

**CITY OF FAIRLAWN, OHIO
MAYOR'S COURT**



LOCAL RULES OF COURT

Effective February 1, 2010

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RULE 1.00 SCOPE AND EFFECTIVE DATE

- A. These rules are adopted as local Rules of Court governing practice and procedure in the Fairlawn Mayor's Court. They are adopted pursuant to the Court's inherent authority as set forth in the rules of Civil and Criminal Procedure and Rules of Superintendence. They are effective as of February 1, 2010 and govern all proceedings filed subsequent to that date. These rules may be amended from time to time.

RULE 2.00 COURT SESSIONS

- A. Mayor's Court shall be convened in regular session every Wednesday at 6:30 p.m. for the arraignment of traffic cases and housing code violations. If a holiday falls on Wednesday, court will convene on the Tuesday prior to the holiday or any other day designated by the Mayor. Additional sessions may be convened when necessary as ordered by the Mayor or the Magistrate.

RULE 2.01 APPOINTMENT OF MAGISTRATE(S)

- A. The Mayor shall appoint a Magistrate(s) to preside over Mayor's Court. In order to be appointed, a magistrate must be an attorney in good standing, licensed to practice law in the State of Ohio, and must be in compliance with the Mayor's Court training as required by law.

RULE 3.00 CLERK OF COURT

- A. The Clerk of Court shall be appointed by the Mayor. The Mayor shall also appoint Deputy Clerks of Court as needed
- B. The Clerk of Court shall maintain such dockets, books of record and indices as are required by law of practical necessity as public record, utilizing microfilm, computers and other forms of electronic media for storage whenever possible.
- C. Subject to Ohio's public records law, upon request, the Clerk shall provide access to and copy any documents filed with the Court, but original documents filed in any case shall not be removed from the office without prior authority of the Clerk.
- D. The Clerk of Court will receive and time stamp all documents including but not limited to, not guilty pleas, continuances, counsel withdrawals, appearance of counsel, discovery requests, motions to dismiss and any and all other legal motions. The Clerk of Court will keep the original copy which will become part of the official Court Record. A time stamped copy of each filing will be forwarded, forthwith to the Court Prosecutor.

E. ASSIGNMENT OF CASE NUMBERS: The Clerk of Courts shall assign a case number to each complaint/ticket. Example: 10 TRD 00001

Last two digits of the year	Type of Case	Sequential number of the case	Multiple incidents of the same event
10	TRD*	00001	A

* Identified as: TRD - Traffic TRC - OVI PKP - Parking

1. 00000 - Represents the number of cases received consecutively, one defendant per case number, on a calendar year basis.
2. When more than one charge is filed against an individual resulting out of the same incident, the charges will be listed as A, B, etc.

F. Pursuant to R.C. 1905.04, neither the Clerk nor a Deputy Clerk shall act as counsel or agent or in any other manner be associated with in the prosecution or defense of any case before the Court except for their assigned duties as employees of the Court.

G. All information concerning pending cases which is not classified by R.C. 149.43 as public record is hereby designated as confidential. Disclosure of such information may result in action under R.C. 102.03.

H. The Office of the Clerk business hours are: Monday thru Friday 8:00am to 4:00pm excluding Saturdays and Sundays and all federal, state and locally observed holidays.

I. The Office of the Clerk address is: Clerk of Courts, Mayor's Court, 3487 South Smith Road, Fairlawn, OH 44333-3007

RULE 4.00 FORMS OF PAPER FILED

A. FILING OF PLEADINGS AND OTHER DOCUMENTS: All documents offered for filing with the Court shall be typewritten or printed, on 8 ½ by 11 inch paper. Original documents attached or offered as exhibits are exempt from the requirements of this rule. Only legible documents will be accepted. All documents accepted for filing with the Court shall be time-stamped.

B. FILING OF PLEADINGS AND OTHER DOCUMENTS BY ELECTRONIC MEDIA: A document filed with the Clerk by facsimile transmission shall be accepted as the original filing, provided the person sending the document by facsimile transmission complies with all the requirements set forth in this rule.

1. The person filing a document by facsimile transmission need not file with the Clerk the same document with original signatures, but must have the document with original signatures as well as the original copy of the facsimile cover sheet used for the subject filing available for production upon request of the Court.
2. All documents filed by facsimile transmission pursuant to this rule shall be considered filed with the Clerk as follows:
 - a. If filed during normal business hours of the Office of the Clerk, the documents shall be considered filed when received.
 - b. If filed outside the normal business hours of the Office of the Clerk, the documents shall be considered filed upon the opening of the Office of the Clerk for business.
 - c. The risks of transmitting a document by facsimile transmission to the Clerk shall be borne entirely by the sender.
 - d. The Clerk shall accept for filing by facsimile transmission any document except those for which the Clerk is required to collect a specific filing fee pursuant to statute or court rule or to effectuate service and summons.
- C. The person filing a document by facsimile shall provide therewith a cover page containing the following information: (i) the caption of the case; (ii) the case number; (iii) the assigned judge, mayor, or magistrate; (iv) a description of the document being filed; (v) the transmitting facsimile phone number; (vi) their personal name, street address with city and state and phone number(s); and (vii) an indication of the number of pages included in the transmission, including the cover page. Attorneys sending facsimile transmissions must include their Ohio Supreme Court attorney registration number.
- D. To be considered a facsimile filing in a particular case, facsimiles must be transmitted to the Clerk via the facsimile equipment operated by the Clerk through the Clerk's dedicated facsimile phone number at (330) 668-9559.
- E. Facsimiles sent to the Magistrate, Prosecutor or other Court personnel shall not be considered documents filed with the Court pursuant to this rule.

RULE 5.0 TRANSFER TO AKRON MUNICIPAL COURT

- A. Any case in which the defendant requests a trial shall be transferred to Akron Municipal Court to have the case set for trial within the time permitted by law.

- B. Cases in which the defendant executes a waiver of his/her right to have the case tried within the time permitted by law at the request of the defendant may be retained by Fairlawn Mayor's Court for purposes of a pretrial conference at a time mutually convenient to the parties.
- C. The Magistrate has the right to transfer any case to Akron Municipal Court for further handling with or without the consent of the parties.
- D. The Clerk is responsible for processing cases transferred to Akron Municipal Court. If the case is being transferred for an appeal (trial de novo), the Clerk shall make a certified transcript of the proceedings and deliver such transcript together with the original papers to Akron Municipal Court within fifteen days from the rendition of the Judgment appealed from. In all other cases of transfer, the Clerk shall certify all documents filed in the case.

RULE 6.00 DUTIES OF COUNSEL

- A. DESIGNATION OF TRIAL COUNSEL: Attorneys, not defendants, will designate their capacity as trial counsel on all documents filed with the Clerk and shall include their office address, zip code, and telephone number.
- B. WITHDRAWAL OF COUNSEL: Counsel may be permitted to withdraw as counsel of record only with consent of the Magistrate from cases in which counsel has been designated. No such application will be considered unless a written entry or motion is presented stating the reasons for the application with certificate of service to the Prosecutor and the defendant. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to the client's last known address.
- C. MOTION PRACTICE: All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. Copies of significant decisions shall be attached to the original filing only. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth (14th) day following service of the motion or three days prior to the oral hearing date. Any motions filed which are not in compliance with this rule may be summarily overruled.
- D. CONTINUANCES: Request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. A proposed entry granting the continuance shall accompany the motion with blanks for the new hearing date if the continuance is agreed to by opposing counsel.

RULE 7.00 COURT APPEARANCE AND FINE SCHEDULE

- A. For violations in which a court appearance is required as indicated on the traffic citation, the defendant shall appear in Mayor’s Court before the Magistrate on or before the court date indicated on the traffic citation. If the case is resolved in Mayor’s Court, the fine will be determined by the Magistrate in accordance with the amounts established for misdemeanor offenses by law.

- B. For violations in which a court appearance is NOT required as indicated on the traffic citation, the defendant may elect to waive the court appearance, enter a guilty plea as indicated on the citation and pay, on or before the stated court date, the appropriate waiver amount as set forth in the codified ordinances of the City of Fairlawn as may be amended from time to time.
 - 1. Fines to be paid pursuant to Rule 7.00 (B) may be paid in person at the Office of the Clerk or by mail by sending a check or money order along with the signed GUILTY PLEA, WAIVER OF TRIAL, PAYMENT OF FINE AND COSTS form located on the back of the traffic citation to: City of Fairlawn Traffic Violations Bureau, %City Hall, 3487 South Smith Road, Fairlawn, OH 44333-3007.

RULE 7.01 COSTS

- A. Court Costs shall be in accordance with the laws of the State of Ohio and Council of the City of Fairlawn.

RULE 7.02 FORMS OF ACCEPTABLE PAYMENTS

- A. Payments for fines and/or costs paid in person may be made by cash, money order, or personal check.

- B. Payment for fines and/or costs paid by mail shall be made by personal check or money order.

RULE 7.03 OVERPAYMENTS

- A. Any overpayment of \$5.00 or less will be receipted as an additional ticket processing fee and be deposited in the City’s general fund.

RULE 8.00 PAYMENT PLAN

- A. A payment plan may only be granted by the Magistrate. Any defendant requesting a payment plan to pay his/her fines and costs must appear before the Magistrate to make such a request.

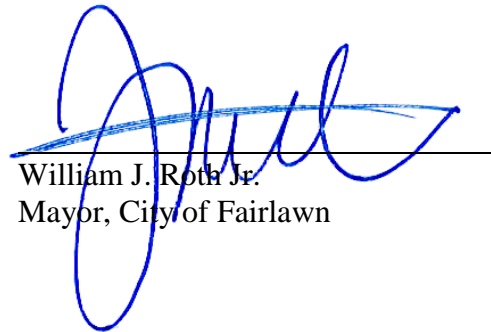
- B. Individuals paying fines and costs pursuant to a court approved payment plan shall be charged an additional Ten Dollars (\$10.00) handling fee.

RULE 9.00 APPOINTED COUNSEL IN INDIGENCY CASES

- A. Appointed counsel (Public Defender) will not be available in Fairlawn Mayor's Court. When a defendant requests appointed counsel, his/her case will be transferred to Akron County Municipal Court.

RULE 10.00 COURT SECURITY

- A. All persons who enter the Fairlawn Municipal Building and wish to proceed into Mayor's Court are subject to the search of their person and possessions. Weapons or other contraband shall be confiscated. Those persons possessing weapons or contraband are subject to arrest if there is probable cause to believe a crime has been committed or if law otherwise permits. This Rule does not apply to police officers or security personnel who are on official business and not a party to a case before the Court.



William J. Roth Jr.
Mayor, City of Fairlawn