

RULE 18
MAGISTRATES

18.1 Magistrates shall be appointed by the Court, serve as full-time employees of the Court, and exercise the legal authority provided by Civ. R. 53, and Crim. R. 19.

18.2 A magistrate shall preside over any trial or hearing which is referred to him or her by the assigned judge, by a general order of reference, or by this local rule. The following matters may be referred to a magistrate at the discretion of the assigned judge:

- (a) On any issue or issues as to which no jury right attaches, or as to which the jury right has been waived;
- (b) Trials or hearings as to any issues submitted by consent of the parties;
- (c) Jury trials where the parties have given unanimous written consent under Civ. R. 53(C)(1)(c).

18.3 The following matters shall be referred to the magistrates by operation of this local rule:

- (a) Civil Protection Orders;
- (b) Replevins;
- (c) Judgment debtor examinations;
- (d) Garnishments and attachments;
- (e) Proceedings for the forfeiture of contraband;
- (f) Default judgments where a damages hearing is scheduled;
- (g) Arraignments if directed by the judge before whom the arraignments have been scheduled;
- (h) Any other matters, including case management conferences or pre-trials, at the direction of the assigned judge.

Where practicable, the magistrate shall preside over matters on the docket of his or her assigned judge. The Administrative Judge may by separate order assign magistrates to preside over ex parte civil protection order hearings and other routine proceedings without regard to which judge is assigned to the case. All hearings for garnishment, attachment, replevin, forfeiture of contraband, and judgment debtor examinations shall be before the magistrates, unless the assigned judge orders otherwise, at such times and dates as the assignment commissioner designates.

18.4. Proceedings before the magistrate shall be recorded in the same manner as proceedings before a judge. The magistrate will issue his or her order or decision after the trial or hearing in accordance with Civ. R. 53, but he or she may require that briefs, proposed findings and conclusions or other memoranda be submitted by counsel prior to the issuance of his or her order or decision. No findings of fact and conclusions of law are required after a jury trial, but the magistrate shall report in writing the actions of the jury.

18.5 Objections and memoranda in support of objections to the magistrate's order or decision shall be timely filed by any party in accordance with Civ. R. 53. Memoranda contra objections may be filed by any party within 7 days of filing of the objections.