

STATE OF OHIO

IN THE CANTON MUNICIPAL COURT

§

ADMINISTRATIVE ORDER

STARK COUNTY

We, the undersigned Judges of the Canton Municipal Court, do hereby modify and amend Local Court Rule 1.20, Court Records Management & Retention:

V. Disposal of Court Exhibits

- A. **Exhibits.** Pursuant to Sup.R.26(F), At the conclusion of litigation, including times for direct appeal, the Deputy Court Administrator or designee may commence with the destruction of exhibits, depositions, and transcripts if all of the following conditions are satisfied:
- (1) The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification;
 - (2) The written notification required in division (A)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;
 - (3) The written notification required in division (A)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts;
 - (4) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (A)(1) of this rule.
- B. **Destruction of Exhibits.** Subject to the notification and transfer requirements of divisions (B)(1) and (2) of this rule, a record and any back-up copy of a record produced in accordance with division (B)(2) of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup. R.26.01 to 26.05.

1. If Sup.R.26.01 to 26.05 set forth a retention period greater than ten years for a record, or if a record was created prior to 1960, the court shall notify the OHS in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record.
 2. After submitting a written notice in accordance with division (B)(1) of this rule, the court shall, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.
- C. Litigants shall be provided the opportunity to authorize the destruction of exhibits tendered as set forth above in Section A and B as opposed to being notified upon the exhaustion of the appeal period by completing the Exhibit Disposal Release Form upon the conclusion of the applicable hearing.
- D. A copy of the letter to the litigant advising to retrieve exhibit/evidence or the Exhibit Disposal Release Form shall be maintained in the official court file.

Said Amendment shall be posted for public comment for a period of not less than thirty (30) days. All Public Comment shall be provided in writing by the end of business on May 29, 2020 to:

Michael E. Kochera, Court Administrator
Canton Municipal Court
218 Cleveland Avenue SW
Canton, Ohio 44702

Or

michael.kochera@cantonohio.gov