

**RULE XII
APPEARANCE AND WITHDRAWAL OF COUNSEL**

~~An attorney, having entered an appearance or being counsel of record in any matter before this court, shall appear at all hearings pursuant to proper notice.~~

An attorney, representing a client in any capacity in any matter before this court, shall file a Notice of Appearance which contains a direct phone line and email address. Designated counsel shall appear at all hearings pursuant to proper notice.

Such attorney may, upon motion timely filed, and in accordance with Rule 1.16 of the Rule of Professional Conduct as adopted by the Supreme Court of Ohio, request permission of this court to withdraw from a matter pending in this court. An entry, upon hearing had, must then be placed of record in the matter and journalized.

**RULE XV
SMALL CLAIMS DIVISION**

(1) The Rules of Practice of this court, to the extent that they would by their nature be clearly inapplicable, shall not apply to the practice and procedure in the Small Claims Division of the court, which has been established under [Ohio Revised Code](#) Chapter 1925.

(2) In order to avoid multiple court appearances, the assigned hearing date of a matter in Small Claims court shall be the date of trial, and all parties and their witnesses shall appear in court on that date prepared for trial. All evidence must be printed out, and/or placed on a flash drive for use at trial. This includes evidence such as photographs, texts, emails, and recordings of any kind. Evidence presented on cell phones or other electronic devices will not be admitted.

(3) ~~If a defendant's first appearance is the filing of an answer and a request to transfer to the regular docket, the motion to transfer shall be automatically granted. If the parties have appeared at least one time, any motion to transfer to the regular docket shall be granted or denied at the discretion of the small claims magistrate.~~ If a defendant effectuates a transfer to the regular docket by the filing of a jury demand or a counterclaim exceeding the jurisdictional limit of the Small Claims Division, the defendant shall pay the Small Claims transfer fee in addition to the applicable jury demand or counterclaim fees.

Any motion to transfer to the regular docket shall be granted or denied at the discretion of the small claims magistrate

(4) If either party files a written motion for continuance § 10 (Ten) days or more prior to the ~~scheduled trial~~ first scheduled trial date, the motion shall be granted. Any motion filed less than § 10 (Ten) days prior to trial shall be granted or denied at the discretion of the small claims magistrate.

(5) The Hamilton County Municipal Court Small Claims Division will accept fax entries for filing purposes only if the entry is accompanied by a face or origination sheet which documents the authenticity of the fax entry. If the fax entry is not accompanied by an original sheet or face sheet or if the fax entry lacks the appearance of authenticity, the fax entry will not be accepted by the municipal court for filing purposes.

(6) Written decision of magistrates will contain appropriate language that the designated judge has reviewed same and that the decision is adopted. This language will precede a place where a judge of the Hamilton County Municipal Court can sign the decision of the magistrate. All decisions of magistrates will be ~~microfilmed~~ scanned as an official entry of the Hamilton County Municipal Court.

(7) If a named plaintiff has contemporaneously filed more than one small claims complaint against the same defendant, and the aggregate amount of the plaintiff's monetary demand exceeds the jurisdiction of the small claims division, then the magistrate shall notify that plaintiff that the aggregate of these filings exceeds the jurisdiction of the small claims division and that the plaintiff is required to file this action in the general division of the Hamilton County Municipal Court. Since plaintiff has improperly invoked jurisdiction of the small claims division by filing more than one complaint against a defendant, the court is required to dismiss this cause of action without prejudice, and not transfer it to the general division docket.

RULE XXIII GARNISHMENTS

Only one (1) garnishee may be listed on a wage garnishment form for filing.

The clerk is hereby authorized to release payment to the garnishor 5 (five) or more business days after receipt of the first payment.

Upon the request for a garnishment hearing by Judgment Debtor pursuant to ORC 2716.06, the Judgment Creditor shall file an Affidavit of Current Balance Due and/or appear at garnishment hearing. If the Judgment Creditor is a corporate entity, the Judgment Creditor shall file an Affidavit of Current Balance Due, and/or appear at garnishment hearing represented by an attorney of record with knowledge of the current balance due and with full settlement authority

RULE XXVII RENT ESCROW AND SMALL CLAIMS MEDIATION

~~Section One (1) for Rent Escrow Accounts.~~

~~Section Two (2) for Mediation of Small Claims Cases.~~

~~(1) It shall be mandatory for all rent escrow litigants to be referred to mediation through the Private Complaint Municipal Court Mediation Service upon filing for rent escrow by the tenant and prior to an answer by the landlord. All requirements of Local Civil Rule XXVII apply.~~

~~(2) Those who file Small Claims cases may choose to have their case referred for mediation at the discretion of the magistrate on the date of filing of the Small Claims case or on the date of trial. Small Claims mediation shall be by the Private Complaint Municipal Court Mediation Service.~~

Rent Escrow and Small Claims mediation shall continue through the ~~Private Complaint~~ Municipal Court Mediation Service until further order of the court.