

## Rule 2. The Judiciary

2.01 Duty Session. At all times during the regular court day, the judge assigned to the duty session shall be available for (1) contact with the public, (2) motions for judgment and any other motion or matter ordered by the administrative judge to be handled through the duty session (3) review of decisions by magistrates, (4) applications for warrants to search, (5) requests for continuance in particular sessions, (6) clerk's applications to strike out of rule or incomplete filings, (7) motions to dismiss filed by the prosecutor pursuant to Crim.R. 48 prior to the issuance of summons, and (8) orientation of jurors. Marriage ceremonies may be performed by the duty judge at such times as the duty judge may designate.

However, pursuant to Jud.Cond.R. 2, the duty judge may refer any motion or matter for assignment by lot if the duty judge believes that the motion or matter addresses substantive issues or that a party may gain a procedural or tactical advantage through the duty session.

2.02 Administrative Judge. The administrative judge shall decide questions pertaining to cases assigned to a judge in the absence of that judge. In the absence of the administrative judge the duty judge shall perform the duties of the administrative judge.

2.03 Applications for cognovit judgment. Applications for cognovit judgment shall be made to the duty judge and shall be accompanied by the original promissory note.

2.04 [Reserved]

2.05 Public Use of Courtrooms.

(A) Questions regarding the admission of persons to a courtroom shall be the province of the judge to whom that courtroom is assigned, within the guidelines of public access to all court proceedings, consistent with the order and dignity of the court

(B) Public statements by the court, counsel, court personnel, and witnesses shall be regulated by the judge to whom the case is assigned within the guidelines of public access to court proceedings and the right of the parties to be free of improper publicity within areas protected by fundamental rights.

(C) No recording shall be made of any case without approval of the judge conducting the case and consistent with the Rules of Superintendence.

(D) Cell Phones, Cameras, Pagers, Laptop Computers, and Other Electronic Devices

(1) Unless otherwise permitted in accordance with subsection (E) of this rule, the operation of any cellular or portable telephone, camera (still or video), pager, beeper, computer, radio, or other sound or image recording or transmission device is prohibited in any courtroom or hearing room, jury room, judge's chambers, or ancillary area (to be determined in the sole discretion of the Court) without the express permission of the Court. All such devices must be turned off in the above-listed areas at all times.

- (2) Duly licensed attorneys and their paralegals/assistants appearing in court, courthouse employees, public safety officers, authorized contractors and vendors, court staff, and any others authorized by the Court are exempt from the prohibition above unless otherwise ordered by the Court.
  - (3) Any person or persons violating this Rule are subject to sanctions for contempt and/or criminal prosecution, and may be ejected from any restricted area described above or from the courthouse, and any item or device operated in violation of this Rule may be confiscated by court staff or courthouse security personnel and held until the offending person(s) leave(s) the courthouse. In no event shall the Court or any court or security personnel be liable for damage to any device confiscated and/or held in accordance with this Rule.
- (E) Broadcasting, recording, photographing, and televising by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:
- (1) Procedures
    - (a) Requests for permission to broadcast, record, photograph, or televise a case in the courtroom shall be in writing to the Court Administrator of the Franklin County Municipal Court as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge. Request forms may be obtained from the Court Administrator's Office.
    - (b) The Court Administrator shall immediately inform the trial judge of the request, who shall notify the parties. Unless otherwise provided by law or local rule, the judge assigned to the proceeding shall permit audio, audio-video recording, broadcasting by electronic means, and taking photographs in court proceedings that are open to the public. Written permission shall be made a part of the record of the proceeding.
    - (c) No recording of a case is permitted in a courtroom before it commences on the record, or after it goes off the record, without approval of the judge conducting the case and consistent with the Rules of Superintendence.
  - (2) Limitations
    - (a) There shall be no audio recording or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, or the trial judge and counsel.
    - (b) The judge shall permit any victim or witness who objects to being recorded, broadcasted, or photographed the opportunity to be heard in advance of testifying. A victim or witness may not object to the court

recording the proceeding as part of its official record. The trial judge shall retain discretion to limit or prohibit broadcasting, recording, photographing or televising upon objections of any juror, victim, or witness.

(3) Decorum

(a) Proper courtroom decorum shall be maintained by all media pool participants.

(b) All media representatives shall be properly attired, in a manner that reflects positively upon the journalistic profession.

(4) Revocation or Permission

(a) Upon the failure of any media representatives to comply with the conditions prescribed by the trial judge, the Rules of Superintendence of the Supreme Court, or this rule, the trial judge may revoke the permission to broadcast, record, photograph, or televise the trial or hearing.

(5) Permissible Equipment and Operators

The provisions regarding permissible equipment and operators stated in Sup.R. 12(D) shall apply.

2.06 Public comment by the judiciary. Judges holding special judicial title obtained by election or appointment shall identify themselves by such title only when making statements within such capacity, unless such other statement has been approved by a majority of the judges.

2.07 Body-Worn Cameras

(A) Definitions

(1) “Body-Worn Camera” means a device worn by a law enforcement officer that makes an electronic audio and video recording.

(2) For purposes of this Rule, “Courthouse” means the entirety of the building located at 375 S. High Street, Columbus, Ohio including all public and non-public areas, except areas under the purview of the Franklin County Municipal Court Clerk of Court, the Franklin County Sheriff’s Office, the City of Columbus, or Franklin County Public Defender’s Office.

(B) Body-Worn Cameras

(1) Deputies of the Franklin County Sheriff’s Office (“FCSO”) may operate a body-worn camera within the courthouse to create a recording, subject to the following, and in accordance with the FCSO’s governing policies and this Rule.

- (a) The body-worn camera must be in stand-by mode.
  - (b) Recording of a privileged and confidential conversation between an attorney and client is strictly prohibited. To ensure that these private conversations are not recorded a white noise machine must be operating in each Jury Room while prisoners are present.
- (2) The FCSO is the custodian of any recording captured by a body-worn camera operated by a Deputy of the FCSO. A recording made in the courthouse shall not be released to anyone inside or outside the Franklin County Municipal Court and the FCSO unless the recording has been provided to the Administrative Judge, or his/her designee, in advance and with sufficient time to determine if there is confidential and exempt material contained within the recording. If the body-worn camera records and stores any portion of a court proceeding, then confidential, exempt, or privileged material may not be released without Administrative Judge or designee consent.
- (a) Upon receiving a public records request, the FCSO shall provide the redacted and unredacted footage to the Administrative Judge or designee at least one week prior to the intended date of response.
  - (b) If the recording being requested involves any type of communication between an attorney and their client, the attorney must be notified immediately before a response is provided releasing that information. No one other than the Administrative Judge should have access to that footage until review by the Court and the attorney is notified and given an opportunity to be heard.
  - (c) For outside the Court requests, not involving attorney/client conversations, the Prosecuting Attorney's office shall review the redacted footage at the request of the Court as well as any unredacted version, if necessary, before a response is provided relevant to release of the recording.
  - (d) The FCSO shall, upon direction from the Administrative Judge or designee, execute further redactions prior to the release of the recordings.

2.08 Coverage for Environmental Cases.

- (A) Except as provided below, no judge of the general division may hear or determine any matter within the jurisdiction of the environmental division.
- (B) If the judge of the environmental division is on vacation, sick, absent, or otherwise not in attendance:

- (1) any case assigned to the environmental arraignment session may be determined by the judge assigned to courtroom 4C or by a magistrate of this Court.
  - (2) approval of any search warrant shall be considered in the same manner as set forth in Loc.R. 4.12.
  - (3) the set-aside of an arrest warrant issued in an environmental case may be made by the duty judge, or in the absence of the duty judge, the administrative judge.
  - (4) and the defendant in an environmental case is incarcerated in lieu of bond for failure to make a court appearance, the case shall be referred back to the environmental judge for disposition, unless the judge assigned to courtroom 4D disposes of the case upon motion of the prosecuting attorney.
- (C) No provision of this rule shall limit the authority of the Presiding and Administrative Judge to request a visiting judge or assign a judge of the general division to the environmental division as the result of the recusal or prolonged absence of the environmental judge.

2.09 Remote Appearance & Testimony. Pursuant to Sup.R. 5(E)(2), procedures for requesting permission to appear and testify remotely in the Franklin County Municipal Court shall be as follows.

Permission to appear and testify remotely for a hearing or proceeding may be requested as set forth in Civil Rules 39 and 43 and Criminal Rules 40(B) and 43(A)(2). Requests to limit public access to information included in a request to appear and testify remotely may be made pursuant to Sup.R. 45(E).

Remote appearances by parties and witnesses shall be permitted when necessary to provide a reasonable accommodation of a disability under Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.* For purposes of Civ.R. 39(B)(3) and Crim.R. 40(B)(1), the requirement to afford a reasonable accommodation of a disability shall constitute good cause for allowing a party or witness to appear and testify remotely (using live two-way video and audio conference technology) over the objection of an opposing party.

Whenever a request to appear and testify remotely for a hearing or proceeding is based on the requirement to provide reasonable accommodation of a disability, proof of the disability generally shall not be required unless necessary to determine or understand the nature and extent of the disability.

When a request to appear and testify remotely pertains to a hearing regarding a claim for restitution of premises (i.e., eviction) no written motion shall be required. The Magistrate presiding on the date the hearing is scheduled for shall rule on the request as soon as practicable after taking reasonable steps to seek the input of the opposing party. In seeking

input from the opposing party, the Magistrate shall make reasonable efforts to maintain confidentiality of any private or sensitive information included in the request while also balancing the opposing party's right to be informed of the nature of the request and to be heard in response.

It shall be the responsibility of any person appearing and testifying remotely to have access to the necessary technology to do so, and to be prepared to submit electronically any documentary evidence they wish to proffer.

## 2.10 Civil Arrests in the Courthouse

### (A) Statement of Purpose

The administration of justice by the judicial branch of the government cannot be impeded by the other branches of the government in the exercise of their respective powers.

Courts possess all powers necessary to secure and safeguard the free and untrammelled exercise of their judicial functions and cannot be directed, controlled, or impeded therein by other branches of the government.

Nothing in this rule shall be construed so as to violate any provision of the Supremacy Clause of the United States Constitution or any federal immigration law.

### (B) Civil Arrest Prohibited

(1) No individual shall be subject to a civil arrest while present in the courthouse for the purpose of attending a court proceeding or conducting other lawful court business.

“Courthouse” means any building or space used by Franklin County Municipal Court along with the curtilage of the building.

(2) This provision does not apply to arrests carried out pursuant to a judicial warrant issued by a judge.