**MEDINA MUNICIPAL COURT**

135 N. Elmwood Ave.

Medina, Ohio 44256

LOCAL RULES OF COURT

NOTICE: The following are proposed amendments to the Local Rules. Unless indicated otherwise, these will take effect on 2.1.20. These are furnished here pursuant to Sup. R. 5(A)(2) of the Rules of Superintendence of the Courts of Ohio. All proposed amendments not listed here are either grammatical or otherwise minor clarifications of existing Rules.

**Loc. R. 4(D)**

Electronic Devices: The use of all cell phones, pagers, and other electronic or sound-producing devices is prohibited in the courtrooms. All such devices must be silenced while in the courtrooms. Devices not kept silent in the courtroom during court proceedings may be confiscated by the Court, subject to return and upon conditions set at the Court’s discretion.

 **Loc. R. 7(E)(2)(d)(i)(A) & (B)**

 A. No valid waiver of indefinite duration and scope of the defendant’s right to a speedy trial was at any time in effect in that case; or

 B. A valid waiver of indefinite duration and scope previously in effect in that case has subsequently been revoked or withdrawn, *before the date set for trial*, by a notice of revocation or withdrawal of that waiver filed in accordance with Rule 37(E) of these Rules. No revocation or withdrawal will be accepted by the Court on the date of the trial.

**Loc. R. 8(G)**

 Local Rule 8 Summary: The following summary is provided for the convenience of parties seeking transcripts of Court proceedings:

 (1) It is the Party’s sole responsibility to request a copy of any audio recording of court proceedings. Completed audio recording copies are prepared solely for the requesting Party. The Court neither prepares nor arranges for the preparation of written transcripts. (Loc. R. 8(D).)

 (2) It is the Party’s responsibility to obtain the Court’s prior approval of a court reporter intended to record live proceedings in written transcript form. (Loc. R. 8(C).)

 (3) The procedures under Loc. R. 8(C) and Loc. R. 8(D) are combined for purposes of a Party’s obtaining a written transcript incident to the filing of an appeal. (Loc. R. 8(E).)

 (4) As regards appeals, “it is the obligation of the appellant to ensure that the proceedings the appellant considers necessary for inclusion in the record, however those proceedings were recorded, are transcribed in a form that meets the specifications” of the Rules of Appellate Procedure. (App. R. 9(B).)

**Loc. R. 10(H)**

Party’s Duty to Update Contact Information: Every person filing documents with this Court is solely responsible for insuring that the Court’s records reflect that person’s current mailing address, email address, telephone number, cell phone number, and fax number. No notice or other document served on a recipient pursuant to these Rules shall be deemed ineffective if addressed pursuant to the contact information last provided of record to the Court by or on behalf of that recipient. The Clerk’s office provides forms for updating party/counsel contact information.

**Loc. R. 12(G)(5)(c)**

c) No Back-Striking: Except upon the unforeseeable subsequent development of a basis to strike that juror for cause, no party may peremptorily excuse from any proposed petit jury panel a selected juror seated in the jury box (i) who has already been passed by all parties, or (ii) as to whom a party had an opportunity but failed to exercise a peremptory challenge. Crim. R. 24(E).

**Loc. R. 12(J)(1)**

(1) In Criminal/Traffic Matter: Jury demands shall be filed as required, and within the time limits established, by the applicable Ohio Rules of Criminal and/or Traffic Procedure and/or by the Ohio Revised Code. No cash deposit for costs is required with the filing of a demand for jury trial. A jury demand may be made by letter from counsel, if tendered with and as part of a “not guilty” plea entered in compliance with Loc. R. 37(C)(1), or in a separate formal pleading or notice. In either case, the demand submitted shall contain the same information and notices as required by Loc. R. 10(B) for other documents filed with the Court. (See e.g., Appendix A.) A demand for jury trial included in a Pretrial Conference Report, or in any other form not here authorized, does not comply with this Rule and shall not be accepted or remain of record in the case. Failure to comply with these filing requirements constitutes a complete waiver of the right to a trial by jury.

**Loc. R. 26(C)(6)**

 Trials: Every civil case which has not been finally determined after a pretrial conference, after the Court rules on pretrial motions, or by default judgment, shall be tried to the Court. If a jury demand is timely and properly filed, then the case will be transferred to the jury trial schedule.

**Loc. R. 29**

Thispretrial procedure shall be in effect for the purpose of ensuring the readiness of civil cases for trial. Unless the court orders otherwise, a pretrial conference shall be conducted in all civil cases except for forcible entry and detainer actions, small claims actions, and Bureau of Motor Vehicle license suspension appeals.

**Loc. R. 33**

**RULE 33** - **CIVIL AND SMALL** **CLAIM MEDIATION**

To afford expedited and economical case resolution alternatives, the Court hereby adopts the following mediation program. Mediations shall be conducted in accordance with R.C. 2710 (“Uniform Mediation Act” (“UMA”)), Rule 16 of the Supreme Court of Ohio Rules of Superintendence, and to the full extent the foregoing so permit, the following Rules.

(A) Referral: The Court, on its own motion or upon the joint written motion of the parties, may refer disputed issues to mediation in whole or in part as provided by this Rule. If a case is deemed appropriate, mediation will be scheduled. The referral to mediation shall occur once service has been completed upon all parties.

(B) Scheduling: A Notice of Scheduled Mediation will be mailed to each party, or to the attorney of record for any represented party. The Notice will indicate the date, time, and place of the mediation. Requests for continuances shall be directed to the appointed mediator. Continuances shall be granted only for good cause shown.

(C) Attendance:

 (1) In-Person Attendance: Unless otherwise ordered, in-person attendance at a scheduled mediation is mandatory for all parties, all trial counsel, and if applicable, all insurance adjusters. All legal entities must designate an officer, director, or other managing agent to attend the mediation on behalf of the represented entity. Attendees must be prepared to discuss all relevant factual and legal issues, and must possess full authority both to negotiate and conclude a settlement and to bind the party on whose behalf the settlement is entered.

 (2) Failure to Attend; Sanctions: The Court may impose sanctions as to any individual required by this Rule to attend a mediation who fails to attend without good cause. Sanctions may include, without limitation: dismissal of the action if the plaintiff(s) fails to appear; an order that the matter proceed immediately to trial before the magistrate if the defendant(s) fails to appear; an award of attorney’s fees and other costs; a finding of contempt; or any other sanction deemed appropriate at the discretion of the judge or magistrate.

(D) Procedure: A court appointed mediator will conduct the mediation and determine its format. The mediator will meet informally with litigants to encourage them to develop workable solutions and to evaluate options to resolve the case. Unless the parties consent and the mediator approves, no witnesses may participate in or observe the mediation. The mediator may require parties to submit a Mediation Statement prior to the mediation, briefly summarizing disputed factual and legal issues, and reciting settlement efforts to date. Except as provided by law, including R.C. 2710.05, mediation proceedings are confidential and subject to Evid. R. 408 and R.C. 2710.03.

(E) Conclusion: In compliance with R.C. 2710.06, the mediator shall promptly inform the Court regarding the mediation’s outcome. Successfully mediated cases shall be memorialized by either a written agreement or a judgment entry, as the parties may elect, signed by all the parties and their counsel. Such agreement or judgment entry shall include directives regarding the case’s dismissal, the court’s continuing jurisdiction to enforce the agreement, and any other terms the parties deem material. Unsuccessful mediations shall be set for trial.

Loc. R. 26(A)(2)(c) No Waiver of Speedy Trial: To all matters not described above in subsection (A)(2) of this Rule 36, and in which defendant has entered a plea of not guilty to the charges but has not filed a waiver of indefinite duration and scope of the right to a speedy trial, which matters shall be scheduled immediately for trial and proceed subject to section (C)(3) et seq. of this Rule 36, and all other applicable rules, including without limitation the Ohio Traffic Rules, and the Ohio Rules of Criminal Procedure.

**Loc. R. 36(C)(4)(c)**

Sentencing—By Video: Subject to Crim. R. 43, the defendant may waive, in writing or on the record, the defendant’s right to be physically present for sentencing, upon leave of court, including without limitation leave to participate in sentencing by video imaging connection between the Medina Municipal Court and the Medina County Jail.

**Loc. R. 37(C)(3)**

 Timing/Receipt: Absent leave of Court, a written plea of Not Guilty must be received by the Clerk of Court on or before the original arraignment date or the date to which it has been continued. The date that a Loc. R. 37-compliant written plea of Not Guilty is time-stamped and journalized by the Clerk shall be considered the arraignment date in the matter for all other purposes.

**Loc. R. 49(B)(4) &(5)**

 Exhibits: Absent leave of court, the number of pages of exhibits and other attachments that may be attached to a small claim complaint or a small claim counterclaim is limited to fifteen (15*)* single-sided pages*.* All such exhibits and attachments shall be on 8 ½” by 11” white paper without cover or backing. All exhibits and attachments must be individually marked with a prominent exhibit number (plaintiff) or letter (defendant). Filers must not attach as an exhibit any pleading or other paper already on file with the court. Filers are not permitted to attach any photograph as an exhibit.

(5) Rejection of Filings: The court may reject for filing any pleading or other paper that fails to comply with these rules, unless such noncompliance is expressly approved by the court. Any non-compliant pleading or other paper may be rejected, stricken, or dismissed without prejudice.