

Rule 3. Duties of Counsel

- 3.01 Designation of trial attorney. Trial attorney, as defined by Sup.R. 36, means the attorney who is to try a case. Attorneys shall designate their capacity as trial counsel on all pleadings in civil cases and by filing a written statement with the clerk of court in criminal cases. Designations of trial attorney shall include the trial attorney's office address, zip code, computer identification code, and telephone number. A law firm is not to be designated as trial attorney.
- 3.02 Withdrawal or change of trial attorney.
- (A) Withdrawal of trial attorney (1) An attorney shall be allowed to withdraw as trial attorney, with the consent of the judge assigned to the case. (2) In the absence of judicial assignment, or in the absence of the assigned judge, such application shall be made to the duty judge. No such application will be considered unless a) a written entry or motion is presented stating the reasons for the application, b) containing certification of service to opposing counsel, c) stating the time and date of trial, if set, and d) including the attorney's professional statement that, if allowed, a copy of the entry will be mailed immediately to the last known address of the client. (3) Withdrawal of an attorney within less than five court days of any hearing assignment shall not be permitted.
- (B) Change of trial attorney. Once a trial attorney has been designated, such designation shall remain until the termination of the case. Change of trial attorney may be permitted by the judge assigned to the case upon the filing of a Notice of Appearance of Counsel containing the designation of the new trial attorney.
- (C) Postjudgment civil collection proceedings. An attorney who is not the designated trial attorney is required to file a Notice of Appearance of Counsel in order to appear as the attorney of record in post-judgment civil collection proceedings.
- 3.03 [Reserved]
- 3.04 Motions Practice.
- (A) All motions must be presented and filed within rule, in writing, accompanied by sufficient memoranda. All parties wishing to respond in writing to a motion shall do so not later than the fourteenth day following service of the motion upon the responding party.
- Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be permitted: "Counsel requests an oral hearing at which _____ witnesses will be presented." When an oral hearing is requested, the assignment office shall schedule the motion for hearing before the assigned judge.
- (B) A party shall not file a motion prior to the entry of a plea in misdemeanor, criminal and traffic cases, except motions listed as exceptions in Crim. R. 12(C)(2) which shall be assigned for hearing to the judge assigned to criminal arraignment session; and the motions listed as exceptions in Ohio Traffic Rule 11(B)(1) which shall be assigned for hearing by the judge assigned to Courtroom 4C.

3.05 Joinder and separation of cases.

- (A) A motion for joinder of cases in the General Division shall be filed in the case with the lowest case number and shall be ruled on by the judge assigned to that case. At the time the motion is filed, notice of having filed the motion shall be filed in any case subject to the motion and served on the defendant(s) in the other case(s). Any party in any case subject to the motion may file a response to the motion not later than the fourteenth day following service of the notice. All responses to the motion shall be filed in the case with the lowest case number. If the judge assigned to the case with the lowest number holds a hearing on the motion, all defendants in any case subject to the motion shall be notified of the hearing date and shall be permitted to participate and be heard during the hearing.

If joinder is permitted, all cases so joined will be assigned to the judge assigned to the case with the lowest number. If joinder is denied, all cases will remain as originally assigned.

- (B) In cases in which defendants are joined in the original complaint, a motion for separation of cases shall be ruled on by the assigned judge. If separation is permitted, the judge ordering separation shall retain the case with the lowest case number, and the remaining cases shall be referred to the assignment commissioner for assignment pursuant to Loc.R.1.01.

3.06 Requests for continuances. Once a case is assigned to a judge, requests for continuances of hearing dates shall be submitted to the judge assigned to the case at least five court days prior to the date of the hearing. Requests for continuance shall be by entry and shall include (1) reasons for the request, (2) whether the opposing party or counsel consents to the continuance, and 3) the date and time of the current assignment.

3.07 Size of paper filed. All pleadings, motions, briefs, and other papers, in any civil or criminal matter, filed with the clerk's office on and after January 1, 1986, shall be on paper not exceeding 8 1/2" x 11" in size.

3.08 Pro hac vice admission.

1. An attorney not licensed to practice law in the State of Ohio but who is duly licensed to practice law in the highest court of a state, commonwealth, territory, or possession of the United States or the District of Columbia, or who is admitted to practice in the courts of a foreign state, may file a motion seeking pro hac vice admission. The attorney's motion for pro hac vice admission shall be made in compliance with Section (2)(a)(6) of Gov. Bar R. XII. In addition, the motion must contain a statement that the movant is familiar and will comply with all Ohio Rules of Court, including the local rules of the Franklin County Municipal Court, and be accompanied by a completed form entry.

2. The granting of any motion for pro hac vice admission shall be at the discretion of the assigned judge or, if the case has not been assigned, the administrative judge. Any party to the proceeding may object within 14 days of the date of the court's entry. Upon receipt of any objection, the court will allow appropriate responses and may schedule a hearing.