

AMENDMENTS TO THE LOCAL RULES OF PRACTICE OF THE BEREA MUNICIPAL COURT

Comments Requested: The Berea Municipal Court will accept public comments until April 16, 2025 on amendments to the court's Local Rules of Practice, specifically modifications to BMCR No. 1-4 and new rule BMCR No. 25. The text of each amended and new rule is set forth below. Proposed additions are indicated in green underline and deletions are indicated in ~~red strikethrough~~.

The amendments to the Local Rules of Practice of the Berea Municipal Court were adopted by the Court on an emergency basis and are effective as of March 17, 2025. Pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio, the amended rules are being published for a thirty (30)-day comment period commencing March 17, 2025 and ending April 16, 2025.

Comments regarding the amendments to the Local Rules of Practice of the Berea Municipal Court can be submitted via email to scigic@bereacourt.com or by mail to:

Sarah Cigic, Court Administrator
Berea Municipal Court
11 Berea Commons
Berea, Ohio 44017

Comments must be received by 4:30 PM on April 16, 2025. Please include your full name and regular mailing address in any comment submitted by email. Copies of all comments submitted will be provided to the Judge of the Court for his review and consideration.

Preamble

1
2
3
4
5
6
7
8
9
10
11

The Rules of Court for the Berea Municipal Court hereinafter set forth have been promulgated in accordance with Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, Rule 19 of the Ohio Traffic Rules, and Rule 5 of the Rules of Superintendence for the Courts of Ohio and this Court's inherent authority.

All parties having business in ~~the~~ the Berea Municipal Court shall follow these rules when filing documents, practicing, appearing, or litigating in this Court in addition to, and in conjunction with, the Ohio Rules of Civil Procedure, ~~and~~ the Ohio Rules of Criminal Procedure, and the Ohio Traffic Rules.

12 **Rule 1: Court Hours**

13 A. The Clerk of Court's office shall be open to the public to transact business of the
14 Court except on legal holidays from 8:00 a.m. to 4:304:00 p.m. Monday through
15 Thursday and from 8:00 a.m. to 3:00 p.m. on Friday of each week.

16 B. ~~Sessions of Court shall be as set forth and scheduled by the Court. These times~~
17 ~~are subject to alteration by Court order and public holidays.~~ The Court will be
18 open Monday through Friday except on legal holidays or as determined by the
19 Administrative Judge. Court sessions will be scheduled between 8:30 a.m. and
20 4:00 p.m. The Court may be in session at such other times and hours as the
21 Administrative Judge prescribes to meet special situations or circumstances.

22 C. ~~The Clerk of Court shall prepare a holiday schedule before the first day of each~~
23 ~~calendar year, and make same available to any interested party.~~

24 **Rule 2: Conduct in Court General Decorum**

25 ~~A. On opening of any Court session, all persons in the Courtroom shall stand.~~ All
26 persons entering the Court's facilities ~~in the Courtroom~~ shall conduct themselves
27 with decorum and in such a manner so as not to interfere with or obstruct judicial
28 activities or proceedings. Any conduct that interferes or tends to interfere with the
29 proper administration of the Court's business is prohibited.

30 ~~A.B.~~ All persons appearing before the Court shall be ~~appear in~~ appropriately
31 dressed ~~attire~~.

32 ~~B.C.~~ ~~Litigants and/or spectators are not permitted to smoke, eat or drink in the~~
33 ~~Courtroom nor shall they bring food or drink into the Courtroom.~~ There shall be no
34 eating or drinking in the Courtroom, unless permitted by the Court. There shall be
35 no smoking, vaping, use of electronic cigarettes, or use of any form of tobacco in
36 the Court.

37 ~~C. No person shall loiter or conduct himself or herself in an unseemly or disorderly~~
38 ~~manner in the Courtroom, halls, stairways, entryways, or parking lots adjacent~~
39 ~~thereto or otherwise interfere with or obstruct judicial activities or proceedings.~~

40 ~~D. All cell phones, pagers and other sound making devices are to be silenced while~~
41 ~~in the Courtroom.~~ Cell phones and other electronic devices shall be turned off or
42 silenced during Court proceedings or when interacting with Court personnel. At
43 the discretion of the judicial officer or any assigned court officer, electronic
44 devices may be barred from the Courtroom and temporarily impounded for return
45 to the owner upon conclusion of the proceedings.

46 E. No person shall appear for any reason in this Court while under the influence, to
47 any degree, of drugs and/or alcohol.

48 F. Persons bringing small children with them to Court shall, after making their
49 presence known to the bailiff, or other Court personnel, stay out of the Courtroom
50 until their case is called. Children shall be kept quiet and under control.

51 G. The Court expects that counsel shall call these rules to the attention of clients
52 and witnesses.

53 ~~H. All counsel appearing before the Court shall be appropriately dressed in business~~
54 ~~attire.~~

55 ~~H.I.~~ In remote hearings, such as those conducted with videoconference
56 software, all participants may be required to appear in a manner such that the
57 judicial officer conducting the hearing is able to both see and hear the participant.
58 If any non-party individual is observing the hearing, the Court must be notified,
59 and the non-party individual must join the remote hearing using their own login
60 and name. All participants and observers shall adhere to standards of attire and
61 conduct equivalent to those expected for hearings conducted in person, and it is

62 in the Court's discretion to remove the non-party individual from the hearing
63 should they fail to adhere to those standards. Participants shall refrain from
64 disruptive behaviors, including, but not limited to, driving, excessive moving, or
65 having minor children or pets present during the proceeding. Testimony in remote
66 hearings shall be provided orally, rather than by typing in a chat box. If a hearing
67 participant is unable to hear oral testimony or to be heard for any reason,
68 including a technological limitation or a disability, the hearing may be continued
69 to allow for appropriate accommodations. However, wherever possible, any
70 hearing participant who expects that they may experience difficulty hearing or
71 providing oral testimony should notify the Court in advance of the hearing.

72 **Rule 3: Public Use of Courtrooms ~~(Rules)~~ (Media)**

73 A. Questions of admission of persons to a Courtroom shall be the province of the
74 Judge or Magistrate to whom that Courtroom is assigned within the guidelines of
75 public access to all Court proceedings and consistent with the order and dignity
76 of the Court.

77 B. Public statements by counsel, Court personnel, and witnesses shall be regulated
78 by the Judge or Magistrate to whom the case is assigned, within the guidelines of
79 public access to Court proceedings, and the right of the parties to be free of
80 improper publicity within areas protected by fundamental rights.

81 C. ~~No recording shall be made of any Court proceeding without approval of the~~
82 ~~Judge or Magistrate conducting the proceeding. All such recording must conform~~
83 ~~to the guidelines set forth in Ohio Rules of Superintendence for Ohio Courts and~~
84 ~~these Rules. No electronic recordings or transmissions, including but not limited~~
85 ~~to audio, video, and still image, shall be made in the Courtroom or during any~~
86 ~~Court proceeding or mediation without the advanced permission of the Court. No~~
87 ~~covert electronic recordings shall be made whatsoever in Court facilities without~~
88 ~~approval of the Court. No juror, witness, or litigant shall have their image taken in~~
89 ~~Court facilities by any party or member of the public.~~

90 D. Requests for permission to broadcast, record, photograph or televise in the
91 Courtroom shall be made to the Court's bailiff, in a format determined from time
92 to time by ~~him/her~~them. Said request shall be made as far in advance as
93 possible, but in no event less than one-half (1/2) hour prior to the beginning of the
94 Court session that will be affected.

95 ~~E. The extent of equipment, personnel, lighting, and sound and the location of each~~
96 ~~in the Courtroom will be determined by the Judge or Magistrate in each instance.~~
97 ~~The bailiff will consult with the Judge or Magistrate for that purpose and organize~~
98 ~~the requesting broadcasters/recorders appropriately.~~

99 ~~F. E. _____ The Judge or Magistrate may prohibit broadcasting, recording,~~
100 ~~photographing or televising victims of sexual assaults, informants, or undercover~~
101 ~~police.~~

102 **Rule 4: Court Security**

103 A. In order to maintain a safe environment for all those who visit, use, and work at
104 this Court, to deter those who would take violent action against the Court or its
105 users, and to sustain the decorum and dignity of this Court, the following rules
106 are imposed:

107 1. Only authorized personnel are permitted in non-public areas of the
108 Court's facilities, including the Judge's chambers and Clerk's offices.

109 2. In cooperation with the City of Berea, both a "magnetometer" machine
110 and x-ray scanner ~~is~~are installed ~~in~~at the main ~~lobby~~entrance of the
111 City Hall building, and all persons having business in ~~this Court~~the
112 building shall be subject to search thereby with the following
113 exceptions:-

114 a. Employees of the City of Berea with appropriate identification;

115 b. Uniformed law enforcement officers on duty; and

116 a.c. Attorneys licensed to practice law with appropriate
117 identification.

118 ~~2.3.~~ Upon detection of any weapon or contraband of any kind, as
119 determined in the sole discretion of the security personnel on duty, the
120 detected item(s) shall be confiscated by security personnel. A weapon
121 so confiscated may be returned, if at all, only upon the visitor leaving
122 the building. The security personnel may take whatever action they
123 deem appropriate ~~in regards to~~regarding contraband detected,
124 including involving the Berea Police Department, which may thereby
125 result in criminal charges being brought against the possessor of the
126 contraband.

127 ~~3. Wackenhut Security is hired to provide Security personnel under the~~
128 ~~terms and conditions of a contract between the City, Court and~~
129 ~~Wackenhut.~~

130 4. The ~~Chief Bailiff~~Court Administrator, under the authority of the Judge,
131 shall direct and manage all ~~S~~security personnel.

132 5. All litigants, attorneys, Court employees, and other visitors to the Berea
133 Municipal Court ~~will~~shall follow the directives of the ~~S~~security
134 personnel under all circumstances.

135 B. No persons ~~entering this Court~~ shall knowingly possess, have under their control,
136 convey, or attempt to convey a deadly weapon, firearm, or dangerous ordinance
137 onto the premises of the Court ~~or possess any weapon, or article which may be~~
138 ~~used as a weapon.~~ Any such weapons are subject to immediate confiscation by

139 security personnel. A bailiff of this Court authorized to carry a weapon and police
140 officers on active duty who have business in this Court, as a function of their
141 employment, are exempt. Off duty police officers are not permitted to possess
142 weapons in the Court building. All weapons, if permitted in Court under this rule,
143 shall be properly maintained and secured at all times.

144 C. ~~No persons entering this Court shall have or possess any materials or personal~~
145 ~~property that is illegal for a citizen of this State or City to possess. Such material~~
146 ~~or personal property is contraband and is subject to immediate confiscation by~~
147 ~~security personnel.~~

148 **Rule 25. Form of Court Documents**

149 A. All pleadings, motions, briefs, and other documents shall be subject to the
150 following requirements to be accepted for filing:

151 1. Typewritten or legibly printed on 8 ½ x 11 inch paper with appropriate
152 margins of not less than one inch. Illegible filings may be rejected at
153 the discretion of the Clerk of Court with notice given to the filing party.

154 2. Include “Berea Municipal Court” at the top of the filing.

155 3. Include the case caption.

156 4. Include the applicable case number(s), when not a complaint or other
157 initiating document.

158 5. Include the title of the document (e.g., Complaint, Motion for
159 Continuance, etc.).

160 B. Filings that require signature shall be signed and include the printed name,
161 address, phone number, and email address (if any) of the signer. Documents
162 filed electronically that require signature may be signed by hand or with a
163 conformed signature of “/s/ [name]” and include the printed name, address,
164 phone number, and email address (if any) of the signer.

165 1. The conformed signature on an electronically filed document is
166 deemed to constitute a signature on the document for purposes of
167 signature requirements imposed by the Rules of Superintendence for
168 the Courts of Ohio, the Ohio Rules of Civil Procedure, the Ohio Rules
169 of Criminal Procedure, and any other legal authority. Any signature on
170 an electronically filed document shall be considered that of the attorney
171 or party it purports to be for all purposes. If it is established that a
172 document was transmitted without authority, the Court shall order the
173 document stricken.

174 2. Documents requiring an original signature, such as an affidavit or other
175 notarized document, that are electronically filed shall be filed in
176 Portable Document Format (.pdf) with the original signature scanned.
177 The filer shall maintain the original signed document in the filer’s
178 possession and have it available for production upon request of the
179 Court. The signed document shall be maintained until the case is
180 closed and the time for appeal has expired, or the appeal has been
181 heard or denied and all opportunities for post-judgment relief are
182 exhausted.

183 C. Attorney filings shall include reference to the name of the party being
184 represented, the attorney’s law firm name (if applicable), and the attorney’s
185 registration/bar number.

186
187

D. All electronically filed documents shall be filed with the Clerk of Court attached separately in Portable Document Format (.pdf).