

Garfield Heights Municipal Court Cuyahoga County, Ohio

IN RE:)
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AMENDMENT OF LOCAL RULE 10) ADMINISTRATIVE ORDER
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Whereas, the mobile devices, capable of photographing and recording people are carried by most people entering the courthouse; and

WHEREAS, it is impractical to prohibit the use of such devices in the courthouse because they are commonly used for proof of financial responsibility and other evidence; and

WHEREAS, the court seeks to protect all court employees and court users from the detrimental impact of altered recordings, targeting of individuals, harassments of individuals especially victims of crime, and invasion of constitutionally protected rights of privacy, and

WHEREAS, Rule 5(A)(2) permits the adoption of the amended rules without prior notice or opportunity to comment where the court determines that there is an immediate need for the rule, and

WHEREAS, the court hereby determines there is an immediate need for the amendments set forth herein due to the prevalence of mobile devices being used in the courthouse and parking lots;

NOW THEREFORE, Local Rules 10 is amended to provide as follows:

Rule 10. Recording of courtroom proceedings, court employees, and all court users

(A) The court shall record all traffic, criminal, civil and small claims courtroom proceedings by audio electronic recording device. In the event a party desires recording by stenographic means, such party must arrange for the presence and advance payment of a court reporter and further file a written motion requesting that such individual be named as the official reporter for the hearing.

(B) The court shall maintain exclusive custody and control of the electronic recording tapes of proceedings. The court will retain all tapes for a period of one year. At the expiration of such period, tapes will be recycled or destroyed except in the instance of an appeal in which event the subject tape(s) will be retained during the pendency of the appeal.

(C) A party may have a full or partial transcript prepared from the court tape(s) by arranging for the presence and advance payment of a court reporter to prepare the same. The expense relating to the transcript shall be the responsibility of the requesting party.

(D) At no time shall any person with any type of device record court employees, including judges, or any court user while in the courthouse or court parking lots, without the advance, written permission of the presiding judge and for good cause shown.

Further, the Clerk shall publish this Administrative Order on the Court website and therein notify all users that the period for public comment shall commence immediately and end on October 31, 2024. The Clerk shall further notify all users that comments may be submitted in writing addressed to the Clerk or by email.

A handwritten signature in black ink, reading "Deborah J. Nicastro", written over a horizontal line.

Judge Deborah J. Nicastro
Presiding Judge 2024