

Rule 4
MAGISTRATES

(A) In accordance with Rule 19 of the Rules of Superintendence for the Courts of Ohio, magistrates shall be appointed by a majority vote of the municipal court judges to hear the cases outlined below. In accordance with Rule 19, individuals appointed to serve as Magistrates shall have at least four years of practice and be in good standing with Supreme Court.

(B) In accordance with Rule 19 of the Rules of Superintendence, Magistrates may:

(1) conduct small claims proceedings, proceedings in aid of execution; default proceedings under Civil Rule 55, and miscellaneous civil matters relating to garnishments, replevins and other attachments;

(2) conduct criminal and traffic proceedings as defined in Local Rule 19(A) and (B) where there is a plea of guilty, not guilty or no contest and a written waiver by defendant of the right to a trial before a judge. In the event that imprisonment is a possibly penalty for the offense charged, the Magistrate may proceed only with the unanimous consent of the parties in writing or on the record in open court;

(3) withdraw bench warrants and vacate license blocks on any unassigned or assigned case that they have the authority to hear under Rule 19 of the Ohio Rules of Criminal Procedure, and Rule 14 of the Ohio Rules of Traffic Procedure, the Rules of Superintendence for the Courts of Ohio and local rule;

(4) stay or vacate fines and costs and vacate registration blocks on any unassigned or assigned case that they have the authority to hear under Rule 19 of the Ohio Rules of Criminal Procedure, and Rule 14 of the Ohio Rules of Traffic Procedure, the Rules of Superintendence for the Courts of Ohio and local rule.

(C) Other than as specifically outlined above, Magistrates may not handle assigned cases unless authorized in writing by the assigned Judge.

(D) Magistrates shall have the qualifications and the power to act as authorized and specified in Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and Rule 14 of the Ohio Rules of Traffic Procedure as adopted by this rule and the Rules of Superintendence for the Courts of Ohio.

(E) In accordance with Rule 53 of the Ohio Rules of Civil Procedure, and Rule 19 of the Ohio Rules of Criminal Procedure, a magistrate may enter orders without judicial approval if necessary to regulate the proceedings and if not dispositive of a claim or defense of a party.

(1) Magistrate orders shall be in writing, identified as a magistrate's order in the caption, signed by the magistrate, and filed with the clerk.

(2) Magistrate orders shall be served by the clerk on all parties within three days.

(3) Any party may file a motion with the court to set aside a magistrate's order. The reasons must be stated with particularity and shall be filed not later than ten days after the magistrate's order is filed. Pendency of the motion does not automatically stay the effectiveness of the magistrate's order.

(F) In accordance with Rule 53 of the Ohio Rules of Civil Procedure and Rule 19 of the Ohio Rules of Criminal Procedure, a magistrate's decision may be general, unless findings of fact or conclusions of law are timely requested or otherwise required by law. A timely request must be made either before the entry of decision or within 7 days after the

filing of a decision.

(1) Magistrate decisions shall be in writing, identified as a magistrate's decision in the caption, signed by the magistrate, and filed with the clerk.

(2) Magistrate decisions shall be served by the clerk on all parties within three days.

(3) A party may file an objection within 14 days of the filing of the magistrate's decision. If a party objects, any other party has not later than 10 days to file their own objections.

(4) Objections shall be specific and state with particularity all grounds for objection.

(5) Transcripts of evidence shall be filed within 30 days of filing objection. If a transcript is not available an affidavit attesting to this shall be filed.

(6) If one or more objections to a magistrate's decision are timely filed, the court shall rule on those objections.

(7) The magistrate's decision shall be effective when adopted by the court.

(G) For good cause shown, the court shall allow a reasonable extension of time for a party to file a motion to set aside a magistrate's order or file objections to the magistrate's decision. "Good cause" includes, but is not limited to, failure by the clerk to timely serve the party seeking an extension with the magistrate's order or decision.

(H) Disqualification of a magistrate for bias or other cause may be sought from the court by the filing of a motion.