

Lebanon Municipal Court

Honorable Mark R. Bogen
Judge

Brenda Morgan
Clerk

RULES OF COURT

EFFECTIVE JUNE 1, 2011



50 South Broadway
Lebanon, Ohio 45036
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www2.ci.lebanon.oh.us/departments/municourt

**LEBANON MUNICIPAL COURT
LOCAL RULES**

1.0 SCOPE AND EFFECTIVE DATE

These rules are adopted as Local Rules of Court governing practice and procedure in the Civil Division of the Lebanon Municipal Court. They are adopted pursuant to the Court's inherent authority as reserved in Rule 83, Ohio Rules of Civil Procedure. These rules may be cited as LMC Civ. R. _____. They are effective as of March 1, 1991 and govern all proceedings filed subsequent to that date and proceedings pending on that date except to the extent that such application would not be feasible or would work an injustice.

All Ohio Rules of Practice and Procedure in Traffic Cases, as amended and adopted by this Court January 1, 1969, are hereby re-adopted, together with the use of the Ohio Uniform Traffic Ticket, in its present form and substance.

The Codified Ordinances of the City of Lebanon with reference to Part Three-Traffic Code, as amended, the schedule of fines as now posted and in effect, shall continue in effect.

The Traffic Violations Bureau heretofore established by this Court is re-established by this rule.

The Ohio Civil Rules and Ohio Rules of Criminal procedure shall continue to govern the procedures employed by the Municipal Court in all matters covered by said Rules.

2.0 COURT OFFICES

The offices of the Court shall be open for the transaction of business between the hours of 8:00 am and 4:00 pm., Monday through Friday, designated holidays excepted, unless otherwise ordered by the Judge presiding at the session. The Court will also be in session on each Tuesday until completion of business.

3.0 COURT CALENDAR

The Court schedule shall be as follows:

Mondays and Thursdays:

1:00 pm	Pre-trial Conferences Video Arraignments
2:00 pm	First-call Traffic and Criminal cases
2:00 pm	First-call Domestic Violence
2:00 pm	Pleas and sentences
3:00 pm	Trials and Preliminary hearings
4:00 pm	Reviews

Tuesdays:

1:00 pm Evictions and Second Cause Hearings
Check Arbitration (second Tuesday of each month)

1:30 pm Small Claims, Judgment Debtor Examinations

4.0 DOCKETS AND RECORDS

The Clerk shall prepare and maintain a general index, a docket, and such other records as the court, by rule, may require, all of which shall be the public records of the court. In such docket, the names of the parties in full, the names of the counsel, and the nature of petition, issuing of summons, or other process, returns, and pleading subsequent thereto shall be noted. All reports, verdicts, orders, judgments and proceedings of the court so as to specify clearly the relief granted or ordered made in each section shall be entered. The court may order and extended record of any of the above to be made and entered, under the proper action heading, upon such docket at the request of any party to said case, the expense of which may be taxed as costs in the case or may be required to be prepaid, by the party demanding the same.

The Clerk shall keep a loose leaf sheet known as a journal entry for each file and same shall be kept in the file. Each transaction and a minute of each order and judgment of the court in the case shall be made on said sheet by the Clerk under the direction of the Judge.

4.1 ORIGINAL RECORDS

No papers, dockets or books on file in the Clerk's office shall be removed from there for purposes other than use in court.

The Clerk shall permit any party to an action, his counsel or agent to make copies of any pleading or other papers in the file, but without removing the original papers from the office of said Clerk.

4.2 RECORD OF THE PROCEEDINGS

The Court does not employ a court reporter or stenographer pursuant to RC 1901.33. Parties who wish a court reporter for appeal purposes will be required to supply and pay for such service.

The video and audio of all proceedings before the Court shall be recorded via digital recording equipment. A copy of the digitally recorded audio of the proceedings, or a portion thereof may be requested by providing the Clerk's office with a blank CD.

5.0 OFFICERS MAY NOT PREPARE PAPERS OR CHARGE FOR NOTARY SERVICES

Officers or employees of this Court shall not prepare or help to prepare any pleading, affidavit, entry, or order in any civil matter, except as provided under Section 1925.04, Ohio Revised Code.

No fee shall be charged by any officer or employee of this Court for notarizing affidavits or any other matter pertinent to the civil business of this Court.

6.0 PAPERS FILED WITH THE COURT

6.1 FORMS OF PAPERS

All papers offered for filing with the Court shall be typewritten or printed and shall not be less than or more than 8 ½ by 11 inches. Original documents attached or offered as exhibits and official court forms supplied by the Clerk are exempt from the requirements of this rule.

6.2 IDENTIFICATION

All papers offered for filing with the Court shall be identified by including:

1. The name of the assigned judge immediately below the case number, if the case has been assigned to a judge pursuant to the Rules of Superintendence;
2. A title containing the name and party designation of the party filing it and the nature of the document (e.g. Defendant John Doe's Answer); and
3. The typed name, signature, office address, and office telephone number of the designated trial attorney.

6.3 FILING BY FACSIMILE

All documents filed by facsimile will be accepted by the Court effectively as an original. The original with original signatures must be maintained by the sender and be available upon demand by the Court until the case is closed.

6.4 PROOF OF SERVICE

All documents except the Complaint offered for filing and required to be served on other parties shall contain proof of service in the form provided by Civil Rule 5 (D).

6.5 COPIES OF THE COMPLAINT

Plaintiffs shall tender with the original Complaint a sufficient number of service copies for all defendants to be served.

6.6 COPIES OF DOCUMENTS

The Clerk shall accept only legible copies of documents attached to the pleading or motions.

6.7 CLERK'S DUTY

The Clerk shall, upon receiving papers for filing, docket same and place the original of said papers in the file jacket without delay. Upon the filing of a complaint, summons shall be forthwith issued,

signed by the Clerk or Deputy Clerk, and shall bear the seal of the Court. The Court may order stricken any filed paper which does not comply with Rule 5.5.

6.8 BEHAVIOR AND CONDUCT

All individuals using the Court, including but not limited to Court employees, attorneys, prosecutors, defendants, jurors, media or observers will be properly attired. No shorts, tank tops or shirts exposing midriffs shall be permitted.

All individuals entering the courtroom will turn electronic devices such as cell phones, pagers, PDA's or portable computers to silent mode or off. No cellular telephone calls shall be initiated or received while in the courtroom while Court is in session.

**SCHEDULE A
LEBANON MUNICIPAL COURT
CIVIL PROCEDURE RULES**

1.0 CASE MANAGEMENT IN CIVIL CASES

Any person filing a civil action or proceeding shall deposit with his or her Complaint the corresponding court cost deposit set forth in attached Civil Cost sheet unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.

Upon the filing of each new civil case, the Clerk of Courts shall prepare a Summons, which shall be served in accordance with the Ohio Rules of Civil Procedure consistent with the praecipe for service, if any, contained on the complaint. In the event no method of service is specified, the Clerk shall serve all defendants by certified mail. In the event there is a failure of service, the clerk shall notify counsel immediately.

2.0 PROCEEDING IN AID OF EXECUTION

Proceedings in aid of execution shall be filed on forms prepared by Plaintiff or Plaintiff's Attorney and shall consist of the original, to be retained by the Clerk, as many copies thereof as there are parties to be served in the proceedings, and one copy for the return of service. The name of the attorney filing the proceedings shall appear at the place provided on the original and upon all copies.

In cases of multiple judgment debtors, separate proceedings shall be filed for each debtor; costs shall be taxed as for single proceedings.

In all cases in which an Order of Attachment of an Order in Aid of Execution is filed against personal earnings, a copy of the written demand and proof of service thereof, as required by Section 2716.02, Ohio Revised Code, shall be attached to the original copy of the proceedings to be filed with and retained by the Clerk.

Orders in Aid of Execution shall be served as provided in Sections 2716.04 and 2716.05, Ohio Revised Code.

Should the plaintiff or his attorney fail to appear at the time for examination set forth on the order, the presence of anyone summoned to appear shall be noted on the docket and the party excused. In such event, the costs of those proceedings shall be taxed to the party who filed the proceedings and be so reflected on the docket, and counsel may be subject to appropriate action by the Court.

A debtor may deliver to the Court a signed statement from his employer setting forth his personal earnings for the pay periods applicable under Section 2329.66, Ohio Revised Code, for the determination of the amount of these earnings subject to execution or attachment. Upon payment of the sum so computed to the Clerk of Court, the debtor may obtain a release of wages. This provision shall not relieve the debtor of his duty to appear at the time assigned, if he has been ordered to appear for examination.

2.01 CITATION IN CONTEMPT

The failure of any person to appear for examination or to hold funds, as directed under proceedings in aid of execution, shall be grounds for the issuance of a citation in contempt against said person. Such citation shall be issued on forms prescribed by the Court.

On motion reciting that personal service of the proceedings in aid of execution was made upon the person who failed to appear or to hold funds, as directed therein, an order may issue for the appearance forthwith of said person to show cause why he should not be punished for contempt of Court.

2.02 TRUSTEESHIPS

The application for appointment of a Trustee shall include a complete and accurate statement, under oath, of (a) the debtor's name, address, and marital status, (b) the name and address of his employer or employers, (c) the amount of his gross earnings for the previous thirty (30) days, and (d) a statement indicating the name of any creditor from whom a fifteen day written notice of proceedings against the debtor's earnings has been received.

Objections of interested parties to the application are heard as scheduled.

At the time of filing the application, the attorney for the debtor shall certify to the Clerk that two (2) copies of the notice of appointment of trustee will be mailed to each listed creditor within twenty-four (24) hours of filing.

Each notice shall contain the name of the applicant, the sum applicant claims is owing to the creditor, the time and place objections to said application shall be heard, and space for the verification or objection of the creditor.

Fees for legal services rendered the debtor by counsel of record in the trusteeship may be added or increased only by entry endorsed by counsel and the debtor.

The trustee shall make distribution herein only to a creditor or his attorney. The Clerk, or a Deputy appointed by her, shall supervise payments of debtors and distribute the funds in each case at least every six months, less two percent (2%) of the total amount paid to be retained by the Clerk of Courts to defray costs. Where a debtor pays directly, the Clerk shall require the debtor to produce payroll stubs or similar records and the Clerk may refuse to accept payments, or installment thereof, which does not equal the amount required by law. In the event that payments are not made according to law for thirty days, the trusteeship shall be dismissed and the proceeds distributed equally to trusteeship creditors or his attorney.

The order of dismissal of a trusteeship shall not be vacated, nor shall a trusteeship otherwise be reinstated, except as provided under amended Section 2329.70, Ohio Revised Code, and upon payment of the amount required by law, unless otherwise directed by the Court.

2.03 SUBPOENAS FOR WITNESS

The praecipe for subpoenas of witness shall be filed with the Clerk no later than five days (excluding intervening Saturdays, Sundays and holidays) before the date of trial.

The failure to appear of a witness for whom the praecipe was not filed in accordance with this rule will not be grounds for a continuance of the case.

2.04 JURORS

If a jury is cancelled after it has been summoned into Court and the Clerk of Courts is unable to notify all jurors of said cancellation, the Court may assess costs so incurred to the party cancelling the jury demand. (SEE JURY SECTION)

2.05 DEMAND AND DEPOSIT FOR JURY IN CIVIL MATTERS

Requests for trial by jury shall be made in accordance with Civil Rule 38.

The party making a demand for jury shall, at time of filing the demand, deposit with the Clerk the sum of \$200.00 required unless poverty affidavit, approved by the Court, is filed in lieu of the monetary deposit.

The failure of a party demanding a jury to comply with any of the provisions of this rule shall constitute a waiver of the jury, and the matter shall be submitted to and be decided by the Court.

2.06 EXTENSION OF TIME FOR FILING PLEADINGS

In all cases, upon good cause shown, upon such terms as are just, the time for filing pleadings may be extended for such reasonable times as the court shall order by entry.

2.07 REQUEST FOR CONTINUANCE

Every request for a continuance shall be by written motion, unless made on the record in open court. The motion shall set forth the date from which a continuance is requested and the reasons for a continuance. Continuance because of a scheduling conflict with another court of record will be considered only if a motion thereof is filed in conformity with the Ohio Supreme Rules of Superintendence, accompanied by a copy of the conflicting court notice and the motion is filed not less than two working days prior to trial.

Attorneys submitting motion for continuance shall accompany them with an entry providing blanks for the new trial or hearing time, date and courtroom.

This rule does not restrict the assigned Judge's exercise of discretion in granting or denying continuances.

2.08 MOTIONS

Any motion other than for continuance under Rule 9.0 shall be accompanied by a memorandum indicating the question and authorities in support thereof; absent such a memorandum, motion may be stricken from the files.

Opposing memoranda shall be filed no later than seven days from the service of the motion or on the day prior to the trial or hearing on the motion, whichever is earlier, or at such other time as set by the assigned judge. Motions shall be deemed submitted when the opposing memoranda are filed or the time for filing expires, whichever is earlier. Assignment of any motion for oral hearing shall be at the discretion of the Court. Failure of counsel to appear for oral hearing may be deemed an abandonment of the motion.

2.09 ENTRIES

- (a) Entries on decisions other than on the merits will be prepared and filed by the Court unless otherwise ordered.
- (b) Counsel for the prevailing party shall prepare a judgment entry within three days and submit the same to counsel for the adverse party, who shall approve or reject the entry within three days. If opposing counsel fails to return the entry within three days, it shall be submitted to the trial judge, who shall approve the entry in the form he considers proper.
- (c) Entries and orders shall not be submitted while Court is in trial. Entries and orders, endorsed by all counsel involved, may be left with the Bailiff or Clerk. They will be signed by the Court and delivered to the Clerk's office.
- (d) No entry shall be accepted for filing unless signed by a judge.
- (e) Nothing in the rule precludes the assigned judge from preparing and filing a judgment entry sua sponte.
- (f) An entry shall be drawn in language that is appropriate to the specific case in which it is to be filed.

2.10 CANCELLATIONS AND RELEASES

Releases and assignments of judgment or certificate of judgment shall be in writing and signed by a person authorized to execute the instrument.

2.11 BONDS

No attorney, officer, or attaché of the Court, nor any member of his or her immediate family, shall furnish bail or surety or be received as such bail or surety by the Clerk of this Court or by any member of any law enforcement agency within this Court's jurisdiction, in any civil matter.

2.12 COSTS

Fees and costs shall be as prescribed by Schedule A-E appended hereto. On motion of opposing party or at the request of an officer of the Court, and if satisfied that the deposit specified in Schedule A-E is insufficient, the Court may require said deposit to be increased from time-to-time so as to secure all costs that may accrue in the cause. If such security is not given after reasonable notice, the Court shall dismiss the action, if before judgment; or shall dismiss the proceeding, if after judgment; or shall make such other orders as are appropriate. All costs and deposit shall be delivered to and disbursed by the Clerk. All disbursements shall be taxed as costs in the case.

2.13 TRIAL ATTORNEY

All documents filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney. All notices and communications from the Court and all documents required to be served will be sent to the designate trial attorney. No attorney who has entered his or her appearance in a case may withdraw as trial attorney except upon written motion for good cause shown and after notice to the client.

2.14 DISMISSAL OF CASES FOR LACK OF PROSECUTION

All civil cases in which there have been no filings or hearings during the preceding six months shall be dismissed for lack of prosecution, after notice has been furnished to plaintiff's attorney by ordinary mail, advising said attorney that said case(s) will be dismissed without prejudice as of the last day of the current month unless good cause be shown to the contrary. This shall not apply to cases that are presently scheduled for trial. The clerk may, at her option, make a review of the entire civil docket every six months in order to promulgate this rule and to prepare a list of dormant cases for purposes of such dismissals.

2.15 PRE-TRIAL CONFERENCE REPORT

No case may be set upon the trial docket for final disposition until a pre-trial conference has been held. The purpose of the pre-trial conference shall be to clarify and reduce the issues, to control procedures, to insure readiness, to assign or confirm a date for trial, and if possible to dispose of the case. It shall be the responsibility of trial counsel to cooperate in such procedure.

Trial counsel for each of the respective parties shall appear at the pre-trial conference. Trial counsel has a duty to make a full and fair disclosure of his or her views on the issues at pre-trial. Parties or representatives of liability insurance carriers shall be present or available for immediate telephone conference unless the court grants permissions for a party to be absent. A corporate party may appear by an officer or employee having knowledge of the subject matter of the case and authority to settle the case. A party who is insured concerning the claims may appear by a claim representative from his liability carrier.

At least seven (7) days prior to the pre-trial conference, trial counsel shall file a pre-trial statement. Each pre-trial statement shall contain a statement from the trial counsel covering each of the following items as are appropriate to the litigation:

- 1) Discovery – counsel shall advise the Court of the status of discovery and, if not completed, that nature of additional discovery and the time anticipated as necessary to complete.
- 2) Status of settlement negotiations.
- 3) Exchange of medical and/or expert reports – trial counsel for each of the parties shall advise the Court of the expert or medical witnesses he expects to testify at trial. A copy of each expert's written report or a summary of the expert's reports where no written report is available to counsel prior to pre-trial shall be furnished to all counsel and the Court.
- 4) Special damages – where appropriate, trial counsel shall list all special damages and furnish opposing counsel verification of those damages.

- 5) Exhibits – trial counsel shall set those exhibits in existence, which he expects to introduce into trial.
- 6) Unusual issues of fact of law – trial counsel shall set forth any unusual issues of fact or law he expects to arise at trial, which are not made apparent by the pleading.

In addition to those sanctions provided in Rule 37, the Court may order the dismissal of an action or the granting of all or part of the relief sought in the complaint or such other order as the court deems appropriate for failure of trial counsel to comply with the pre-trial order including the exclusion of certain evidence or the disallowance of the testimony of any witness.

2.16 CRIMINAL ACTION: FILING OF COMPLAINT AND ISSUANCE OF PROCESS

A cost deposit of \$80.00 is required for the filing of criminal charges by a private complainant (that is, any person other than a duly authorized law enforcement officer.) If the defendant is ultimately found guilty, the cost deposit is returned to the private complainant.

If the case is dismissed, the cost deposit is applied toward the costs of the case unless the Court orders otherwise. In cases of indigency, the cost deposit may be waived by the Judge upon the filing of an Affidavit of Indigency by the complainant.

Pursuant to Rule 4 of the Ohio Rules of Criminal Procedure, the Court designates the Prosecutor of this Court, as an officer of the Court, to make an initial determination that there is probable cause to believe that an offense has been committed, and that the defendant has committed it, before the Clerk is authorized to issue a warrant for the arrest of the defendant, or a summons in lieu of a warrant. The Clerk of Court may make a probable cause determination for charges filed by duly authorized law enforcement officers. No process, either by way of warrant or summons, shall be issued until such probable cause determination has been made and probable cause has been found.

If a private complainant elects to file an affidavit or complaint with the Clerk, charging a person with a crime, and refuses to be interviewed by the Prosecutor, the Prosecutor shall nonetheless review the affidavit, complaint, and other written materials, if any, filed by the private complainant, in order to determine whether or not probable cause exists.

If, after interview or review of the complaint by the Prosecutor, the Prosecutor finds that probable cause does not exist, the Prosecutor shall request the Clerk to notify the complaining witness of the time and date at which the prosecutor will request leave of court, pursuant to Criminal Rule 48 and Section 2941.33 O.R.C, to enter a nolle prosequi, in order that the private complainant may be heard in opposition to the Prosecutor's request for a dismissal of the charge.

In all cases where a private complainant does not seek review by the Prosecutor prior to filing the charge, the private complainant should complete a "nonapproval form" and file it with the charge.

2.17 ISSUANCE OF PROCESS – SUMMONS OR WARRANT

The Court recognizes Rule 4, Ohio Rules of Criminal Procedure, and its requirement that "the issuing authority shall issue a summons instead of a warrant upon the request of the prosecuting attorney, or when issuance of summons appears reasonably calculated to assure the defendant's appearance."

It shall be the policy of this Court that, in misdemeanor cases other than domestic violence that summons as opposed to warrant shall be the preferred method of original process. This policy shall in no way prohibit the Clerk or other issuing authority from the issuance of a warrant, if in the discretion of the issuing authority, a warrant is deemed necessary.

2.18 CRIMINAL JURY

Demand for a jury must be filed at least ten (10) days prior to trial date. The Clerk shall summons the jury to appear on the date assigned by the Judge.

The jury shall be selected and summoned in the same manner as is provided for the selections and notification of jurors in civil cases in this Court.

After a jury demand has been filed, should the defendant determine that the jury trial is not desirable, the jury demand must be waived in writing by the defendant. A waiver signed by only the attorney will not be considered a waiver of the jury demand.

2.19 TRIAL SETTINGS IN CONTESTED CRIMINAL AND TRAFFIC CASES

The Court recognizes that defendants in such cases are entitled to speedy trials, by virtue of Revised Code Sections 2945.71 et seq., and have constitutional rights to speedy trials in addition thereto. In recognition of the further principal that such rights are not waived by a defendant or his counsel when he is given the opportunity to participate in the selection of a trial date that falls outside "rule day," it is hereby ordered, that the Clerk, or her designee, shall assign such cases for trial without regard to the wishes of the defendant or his counsel unless formal waiver of speedy trials rights is made in a form acceptable to the Clerk, in each such case signed by defendant or his counsel. On minor misdemeanor cases there will be no pre-trials unless a time waiver is filed.

2.20 COSTS OF INCARCERATION

Pursuant to Section 599.05 Lebanon City Ordinances, any person convicted of an offense other than a minor misdemeanor and, as a consequence, is confined in the Warren County Jail or elsewhere at the expense of the City in any facility shall reimburse the City of Lebanon for its expenses incurred by reason of said confinement.

Within 60 days after the termination of said confinement, the Court shall conduct a hearing to determine the final amount of reimbursement to be paid to the City for said confinement and the defendant's ability to pay the same. Notice of said hearing shall be given to the defendant, which notice shall specify:

1. The sum deposited by the defendant for said confinement;
2. The amount proposed by the confining authorities to be due;
3. The amount which will be due to be paid by the defendant or to be refunded to the defendant if the Court finds the amount proposed by the confining authorities to be appropriate;

4. Instructions to the defendant as to the date and time of the hearing; that the defendant need not appear at the hearing unless he wishes to contest the proposed amount of reimbursement, or his ability to pay and that if the deposit exceeds the sum adjudged to be due for reimbursement, the excess deposit will be refunded to the defendant.

The notice of hearing shall be mailed by ordinary mail to the last known address of the defendant at least seven (7) days before the scheduled hearing.

2.21 COMPUTERIZATION

The Court has made a determination that for the efficient operation of the Court, additional funds are required to make available computerization records of all cases in the Clerk's office, for purposes of docketing, notices, Supreme Court reports, Bureau of Motor Vehicle reports, scanning of court records and the like, and for computerized legal research services.

With respect to computerized legal research, the Clerk is hereby authorized and directed to charge a fee of \$1.50 on the filing of each traffic, criminal, civil, and small claims action. All monies collected for this purpose shall be paid to the City Auditor to be disbursed upon an order of the Court in an amount no greater than the actual costs of such services to the Court in procuring and maintaining computerized legal research hardware, software, and expenses of maintenance. This is a continuation of a rule originally effective October 1989 (revised December 2010).

With respect to the computerization of the Clerk of Court's offices for the purposes set forth herein, the Clerk is hereby authorized and directed to charge an additional fee of \$4.50 on the filing of each traffic, criminal, civil and small claims action. All monies collected under this rule for this purpose shall be paid to the Auditor of the City of Lebanon, Ohio in order to reimburse the City of Lebanon for the costs of such computerization and maintenance. Said payments shall be made to the general fund.

2.22 CRIMINAL DIVISION COSTS

CRIMINAL AND TRAFFIC CASES	\$ 80.00
\$21.50 city, \$9.00 state rep, \$20.00 Indigent defense support fund, \$4.50 Computer improvement, \$5.00 Special Projects, \$10.00 Alcohol/Substance treatment fund, \$3.50 drug law enforcement fund, \$1.50 indigent driver's alcohol treatment fund, \$5.00 indigent defense support fund	
PROBATION FEES	
Reporting Probation (Every defendant placed on reporting probation shall be required to pay)	\$150.00
Non-Reporting Probation (Every defendant placed on non-reporting probation shall be required to pay)	\$150.00

Pre-sentence Investigation Fee (PSI)	\$100.00
Pre-trial Diversion Fee (DV) (Defendant's placed on diversion will be required to pay the \$200.00 diversion fee, plus all local costs incurred. Only upon an order of the Judge will any or all of these fees be modified or waived.)	\$200.00
CONTINUANCES AT REQUEST OF DEFENDANT AFTER A DATE HAS BEEN ASSIGNED	\$ 25.00
RESCHEDULING CASES FOR REVIEW AFTER SENTENCING	\$ 25.00
ISSUING SUMMONS TO APPEAR	\$ 10.00
PAYMENT AGREEMENTS	\$ 25.00
EXTENSION OF PAYMENT AGREEMENTS	\$ 25.00
BENCH WARRANT Additional sheriff fees are charges for cases to be served by Sheriff's Dept.	\$ 30.00
PREPARATION OF LETTER FOR LIMITED DRIVING PRIVILEGES	\$ 10.00
SUBPOENA SERVICE FEES	\$ 2.00
COPIES The same fee charges by the Clerk of the Common Pleas Court, Warren County, Ohio (note - \$.25 per page as of 1-1-02)	

2.23 RETURNED CHECK FEE

Effective April 1, 1987, the Lebanon Municipal Court will charge a fee of \$30.00 per check for all checks returned non-sufficient funds or any other such reason.

2.24 PAYMENT OF FINES

Payment of all fines and costs assessed as a result of a finding of guilty by the Court will be due at the time of the finding.

If payment in full at the time of defendant's Court Appearance creates a hardship, the Court may consider granting an extension of time to pay. A maximum 30-day extension may be granted, however, consideration will be made on an individual basis depending on the circumstances of the hardship.

At the time of the granting of any extension, the operator license of defendant shall be ordered forfeited and defendant shall be given notice of such. Upon defendant's compliance with payment within the agreed time frame, the previous order of forfeiture of the operator license shall be automatically vacated.

Upon failure of the defendant to comply with payment, but no earlier than 30 days from the order of forfeiture, the Court Clerk will notify the Bureau of Motor Vehicles forthwith of such forfeiture.

In cases where the defendant does not have an operator's license or an Ohio operator's license, a bench warrant and/or compact suspension will be ordered in lieu of a license forfeiture.

There is a \$25.00 fee for payment schedules.

In cases where the defendant enters into a weekly payment agreement with the Court and becomes delinquent in payment, monies owed the Court may be submitted to Capital Recovery Systems for collection.

Further, fines and costs owed in traffic violations may be submitted to Capital Recovery Systems for collections when those cases are sent to the Ohio Bureau of Motor Vehicles for license forfeiture.

2.25 DRIVING PRIVILEGES

No driving letter shall be issued except when all fines and/or costs have been paid in full and verification of registering for the DIP program if ordered. Defendant must show proof of insurance, employment verification and pay a \$10.00 fee for a letter to drive.

GUIDELINES TO BONDS

All persons are entitled to bail, except in capital cases where the proof is evident or the presumption great.

At the time of arrest, the officer is given discretion to either issue a summons, accept a 10% cash bond, accept a surety bond, or issue an OR bond. The only time this would not be the case, is when the Judge has approved a specific bond. The bond would then be either written or typed directly on the warrant. At times the Judge will order either a bond of a higher amount or a cash only bond. If cash only is recorded on the warrant, it means that we will accept only cash as bond. If just a dollar amount is written, it can be a cash bond or a surety bond. If nothing is written, the officer has the discretion.

The guideline for 10% bonds is that a bond is either \$25.00 or a sum of money equal to ten percent of the amount of bond. This amount should be collected for each charge, not 10% of the total amount of bond owed.

Charge: minor misdemeanor	\$ 100	take \$ 25.00
M/4	\$ 250	take \$ 25.00
M/3	\$ 500	take \$ 50.00
M/2	\$ 750	take \$ 75.00
M/1	\$1000	take \$100.00
F/4	\$2500	take \$ 250.00
F/3	\$5000	take \$ 500.00
F/2	\$7500	take \$ 750.00
F/1	\$10,000	take \$1,000.00

Domestic Violence 2919.25, Ohio Revised Code, there will be no bond. There is a mandatory appearance on all Domestic Violence, Stalking, Assault and crimes of violence cases filed with the Court. The Complaining Witness and/or Victim as well as the Defendant must appear for initial arraignment. The Defendant will be arraigned at the next available court hearing.

GUIDELINES TO SERVICE OF SUMMONS

Criminal Rule 4D specifies that a summons may be served upon a defendant by delivering a copy to him personally, or by leaving it at his usual place of residence with some person of suitable age and discretion then residing therein.

SCHEDULE B

RULES OF COURT REGARDING PARKING TICKET VIOLATIONS
LEBANON MUNICIPAL COURT

FINES FIXED FOR PARKING TICKET VIOLATIONS MADE BY CITY COUNCIL OR CITY MANAGER BY RESOLUTION, OR ORDINANCE (Ordinance No. 303.03 and 303.04 as amended by Resolution #5214, passed May 27, 1980)

353.03 Overtime parking in metered zone or in time restricted zone:

- | | |
|---|---------|
| (a) If paid within 24 hours of time of violation as listed on the parking ticket citation | \$ 5.00 |
| (b) If paid after the elapse of 24 hours from date and time of violation shown on the parking ticket citation | \$10.00 |
| (c) If paid after 72 hours | \$30.00 |

OTHER PARKING VIOLATIONS AND FINES THEREFORE AS DETERMINED BY CITY MANAGER OR BY RESOLUTION OR ORDINANCE OF CITY COUNCIL PURSUANT TO POWERS GRANTED UNDER ORDINANCES NO. 303.03 AND 303.04 (AS AMENDED BY RESOLUTION #5622, PASSED OCTOBER 23, 1984):

As provided in the Parking Ticket Violations enactment, "improper parking consists of incorrectly using a legal parking space, i.e., parking too far from curb, vehicle extending across painted lines which delineate the space, backing in when head-in only (parking) is permitted, and similar violations. Illegal parking consists of parking in a location where parking or standing is prohibited, or standing, except temporarily, while actually engaged in loading or unloading in a location where parking is prohibited."

Such enacted Parking Violation fines, therefore, shall be considered as part of the schedule of fines, as follows:

Parking Over Lines	\$ 5.00
Parking on Wrong Side of Street	\$10.00
Double Parking	\$ 5.00
Parking in Prohibited Area	\$ 5.00
Parking as to Block Driveway	\$ 5.00
Parking in Restricted Loading Zone	\$ 5.00
Backing into Parking Space	\$ 5.00
Parking in Alley	\$ 5.00
Parking in Fire Hydrant Zone	\$10.00

Meter Feeding (Beyond permitted parking time)	\$ 10.00
After 72 hours	\$ 20.00
Failure to Pull to Bumper Block	\$ 1.00
Parking on Sidewalk	\$ 20.00
Parking in Handicapped Area	\$100.00

SCHEDULE C
LEBANON MUNICIPAL COURT
LEBANON, OHIO

The attached list of offenses indicating the amount of bond acceptable for each offense, is this 1st day of March 1991, adopted for the use of the Lebanon Municipal Court.

<u>SECTION</u>	<u>P.U.C.O. BONDS</u>	<u>BONDS</u>
	No Authority.	\$150.00
	Condition of Driver.	\$250.00
	Hazardous Material Violations.	\$150.00
	Fail to Register (ICC or EXEMPT).	\$250.00
	Operating Under Insurance Suspension.	\$250.00
	Insecure Cargo.	\$100.00
4921.18 4923.11	No Tax Decal.	\$100.00
4921.32 4923.17	No Bob Tail Insurance.	\$100.00
	No Lease on Tractor.	\$100.00
4921.32 4923.17	No Markings.	\$100.00
4921.32 4923.17	Safety Equipment.	\$100.00
4923.17	Log Book.	\$100.00
4921.32 4923.17	Unauthorized Passenger.	\$100.00
4921.32	Expired Physical Certificate.	\$100.00
4923.32	Hauling for Shipper not listed on contract permit	\$100.00
4919.76	No Ohio Stamp.	\$100.00
4919.78	Cab Card.	\$100.00

WATERCRAFT BONDS

1547.02	Watercraft to Carry Lights.....	\$ 80.00
1547.03	Flashing Lights Prohibited: exceptions.....	\$ 80.00
1547.04	Siren Prohibited.....	\$ 80.00
1547.05	Operating Regulations.....	\$ 80.00
1547.06	Child Operators Prohibited.....	\$ 80.00
1547.07	Reckless Operation.....	\$100.00
1547.08	Marking of bathing and watercraft areas.....	\$100.00
1547.09	Mooring prohibited in certain areas.....	\$ 80.00
1547.10	Severing of mooring lines, damaging property prohibited.....	\$250.00
1547.11	Operating under influence of alcohol/drugs prohibited.....	\$500.00

**SCHEDULE D
LEBANON MUNICIPAL COURT
CRIMINAL PROCEDURE RULES**

1.00 CRIMINAL PROCEDURE: GENERAL

All Rules set forth above with reference to Civil proceedings shall, where applicable, be enforced in Criminal proceedings before this Court. In addition thereto, the following Rules shall prevail.

1.01 BAILIFF

The Bailiff or a Deputy selected by the Judge shall formally open sessions in the Traffic and Criminal Court and shall enforce and maintain order.

1.02 SOLICITATION

No solicitation will be tolerated within the precincts of this Court, or any of the offices or halls adjoining the same.

1.03 CONTINUANCES

The Court is opposed to needless delay in the handling of its business. In cases where a continuance is necessary, the limit of time allowed will be one (1) week, unless for good cause shown a longer time is approved by the Judge of this Court.

Continuations for pending cases may be made by the Clerk's office in the following instances:

- 1.) If the case is not set for trial and a time waiver is filed, a first continuance is automatically approved with no cost assessed.
- 2.) If the case has been set for trial and no subpoenas have been issued, the Clerk's office must be notified at least two working days prior to the trial date for continuances to be approved.

Continuations for pending cases will not be allowed in the following instances:

- 1.) If a case is set for trial and no subpoenas have been issued, the Clerk's office must be notified at least 2 working days prior to the trial date for a continuance to be approved.
- 2.) If a case is set for trial and subpoenas have been issued, **NO** continuances will be approved.
- 3.) All motions for continuances must be filed in writing. First continuance will not require a fee. Additional motion for continuance must be accompanied by a \$25.00 filing fee.
- 4.) The Court will not consider any motion for continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than ten days prior to trial.

Upon the filing of a notice of representation or plea by an Attorney, the Clerk's office will direct all correspondence to the Attorney of record only. It is the responsibility of the Attorney to notify clients of court appearances.

All Attorneys shall schedule cases with the Clerk's office prior to leaving the Court, or with the Judge in the courtroom.

1.04 NUMBERING

All criminal actions brought in this Court shall be numbered in accordance with the Ohio Rules of Superintendance for Municipal Courts and County Courts, Rule 12(E). Thereafter, in filing any papers therein or calling the attention of the Court to any case, its number must be given.

1.05 ARRAIGNMENTS

In the disposition of its daily business, new cases will be called first for pleas or motions. Then the continued cases will be called. All cases to be tried must await the completion of this daily call docket. Cases will be tried in their alphabetical order. This order of assignment is subject to the discretion of the Court.

1.06 WITNESSES

Failure of any witnesses to appear in Court may subject them to prosecution for contempt of court.

1.07 WITHDRAWAL OF CHARGES

All recommendations for withdrawal, reduction or dismissal of charges and the reasons therefore shall be made in open Court by the prosecuting attorney, and shall specifically be set forth in writing upon the case file.

1.08 BAIL

Officers in charge shall release any person arrested and charged with any of the offenses listed, who gives bail or executes bond according to law and satisfactory to the Clerk in the amount indicated after each offense in the bail and bond schedule for appearance in Lebanon Municipal Court. These persons shall be given an arraignment date in accordance with the normal procedures where an arrest is not made.

In all misdemeanor cases any police officer on duty at the Lebanon Police Station shall have the power to admit the defendant to bail and fix the amount of bond in accordance with a court-approved bond schedule, except that the Judge, Clerk or Deputy Clerk shall have the sole authority to approve the proposed sureties.

1.09 JURY

Demand for a jury trial must be filed at least ten (10) days prior to the trial date. The Clerk shall summons the jury to appear on the date assigned by the Judge.

The jury shall be selected and summoned in the same manner as is provided for the selections and notification of jurors in civil cases in this Court.

1.10 JUDGMENTS, ORDERS AND ENTRIES

All criminal and traffic judgments and orders of the Court shall be shown as entered on the journals of the Court as of the date the said judgments were announced by the Court.

1.11 VIOLATIONS BUREAU

Pursuant to Rule 13 of the Ohio Traffic Rules (and also Oh. Crm. Pro. R. 4.1. and M.C. Sup. R. 11) a Violation Bureau is hereby established for the acceptance of pleas of guilty in those cases not prohibited by said Ohio Traffic Rules, and the Clerk of this Court is appointed Referee of said Bureau. The fines and costs to be accepted by the Referee of said Violations Bureau shall be in accordance with the printed schedule which shall at all time be posted in the office of the Clerk of this Court. All Deputy Clerks shall be appointed Deputy referees with privileges and rights of a Referee.

Further, in accordance with Oh. Crm. Pro. R. 41 (E), this Court established a Misdemeanor Violations Bureau and the fines and costs for person entering their pleas of guilty to the respective offenses shall be in accordance with the printed schedule which shall at all times be posted in the office of Clerk of this Court.

1.12 VIOLATIONS BUREAU: PARKING VIOLATIONS

The Clerk of the Lebanon Municipal Court is ordered to accept for disposition through the Violations Bureau all parking violations.

1.13 MOTIONS

It shall be the procedure of this Court that all motions set forth clearly and specifically the grounds for such motions, along with supporting citations (copies of foreign and federal decisions to be attached). In motions to suppress, the items of evidence in question shall be specified.

All motions requiring oral hearing shall be set within fifteen (15) days of the date such filing is made and it shall be the responsibility of each party to secure the attendance of all witnesses necessary to establish his position.

1.14 SERVICE OF PLEADINGS

Service of pleadings shall be accomplished by following the applicable Rules of Civil or Criminal Procedure. No pleadings shall be deemed served by leaving a copy with the Clerk or any Court

personnel. The Clerk or any other personnel of the Court have no obligation to forward pleadings left by counsel to the opposing party.

1.15 CONTEMPT OF COURT

To insure that decorum and dignity which should characterize the practice of the law and to aid the Court at all times in the discharge of its duties, it is hereby declared to be contempt of Court for any person to use insulting, vulgar or profane language in the presence of the Court while the Court is in session.

It is the duty of every person in the courtroom to give respectful attention to the Court at all times when in session. It is declared to be contempt and subject to the reproof or punishment by the Court for any person or persons, by conversation or otherwise, to disturb or distract the attention of the Court or Jury while Court is in session.

LEBANON MUNICIPAL COURT RULES

RE: SELECTION AND IMPANELING OF A JURY

1.00 JUROR ELIGIBILITY/SELECTION

To be eligible to serve as a juror, you must be at least 18 years of age, a citizen of the United States, and a resident of the City of Lebanon or Turtlecreek Township.

A jury trial will be conducted with a jury consisting of eight jurors plus one alternate, who may be required to fill in should another juror need to leave due to an emergency or if they are dismissed from service. The alternate will hear the entire trial but will not participate in deliberations if they have not been put into active service by the time the case is turned over to the jury.

A group of prospective jurors will be sent into the courtroom where they will be questioned under the judge's supervision. A juror may be excused if it appears that he/she will be unable to act impartially concerning the case at hand. The plaintiff and defendant are permitted to remove a certain number of jurors without cause.

1.02 TYPES OF JURIES

If you are selected, you may hear either a criminal or civil case. A criminal trial will involve a misdemeanor criminal or traffic offense, where the State of Ohio will be represented by a prosecutor and the defendant may or may not have an attorney. The state is also considered to be the plaintiff in these cases.

A civil trial involves either a civil or small claims dispute. The parties in these cases may or may not be represented by attorneys. The person who filed the claim is considered the plaintiff and the person against whom the claim was filed is the defendant.

1.03 TERM OF SERVICE

You will be notified approximately 2 weeks in advance of the time and date that your service is required. If you are called to serve on a jury and appear on the date scheduled, the parties may settle prior to the trial. At the time, the judge will instruct you that you are free to leave the courthouse.

Jury trials will typically last only one day, however they may be longer. If the court knows ahead of time that the trial will be longer than one day, that information will be included on your notice.

1.04 REQUESTS TO BE EXCUSED

A request to be excused from jury duty must be filed in writing with the Court. Pursuant to O.R.C. 2313.16, a juror may be excused if:

- Juror is absent from the county and will not return in time to serve
- The juror is physically or mentally unable to serve (doctor's written verification required)
- Jury service would cause undue or extreme physical or financial hardship to the juror or a person under the case or supervision of the juror.

The court automatically excuses jurors who are over 70 years old upon request; however, they are permitted to serve if they wish to do so.

Other requests to be excused, such as vacations, business trips, medical appointments, work duties, etc. must be made in writing to the court.

1.05 JUROR COMPENSATION

You will receive \$12.00 per day if you appear and are not selected as a juror. You will receive \$25.00 per day if you are selected for the jury trial.

The clerk's office has notices which indicate that the juror has or has not been selected for service and they are available to the juror upon completion of the day's hearing. The juror must request this form from the clerk's office.

1.06 DRESS CODE

Please wear comfortable clothing that reflects the seriousness of your responsibility. Business-casual attire is encouraged. Shorts, mini-skirts, tank tops, shirts with suggestive language or logos, and all hats are all considered to be inappropriate attire for the courtroom. You may bring a sweater or jacket with you.

1.07 CALL-IN INSTRUCTIONS FOR POTENTIAL JURORS

Once you receive a summons with a specific jury trial date, you are required to call the court the evening before the trial in order to learn whether your services are still needed for the jury trial.

Using a touch-tone phone, dial (513) 933-7210. Press 1 for jury trial information. There will be a message indicating if your services are needed.

**Lebanon Municipal Court
Civil Division Cost Sheet**

Effective June 1, 2011 the following costs will be assessed for the Civil/Small Claims division of the Lebanon Municipal Court:

Complaint/Counterclaim/Third-Party Complaint	
-service of summons by certified mail upon one defendant.....	\$ 70.00
-each additional defendant by certified mail.....	\$ 10.00
-personal (bailiff) service is additional (see below)	
Waiver of notification of failure of service.....	\$ 1.00
-unclaimed mail resent by ordinary mail without notice to attorney	
-must be paid for and requested at time of filing	
Complaint in Forcible Entry and Detention w/Writ of Restitution	
-service by bailiff and ordinary mail.....	\$130.00
-service by bailiff and certified mail-additional fee.....	\$ 10.00
-service outside city limits requires service deposit.....	\$ 35.00
Small Claims Complaint/Counterclaim/Third-Party Complaint	
-service of summons by certified mail upon one defendant.....	\$ 50.00
-each additional defendant by certified mail.....	\$ 10.00
Appeal of license suspension.....	\$ 70.00
-includes 12 point, Non-compliance, Random selection, Refusal	
Amended complaint, civil or small claims.....	\$ 10.00
-covers the cost of certified mail service (personal service additional fee)	
Transfer of case from Small Claims to Civil docket by requestor.....	\$ 70.00
Personal Service	
-within the city limits of Lebanon.....	\$ 30.00
-within Warren County.....	\$ 75.00
-outside Warren County.....	\$150.00
Alias summons and complaint by certified mail, return receipt requested.....	\$10.00
-per defendant	
Re-issue summons and complaint by ordinary mail w/certificate of mailing.....	\$ 5.00
-per defendant	
-must go to previous address (new address by certified mail only)	
Certificate of Judgment.....	\$ 10.00
Judgment Debtor Examination.....	\$ 35.00
-Motion and Order required	
-service by certified mail; personal service is additional (see section on personal service)	
Small Claims Questionnaire.....	\$ 35.00
-service by certified mail; personal service is additional (see section on personal service)	
Show Cause Hearing.....	\$ 35.00
-motion and order required	
-service by certified mail; personal service is additional (see section on personal service)	
Subpoena (fee plus personal service).....	\$ 12.00
-within city limits of Lebanon.....	\$ 30.00
-within Warren County.....	\$ 75.00
-outside Warren County.....	\$150.00
Garnishment.....	\$100.00
Attachment of Bank Account.....	\$ 50.00
-plus check for \$1.00 made out to financial institution	
Transfer of Judgment from another court on Certificate of Judgment.....	\$ 50.00
Transfer of Case from another court (paid by requestor).....	\$ 65.00
Jury Demand.....	\$200.00
Execution on Vehicle or Personal Property.....	\$125.00
-costs to issue are \$50.00. The balance covers bailiff fees, wrecker service, storage, etc.	
Replevin.....	\$125.00
-costs to issue are \$50.00. The balance covers bailiff fees, wrecker service, storage, etc.	

TrusteeDebtor Accounts	\$ 50.00
-plus \$0.43 per creditor	
Service by publication	\$100.00
Capias	\$ 50.00
Appeals to 12th District Court	\$125.00
-check must be made out to "Twelfth District Court of Appeals"	
Credit Reports	
-Civil Legal News (all cases filed, no judgments) charged per month.....	\$ 5.00
-Small Claims Legal News (all cases filed, no judgments) charged per month.....	\$ 5.00
-Civil Credit News (judgments rendered) includes satisfactions/dismissals-charged per month....	\$ 5.00
-Small Claims Credit News (judgments) includes satisfactions/dismissals-charged per month.....	\$ 5.00
Copies (per page).....	\$ 0.25
-in accordance with Warren County Common Pleas Court	

- **A self-addressed, stamped envelope must always be included when filing documents you wish to have returned.**
- **All entries submitted for the Judge's signature must include an original plus three copies; otherwise, copies will not be returned.**
- **The fee as shown in the schedule of costs shall be paid by the plaintiff upon the filing of a complaint for forcible entry and detainer (eviction). The fee shall include the costs of issuing a writ of restitution and service thereof, but shall be non-refundable in the event the action is dismissed prior to the service of a writ.**

Effective June 1, 2011

**Honorable Mark R. Bogen
Judge, Lebanon Municipal Court**

