

# Athens County

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# Athens County Common Pleas Court - Athens, Ohio USA

[\(WEBSITE\)EMA](#)

## Athens County, Ohio - Common Pleas Court

Athens County Courthouse  
1 S. Court Street, Athens, Ohio USA 45701

Judge George P. McCarthy		Judge
(740) 593-3591	Patrick J. Lang	(740)
	592-3236	
Fax (740) 592-3020	(740) 592-3215	Fax

### NOTICE

**The following information is general in nature and is not to be relied upon for legal advice. If you have a question about your legal rights you should contact an attorney. The Court and its staff are not permitted to provide you legal advice.**

The following information and comments are provided courtesy of Judge George P. McCarthy

### COURT NOTICE REGARDING CORONAVIRUS VIRUS AND COURT OPERATIONS

This notice is being issued to address operations of the Athens County Common Pleas Court in light of the ongoing COVID-19 public health emergency, as declared by Gov. DeWine.

“The Court will remain in operation during normal business hours throughout the duration of the emergency, as will the Clerk of Court’s Office... However, efforts are being taken to minimize the necessity of persons to visit the courthouse during this emergency. Effective immediately, the following Temporary Orders will remain in effect until at least April 1, 2020: 1) The Athens County Grand Jury is suspended until further Order of the Court.

Grand jurors are not to report for the previously scheduled session on March 23. Grand jurors will be contacted directly by the Court in the event that they need to appear at a later date. 2) No jurors will be summoned to Court, nor will any jury trials be held. 3) All scheduled in-person hearings in the General and Domestic Relations Divisions will be CONTINUED. Persons with court dates prior to April 1 should not report to Court. Hearings will be rescheduled. Some hearings may be held telephonically, to be arranged on a case-by-case basis. Those persons represented by counsel should call their attorneys. 4) Persons summoned to appear for Arraignments on Wednesday, March 25, should not report to Court. Instead, plan to appear on Wednesday, April 1, unless otherwise advised by the Court or counsel. In addition, any persons with business before the Court who are represented by counsel should contact their attorneys for further guidance regarding scheduling. Prior to April 1, 2020, the Court will issue further guidance regarding whether these Temporary Orders will be extended, modified or allowed to expire." - Issued 3/12/2020

#### **COURT CLOSED NOTICE**

Please note that the Athens County Courthouse, including the Athens Common Pleas Court, Domestic Relations Court and Athens Common Pleas Clerk's Office will be closed on May 25, 2020 for Memorial Day.

#### **CHANGES IN NOTARY LAW EFFECTIVE SEPTEMBER 20, 2019**

**NOTARIES! CHANGE IN LAW! PLEASE READ! NEW NOTARY COMMISSION APPLICATION PROCESS STARTS SEPTEMBER 20, 2019!**

**APPLICATIONS NEED TO BE SUBMITTED TO THE CLERK OF COURTS BY SEPTEMBER 10, 2019!**

The Notary Modernization Act takes effect on September 20, 2019. Under the new law, all applications for notary commissions, renewals, online authorizations and updates to contact information must submit an application electronically to the secretary of state. **COST OF APPLICATIONS ARE GOING UP AND A BACKGROUND CHECK WILL BE REQUIRED.**

ATHENS COUNTY CLERK WILL ACCEPT NEW APPLICATIONS AND RENEWAL APPLICATIONS FOR COMMISSIONS EXPIRING IN 2020 UNTIL 9/10/2019!  
After that no new or renewal applications will be expected.

An Ohio resident or a nonresident attorney who is licensed to practice law in Ohio and has a principal office in Ohio, who is at least 18 years old may apply to be commissioned as a notary public by completing the following steps.

First, obtain a criminal record check, current within six months of application. If the report shows no disqualifying offenses, then the applicant may proceed to the next step. (Note: Attorney applicants licensed to practice law in Ohio are exempt from this requirement).

Contact an authorized education and testing provider for a three-hour class and pass a test. (Note: Attorney applicants licensed to practice law in Ohio are exempt from the test, but must complete the education requirement).

Select File Online to submit your application to our office. Your application will require you to provide your email address, phone number, mailing address, date of birth (must be 18 years old to be commissioned as a notary public), and then you must upload a copy of your criminal record check, certificates from the education and testing provider to show successful completion of the program and test, and an image of your signature. Attachments must be uploaded as PDFs. The fee to submit is \$15.00.

#### RENEWAL APPLICATIONS

A non-attorney notary public's commission expires five years from the date of issuance without the successful submission of a renewal application. The renewal application may be submitted within the three month period prior to the date of expiration. To renew, you must complete the following steps.

An applicant must first obtain a criminal record check, current within six months of the renewal application. If the report shows no disqualifying offenses, then the applicant may proceed to the next step.

Contact an authorized education and testing provider for a one-hour class.

Select File Online to submit your application to our office. You must upload a copy of your criminal record check and a certificate from the education provider to show successful completion of the class. Attachments must be uploaded as PDFs. The fee to submit is \$15.00.

IF YOUR NOTARY COMMISSION EXPIRES IN 2020, YOU CAN RENEW NOW. YOUR RENEWAL MUST BE SUBMITTED TO THE ATHENS COUNTY CLERK OF COURTS NO LATER THAN SEPTEMBER 10, 2019.

The earlier the better. The State will not approve notary application submissions not RECEIVED BY 9/19/19.

IF your commission expires in 2020, the State has announced that it will allow you to renew it right now.

Go to <http's://www.ohiosos.gov/notary/#gref> ([https://www.ohiosos.gov/notary/?fbclid=IwAR3XWofkB421BjTRbBCFdVpzZdd\\_qVjSmzuOvgzEV4tg-fXsnjZTF414ZP0#gref](https://www.ohiosos.gov/notary/?fbclid=IwAR3XWofkB421BjTRbBCFdVpzZdd_qVjSmzuOvgzEV4tg-fXsnjZTF414ZP0#gref)) for more info.

- Judge George McCarthy

### **NOTICE: WEATHER CLOSING INFORMATION**

The Athens County Commissioners established the following weather related policy concerning snow related closings. The Athens Common Pleas Court and Domestic Relations Court follow that policy which is:

Level 3 - All County Offices will be closed.

Level 2 declared before 6:30 a.m. - County offices will open at 10:00 a.m. Employees are expected to report at that time unless otherwise instructed by their Supervisor or Appointing Authority. Update at 8:30 a.m. if conditions merit further delay or closing.

Level 2 declared after 6:30 a.m. - County offices will open at the usual time. Employees need to use care and travel according to their abilities and road conditions.

Level 1 – Normal Operations. Employees need to use care and travel according to their abilities and road conditions.

To Receive alerts from your local agencies [sign up here](https://local.nixle.com/register/) (<https://local.nixle.com/register/>) (<https://local.nixle.com/register/>)...or text your ZIP CODE to 888777 for mobile alerts

If you are scheduled to be in court on a day when the weather makes traveling difficult, you may contact your attorney to seek guidance on whether your court hearing has been rescheduled. If you are not represented by an attorney you may contact the court to see if your case has been rescheduled.

## **JUDGES DUTIES AND RESPONSIBILITIES**

### **Generally**

The duties of the Judge include the overseeing & disposition of criminal and civil cases.

### **Civil Cases**

Civil Cases include a wide variety of cases including personal injury (accident) cases, employment disputes, contract disputes, workers compensation appeals, and medical malpractice to name a few.

Each Judge sets guidelines for the attorneys to follow so that information may be exchanged between the parties and motions may be filed if necessary. This helps the attorneys prepare for their respective cases as well as informs the opposing side the facts that support their position. This normally leads to a settlement and/or resolution to the case. If the parties cannot reach a resolution then the case may be scheduled for trial. At a trial, a

jury of 8 persons or the Judge hears the case. When the Judge hears the case it may be referred to as a “Trial to the Bench” or “Bench Trial.” When a jury hears the case it is referred to as a “Jury Trial.”

### **Criminal Cases**

Criminal Cases make up a majority of the cases the court hears each day.

Felony Criminal Cases include any offense where the possible penalty is six months or more in prison. Breaking and Entering, Theft, Felonious Assault, Domestic Violence, Arson, Fraud, Armed Robbery, Murder and Drug Cases are just a few examples of such cases.

In a criminal case the prosecuting attorney and their office typically represent the State of Ohio or a government agency. The criminal defendant is represented by their own attorney. If they cannot afford an attorney and qualify for a publicly appointed attorney, the Public Defender or another attorney selected by the Court may be appointed to represent them.

If a criminal case is not resolved, the case may be set for trial before a jury of 12 or before the judge. A trial to a jury is referred to as a “Jury Trial.” When the case is tried to the Judge it may be referred to as a “Trial to the Bench” or “Bench Trial.”

In criminal cases if the defendant is found guilty, the Judge is usually responsible for sentencing the defendant.

### **Other Duties**

The Judge also is responsible for the Grand Jury and its process. The Judge turns the grand jury over to the Prosecuting Attorney who presents information of alleged criminal incidents for possible indictment. If the grand jury returns a “true bill” and the person is indicted, the case is scheduled for arraignment.

At arraignment, the person enters a plea to the charge (or charges) and a pre-trial date and a trial date are typically set.



A pre-trial is where the parties meet to discuss possible settlement of the case.

A trial refers to the process where witness testimony and evidence is submitted to the judge or jury for consideration.

The Judges also hear & determine administrative appeals from various State and local agencies. These appeals, for example, come from decisions of the State Personnel Board of Review, Unemployment Relations Board, local zoning appeals and local governmental decisions.

### **Public Speaking Engagements, Field Trips, Mock Trials**

It is generally anticipated that the judges do their best to educate the public as to the judicial process. Judges are often invited to speak to school groups and service clubs. Field trips by local schools to the court are encouraged.

The Court supports the need for law-related education and welcomes the opportunity to speak at such functions and to students to help inform them about the duties and responsibility of the Judicial Branch. This also helps to address any misconception people might have as to what really happens in a court room versus what they see on television or other media.

The Court supports those who are contemplating service in the legal profession and towards that end also assists in area high school and Ohio University mock trial events.

### **Jury Duty**

Jury Duty is a civic obligation that our legal justice system holds dear. By educating the public as to the duties & responsibilities of the court, the Judges believe that informed citizens will be more responsive to a call for "Jury Service." Jury duty is an inconvenience to some, but the jury system is the backbone of our justice system.

In other countries, a judge may be the only one who determines guilt or innocence of a defendant charged with a crime, or the liability of a party involved in a civil dispute. In the American Justice System, citizens directly

participate in the system through the trial process.

A vast number of cases are resolved by the parties instead of being tried to a jury. For the very small percentage of cases that are not resolved by the parties, the case matter may proceed to trial to have a “jury of peers” decide the case.

Jury participation is something that our country and state founders found indispensable to the proper function of government. It was so important that it was specifically provided for in the U.S. Constitution and Ohio Constitution. Citizen participation in the jury process is an important civic function and is one of the cornerstones of our system of justice.

Most people who participate as jurors report it as a worthwhile experience. Others report feeling that they have served their public duty by being a juror – and jurors have fulfilled that obligation. Jurors have the thanks of the Court for their attendance, participation, and attentiveness.

Those serving as jurors are sincerely appreciated by the Court, the citizens of Athens County and the parties involved in the legal system.

**Athens County Common Pleas Court - Local Rules of Court** - Counsel and litigants representing themselves are expected to be compliant with these rules.

Rev. 10/29/2019 JGPM



## Document Center

The Document Center provides easy access to public documents. Click on one of the categories below to see related documents or use the search function.

Search for file type:

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All



**SEARCH**

Please click on one of the categories below to see uploaded documents.

**Local Rules of Court** *2 documents*

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**Athens Common Pleas Court Veterans Court Information**

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