

SANDRA KURI

2020 NOV 19 AM 8:54 IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

SUMMIT COUNTY
CLERK OF COURTS

IN RE:)
RULES OF PRACTICE AND PROCEDURE OF)
THE COURT OF COMMON PLEAS - GENERAL)
DIVISION – ADOPTION OF LOCAL)
RULES 5.05; 5.06; 7.03; 21.03; 21.04; 21.09;)
SUMMIT COUNTY)
_____)

MISC. NO. _____

COURT RULES

ORDER

IT IS HEREBY ORDERED AND DECREED THAT THE RULES OF THE COURT OF
COMMON PLEAS - GENERAL DIVISION OF SUMMIT COUNTY SAID RULES BE
ADOPTED TO READ AS FOLLOWS:

5.05 Duty Judge

Pursuant to the adoption of the Rules of Practice and Procedure of the Court of Common Pleas,
the schedule for the Duty Judge for each calendar year shall be kept on file with the Criminal
Assignment Administrator and the Court Executive Office.

(A) Administrative Judge

The Duty Judge shall perform the functions of Administrative Judge when the Administrative
Judge is absent and the matter cannot wait the return of the Administrative Judge.

(B) Trial Judge

The Duty Judge shall perform the ministerial matters of a Trial Judge when the Trial Judge is
absent and will not be returning for three court days. "Ministerial matters" shall not include:

1. Default Judgments;
2. Dismissal Entries not agreed to by all parties;
3. Continuances, not previously approved by the Trial Judge;
4. Appointment of counsel;
5. Entries reflecting a ruling of the Trial Judge which has not been approved by all parties
(including all ex parte orders).

(C) Emergency Matters

The Duty Judge shall handle emergency matters for a Trial Judge who is unavailable.

(D) Non-sworn Jurors

The Duty Judge shall handle matters dealing with non-sworn jurors.

5.06 Designated Assignment Judge

Pursuant to the adoption of the Rules of Practice and Procedure of the Court of Common Pleas, the schedule for the Designated Assignment Judge for each calendar year shall be kept on file with the Criminal Assignment Administrator and the Court Executive Office.

The Administrative Judge shall perform the functions of the Designated Assignment Judge when the Designated Assignment Judge is absent and the matter cannot wait the return of the Designated Assignment Judge.

7.03 Criminal Cases

When a bindover from a Municipal Court or a Bill of Information is received by the Clerk, the Deputy Clerk shall give it a case number, stamping the number on the case file and the transcript.

For purposes of the Order of Appointment of Counsel pursuant to Local Rule 21.03(A), a case is considered a General Division Common Pleas Court case when the Clerk of Courts has received the document from the municipal court or direct indictment agency and has assigned it a Common Pleas Court criminal case number. Pursuant to Local Rule 21.03(B), a case shall be randomly assigned to a Trial Judge following indictment by the grand jury.

21.03 Assignment of Cases

(A) At the time a Common Pleas Court criminal case number is assigned by the Clerk of Courts, the Criminal Assignment Administrator shall prepare an Order of Appointment of Counsel for the Designated Assignment Judge. That order shall be filed with the Clerk of Courts and served upon defendant's counsel and the Summit County Prosecutor's Office.

(B) Following indictment by the grand jury, the Criminal Assignment Administrator shall, using the computer listing of the names of all Trial Judges of the General Division of this Court, cause the computer to assign a Trial Judge, at random, with due regard for other prior or pending criminal cases, subject to subpart (E), and pursuant to the individual assignment system in place as provided for in Ohio Superintendence Rule 36. Assignments shall continue, at random, until each case has been assigned.

(C) At the time of such assignment, the Criminal Assignment Administrator shall prepare a Notice of Assignment and provide it to the Clerk of Courts for service of the indictment upon the Defendant by the Clerk.

(D) The assigned case shall be scheduled for arraignment before the Trial Judge or, in the absence or unavailability of the Trial Judge, a qualified individual designated by the Trial judge.

(E) With the exception of Defendants charged with murder, aggravated murder or facing a death penalty specification, in the case where a defendant is charged with a new criminal offense by

indictment and the defendant has then pending an existing criminal case assigned to a court in the General Division that has not been finalized by dismissal or sentencing, is currently on probation, or has then pending a probation violation set or to be set for disposition by a court in this Division, then in such circumstances, the defendant's new case shall be assigned to the court where the defendant's current criminal case is assigned; that being either the court of assignment on the earlier case or the court which is to address the probation violation. Such Rule is in harmony with Local Rule 21.03(a) and 21.04, as well as the Ohio Supreme Court Rule of Superintendence 36(B)(2).

21.04 Service of Notice of Assignment, Indictment and Arraignment

(A) At the time of assignment of the case under Local Rule 21.03, the Criminal Assignment Administrator shall cause the Notice of Assignment to be served upon the defendant. Said notice shall contain the name of the assigned Trial Judge.

(B) Upon receipt of the Notice of Assignment, the Clerk of Courts shall serve a copy of the Indictment upon the Defendant, and provide a copy of said service to the Defendant's counsel of record, as appointed by the Designated Assignment Judge pursuant to Local Rule 21.09.

(C) Upon receipt of the Notice of Assignment, the Trial Judge shall set an arraignment date, preferably in one week from the service of the indictment or not more than two weeks, as consistent with the Court's "call day" for arraignment of criminal cases.

(D) The Trial Judge, or qualified individual designated by the Trial Judge, shall arraign the defendant and, if no plea of guilty is entered, shall set a trial date. In the alternative, the Trial Judge shall set a pretrial conference within four (4) weeks from the date of arraignment.

21.09 Representation of Indigent Defendants

(A) Felony Appointments

1. The Pretrial Services Department will provide the Criminal Assignment Administrator a list of all individuals charged with a felony crime[s] within Summit County. Pretrial Services will gather this information from various sources, including the Summit County Jail, local municipalities, municipal prosecutor's office, Summit County Prosecutor's Office, Summit County Legal Defender's Office and local municipal courts.
2. The Pretrial Services Department will provide that list of individuals to the Designated Assignment Judge. Any person charged with a felony crime and found to be indigent, in need of an attorney, and entitled to the same, shall be appointed a practicing attorney from the Appointment List, as defined in Section (B).
3. The Designated Assignment Judge will notify the Criminal Assignment Administrator, who will then notify the municipal courts, the Summit County Prosecutor, the prosecutor of the appropriate municipal jurisdiction, and any lawyer appointed in municipal court of the identity of the counsel to be appointed by the Designated Assignment Judge.

4. The Designated Assignment Judge shall appoint counsel from the Appointment List. In making an appointment, the appointing Judge shall consider:
 - a. The skill, expertise, disciplinary record, promptness and past experience(s) with and of potential appointee;
 - b. The anticipated complexity of the case in which appointment will be made;
 - c. Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
 - d. The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
 - e. The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
 - f. Intangible factors, including the court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
5. A record of appointments will be maintained by the Court and reviewed periodically, but not less than annually, by the Administrative Judge to ensure an equitable distribution of appointments.

(B) Appointment List

1. The Summit County Common Pleas Court shall maintain a list of attorneys in private practice who are willing to accept appointments for felony criminal cases. This approved trial counsel list shall be in effect for a period of two years, consistent with counsel's biennial continuing legal education reports, and will end on January 31 of the following year. Counsel whose name appears on the approved trial counsel list may file an application for renewal to serve as appointed counsel, no earlier than three months prior to, and no later than the expiration of the approved trial counsel list then in effect. Counsel who fails to timely file an application for renewal shall be removed from the new approved trial counsel list. Applications for reinstatement may be filed at any time and considered on a rolling basis at the end of the month submitted.
2. Attorneys who wish to be placed on the Appointment List shall apply in writing to the Court, at felonyappointments@cpcourt.summitoh.net, and submit a photograph, proof of malpractice insurance and other information described herein.
3. In order to be approved for inclusion on the Appointment List, an attorney must meet the following standards:
 - a. Be a licensed Ohio attorney in good standing;
 - b. Meet the requirements set forth in the Ohio Administrative Code 120-1-07 and 120-1-10;

- c. Take the Annual Criminal Law Update, offered through the Akron Bar Association or equivalent course, during each calendar year;
 - d. Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct. An attorney shall file a certificate of compliance with this requirement with his or her application, and thereafter with each renewal as prescribed in (B)(6).
 - e. For attorneys with less than two years of practice, take the ABCs of a Jury Trial, offered through the Akron Bar Association or equivalent course;
 - f. For attorneys with less than two years of practice, take the Nuts-n-Bolts of Criminal Practice, offered through the Akron Bar Association or equivalent course;
 - g. Meet contact requirements in subpart 4, below.
4. Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.
 5. The attorney shall have an active email address, a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients, the ability to receive text messages to a designated cell phone number, and the ability to connect via video and audio to the Court's remote technology, as instructed. The attorney shall inform the Court promptly of a change of designated cell phone number, cell phone carrier, email address, physical address and/or phone number.
 6. An attorney may be removed from the Appointment List with the approval of a majority of the Summit County Common Pleas Judges. Any attorney being considered for removal will be notified by the Court in writing, with the reasons for removal, and given an opportunity to respond in writing within fourteen (14) days. Such response will be distributed prior to any meeting at which the removal will be discussed and determined. If an attorney is so removed, the attorney may seek reinstatement upon correction of the reasons for removal.
 7. Applications may be found on the Summit County Common Pleas Court website and will be considered on a rolling basis at the end of each month, with approval by the last day of each month submitted. Applicants shall refer to the Summit County Common Pleas Court website for additional information regarding application procedures and deadlines.
 8. Applicants shall refer to the Summit County Common Pleas Court website for additional information regarding application procedures and deadlines.

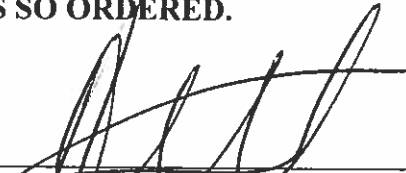
(C) Fee Schedule

1. The fee schedule applicable to all practicing attorneys on the Appointment List will be the fee schedule identified by the Ohio Public Defender Commission and approved by Summit County at the time of the request, as well as expenses allowed by Court.

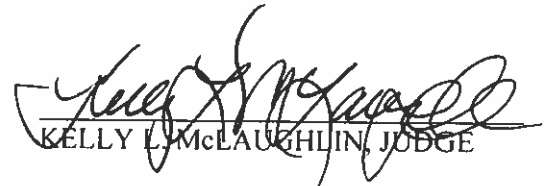
2. No attorney, including the Legal Defender, appointed to represent an indigent defendant, shall receive any fees other than public funds for services relative to that appointment. Before the appointed attorney shall receive any money from or on behalf of an indigent for services in such representation, the Court shall immediately be notified, withdrawing with waiver of any fees from public funds.

THIS RULE SHALL BE EFFECTIVE FROM AND AFTER THE 18TH DAY OF November 2020, AND THE SAME IS ORDERED SPREAD UPON THE JOURNAL OF THIS COURT.

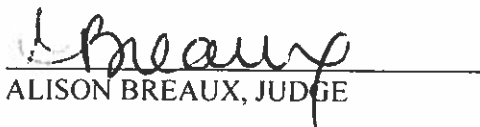
IT IS SO ORDERED.



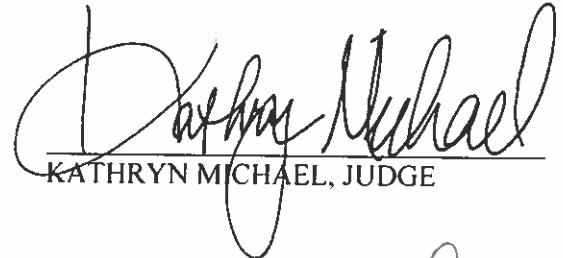
AMY CORRIGAN JONES
ADMINISTRATIVE JUDGE



KELLY L. McLAUGHLIN, JUDGE



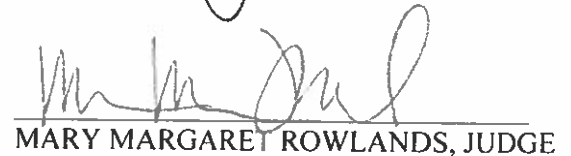
ALISON BREAUX, JUDGE



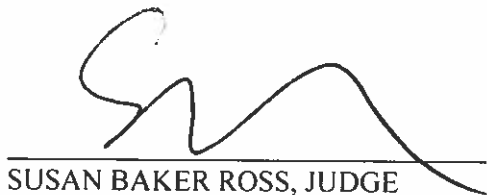
KATHRYN MICHAEL, JUDGE



CHRISTINE CROCE, JUDGE



MARY MARGARET ROWLANDS, JUDGE



SUSAN BAKER ROSS, JUDGE



TAMMY O'BRIEN, JUDGE



ALISON McCARTY, JUDGE



JOY MALEK OLDFIELD, JUDGE



Robert P. Gainer, Court Executive Officer