

## **RULE 23. Magistrates**

(A) **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.

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

(1) on any issue or issues as to which no jury trial right attaches, or as to which the jury right has been waived,

(2) trials or hearings as to any issues submitted by consent of the parties,

(3) jury trials where the parties have given unanimous written consent under Civ. R. 53(C)(1)(c). (February 1, 2008)

All hearings for default, garnishment, attachment, execution, eviction, replevin, bond forfeiture, all uncontested motions to confirm arbitration award arising out of R.C. 2711.09 and judgment debtor examinations shall be before the Magistrate(s), at such times and dates as the Assignment Commissioner designates.

(Effective 2/15/05)

(C) **Trial Procedure.** Trials and hearings before the Magistrate will be conducted in accordance with the standards set forth in these rules and the Ohio Rules of Civil Procedure.

(D) **Magistrate's 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 may require that briefs, proposed findings or other memoranda be submitted by counsel prior to the issuance of the order or decision.

(E) **Motions To Set Aside A Magistrate's Order And Objections To Magistrate's Decision.** A Motion to Set Aside a Magistrate's Order or Objections to the Magistrate's Decision along with memoranda in support thereof shall be timely filed by any party in accordance with Civ. R. 53. Memoranda contra objections may be filed by any party within 10 days of filing of the original objection. Requests for findings of fact and conclusions of law will stay the time for the filing of objections.

(F) **Post judgment motions** in cases wherein foreclosure judgments have been issued by the Magistrate shall automatically be assigned to the Magistrate under the original order of reference.

The 14-day time limit established by Civ. R. 53 and modified to 17 days by the First District Court of Appeals, 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. (February 1, 2008)

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

(G) **Entries.** Entries or judgments shall be prepared by the prevailing party in accordance with Loc. R. 17 and shall be submitted to the Magistrate for his or her approval and endorsement before being submitted to the trial judge.

(Effective 8/14/2002)