

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 99 - COURT MAGISTRATES

99.01 Appointment. Magistrates shall be appointed by the Court and serve as full-time employees of the Court as provided by Civ. R. 53, and shall also serve as Magistrates under Crim. R. 19.

99.02 Matters Heard. A Magistrate shall hear any trial or hearing which is referred to him or her by the Trial Judge:

- (A) on any issue or issues as to which no jury right attaches, or as to which the jury right has been waived,
- (B) trials or hearings as to any issues submitted by consent of the parties,
- (C) jury trials where the parties have given unanimous written consent under Civ. R. 3(C)(1)(a)(iii).

All hearings for garnishment, attachment, replevin, forfeiture of contraband, and judgment debtor examinations shall be before the Magistrates, unless the Trial Judge orders otherwise, at such times and dates as the Assignment Commissioner designates.

99.03 Trial Procedure. Trials and hearings before the Magistrate will be conducted in accordance with the standards set out in Loc. R. 23.01 and Loc. R. 23.02.

99.04 Magistrates Order or Decision. The Magistrate will issue his or her order or decision after the trial or hearing in accordance with Civ. R. 53 but he or she may require that briefs, proposed findings or other memoranda be submitted by counsel prior to the issuance of his or her order or decision. No findings of fact and conclusions of law are required after a jury trial, but the Magistrate shall report in writing the actions of the jury.

99.05 Objections to Magistrate's Order or Decision. Objections and memoranda in support of objections to the Magistrate's Order or Decision shall be timely filed by any party in accordance with Civ. R. 53. Memoranda contra objections may be filed by any party within 7 days of filing of the objections.

The 14-day time limit established by Civ. R. 53 for the filing of objections to the Magistrate's Decision may be extended by the Trial Judge only upon written application supported by an affidavit stating facts indicating a practical impossibility of compliance. If a transcript of the trial or hearing is necessary to support objections to the Magistrate's Order or Decision, the transcript must be filed with the Trial Judge by the moving party within 30 days after the filing of the objections unless the Trial Judge, in writing, extends the time for inability of the reporter to complete the transcript of the testimony.

The request for a transcript shall be submitted to the proper Court reporter within three days after the filing of the objections.

99.06 Entries. Entries or judgments shall be prepared by the prevailing party in accordance with Loc. R. 25 and shall be submitted to the Magistrate for his or her approval and endorsement before being submitted to the Trial Judge.