IN THE ERIE COUNTY MUNICIPAL COURT
MILAN, OHIO

IN RE: LOCAL RULES OF COURT

Case No. 2025-MI-0046

Judge Carl J. Kamm III

JUDGMENT ENTRY

ERIE COUNTY
MUNICIPAL COURT
2025 JUL -7 P 3:46

It is hereby Ordered that on and after July 7, 2025, the attached Local Rules of Court are adopted and applicable to the Erie County Municipal Court to regulate the practice and procedure of this Court. All previously adopted versions of the Local Rules are revoked.

Nothing in these Rules shall be interpreted to conflict with the Ohio Rules of Criminal and Civil Procedure, Rules of Superintendence for the Courts of Ohio, or the Ohio Traffic Rules.

7/7/25

Judge Carl J. Kamm III

Erie County Municipal Court

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Rule 1. Scope and Effective Date

A. These Local Rules are adopted for governance of the practice and procedures in the Erie County Municipal Court, until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 83 of the Ohio Rules of Civil Procedure and Rule 5 of the Rules of Superintendence for the Courts of Ohio. Whenever any Local Rule is inconsistent with any rule promulgated by the Ohio Supreme Court, the rule promulgated by the Ohio Supreme Court shall govern.
B. The purpose of these Rules is to facilitate the expeditious disposition of cases that come before the Court.
C. These Local Rules are effective as of January 21, 2025, and shall supersede and replace any local rules previously adopted by this Court.

Rule 2. Hours of Regular Operation and Authority

A. The Office of the Clerk shall be open to the public during regular business hours, excluding legal holidays as declared by the Board of Commissioners, Erie County, Ohio, and such other times as the Court may designate.
B. The Probation Department shall be open to the public during regular business hours, excluding legal holidays as declared by the Board of Commissioners, Erie County, Ohio, and such other times as the Court may designate.
C. The Clerk's Office and the Probation Department may suspend answering the telephone during Court sessions.
D. As directed by the Presiding Judge and as allowed by law, and in addition to the duties assigned by law, the Clerk of Courts has the power to handle continuances, place license forfeitures and Non-Resident Violator Compact notices against defendants who fail to appear, and registration blocks against defendants who fail to pay fines and costs by the required time, and handle administrative acts of the Court.

Rule 2.1. Special Needs, Language, and ADA Accommodations

A. Individuals with disabilities, special needs or who need an interpreter should make requests for reasonable accommodations to the Clerk of Courts at least 7 days prior to any scheduled hearing.
B. Service animals are allowed in public areas and the courtroom in compliance with the Americans with Disabilities Act ("ADA"). The ADA and Ohio law define a service animal as any animal or animal assistant that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This rule does not include emotional support animals unless the animal is trained to perform specific tasks for their handlers.

C. Emotional support animals or other pets are not permitted in the courthouse. Individuals with animals may be asked by authorized staff members if the animal is a service animal, and which tasks the animal is trained to perform. If any animal is disruptive, you may be required to remove the animal from the courthouse.

Rule 3. Visiting and Acting Judges

A. Visiting or Acting Judges shall be appointed pursuant to Ohio Revised Code 1901.121 when the Presiding Judge is temporarily absent, incapacitated, or unavailable.

Rule 4. Courthouse and Courtroom Decorum and Conduct

A. All individuals entering the Courthouse shall be subject to security screening and search by the security officer. All individuals entering the building shall be subject to the security plan then in effect.
B. Upon the opening and adjourning of all court sessions, all individuals in the courtroom shall stand, except for those physically unable to do so. All individuals in the courtroom shall conduct themselves with decorum and in such a manner as to not interfere with the proper administration of the Court's business. Side conversations shall be removed to the hallway or other appropriate location outside the courtroom.
C. Small children are not permitted in the courtroom while Court is in session unless they can behave to not disturb the proceedings.
D. All individuals appearing before the Court shall appear in appropriate attire.
E. Attorneys and parties shall stand while addressing the Court unless physically unable to do so.
F. No individual shall smoke, eat, chew gum, or possess liquids in the courtroom. Attorneys and litigants involved in a trial or hearing are permitted water at the trial tables. Witnesses, jurors, and court staff may also have water as needed.
G. No individual shall behave in a disrespectful or disorderly manner in the courtroom or any portion of the Courthouse, or otherwise interfere with or obstruct judicial activities or proceedings.
H. All individuals shall follow the instructions of the bailiffs, security officers, and other court staff.
I. Failing to comply with any aspect of this Rule may result in sanctions by the Court, including but not limited to a continuance or dismissal of the pending matter or a citation for contempt of court.

Rule 5. Electronics Prohibited

A. Tape recorders and cameras are prohibited in the Courthouse, except as allowed by Local Rule 6.
B. No individual shall be permitted beyond the security checkpoint with a cell phone or other electronic communication device except attorneys in good standing, on duty law enforcement, employees of the Erie County Prosecutor's Office, and court staff. Jurors, once seated on a panel, may have their cell phones in the jury room absent an order directing otherwise from the judge presiding over the case.

Rule 6. Conditions for Recording or Broadcasting Proceeding by Media

A. Definitions and Application
    i. For purpose of these rules, the terms "record and/or broadcast" shall be construed to include broadcasting, televising, and recording whether by video, movie, audio and/or photograph. The term "proceedings" shall be construed to include any public hearing held by the Court.
    ii. Application for permission to record and/or broadcast proceedings shall be made in writing as far in advance as reasonably practical, but in no event less than one-half hour prior to the proceeding unless otherwise permitted by the judge hearing the case.
    iii. Although no special form of application is required, it must identify and be signed by the applicant and specify the type of equipment to be used. The "pooling" required by Rule 12 of the Rules of Superintendence for the Courts of Ohio shall be accomplished prior to submission of the application.
    iv. The Court shall grant or deny the application in accordance with Rule 12 of the Rules of Superintendence for the Courts of Ohio.
B. Permissible equipment and operators shall be as follows, unless otherwise permitted by the Court:
    i. Not more than one portable television, videotape, or movie camera with one operator shall be permitted.
    ii. Not more than one still photographer with not more than two still cameras with not more than two lenses for each camera shall be permitted.
    iii. For radio broadcast purposes, not more than one audio system shall be permitted.
    iv. No electronic or photographic equipment shall be permitted that produces distracting sound and light. No artificial lighting other than that normally used in the courtroom shall be allowed. No motor driven cameras shall be allowed.
C. Location of Equipment and Operators
    i. The television, videotape or movie camera(s) shall be positioned on a tripod in an area designated by the Court which provides reasonable access to

coverage and shall remain fixed in that position. Equipment that is not a component part of the in-court unit shall be located outside of the courtroom.

ii. Equipment operators shall position themselves in a location in the courtroom either standing or sitting and shall assume a fixed position in that area. Operators shall act to not call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about except to leave or enter the courtroom.

iii. Cameras, microphones and taping equipment shall not be placed, moved or removed from the courtroom except prior to the commencement of or after adjournment of the proceedings or during a recess unless otherwise permitted by the Court.

iv. Microphones shall be located only at the bench, witness stand, and attorney tables. Microphones shall be as inconspicuous as possible but shall be visible.

D. Limitations

i. No media recording of proceedings in a judge's chambers or access to the same shall be permitted, unless expressly granted by the judge.

ii. There shall be no audio recording or broadcast of conferences conducted in court between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the judge.

iii. No media recording shall be permitted in the jury deliberation room at any time during the trial or after the case has been submitted to the jury. No pictures of jurors shall be permitted at any time.

iv. The Court shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Recording and/or broadcasting of victims of sexual assaults, informants and undercover police officers shall not be permitted.

v. No media recording shall be made of any document or exhibit before or after it is admitted into evidence, except those which are clearly visible to spectators (e.g. maps, charts, whiteboards, etc.)

vi. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while Court is in session.

E. Revocation of Permission

i. Upon the failure of any media representative to comply with the conditions prescribed by these Local Rules, or of Rule 12 of the Rules of Superintendence for the Courts of Ohio, the Court may revoke the permission to record and/or broadcast the proceedings.

Rule 7. Record of Proceedings

A. The official record of court proceedings shall be kept by electronic audio recordings.
B. A party desiring a record by stenographic means shall arrange for the presence and payment of a court reporter and file a motion and proposed entry requesting said court reporter be named as the official reporter for said hearing. Said motion shall be filed no later than seven days in advance of the hearing or trial.
C. Audio records of proceedings may be obtained from the clerk by filing a written request listing the case number and date of hearing. The requesting party may either provide a new USB flash drive sealed in its manufacturer's packaging or pay the fee charged by the clerk to obtain the recording on a USB flash drive.
D. All audio records shall be kept in accordance with the records retention schedule.
E. No individual shall make any recording of proceedings unless approved in advance by the Court.

Rule 8. Costs and Filing Fees

A. Court costs and filing fees for all cases shall be charged pursuant to the schedule of fees then in effect, as amended by the Court from time to time.
B. No civil action or filing shall be accepted for filing by the Clerk without payment of the required filing fees, except upon the filing and approval of an affidavit of indigency.
C. In the event a civil action set for jury trial is settled or dismissed prior to trial, the jury deposit shall only be refunded if time allows the Clerk to notify jurors of the cancellation. If time does not allow notification, the party who filed the jury demand and paid the deposit shall bear the cost of any juror fees.

Rule 9. Papers Filed with the Court

A. All pleadings and motions shall be typed or legibly printed on paper that is 8.5 inches by 11 inches in size and printed only on one side. The Clerk shall not accept double-sided documents for filing.
B. Handwritten notes, letters and emails shall not be accepted as filings.
C. A document of multiple pages shall be securely bound at the top left corner of the page.
D. Each pleading shall contain the case caption and case number, in addition to the attorney's information required by the Rules of Civil or Criminal Procedure. If a case number has not yet been assigned, the pleading shall contain the ticket number, if applicable.
E. A single filing shall not reference multiple case numbers. The Clerk may reject any filing that contains multiple case numbers.

F. This Rule does not apply to any pre-printed form that is created or approved by the Ohio Supreme Court to be used in the courts of Ohio.

Rule 10. File Management

A. The Clerk of Courts shall maintain such dockets, books of record, and indexes as are required by law and Rules of Superintendence for the Courts of Ohio, or practical necessity, as public records. These records include:
    i. Civil Docket and Journal
    ii. Criminal Docket and Journal
    iii. Traffic Docket and Journal
    iv. Administrative Journal
    v. General Index
B. A case document may be designated as confidential or sealed by the Clerk to comply with an applicable provision of the law or Court order.
C. The electronic case file maintained by the Clerk of Courts is the Official Court Record. Any paper record that is the duplicate of an electronically stored record, maintained for the convenience of the Court, may be disposed of at any time.
D. Court files which are public record may be examined at the office of the Clerk under the supervision clerk staff. Upon written request, copies of documents will be provided at cost, consistent with the Court's fee schedule. Original papers may not be removed from the Clerk's office without the approval of the Presiding Judge or Clerk of Courts.
E. No documents may be removed from any file except by or under the supervision of court staff.
F. In the event of any discrepancy between the official records of the Court and any information made available to the public via the Court's website, the official records govern.
G. The retention of records is governed by Ohio Revised Code 1901.41 and Rules 26, and 26.01 to 26.05 of the Rules of Superintendence of the Courts of Ohio. Records may be destroyed as provided therein.

Rule 11. Electronic Filing of Documents by Email

A. All pleadings, motions, or documents other than the original complaint and any pleading that joins or adds a new party, may be transmitted to the Clerk of Courts by email transmission to the email address made available by the Clerk of Courts to receive filings, subject to the conditions set forth in this Rule.
    i. If the Clerk of Courts offers a platform for the efiling of documents, this Rule only applies to case types not required to be filed through the eFile System, and to individuals who are not required to use the eFile System.
B. A document filed by email shall be accepted as the original filing. The sender shall not be required to file the source document with the Clerk but must maintain the

same in the sender's records and have the same available for production on request of the Court, with original signatures as otherwise required under these or other applicable rules, together with the original copy of the email used for the subject filing. The sender shall maintain the source document until the subject case is closed and all opportunities for appeal have been exhausted.

C. A party filing a signed source document by email shall either file a copy of the signed source document, or a copy of the document without the signature but with the notation "/s/" followed by the name of the signing individual where the signature appears on the signed source document. The individual filing a signed document by email represents that the physically signed source document is in such party's possession or control.
D. Each exhibit to an emailed document that cannot be accurately transmitted via email for any reason must be replaced by an insert page describing the exhibit and why it is missing.
    i. Unless otherwise directed by Court order, the missing exhibit shall be filed as a separate document not later than five days following the transmission. Failure to file the same shall result in the Court striking the document and/or exhibit in its sole discretion.
    ii. Any exhibit filed as set forth above shall be attached to a cover sheet explaining the filing and shall be signed and served in conformance with the rules governing the signing and service of pleadings in Court.
E. Subject to the provisions of these Rules, all documents sent by email and accepted by the Clerk shall be considered filed as of the date and time of the Clerk's timestamp, not the date and time of the email transmission. The Clerk's office shall be deemed open to receive email transmission of documents on the same days and times that the Court is regularly open for business.
    i. Email filings may only be transmitted directly to the Clerk of Courts and shall not be sent directly to the Court for filing.
    ii. The Clerk shall not be required to acknowledge receipt of an email transmission.
    iii. The risks of transmitting a document by email to the Clerk shall be borne entirely by the sender. Anyone using email filing is urged to verify receipt of such filing with the Clerk.
F. The Clerk of Court shall not accept an emailed document tendered without payment of any applicable court costs, or without complete information, or which do not conform to these or other applicable rules.

Rule 12. Electronic Filing of Criminal Complaint, Summons, and Affidavits.

A. Except as provided in Section (B) of this Rule, all criminal complaints, summons, affidavits and sworn statements filed by a law enforcement officer to initiate a criminal case may be filed electronically with the Clerk by emailing the properly

signed documents in portable document format ("PDF") to the email address maintained by the Clerk for accepting electronic filing. Officers who appear at the Clerk's office to sign a complaint, summons, or affidavit under oath and attested to by the Clerk or a Deputy Clerk may file the paper copy of the document.

B. The criminal complaint, summons, affidavits and sworn statements must be electronically filed by email when the defendant is arrested without a warrant. The complaint and any additional documents necessary to establish probable cause for the arrest shall be filed electronically by the earlier of twenty-four hours after arrest or two hours before the time set for arraignment. Weekends and holidays do not extend this filing deadline.
C. If a request for the issuance of a warrant upon the filing of a criminal complaint requires immediate consideration, the filing officer may file paper copies of the charge with the Clerk or present the paper copy directly to the Presiding Judge.
D. The electronic copy is the official original copy. Paper copies of documents filed electronically shall not be filed, unless requested by the Clerk. All paper copies filed with the Clerk may be destroyed once scanned and entered into the case management system.
E. Nothing in this rule changes the requirement that the issuing officer serves the defendant with a paper copy of the complaint and summons pursuant to the applicable Ohio Rules of Criminal Procedure.
F. This Rule does not apply to the filing of the Ohio Uniform Traffic Ticket under the Ohio Traffic Rules.

Rule 13. Electronically Produced and Filed Traffic Tickets and Criminal Summons

A. The use of electronically produced traffic tickets and criminal complaints and summons and the filing of traffic tickets and criminal complaints and summons by electronic means is hereby authorized pursuant to Rule 3(F) of the Ohio Traffic Rules and Rule 4 of the Ohio Rules of Criminal Procedure, provided the issuing agency complies with the requirements of those Rules.
B. This Rule includes the use and filing of an electronically generated paper traffic ticket and criminal complaint and summons and is intended to authorize an e-ticket or paperless traffic ticket and paperless criminal complaint and summons.

Rule 14. Scanning of Filed Documents

A. Except as provided in its rules, the Clerk shall scan all paper documents received for filing.
B. Any original document that has been scanned may be destroyed at the discretion of the Clerk.

Rule 15. Appearance and Withdrawal of Counsel

A. All entries of appearance of counsel in an action shall be in writing and shall include counsel's name, Supreme Court attorney registration number, mailing address, facsimile (if available) and email address. Any document that does not include this information may be refused by the Clerk or stricken by the Court.
B. Upon entering an appearance, all documents filed with the Court and entries of the Court shall be served upon the designated counsel using the information provided.
C. Appearing counsel may withdraw from a case only upon the filing of a written motion and for good cause shown. The attorney seeking to withdraw shall serve a copy of the motion on the client, in addition to opposing counsel.
    i. After the filing of a Motion to Withdraw and prior to the Court's ruling on same, the attorney shall continue to complete all case-related obligations, including the obligation to appear at all scheduled proceedings. The filing of the motion does not excuse the attorney from appearing at any scheduled proceeding.
    ii. An entry of appearance filed by a new attorney in a particular case does not excuse existing counsel from the obligation to file a Motion to Withdraw and comply with all case obligations pending a ruling on the motion.

Rule 16. Continuances

A. Motions to Continue a scheduled proceeding shall comply with Rule 41 of the Rules of Superintendence of the Courts of Ohio. If the reason for the continuance is that counsel is scheduled to appear in another court at the same day and time, the movant shall attach a copy of the notice received from the other court.
B. All Motions to Continue shall be filed at least five days prior to the hearing date, except for emergencies or when counsel has been retained within that time period. Emergencies shall be determined within the discretion of the Court.
C. The moving party shall contact the Clerk's office and opposing counsel to clear a new date in advance of filing the Motion to Continue. Opposing counsel's consent to continue is not a prerequisite to filing the motion; however, if consent is given the motion shall so state.
D. A pending continuance request not ruled on by the date of the scheduled proceeding shall be considered denied.
E. The Court may, within its discretion, summarily deny any Motion to Continue that does not conform to this Rule.

Rule 17. Non-appearance of Counsel

A. Attorneys of record are responsible for appearing, providing substitute counsel, or filing for a continuance for all hearings and pretrials.

B. If counsel fails to appear without good cause, the Court may schedule contempt proceedings.

Rule 18. Subpoenas

A. In civil and criminal cases, praecipes for subpoenas to be issued by the Clerk shall be filed at least seven days prior to the scheduled hearing date, together with any filing fee due.
B. The failure of a party to timely file praecipes for subpoenas shall not be grounds for the requesting party to seek a continuance, absent extraordinary circumstances as determined by the Court.
C. A witness who fails to appear in court as required, after being served with subpoena, may be held in contempt of court.

Rule 19. Appearance by Remote Video

A. Appearance by parties or attorneys by remote video at pre-trials, status conferences, and motion hearings may be permitted within the discretion of the Court upon motion of the party wishing to appear by remote video.
B. Appearance by remote video in a criminal or traffic case is the exception and will only be allowed upon a showing of good cause as to why in person attendance is not possible.
C. All individuals appearing by remote video connection shall:
    i. Use their full legal first and last name when prompted to enter the information into the remote video platform.
    ii. Present professionally as if they were physically appearing in court.
    iii. Wear attire that is appropriate for a courtroom.
    iv. Be in a quiet location free from distractions with appropriate lighting to allow all participants to clearly see each other.
    v. Have a stable internet connection and a reliable connection device (computer, cell phone, table, etc.) with a working video camera, speaker, and microphone.
    vi. Not engage in any other activity, including but not limited to eating and smoking.
    vii. Mute their microphone when not speaking.
D. Violations of this Rule may result in the proceeding being rescheduled and a finding that the violator is in contempt of court.
E. All remote video proceedings are subject to being video recorded and saved by the Court, in compliance with appropriate file retention policy.

Rule 20. Use of Artificial Intelligence in Court Filings.

A. Attorneys and parties must disclose the use of AI-assisted technology in the creation or editing of any document or item of evidence filed or submitted in any

case. This disclosure shall include a general description of the AI technology used and its role in the preparation of the document or item of evidence. The disclosure must be made at the time of submission through a certificate attached to the document or item of evidence, indicating the type of AI used and certifying the attorney or party conducted a final review and approval of the AI- assisted material.

B. Attorneys and parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the Court. Attorneys and parties must thoroughly review all AI-assisted materials to ensure they meet all legal and ethical standards.
C. Violations of this Rule may result in the AI-assisted material being stricken from the record and further subject the attorney or party in violation to sanctions as permitted by law or rule, including but not limited to those permitted by Civil Rules 11 and 37.
D. As used in this Rule:
    a. "Artificial Intelligence" and "AI-assisted technology" are any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, and includes document generation, evidence creation or analysis, and legal research.
    b. "AI-assisted material" is any document or evidence prepared with the assistance of AI or AI-assisted technology.
E. This Rule does not apply to information gathered from legal search engines, such as Westlaw or LexisNexis, or from internet search engines, such as Google or Bing, as an attorney or party would have done prior to the availability of AI-assisted technology.

Criminal and Traffic Division

Rule 21. Initial Appearance/Arraignment

A. Unless otherwise provided in this Rule or by court order, individuals charged with a traffic or criminal offense shall appear before the Court at the date and time included on the summons, traffic ticket, or complaint. The initial appearance and arraignment shall be combined pursuant to Criminal Rules 5 and 10 and Traffic Rule 8.
B. Individuals charged with violations that may be disposed of by the Violations Bureau may, but are not required to, appear as scheduled. If no appearance is made, the waiver amount must be paid to the Clerk prior to the date set for appearance.
C. Upon the request of a defendant, the Clerk may continue an arraignment proceeding up to seven days. Additional continuance requests shall be governed by Rule 16.

D. Defendants represented by an attorney may enter a plea in writing. If a plea is made in writing, the Clerk shall schedule the case for a pre-trial conference; however, the Clerk may schedule the case directly for trial if speedy trial time is not waived. If an attorney files an appearance and plea in writing prior to the time scheduled for Initial Appearance/Arraignment, the defendant is excused from attending the Initial Appearance/Arraignment, except in the following cases:
    i. Defendants who are in jail at the time set for Initial Appearance/Arraignment.
    ii. Defendants charged with misdemeanor domestic violence, threat of domestic violence, violation of a protective order, aggravated menacing, menacing by stalking, menacing, aggravated trespass, or O.V.I. charged as an unclassified misdemeanor.
    iii. Defendants charged with felony violations.
E. Defendants whose charges may be handled by the Violations Bureau may enter a not guilty plea in writing, prior to the date and time set for appearance. If speedy trial time is waived in writing, the case shall be set for a pretrial conference. If speedy trial time is not waived in writing, the case will be set for trial to the Court.
F. A defendant's failure to appear when required by this Rule may result in the issuance of an arrest warrant, citation for contempt of court, cancellation of the defendant's driver license, or block on future vehicle registrations, as allowed by law.

Rule 22. Case Scheduling and Pretrial Conferences

A. Felony cases shall be set for preliminary hearing as required by Criminal Rule 5.
B. Misdemeanor cases, upon the entry of a not guilty plea, shall be scheduled as follows:
    i. If speedy trial time is waived, a pre-trial conference to occur no later than thirty days following the arraignment, except a longer time interval may be permitted within the discretion of the Court or if a Motion to Continue is granted.
    ii. If speedy trial time is not waived and jail is not a possible punishment, trial to the Court to occur within the statutory timeframe.
    iii. If speedy trial time is not waived and jail time is a possible punishment, a pretrial conference to occur no later than fifteen days following arraignment, except a longer or shorter time interval may be permitted within the discretion of the Court or if a Motion to Continue is granted and speedy trial time is tolled. The case shall be set for trial to the court within the statutory timeframe, unless the defendant timely files a written jury demand or the defendant is otherwise afforded a jury trial by law, in either event the case shall be set for jury trial within the statutory timeframe.

C. The schedule of the case shall be reviewed at the first and subsequent pretrials and may be adjusted within the discretion of the Court or upon motion of a party.
D. All pretrial conferences shall be held in person unless the Court orders a different method of appearance upon its motion, or the motion of a party made pursuant to Rule 19 or other applicable rules of procedure.
E. Except as provided in paragraph (F), all parties and attorneys shall attend each pretrial conference scheduled in the case unless Defendant's attendance is excused in the scheduling order or notice, or after written motion filed by defense counsel no later than one week before the scheduled pretrial, the Court excuses the defendant's attendance. In the event a defendant is excused from physically attending a pretrial conference, the defendant must be available to defense counsel by telephone for the entirety of the pretrial conference.
F. In cases where the only charges are minor misdemeanors or unclassified, non-jailable misdemeanor traffic offenses, and an attorney has appeared, the defendant is excused from attending the first pretrial conference scheduled in the case. Counsel must appear at the pretrial in person. The defendant must be available to defense counsel by telephone for the entirety of the pretrial conference.
G. If a Defendant fails to be available by telephone as required by this Rule, such failure shall be treated as if the Defendant did not appear for the proceeding.

Rule 23. Discovery

A. Discovery is governed by Rule 16 of the Ohio Rules of Criminal Procedure.

Rule 24. Pleadings and Motions

A. All motions shall be made in conformity with Criminal Rule 12 and contain supporting citations. Any motion not in conformity with Criminal Rule 12 may be summarily overruled. Unless granted a different deadline to respond, the opposing party (and, if applicable, the victim) shall respond to the motion, if at all, within fourteen days after the motion is filed. No reply filing shall be permitted except upon order of the Court.
B. Motions to Suppress
    i. All Motions to Suppress shall clearly identify the item or items to be suppressed and shall be factually specific to the case.
    ii. Leave is granted for Defendants to file a Motion to Suppress within sixty days of arraignment (or, if arraignment is waved by the filing of a written plea, the date originally set for arraignment), provided the case has not been assigned for trial. If the case has been assigned for trial, the time limits contained in Criminal Rule 12 apply to filing a Motion to Suppress.
    iii. If the case has not been set for trial, the State (and, if applicable, the victim) shall have fourteen days to file a written response. No reply shall be

permitted. The motion shall be set for hearing thirty days after the filing of the motion, unless the Court, within its discretion, sets a different schedule.

iv. If the case is set for trial, the motion hearing shall be scheduled at least fourteen days before trial, if possible. The State (and, if applicable, the victim) shall file a written response at least fourteen days before the hearing, unless the hearing is scheduled within the fourteen day timeframe. In that event, the State (and victim) may file a written response at least three days prior to the hearing date.

C. All motions capable of being determined without hearing may be ruled on without hearing or set for hearing within the discretion of the Court, unless a party plainly requests a hearing in the caption of the motion, in the caption of the response to the motion, or in a separate Request for Hearing filed contemporaneously with the motion or response.

D. In any case where a party or counsel anticipates the Motion Hearing will require more than thirty minutes, the party or counsel must notify the Clerk to ensure adequate time is scheduled.

E. Criminal Rule 49 governing the service and filing of papers, whether pre or post-conviction, and whether made by an attorney or by a party pro se, shall be strictly followed.

Rule 25. Negotiated Pleas

A. Plea recommendations to withdraw, amend, reduce or dismiss charges and the reasons therefore shall be made in open court by the Prosecuting Attorney, or shall be specifically set forth in writing, filed in the case.

B. No such recommendation shall be binding until, and only if, approved by the Court.

C. In accepting a negotiated plea, the sentencing recommendation made as part of the negotiated plea is accepted only as a recommendation.

D. The deadline for all plea discussions is as follows:

i. In cases set for jury trial, twelve p.m. on the Friday before the date set for trial. If the deadline is a legal holiday, the deadline is the immediately preceding business day. It is not sufficient to notify the Court of a plea deal. The negotiated plea must be placed on the record and accepted by the defendant before the plea deadline.

ii. In cases set for Bench Trial, the date and time set for trial.

iii. The Court retains discretion in each case to extend the plea deadline for good cause shown.

Rule 26. Sentencing

A. Upon a finding of guilty, sentencing shall occur immediately unless otherwise ordered by the Court.

B. The Court may, in its discretion or upon the request of a party, order the preparation of a pre-sentence investigation report by the Probation Department. If so ordered, the Probation Department shall prepare a written report. The report, except any sentencing recommendations, shall be available upon request for viewing by counsel prior to sentencing.
C. All ordered fines, court costs, and restitution shall be paid immediately after sentencing unless otherwise permitted by the Court and upon the Defendant signing a written payment agreement with the Clerk.

Rule 27. Violations Bureau

A. Pursuant to Traffic Rule 13 and Criminal Rule 4.1, a Violations Bureau is hereby established, and the Clerk of Court is appointed as Violations Clerk thereof. All deputy clerks employed by the Clerk of Court are appointed deputy Violations Bureau Clerks.
B. The Violations Clerks may accept waivers pursuant to Traffic Rule 13 and Criminal Rule 4.1 in accordance with the Waiver Schedule adopted by the Court from time to time. The Waiver Schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the Court and shall be available at the Clerks' office.
C. Defendants who appear at arraignment and plead not guilty to an offense capable of being handled by the Violations Bureau may, prior to the time set for hearing or trial, pay the full amount due according to the waiver schedule for the offense charged, plus all court costs and, upon such payment, the Clerk shall proceed as if the waiver amount was paid prior to arraignment. The Clerk shall then notify all counsel of record that the case is closed and remove it from the docket. Payment must be made no later than three p.m. the day before the hearing or trial date; otherwise, Defendant's failure to appear may result in a driver's license suspension, issuance of an arrest warrant, and registration block.

Rule 28. Probation and Community Control

A. All Defendants sentenced to community control shall sign the General Conditions of Probation form as it exists at the time of sentencing.
B. The probation officer shall inform each defendant sentenced to community control with reporting requirements of the specific terms he or she must follow during the term of control.
C. If the probation officer determines that a defendant has failed to agree to or comply with any rule of probation or term of community control imposed at sentencing, the probation officer may move to revoke the defendant's probation. Such notice shall be served by the Clerk to the last known address of the Defendant and any counsel of record in the case.

D. Upon receipt or notice of the Motion to Revoke Probation, the Clerk shall schedule a probation violation probable cause hearing to occur within thirty days and send notice of hearing to the last known address of the Defendant and any counsel of record in the case at least fourteen days before the date set for hearing.
E. If the Court finds probable cause of the violation, or if the hearing is waived, the Clerk shall schedule a probation revocation hearing.
F. The original sentence, in whole or in part, may be imposed against a defendant found to be in violation of any term or condition of community.
G. The Court may issue a warrant for the arrest of a defendant on community control upon receipt of the Motion to Revoke Probation, as allowed by law.

Rule 29. Indigent Defendants/Appointed Counsel

A. Defendants unable to afford to hire defense counsel for a criminal or traffic case in which jail time is a possible penalty are referred to the office of the Erie County Public Defender, 247 Columbus Avenue, Sandusky, Ohio 44870, 419-627-6620, and are advised to complete the application process set forth by the Public Defender's office. A non-refundable $25.00 application fee shall be assessed as part of the costs of the case unless the fee is waived by the Court based on indigency.
B. If the Public Defender is unable to represent a defendant and unable to refer the matter to another attorney, then pursuant to Superintendence Rule 8(B), appointments will be made by the Court on a rotating basis from the appointed counsel list kept by the Court. Attorneys may be added and removed from the appointment list by contacting the Clerk's office.
C. The Court will make changes to the appointed counsel list based on its current needs, counsel's credentials, and current standing with the Ohio Supreme Court.
D. Court appointments are subject to the following:
    i. Consideration shall be given to the attorney's areas of expertise and current caseload.
    ii. Whenever possible, a pretrial hearing shall be set on a date when the attorney is already scheduled for another case.
    iii. Consideration shall be given to whether the cases presently being handled by the attorney are being timely completed and whether the attorney is otherwise complying with these Local Rules.
    iv. Appointments will be reviewed periodically to ensure equal distribution of pending cases subject to (D)(i), (ii) and (iii) of this Rule.
E. Counsel appointed by the Court shall be compensated upon approval of an application for fees. In fixing the amount of compensation, the Court shall be guided by the resolution of the Board of Commissioners for Erie County.

Rule 30. Failure to Attend Court Proceedings

A. A defendant's failure to appear at any criminal or traffic proceeding may result in the issuance of an arrest warrant, citation for contempt of court, cancellation of the defendant's driver license, and block on future vehicle registrations, as allowed by law.

Rule 31. Post Conviction Motions

A. All post-conviction requests for relief must be filed as motions to the Court. Handwritten notes, letters and email requests shall not be accepted for filing and may be stricken from the record.
B. All post-conviction motions must be served on opposing counsel in conformity with Criminal Rule 49.
C. The non-filing party shall have fourteen days from service to file a responsive pleading.
D. Post-Conviction motions may be set for hearing or decided without hearing within the discretion of the Court. A party may request a hearing by endorsing a hearing request in the caption of the motion or responsive pleading. Unless a hearing is required by statute or rule, the Court may decide the motion without hearing.

Rule 32. Jury Trials and Jury Management

A. The Jury Management Standards, Appendix B of the Rules of Superintendence of the Courts of Ohio, are incorporated herein.
B. Counsel shall file proposed jury instructions and jury verdict forms by twelve p.m. on the Friday before the date set for jury trial.
C. The notice of jury trial issued in any case may contain additional trial related requirements and deadlines.
D. Juror questionnaires, if available, shall be provided by the Clerk to counsel of record the Friday before trial. Questionnaires shall only be made available in hard (paper) copy and shall not be transmitted electronically. All questionnaires must be returned to the Clerk by the conclusion of the trial. No individual other than the Clerk shall make a copy of, or reproduce, any questionnaire.
E. Scheduling of Jury Trials
    i. The Clerk of Court shall schedule criminal, traffic, and civil cases for jury trial upon the filing of a jury demand, or as directed by the Court.
    ii. When multiple cases are set for jury trial on the same day, the Clerk shall designate the oldest criminal/traffic case as the primary case.
    iii. Each additional case set for the same day shall be designated as a contingent case. Contingent cases shall be ordered in priority based on age, with criminal/traffic cases prioritized before civil cases. Whenever possible,

there shall be no more than two contingent criminal/traffic cases set on the same trial date.

iv. If a case designated as contingent is within forty-five days of being beyond time as calculated by the Ohio Supreme Court Case Time Standards, the Clerk shall also assign a second jury trial date to the case, within the time standards, and designate it as the primary case.

v. Counsel and parties on a contingent case shall be prepared to try the case in the event the primary case resolves or is continued as of twelve p.m. on the Friday immediately preceding the trial date. If the primary case is continued after twelve p.m. on the Friday immediately preceding the trial date, the contingency cases are not required to go forward. Counsel for a contingent case must contact the Clerk after twelve p.m. on the Friday before trial to ascertain if the contingent case will go forward.

vi. Should the primary case proceed to trial, all contingent cases for that day shall automatically be reassigned for trial, either as primary or contingent, within the applicable time guidelines.

vii. Counsel shall notify the Clerk within ten days, by filing a Motion to Continue that complies with Rule 16, if a trial conflict exists following receipt of an assignment notice.

Rule 33. Distracted Driving Safety Course

A. For violations of R.C. 4511.204, the deadline to submit the certificate showing successful completion of the Distracted Driving Safety Course is on or before ninety days following the violation date.

B. Payment of fines for R.C. 4511.204 and R.C. 4511.991 in advance of filing the certificate showing successful completion of the Distracted Driving Safety Course is deemed a waiver of the right to take the course. The Clerk shall not refund any fine paid prior to the certificate being filed.

Civil Division

Rule 34. Pretrial Procedure

A. Following the filing of an answer, except in Forcible Entry and Detainer actions and Small Claims actions, the Clerk shall schedule a telephone pretrial conference with counsel of record and any unrepresented parties to occur within thirty to forty-five days of the answer date. The Clerk shall send notice as provided in the Ohio Rules of Civil Procedure.

i. If, at pretrial conference, it appears likely that the parties will resolve the case, the Court may schedule one or more additional pretrial proceedings to monitor for formal resolution or schedule the case for trial if settlement

discussions end without a resolution. Further pretrials may be in person or by telephone at the discretion of the Court.

ii. If, at pretrial conference, it appears unlikely that the parties will resolve the case, the Court will set a pretrial and trial schedule. Further pretrials may be in person or by telephone at the discretion of the Court.

iii. Parties should proceed to comply with their initial disclosure requirements under Rule 26 of the Ohio Rules of Civil Procedure without waiting for the first pretrial conference.

B. All parties and counsel shall attend, in person, the final pretrial conference.

C. All requests to vary from this procedure shall be by written motion filed at least fourteen days prior to the proceeding the party seeks to change. It is the filer's responsibility to verify in advance with the Clerk the decision on the motion.

D. The failure of plaintiff or counsel to appear as required may result in a dismissal for want of prosecution upon the Court's own motion or motion from defendant. The failure of defendant or defendant's counsel to appear as required may result in the Court proceeding with the case.

Rule 35. Motion Practice

A. Motions shall be prepared, served and filed in accordance with the Ohio Rules of Civil Procedure.

B. Motions shall be supported by a brief citing applicable case and statutory law. Motions capable of being determined without hearing may be ruled on without hearing unless a party requests a hearing by including a plain statement in the caption of the filing requesting a hearing. All such requests are at the discretion of the Court.

C. Unless otherwise provided in the Ohio Rules of Civil Procedure or a case specific scheduling order, the following timeline applies:

i. Except as provided in subparagraph (ii) of this Rule, a party opposing a motion has fourteen days from the date of service to file a brief in opposition. The moving party then has seven days from the date from service of the opposition brief to file a reply brief.

ii. For a Motion for Summary Judgment filed under Rule 56 of the Ohio Rules of Civil Procedure, a party opposing the motion has thirty days from the date of service to file a brief in opposition. The moving party then has fourteen days from service of the opposition brief to file a reply brief. All evidentiary material shall be properly filed with the Clerk no later than seven days following the due date for the reply brief, at which time the motion and filings shall be deemed submitted to the Court for determination.

D. A party may file to extend a deadline provided in this Rule, provided the motion is filed prior to the due date. The deadline to file an extension applies regardless of the motion having the consent of the opposing party.

E. Civil Rules 5 and 11, governing the service, filing, and signature requirements on all papers and documents filed by an attorney or a party pro se with the Court, shall be strictly followed.

Rule 36. Journal Entries

A. Counsel for a party in whose favor an entry, order, judgment, or decree is entered in a civil case shall prepare and sign a proper journal entry and submit the same to counsel for the opposing party within ten days, unless extended by the Court.
B. Opposing counsel shall approve or reject the proposed entry within ten days following receipt. If approved, counsel shall sign the entry and cause it to be filed with the Court. If rejected, counsel shall file objections thereto with the Court. The approved entry or written objections thereto shall be filed with the Court within the ten day timeline.
C. Upon receipt of the proposed entry and any objections, the Court shall finalize and journalize the entry.
D. In the event either party fails to complete their obligations under this Rule, the Court will prepare and journalize an entry.

Rule 37. Dismissals

A. All cases pending for a period of one year on the docket in which service of summons or service by publication has not been made shall be dismissed by the Court.
B. All cases pending on the docket for more than 6 months without advancing toward trial shall be dismissed for lack of prosecution following forty-five days notice to Plaintiff's counsel or, if unrepresented, to Plaintiff.
C. Cases assigned for trial, upon which no appearance is made on the trial day by Plaintiff, shall be dismissed for want of prosecution.
D. In Forcible Entry cases, if Plaintiff fails to appear at the time set for hearing, the cause may be dismissed at Plaintiff's cost.

Rule 38. Small Claims Cases

A. Pleadings
    i. The plaintiff shall file a small claims complaint containing a plain statement of the dispute. All pleadings shall be construed to accomplish substantial justice.
    ii. No responsive pleading is required, but such pleadings may be filed and served on the opposing parties at least seven days prior to hearing.
    iii. Any party seeking to join a new party to a pending case must file a third-party complaint at least ten days before the scheduled trial date. The Clerk shall serve the new party in the same manner as the original complaint.

B. A request to continue a small claims hearing must be in writing, must be signed by the party or attorney making the request, and must give a reason why the case should be continued.
C. A small claims complaint may be dismissed by the party who filed the complaint by notifying the Clerk of Courts, in writing, that the case is dismissed.
D. A small claims matter may be transferred to the regular civil docket upon the motion of a party, filed at least seven days before the scheduled hearing date, or upon the Court's own motion.
E. If a counterclaim, crossclaim, or third-party claim exceeds the jurisdiction for a small claims case, the case shall be transferred to the regular civil docket.
F. Small Claims Hearing Procedure
    i. If the plaintiff fails to appear for hearing, the complaint shall be dismissed for lack of prosecution.
    ii. If a defendant fails to appear for hearing after being properly served, the Court may proceed to hear the evidence and grant judgment accordingly.
    iii. All documents and witnesses a party intends to use must be presented at the time of hearing. Documents must be in a form acceptable for submission to the Court. No continuances shall be granted during the hearing to allow time for additional documents or witnesses.
    iv. Witnesses must be present for the hearing. Affidavits, written statements, or telephone calls shall not be accepted.
    v. Recovery for damages is limited to the monetary jurisdiction set by statute.

Rule 39. Forcible Entry and Detainer (Evictions)

A. Forcible Entry and Detainer hearings, commonly known as an eviction hearings, and continuance requests for same are governed by Ohio Revised Code Chapter 1923.
B. If judgment is for plaintiff on the first cause (possession), the plaintiff may request a Writ of Restitution at any time following the date defendant is ordered to vacate the property, unless the Court by entry specified a different timeframe or by motion extends the deadline to vacate.
C. Writs of Restitution must be executed upon (the move-out must occur) within fifteen business days of issuance by the Clerk. If a move-out is stayed or canceled, and more than fifteen days pass between the date the writ issued and the new move-out date, the plaintiff must file for a new writ.
D. If a second cause hearing for damage is included in Plaintiff's Complaint, the Clerk shall schedule the second cause hearing to occur thirty to sixty days from the date of the first cause hearing, unless a longer period of time is granted by the Court.

Rule 40. Satisfaction of Judgments

A. Satisfaction of a judgment may be entered in whole or in part on the docket by the attorney of record for the holder of the judgment, attested to by the Clerk or a deputy clerk, or by journal entry signed by the attorney of record (or party, if no attorney of record), and approved by the judge.
B. No satisfaction may be entered on the docket unless and until all court costs have been paid.

Rule 41. License Suspension Appeals/Petition for Driving Privileges

A. All appeals filed from suspensions imposed by the Bureau of Motor Vehicles or petitions for driving privileges from suspensions imposed by the Bureau of Motor Vehicles shall contain the following information:
    i. Copy of BMV Suspension Notice.
    ii. Petitioner's Date of Birth.
    iii. Petitioner's Driver's License Number.
B. Appeals from Twelve (12) Point Suspensions will be set for hearing and assigned a civil case number.
C. Petitions for driving privileges from suspensions imposed by the BMV other than Administrative License Suspensions resulting from OVI charges will be set for hearing and assigned a civil case number.
D. Appeals from Administrative License Suspensions will be set for hearing in accordance with law.
E. Petitions for limited driving privileges or to stay an Administrative License Suspension resulting from an OVI charge will be set for hearing or may be granted by the Court without hearing unless an objection is filed. Petitions filed in these cases are to use the traffic case number.
F. If a filing fee is required for any driving petition or suspension appeal, the fee must be paid when the petition or appeal is filed.

Rule 42. Electronic Filing of Documents via the Electronic Filing System

A. Rules 42 only applies to the use of the Electronic Filing System maintained by the Clerk of Courts.
B. Effective August 4, 2025, use of the Electronic Filing System maintained by the Clerk of Courts is mandatory for all attorneys for all case types, with the following exceptions:
    i. Charging documents filed by a prosecuting attorney pursuant to a plea agreement.
    ii. Personal Earnings Garnishments and Bank Garnishments filed in civil cases shall be filed in traditional paper format.

C. All non-represented parties must file documents conventionally by providing a hard copy (paper) version of the document and may transmit filings to the Clerk pursuant to Local Rule 11. Non-represented parties may petition the Court for permission to register as an e-filer under Rule 42.2, which the Court in its discretion shall approve or disapprove.
D. The Court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.
E. All parties and individuals interested in court proceedings shall access these documents electronically via the internet, if made available for online viewing, or in person at the office of the Clerk.

Rule 42.1. No Time Extension

A. E-filers must always be aware of the statute of limitations, the savings statute, and similar time limits. It is solely the e-filer's obligation to submit only documents which fully comply with court rules, policies, procedures, and practices. Documents which do not fully comply may be rejected, not docketed, and not filed. The e-filer must allow sufficient time for filing, clerk review, and any necessary re-submission.
B. Electronic filing does not alter or extend applicable statutes of limitation or deadline set by any rule of procedure or court order.

Rule 42.2. Registered E-Filers

A. Individuals filing documents electronically with the Clerk must become registered e-filers. Registered e-filers will receive a confidential and unique electronic identifier. All fees due for a filing must be paid using the payment processor designated by the Clerk or the Court.
B. The Court may revoke e-filing registration in its sole discretion.
C. By registering as an e-filer, the attorney or party agrees to file documents electronically and consents to electronic service of pleadings, motions, and documents. Except for complaints and certain other documents, electronically filed documents are served by the Court's electronic filing service provider ("EFSP"). The EFSP sends a notice of filing to the e-filer's account.
D. Certain documents cannot be e-filed. The following types of documents may be filed conventionally, unless expressly required to be filed electronically by the Court:
    i. CONFIDENTIAL INFORMATION. Documents which contain Personal and Private Information, or other confidential identifiers, that must be submitted to the Clerk or Court should be filed conventionally on paper unless properly redacted by the filer.

ii. DOCUMENTS FILED UNDER SEAL. A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed with the Clerk in paper form.
iii. DOCUMENTS TO BE PRESENTED TO THE COURT IN CAMERA. Documents to be presented to the Court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents, shall be filed with the Clerk in paper form.
iv. EXHIBITS. Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

E. The Clerk shall not accept documents transmitted by mail, delivery, facsimile or e-mail if the filer of the document is required to use the Electronic Filing System, unless an exception exists due to the type of document filed.

Rule 42.3. Fees

A. Registered e-filers must establish an appropriate account for electronic payment of filing and other fees. Registered e-filers will pay any additional fee set for credit card service charges.

Rule 42.4. Electronically Submitting Documents

A. Registered e-filers must e-file all documents except: (1) those designated as paper filing only; and (2) those which cannot be effectively electronically presented.
   i. Format.
      (a) All electronically filed documents should be formatted according to the rules governing formatting of paper pleadings, motions, and documents. The filer is solely responsible for removing all metadata and non-public data from documents submitted for e-filing.
      (b) Before e-filing, the filer must make sure the first five digits of a security social number, financial account numbers, medical records, driver's license numbers, and similar private information are removed from the pleading, motion, or document.
      (c) Redaction of personal, confidential, or private information is solely the responsibility of the party filing the document.
      (d) Documents:
         1. Must be in searchable portable document format ("PDF").
         2. Must have a marginal location at the top right of each page for date and time stamps. This blank space must be no less than 2-1/2 inches wide and 3/4 inch high.
         3. Not exceed ten megabytes ("10MB"). Larger submissions must be broken into additional PDF's of 10MB or less.
         4. Image resolution must be at least 300 dots per inch ("DPI").
         5. Cannot contain links to other material.
         6. Must be electronically signed.
         7. Must include a certificate of service.

ii. Electronic Signatures.

(a) Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or individual who submitted it. Signatures shall be in this format:

/s/ Attorney Name or electronic image of signature.
Typed attorney name.
Attorney registration number (unless self-represented litigant).
Firm name.
Identity of the party represented.
Attorney Address.
Attorney Telephone number.
Attorney Facsimile number, if any.
Attorney e-mail address.

(b) A document bearing more than one signature requires the filer to confirm agreement of the other signers before filing.

(c) Documents bearing the required original signature shall be e-filed in portable document format ("pdf"). The filing party shall keep the original document until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief have been exhausted.

iii. Certificate of Service.

(a) COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also file instructions for service electronically as a courtesy notice of service only. The filer is still required to perfect service in accordance with the Civil Rules. The Clerk shall issue summons and process in the designated method of service in accordance with the Civil Rules.

(b) SERVICE OF DOCUMENTS AFTER THE COMPLAINT.

1. E-SERVICE. The electronic service of a subsequent pleading, filing or other documents in e-file cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Non-represented parties who are not registered to use the electronic filing system shall be served a paper copy by the filing party, not the Court or Clerk, in accordance with the applicable rules of procedure.
2. CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the way service was accomplished on each party. The certificate of service shall contain the following language: "I hereby certify that I served the documents by process server, regular U.S.

mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served and where)."

iv. Proposed Judgment Entries.
    (a) All motions shall be accompanied by a proposed order, decision, or judgment entry submitted as a Microsoft Word document.
    (b) The proposed order must contain a token for the judge's signature, if required for the entry to be signed electronically.

Rule 42.5. Filing and Service

A. Civil Complaints and Documents with New Parties.
    i. Initial complaints, re-filed complaints, third party complaints, or other documents initiating a case or adding a new party are filed but not served electronically. Summons and service cannot be issued or completed electronically and must be accomplished as required by the applicable rule or statute.
    ii. When e-filing a complaint or other document initiating a case or adding a party, the e-filer must:
        (a) electronically file separate instructions for service, including the names and addresses of those to be served.
        (b) electronically file the complaint, third party complaint, or other initiating document.
        (c) electronically file a current copy of the order appointing the individual process server if the document is to be served by a process server.
    iii. The Clerk shall issue summons and shall serve the pleading in accordance with the appropriate rules of procedure.
B. Criminal and Traffic Complaints
    i. Criminal and traffic complaints and summons shall be filed in accordance with Local Rule 11, 12 and 13.
C. Filing and Serving Documents Subsequent to the Complaint in all Case Types.
    i. Unless another form of service is required by rule or statute, all documents filed by an attorney or registered e-filer after initial service has been completed shall be through the e-file system.
    ii. Service shall be:
        (a) By the EFSP on registered e-filers.
        (b) By paper using conventional means on unrepresented parties not registered as e-filers.
    iii. Documents that may not be e-filed must be filed in paper format at the Clerk's office.

D. Time for Filing and Effect of E-file
    i. Any document filed electronically shall be considered as filed with the Court when the transmission of the Court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the Clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date on which any document must be filed to a date on which the Clerk is not open (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed until three fifty-nine p.m. Eastern Standard Time or Eastern Daylight Time, whichever is in effect on that date. Any document filed after three fifty-nine p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed to have been filed on the next day.
    ii. Upon receipt of a filing, the Court's electronic filing system shall issue confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.
    iii. A filer will receive subsequent notification from the Clerk that the filing has been FILED or REJECTED by the Clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the document is accepted by the Clerk as FILED, this stamp will include the date and time that the filer transmitted the document to the Court's electronic filing system as well as the unique confirmation number of the filing.
    iv. The Clerk shall review all filings to determine compliance with applicable court rules, policies, procedures and practices. The Clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
    v. In the event that the submitted document is REJECTED by the Clerk following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.
    vi. All documents submitted for e-filing shall not be considered as filed or a public record until FILED by the Clerk following review.

Rule 42.6. Public Access to Electronic Filing Equipment

A. Attorneys and unrepresented parties registered as e-filers lacking access to appropriate equipment may file through a public access terminal located in the Courthouse.
B. The Clerk offers access to court records and e-filing through a public access terminal located in the Courthouse and available during the hours of courthouse

operation. The Clerk may charge a fee for printing copies of e-filed and other documents. No fee is charged to view or upload documents.

C. The public access terminal includes a scanner and all required e-filing equipment.

Rule 42.7. Terms and Definitions

A. The following terms and definitions apply only as used in Rules 42 through 42.8:
   i. "Accepted" or "Filed" means an electronically filed document that has been reviewed by the Clerk and docketed.
   ii. "Clerk" means the Clerk of Courts of the Erie County Municipal Court and employees of that office.
   iii. "Clerk review" means an inspection of electronically filed documents by the Clerk for compliance with court rules, policies, procedures, and practices made before creating a docket entry.
   iv. "Certificate of service" states the date and manner of document service.
   v. "Confidential electronic identifier" is the unique electronic credential assigned to registered users which allows transmission, receipt, and retrieval of e-filed documents.
   vi. "Court Electronic Record" means documents received in electronic form, recorded in its case management system, and stored in its document management system. Electronically received documents include documents received in paper form and scanned into electronic format but do not include physical exhibits and other things which cannot be fully captured as an electronic image.
   vii. "Court initiated filings" are documents, such as notices or orders, created by the Court and entered into the case management system.
   viii. "Designated e-file case types" are cases or types of filings which must or may be filed electronically.
   ix. "Docketed" is the entry of an item into the official court record.
   x. "Document" includes pleadings, motions, transcripts, reports, exhibits and all other electronically filed items.
   xi. "Document management system" ("DMS") the scheme for receipting, indexing, storing, and retrieving electronic and scanned case documents.
   xii. "Effective date and time of filing of a document" is shown by the time stamp on the submitted document. Because all electronically filed documents are subject to clerk review, the effective date and time may differ from the submitted date and time.
   xiii. "E-Filer" is an individual registered with the Court and authorized to file and receive documents electronically.
   xiv. "Electronic filing" ("e-filing") is the electronic transmission of documents to and from the Court for the purpose of creating a public record of requests and actions in a case. E-filing is complete when the document is docketed. Documents transmitted outside the Electronic Filing System are not e-filed documents.

xv. "Electronic filing system" is software, hardware, mechanisms, procedures, and rules allowing electronic filing.

xvi. "Electronic filing service provider" ("EFSP") is the service provided by the Court for e-filing and e-service of documents via the internet. The EFSP is an agent of the Court for the purpose of electronic filing, receipt, service and retrieval of electronic documents.

xvii. "Electronic receipt" acknowledges the transmission of a document to the e-filing system.

xviii. "Electronic service" ("e-service") is the electronic transmission of a document to a party, attorney, or representative. Electronic service does not include facsimile or e-mail.

xix. "Filing deadline" falling on Saturday, Sunday or a legal holiday is timely if accepted by the Clerk the next business day.

xx. "Filing fee" is the fee charged by the Clerk or by a third party providing electronic filing services.

xxi. "Initial filings" are complaints and other documents used to initiate a case.

xxii. "Instructions for Service" are separately filed instructions for service designating the names and addresses of the parties or individuals to be served.

xxiii. "Notification of filing" is the notice sent by the e-filing system to registered e-filers.

xxiv. "Notice of receipt" is the notice sent by the EFSP after a document has been submitted to the Clerk of Courts. Notice of receipt does not mean the document has been or will be accepted and docketed.

xxv. "Original document" is an electronic document received by the electronic filing system and accepted by the Clerk if it is part of the Court's official record.

xxvi. "Paper filed case types" are cases or types of filings which may not be electronically filed.

xxvii. "Paper filings" include documents filed under seal, presented for in camera review, and other documents as directed by the Court.

xxviii. "Pending documents" are e-filed documents which have not been filed and docketed by the Clerk.

xxix. "Personal and private information" includes the first five digits of a social security number, driver's license numbers, bank and other financial account numbers, medical records, information protected by law from public disclosure, and any information ordered sealed, private, or non-public by the Court.

xxx. "Public access terminal" is the scanner and e-filing equipment located near the Clerk's office.

xxxi. "Rejected documents" are e-filed documents which have not been filed and docketed by the Clerk after review.

xxxii. "Registered e-filer" is an individual who has completed any required e-filing training, registered with the Court, and established a required account for electronic payment of filing and other fees, if any.

xxxiii. "Restricted access" means the Court has restricted public access to information or documents.

xxxiv. "Rules" refers to the Ohio Rules of Civil Procedure, Criminal Procedure, Traffic Rules, and other state and local rules.

xxxv. "Signature" is the name and number identifying the e-filer. Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or individual who submitted it.

xxxvi. "Time of filing" is the date and time shown on the Clerk's confirmation notice.