award.

13.05. Default of a Party:

The hearing may proceed in the absence of any party, who, after due notice, fails to appear or obtain an adjournment. An award shall not be made solely on the default of any party, the arbitrator(s) shall require the other party to submit such evidence as the arbitrator(s) may require for the making of an award.

13.06. Conduct at Hearing:

(A) The arbitrator(s) shall judge the relevancy and materiality of the evidence. Conformity to the rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrator(s) and the parties, except where any of the parties are absent, in default, or have waived their right to be present. The arbitrator(s) may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem fit after consideration of any objections made to its admission.

(B) Counsel shall, upon request, whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

(C) The arbitrator(s) shall have the general powers of a Court, including, but not limited to, the following powers:

(1) Subpoenas: to cause the issuance of subpoenas to witnesses to appear before them and to request the issuance of an attachment according to the practices of the Court for failure to comply;

(2) Production of documents: to compel the production of all documents that they shall deem material to the case;

(3) Administer oaths/admissibility of evidence: to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case; and

(4) Medical bills/property damage bills and estimates: in cases involving personal injury or damage to property, the following bills or estimates may be offered into evidence without further proof, for the purpose of proving the value of services, labor, and material on the condition that seven (7) days written notice be given to the adverse party, accompanied by a copy of the bills to be offered into evidence:

(a) hospital bills: hospital bills on the letterhead or billhead of the hospital, when dated and itemized;

(b) bills of doctors/dentists: bills for each doctor or dentist not to exceed $500.00, when dated and containing a statement showing the date of each visit and the charge for each visit;

(c) bills of nurses, etc.: bills of registered nurses, licensed practical nurses, or physical therapists, aggregating not more than $250.00 for each, when dated

and containing an itemized statement of the days and hours of service and the charges for each service;

(d) bills for medicines, etc.: bills for medicines, eye glasses, prosthetic devices, appliances, or similar items, each bill not to exceed $100.00 but not limited to any one category;

(e) property repair bills or estimates: property repair bills or estimates not to exceed $500.00 when identified and itemized setting forth the charges for labor and material used in the repair of the property; and

(f) procedure where estimate: where an estimate is offered, the offering party shall forward his/her notice to the adverse party together with the copy of the estimate, a statement indicating whether the property was repaired, and if it was, whether the estimated repairs were made in full or in part. The party shall attach a copy of the receipted bill showing the items of repair made and the amount paid.

13.07. Supervisory Powers of the Court:

The Administrative Judge will have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

13.08. Witness Fees:

Witness fees in any case referred to arbitration shall be in the same amount as provided for witnesses in court trials, and may be ordered taxed as costs in the case. The costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried in court.

13.09. Transcript of Testimony:

The arbitrator(s) shall not be required to make a transcript of the proceedings. If any party desires a transcript, he/she shall provide a court reporter and cause a record to be made. The party requesting the transcript shall pay the cost thereof, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the court reporter upon payment therefor, based upon the usual charges for a copy of a deposition.

13.10. Report and Award:

Within twenty (20) days after the hearing, the arbitrator or chairperson of the board of arbitrators shall file a report and award with the Clerk, and on the same day shall mail or otherwise forward copies thereof to all parties. The time for appeal under 13.13 shall commence on the day the report and award is served upon the party seeking an appeal. An award may not exceed $40,000.00, excluding interest and costs, unless the parties otherwise stipulate. The report and award shall be signed by the arbitrator(s). If a member on the board of arbitrators does not agree on the findings and award, he/she shall write the word "minority" before his/her signature. A minority report shall not be required unless the dissenting arbitrator elects to submit a report.

13.11. Legal effect of Report and Award – Entry of Judgment:

The report and award, unless appealed as provided in this rule, shall be final and shall have the legal effect of a verdict. If no appeal is taken within the time and in the

manner specified in this rule, the Court will render judgment in accordance with the report and award and Local Rule 15. After entry of judgment, an execution process may be issued as in any other judgment.

13.12. Compensation of Arbitrators:

(A) Where one (1) arbitrator is used, he/she shall receive as compensation for his/her services a fee of $90.00. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the arbitrator is concerned. In cases requiring a hearing of unusual duration or involving questions of unusual complexity, the Administrative Judge, on petition of the arbitrator and for good cause shown, may allow additional compensation. The arbitrator shall not be entitled to receive his/her fees until after the filing of the report and award with the Clerk.

(B) Where three (3) arbitrators are used, the chairperson of the board of arbitrators shall receive as compensation for his/her services a fee of $90.00.

(C) All compensation for the arbitrator(s) under local rules 13.15(A) & (B) shall be paid from the funds of Portage County that have been allocated for the operation of the Court.

(D) Where three (3) arbitrators are used, the two (2) non-chairperson arbitrators shall receive as compensation for their services a fee of $75.00 each, for a total fee of $150.00. One-half (1/2) of the total fee shall be paid by the plaintiff(s) and one-half (1/2) shall be paid by the defendant(s). Each party shall deposit with the chairperson their respective share at least seven (7) days prior to the arbitration date.

(E) If a case is settled or dismissed sooner than two (2) days before the date scheduled for hearing, the arbitrator(s) shall not be entitled to compensation. If a case has been settled or dismissed within that two-day period, the arbitrator(s) shall be entitled to compensation. Upon receiving notice that the case has been settled or dismissed more than two days before the date set for hearing, the assignment commissioner shall assign another case to the same arbitrator(s).

13.13. Right of Appeal:

Any party may appeal the report and award of the arbitrator or the board of arbitrators to the Court. The right of appeal shall accrue within thirty (30) days after the report and award is entered on the Clerk's docket and served upon the party seeking appeal (see 13.10). The right of appeal shall be subject to the conditions set forth in 13.15.

13.14. Notice of Appeal and Costs:

(A) The appellant shall pay an appeal fee of $20.00 to the Clerk and shall file with the Clerk and the assignment commissioner a notice of appeal together with an affidavit that the appeal is not taken for delay, but because he/she believes an injustice has been done. A copy of the documents shall be served upon the opposing parties.

(B) In addition to the payment of the appeal fee at the time of the filing of the notice of appeal, the appellant shall also repay the fee received by the arbitrator(s) (where one arbitrator $90.00/where a board of arbitrators $240.00) by depositing that amount with the Clerk.

(C) If the appeal results in a judgment different from that found by the arbitrator(s), the Court shall assess costs, including the reimbursement of the amounts required to be paid by the appellant to effect the appeal, against either or both of the parties as it may determine to be just.

13.15. Poverty Affidavit on Appeal:

A party without funds desiring to appeal an award may apply, by a written motion and affidavit, to the Court averring that by reason of poverty he/she is unable to make the payments required for an appeal. If after due notice to the opposing parties, the Judge is satisfied of the truth of the statements in the affidavit, the Judge may order that the appeal of the party be allowed although the amounts are not paid by the appellant.

13.16. Return to Active Trial List – Trial de novo:

(A) Upon the filing of the notice of appeal and the payment or waiver of the costs as provided in this rule, the assignment commissioner shall cause the case to be returned to the Judge for trial.

(B) All cases that have been appealed shall be tried de novo by the Court.

13.17. Testimony of Arbitrator(s) on Appeal Prohibited:

If an appeal from the report and award of the arbitrator or the board of arbitrators is taken, the arbitrator(s) shall not be called as witnesses in the trial de novo.

13.18. Exceptions and Reasons Therefor:

(A) Any party may file exceptions to the report and award of the arbitrator or the board of arbitrators within thirty (30) days after the filing of the report and the award for either misconduct or corruption of the arbitrator or the board of arbitrators or of an arbitrator on the board.

(B) Copies of the exceptions shall be mailed to the arbitrator(s) and the assignment commissioner within 48 hours after filing. The exceptions shall be assigned for hearing before the Judge assigned to the case.

(C) If the exceptions are sustained, the report and award of the arbitrator or the board of arbitrators shall be vacated and the case either assigned to a new arbitrator or board of arbitrators or set for trial.

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG - 9 2010
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court: the Jury use and Management plan shall now read:

Section III. RANDOM SELECTION PROCEDURE

B. The Portage County Common Pleas Deputy Jury Commissioner shall draw once each year two thousand, three hundred forty (2,340) persons pursuant to the random selection, to be used as petit jurors in the Portage County Municipal Court.

Barbara R. Oswick
Administrative and Presiding Judge

PORTAGE COUNTY MUNICIPAL COURT
JURY USE AND MANAGEMENT PLAN
Amendment – January 23, 2009

FILED
PORTAGE COUNTY MUNICIPAL COURT
JAN 23 2009
LINDA K. FANKHAUSER, CLERK
RAVENNA, OH

I. OPPORTUNITY FOR SERVICE

A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

B. Jury service is an obligation of all qualified citizens of Portage County, Ohio.

II. JURY SOURCE LIST

A. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections and shall be a list of all registered voters in Portage County. Each year that list shall be given to the Portage County Data Processing Department on a disk to be entered in the computer.

B. The jury source list shall be representative of the adult population in the jurisdiction of Municipal Court.

C. The Court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population of Portage County.

D. If the Court should determine that improvement is needed in the representativeness and inclusiveness of the jury source, the appropriate corrective action shall be taken.

III. RANDOM SELECTION PROCEDURE

A. The Portage County Data Processing Department should enter the jury source list in automated date processing equipment in conformity with 2313.08 and 2313.21. The data processing equipment should randomize the jurors. The names are then pulled at random during a public jury draw.

B. The Portage County Common Pleas Deputy Jury Commissioner shall draw once each year two thousand, eight hundred eighty (2,880) persons pursuant to the random selection, to be used as petit jurors in the Portage County Municipal Court.

C. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

IV. ELIGIBILITY FOR JURY SERVICE

A. All persons shall be eligible for jury service except those who:

1. Are less than eighteen year of age;
2. Are not citizens of the United States;
3. Are not residents of Portage County;
4. Are not able to communicate in the English language; or
5. Have been convicted of a felony and have not had their civil rights restored.

V. TERM OF AND AVAILABILITY FOR JURY SERVICE

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

B. Jurors shall be "on call" for a one-week period. They do not report every day. Jurors call a voice mail message which informs them if they are needed for jury service and if so, where to report.

VI. EXEMPTION AND EXCUSE

A. All automatic excuses or exemptions from jury service, with the exception of statutory exemptions, should be eliminated.

B. Requests for excuses shall be written or otherwise made or recorded.

VII. VOIR DIRE

A. Voir dire examination shall be limited to matters relevant to determine whether to remove a juror for cause and to determine the juror's fairness and impartiality.

B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.

C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time set by the judge.

D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

E. The voir dire process shall be held on the record.

F. Rules on Voir Dire:

1. The case may not be argued in any way while questioning the jurors.
2. Counsel may not engage in efforts to indoctrinate jurors.
3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
4. Jurors may not be asked what kind of verdict they might return under any circumstances.
5. Questions are to be asked collectively of the entire panel whenever possible.

VIII. REMOVAL FROM JURY PANEL FOR CAUSE

A. If the judge determines during the voir dire process that any individual is unwilling or unable to hear the particular case at issue fairly and impartially, that individual shall be relieved from the panel. Termination may be made on motion of counsel or by the judge.

IX. PEREMPTORY CHALLENGES

A. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for the administration of the jury system shall be vested exclusively in the Portage County Municipal Court.

B. All procedures concerning jury selection and service should be governed by the Ohio Rules of Court.

XI. NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:

1. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
2. Delivered by ordinary mail.

B. A summons should clearly explain how and when the recipient must respond.

C. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

XII. MONITORING THE JURY SYSTEM

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

A. The representational and inclusiveness of the jury source list;

B. The effectiveness of qualification and summoning procedures;

C. The responsiveness of individual citizens to jury duty summons;

D. The efficient use of jurors; and

E. The cost effectiveness of the jury management system.

XIII. JUROR USE

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with minimum inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. JURY FACILITIES

A. The Court shall provide an adequate and suitable environment for jurors.

B. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the Courthouse.

C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

D. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

E. To the extent feasible, jurors facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

XV. JUROR COMPENSATION

A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.

B. Such fees shall be paid promptly.

C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

XVI. JUROR ORIENTATION AND INSTRUCTION

A. The Court shall have an orientation program:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
2. Presented in a uniform and efficient manner using a combination of written, oral and visual materials.

B. The Court shall provide some form of orientation or instructions to persons called for jury service.

C. The trial Judge should:

1. Give preliminary instructions to all prospective jurors;
2. Give instructions directly following empanelling of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
3. Prior to the commencement of deliberations, instruct the jury on law, on the appropriate procedures to be followed during deliberations, and on the appropriate method of reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
5. Utilize written instructions .
6. Before dismissing a jury at the conclusion of a case, the trial Judge should:
   a. Release the jurors from their duty of confidentiality;
   b. Explain their rights regarding inquiries from counsel or the press;
   c. Either advise them that they are discharged from service or specify when they are to report next; and
   d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

D. All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

XVIII. JURY DELIBERATIONS

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision making and shall conform with existing Ohio law.

B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

C. A jury should not be required to deliberate 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.

D. Training should be provided to personnel who escort and assist jurors during deliberation.

F

STATE OF OHIO)
COUNTY OF PORTAGE)

PORTAGE COUNTY
MUNCIPAL COURT

CASE NO._____

STATE OF OHIO
VILLAGE OF_____
CITY OF_____

-VS-

DEMAND FOR TRIAL
BY JURY
CRIM. RULE 23

_____
DEFENDANT

Upon examination of the Complaint made against me on the charge of _____
_____
_____.

I hereby demand a Trial by Jury.

Dated this _____ day of _____, 19_____.

_____
DEFENDANT

_____
ATTORNEY FOR DEFENDANT

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
MAR - 3 200
LINDA K. FANKHAUSER, CLERK
RAVENNA, O

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

APPENDIX G -CRISIS RESPONSE PLAN

As set forth in Rules of Superintendence, Rule 9(B); the court security plan shall not be available for the public and will be removed from the Local Rules of Court.

Barbara R. Watson
Administrative and Presiding Judge

Closing Courthouse

The Administrative Judge of the Common Pleas Court has the authority to close the courthouse, for any emergency. If the Administrative Judge is unavailable, the Presiding Judge of the Common Pleas Court shall have the authority to close the courthouse.

IN THE PORTAGE COUNTY MUNICIPAL COURT

KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
DEC. 12 2014
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

IN RE: **Local Rules of Court**

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

Rule 34

Process Servers- Appointment and Practices

Kevin T. Poland,
Administrative and Presiding Judge

2014 JE 0203

RULE 34. PROCESS SERVERS – APPOINTMENTS AND PRACTICES

This Rule governs the appointment and practices of all persons serving process in civil matters pursuant to Civ. R. 4.1 and 4.3, other than a person employed by the Portage County Sheriff, Prosecuting Attorney or Probation Office and discharging such duties as an employee of Portage County. Appointment as a process server under this Rule shall permit only the delivery and return of process and papers contemplated in Civ. R. 4.1 and 4.3, and shall not empower or permit any other service, including, without limitation, service of writs, levies and executions, unless specifically authorized by the Administrative Judge.

(A) Qualifications: A person having the qualifications in Civ. R. 4.1 and this Rule may be appointed by the Court to serve process in an individual civil case or for a fixed term. A process server seeking appointment to serve process within this State shall have the following qualifications: (i) the qualifications set forth in Civ. R. 4.1; (ii) high school diploma or equivalent; (iii) permanent residence in the State of Ohio; (iv) valid Ohio driver's license; (v) no conviction in any state of a felony in the last 10 years, or of any offense of violence as defined in R. C. 2901.01(A)(9), or of any offense involving moral turpitude or dishonesty; and (vi) demonstrate familiarity with the various documents to be served or returned. An out-of-state process server shall meet the following qualifications: (i) those qualifications set forth in Civ. R. 4.3(B)(2); (ii) high school diploma or equivalent; (iii) permanent residence in the state in which process is to be served; (iv) valid driver's license in that state; and (v) no conviction in any state in the last 10 years of an offense substantially similar to those set forth in (v) above.

(B) Appointment Procedure: Counsel seeking the appointment of a process server for a single case shall file with the Clerk of Courts a motion to appoint a process server in that case, attaching the Court's prescribed application and affidavit completed and signed by the prospective process server, and an entry appointing that person to serve process in that case. The Judge assigned to that case or the Administrative Judge may approve such appointment.

Appointment for a Term: Any person seeking to serve process in more than two (2) civil cases within this State in any calendar year and any person employed by a business or agency as a process server shall be classified as a process server for a term. Counsel seeking the appointment of a process server for a term shall file with the Clerk of Courts a motion to appoint a process server for a term, attaching the Court's prescribed application and affidavit completed and signed by the proposed process server, and including a non-refundable fee payable to the Clerk of Courts in the amount of $50.00.

Appointment Out-of-State. Counsel seeking the appointment of an out-of state process server for a single case shall file with the Clerk of Courts a motion to appoint a process server in that state, attaching the Court's prescribed application and affidavit completed and signed by the proposed process server, a copy of any appointment or licensor required by that state or court in the county or district in which process is to be served, and an entry appointing that person to serve process in that case.

Procedure upon Filing: The Administrative Judge shall determine from the motion, application, affidavit, attachments, and any other inquiry or materials as needed whether the applicant meets the qualifications set forth in Civ. R. 4.1 or 4.3 and this Local Rule. If the Administrative Judge determines that the applicant is qualified, then the application may be approved and an Order of Appointment filed with the Clerk of Courts. If the application is approved, the Clerk of Courts shall provide the process server with a certified copy of the Order of Appointment, which shall be filed on the Miscellaneous Docket. If the Administrative Judge determines that the applicant is not qualified, then the Order of Appointment shall not issue.

Duration, Renewal and Revocation. Appointment of a process server for a term shall not exceed one (1) year. Appointment of a process server for a single case shall continue as long as the case is active. The Administrative Judge may revoke any authority granted under this Rule. The appointing Judge for a single case appointment may revoke that appointment.

Additional Duties of Process Server. All returns of service shall be personally endorsed by the process server and return made using the documents issued by the Clerk of Courts to the process server. Every process server while serving process shall carry a copy of the Order of Appointment and a photo driver's license. Upon request or inquiry of any person, the process server shall present these documents when serving process. While serving process, the process server shall dress and act in a manner that reflects favorably upon the Court. The process server shall update the Court regarding any change of address, e-mail address or telephone number. Any failure of a process server to follow any portion of this Rule may result in revocation of appointment and may subject the process server to the penalties of contempt of court.

APPLICATION AND AFFIDAVIT FOR CIVIL PROCESS SERVERS

Name (Print) _____ Address _____

Employing or contracting agency, if any _____ Telephone Number _____

Are you seeking to serve process (check one)
_____For a single case or _____For a term of 1 year

Number of process served in the last 52 weeks _____

THE APPLICANT MUST INITIAL EACH ITEM AFFIRMING:

_____I am not less than 18 years old and shall not be a party to or have an interest in any case in which I serve process.

_____I am a permanent resident of Ohio; a high school graduate or have a GED; have a valid Ohio driver's license; not convicted in the last ten years of any felony, any offense of violence as defined in R.C. 2901.01(A)(9), or any offense involving moral turpitude or dishonesty; and am not currently subject to a civil stalking protection order.

_____I am a permanent resident of another state.

_____I am familiar with the documents to be served and the procedure to serve and return process.

_____I shall update the Court with any change of address, e-mail address or telephone number.

_____My appointment permits only the delivery and return of process under Civ.R. 4.1 or 4.3, and not service of writs, levies, executions or other documents.

_____I shall personally endorse all process and make return using only the documents issued by the Clerk of Courts.

_____I shall carry a copy of the Order of Appointment and a photo driver's license and shall, upon request or inquiry of any person, show these at the time service is made or attempted.

_____I shall dress and conduct myself in a manner that will reflect favorably upon myself and the Court.

_____My failure to follow the Ohio Civil Rules or the Portage County Municipal Court Rule 34 may result in revocation of appointment and subject me to the penalties of contempt of court.

_____My appointment to serve process may be revoked at any time at the sole discretion of the Judge making the appointment or the Administrative Judge.

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
DEC 12 2014
LINDA K. FANKHAUSER, CLERK
RAVENNA, OHIO

STATE OF OHIO)

: SS

PORTAGE COUNTY)

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IN THE MATTER OF AMENDMENT

OF CIVIL COURT FEES ***JOURNAL ENTRY***

****

Effective December 15, 2014 the Portage County Municipal Court civil clerks shall charge for the following:

$ 50.00 for Civil Process server appointment of a one (1) year term.

IT IS SO ORDERED.

Kevin T. Poland
Administrative and Presiding Judge

2014 JE 0203

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
OCT 15 2015
JILL FANKHAUSER, Clerk
RAVENNA, OH

STATE OF OHIO)
: SS
PORTAGE COUNTY)

Administrative Order

Commencing October 14, 2015 the Court hereby adopts Rule 35 to the Portage County Municipal Local Rules of Court.

IT IS SO ORDERED.

Barbara R. Oswick
Administrative and Presiding Judge

2015 JE 138

IN THE PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT

FILED
PORTAGE COUNTY MUNICIPAL COURT
OCT 15 2015
JILL FANKHAUSER, Clerk
RAVENNA, OH

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court:

Rule 35. Special Docket(s) and Programs

This Rule governs specialized court dockets and programs.

Barbara R. Oswick
Administrative and Presiding Judge

2015JE 138

RULE 35. SPECIAL DOCKET(S) AND PROGRAMS

This Rule governs specialized court dockets and programs.

(A) Establishment of Mental Health Docket: Successful Treatment And Recovery (STAR) Court Docket: The Court established a mental health specialized docket in March of 2006. From 2006 to the time of adoption of this rule the docket has been referred to as the "Mental Health Diversion Program". From the adoption of this Rule forward the program will be known as the Successful Treatment And Recovery (hereinafter "STAR") Court Docket. The STAR Court Docket is now governed by Superintendence Rule 36.20 for Specialized Dockets. It is the goal of the STAR Court to reduce the recidivism among individuals with behavioral and/or mental health issues in the criminal justice system; to reduce periods of incarceration for individuals with behavioral and/or mental health issues; and to successfully graduate participants from the STAR Court.

(1) Placement in the STAR Court Docket: To have his/her criminal case placed on the STAR Court docket, a criminal defendant must make an Application for Admission. To qualify for admission, a criminal defendant must meet the following legal criteria: be a resident of Portage County; be charged with a misdemeanor of the third, second, and/or first degree; have a persistent mental illness that would benefit from court monitored treatment; and, voluntarily enter the STAR Court Docket. The first referral shall be made by the original court assigned the case. The referral from the Originating Court may be made upon suggestion or recommendation of the defense counsel, prosecutor, Judge, Defendant's Probation Officer, trained professional or other interested party, subject to the approval by the Judge of the Originating Court, according to the criteria adopted by the Portage County Municipal Court. Persons charged with OVI, sex crimes (excluding public indecency), crimes involving the use of any weapon, crimes involving children as victims, and minor misdemeanors or fourth degree misdemeanors are ineligible for the STAR Court. The STAR Court is not available if felony charges are pending. Upon initial hearing in the STAR Court the defendant is ordered to the Adult Probation Department for an Eligibility Investigation (EI) that includes a diagnostic evaluation to confirm he/she meets clinical criteria. Clinical criteria includes: an "Axis One" diagnosis that is consistent with a severe and persistent mental illness; sufficient stability to understand and comply with program requirements; and the criminal defendant must not pose an unacceptable risk to program staff, family, or community. After referral and upon completion of an Eligibility Report, a team meeting will occur resulting in a suggestion to the STAR Court Judge as to whether the individual should be admitted in to STAR Court Program. The STAR Court Judge will determine if the defendant qualifies for the STAR Court Docket. If the Defendant is denied acceptance in to the STAR Court, he/she has their plea withdrawn, and is returned to the Originating Court for further prosecution.

(2) Case Assignment for STAR Court: Upon admission into the STAR Court, the case is set for future hearings before the STAR Court Judge, and is designated as such; however, the case is not transferred for Supreme Court reporting purposes. The criminal defendant must have entered a "guilty" or "no contest" plea before the Judge of the STAR Court and be sentenced for acceptance into the program docket. Sentence will be suspended subject to terms of probation that will include the STAR Treatment Plan (that may include restitution and court costs). The Judge and the Probation Department shall have the primary responsibility for case management. In the event the defendant is terminated from the STAR Court for any reason (after acceptance), the case shall be returned to the regular docket.

(3) Mental Health Docket Case Management: Defendants accepted in to the STAR Court will participate in counseling for mental health (individual and/or group sessions) and for substance abuse as appropriate. The treatment plan may also include obtaining stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessment and entering appropriate training, obtaining and maintaining employment (either part of full-time), and completing any program included by the Court related to mental health, including addiction services. The Program Description, Participant Handbook, and Participation Agreement (as amended from time to time) are incorporated herein in their entirety by reference.

(4) Termination from the STAR Court: Upon successful completion of the Treatment Plan, the criminal defendant is graduated from the STAR Court. If the criminal defendant unsuccessfully completes the STAR Court Treatment Plan, he/she will be terminated from the program. In the event the Court finds the probation terms have been violated, any portion of the sentence remaining may be imposed. A defendant may also be neutrally discharged if he/she is no longer capable of completing the STAR Court.

IN THE PORTAGE COUNTY MUNICIPAL COURT
KENT AND RAVENNA

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 24 2016
JILL FANKHAUSER, Clerk
RAVENNA, OH

IN RE: Local Rules of Court

JUDGMENT ENTRY

The Court hereby adopts the following amendment of the Rules of Court: the Bond and Waiver Schedule, Criminal Fee Schedule and Civil Filing Fees effective September 1, 2016.

Kevin T. Poland
Administrative and Presiding Judge

2016 JE 0087

FILED
PORTAGE COUNTY MUNICIPAL COURT
AUG 24 2016
JILL FANKHAUSER, Clerk
RAVENNA, OH

PORTAGE COUNTY MUNICIPAL COURT

RAVENNA AND KENT CIVIL DIVISIONS
FILING FEES EFFECTIVE SEPTEMBER 1, 2016

ALL FILINGS WILL BE RETURNED WHEN NOT ACCOMPANIED BY PROPER FILING FEES

THERE WILL BE NO REFUNDS ON COURT COSTS NOT PLACED ON DEPOSIT

The following schedule of court costs, including fees of the clerk and the bailiff and/or sheriff, shall be deposited and applied in advance, to wit:

1)	**ALL MOTIONS**	$10.00
2)	COMPLAINT	112.00
	a. Each additional defendant	10.00
	b. Bailiff Personal/residence service	22.00
3)	SMALL CLAIMS	81.00
	a. Each additional defendant	10.00
	b. Bailiff Personal/residence service	22.00
	c. Transfer of small claim to regular civil docket	30.00
	d. Objections to the Magistrate's Decision	15.00
4)	FORCIBLE ENTRY AND DETAINER ACTION WITH 2ND CAUSE	147.00
	a. Each additional defendant	24.00
5)	FORCIBLE ENTRY AND DETAINER ACTION NO 2ND CAUSE	135.00
	a. Each additional defendant	12.00
6)	FORCIBLE ENTRY AND DETAINER ACTION/PROCESS SERVER	
	a. With second cause	127.00
	b. Each additional defendant	24.00
	c. Without second cause	117.00
	d. Each additional defendant	12.00
7)	FORCIBLE ENTRY AND DETAINER ACTION/ PUBLICATION	105.00
8)	FORCIBLE ENTRY AND DETAINER DRUG ACTION/PERSONAL SERVICE	
	a. With 1 defendant	130.00
	b. With 2 defendant	134.00
9)	FORCIBLE ENTRY AND DETAINER FOR DECEASED RESIDENCE OF MANUFACTURED HOME	165.00
10)	WRIT OF RESTITUTION	150.00
11)	WRIT OF EXECUTION ON ABANDONED MOBILE HOME	280.00
12)	ALIAS SERVICE	
	a. Certified mail each defendant	10.00
	b. Regular mail each defendant	6.00
	c. Process Server each defendant	2.00
	d. Bailiff Personal/residence service	22.00
	- Each additional defendant	2.00
13)	ADVANCE OF FOREIGN SERVICE	50.00
14)	ADVANCE DEPOSIT FOR THE PORTAGE COUNTY SHERIFF	80.00
15)	SUPPLEMENT FILINGS REQUIRING SERVICE:	
	a. CROSS CLAIM, COUNTER CLAIM, THIRD PARTY COMPLAINT AND AMENDED COMPLAINT	35.00
	b. Each additional defendant	10.00

16) REPLEVIN ACTION 215.00
   a. Each additional defendant 12.00

17) COGNOVIT JUDGMENT 112.00
   a. Each additional defendant 10.00

18) REVIVOR 39.00
   a. Each additional defendant 10.00

19) TRANSFER OF JUDGMENT FROM ANOTHER COURT 65.00

20) TRANSFER TO ANOTHER COURT / CHANGE OF VENUE 25.00

21) REQUEST FOR TRANSCRIPT OF COURT PROCEEDING 3.00

22) APPLICATION FOR TRUSTEESHIP 25.00

23) APPLICATION FOR RENT ESCROW 25.00

24) STATEMENT OF ASSETS 10.00

25) DEBTOR'S EXAMINATION
   a. By Certified Mail 41.00
   b. Each additional defendant 12.00
   c. By Bailiff 53.00
   d. Each additional defendant 4.00
   e. By Process Server 33.00
   f. Each additional defendant 4.00

26) MOTION TO CITE FOR CONTEMPT/ must provide instructions for service
   a. By Bailiff 41.00
   b. Each additional defendant 2.00
   c. By Foreign Sheriff (INCLUDES ADVANCE DEPOSIT) 71.00
   d. By Process Server 21.00
   e. By Certified Mail (each additional defendant $10.00) 29.00

27) BENCH WARRANT 75.00

28) AID IN EXECUTION (WAGE) 60.00

29) REQUEST FOR DISBURSEMENT (on wage attachment) 10.00

30) AID IN EXECUTION (BANK) 40.00
   a. Garnishee fee (made payable to the Bank) 1.00

31) SUBPOENAS FILING ONLY 2.00
   a. Subpoenas by certified mail (instructions required) 10.00
   b. Subpoenas by bailiff service (instructions required) 22.00

32) EXECUTION 170.00

33) COPIES PER PAGE ..... .10

34) CERTIFIED COPY 1.00

35) CERTIFIED COPY OF JUDGMENT ORDER EXEMPLIFIED 5.00

36) CERTIFIED COPY OF JUDGMENT ISSUED TO BMV 11.00

37) CERTIFICATE OF JUDGMENT 5.00

38) JURY DEMAND 200.00

39) SECRETARY OF STATE 35.00
   a. (Additional check of $5.00 made payable to Secretary of State if for a corporation only)

40) NOTICE OF APPEAL 2 checks ; 1st check make payable to Clerk of Courts in the amount of $ 150.00
   b. 2nd check made payable to the Portage County Municipal Court in the amount of $25.00 ..... 175.00

41) ARBITRATION APPEAL 170.00

42) NEW CASES FOR FRA, DUS, ALS CASES (FILING OF BMV 2255 FORM)..... 25.00

43) STAY OF ADMINISTRATIVE LICENSE SUSPENSION (ALS) 10.00

44) VEHICLE CLUBBED AT RESIDENCE..... 10.00

45) IMMOBILIZATION AND IMPOUNDMENT OF VEHICLES..... ..... 15.00

46) IMMOBILIZATION WAIVER..... 50.00

47) LIMITED DRIVING LETTERS/AMENDED LIMITED DRIVING LETTERS 10.00
PRIVILEGES ORDERED WITH SCRAM OR IGNITION INTERLOCK - ADD'L 2.50

48) PETITION FOR LIMITED DRIVING FRA SUSPENSION..... 78.00

49) PETITION FOR REINSTATEMENT FEE PLAN 78.00

50) PETITION FOR 12 POINT SUSPENSION APPEAL 86.00

51) REQUEST FOR HEARING ON DOG DESIGNATION 78.00

52) APPLICATION FOR ONE YEAR TERM APPOINTMENT FOR CIVIL PROCESS SERVER 50.00

53) NSF CHECK RETURNED FROM BANK..... 30.00

54) COURT RULES..... 10.00

55) FAXES ($1.00 FOR EACH ELECTRONIC TRANSMISSION OF A DOCUMENT, PLUS $1.00 PER PAGE. THESE FEES ARE TO BE PAID BY THE PARTY SENDING THE ELECTRONIC TRANSMISSION)

56) ALL CREDIT CARD TRANSACTIONS WILL BE ASSESSED AN ADDITIONAL PROCESSING FEE OF 4%.

IT IS SO ORDERED

Kevin T. Poland
Administrative and Presiding Judge