AMENDMENTS TO THE

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

 **On May 21, 2013, the Supreme Court of Ohio adopted the following amendments** to the Rules of Superintendence for the Courts of Ohio (Sup.R. 49, 49.02, 49.03, and 49.09), effective July 1, 2013.

**RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

**RULE 49. Definitions.**

As used in Sup.R. 49 through 49.12:

(A) Business entity

“Business entity” means a for profit or nonprofit corporation, partnership, limited liability company, limited liability partnership, professional association, business trust, joint venture, unincorporated association, or sole proprietorship.

**(B)** **Retired judge**

“Retired judge” has the same meaning as in Sup.R. 17(A)(1).

**RULE 49.02. Designation or Assignment of Commercial Docket Judges.**

**(A) Designation or assignment by Chief Justice**

Each court of common pleas that has established a commercial docket pursuant to Sup.R. 49.01 shall select either of the following methods for designating or assigning judges to hear cases assigned to the docket:

(1) Request the Chief Justice of the Supreme Court to designate two or more sitting judges of the general division of the court. The Chief Justice shall not designate a judge unless the judge agrees to participate.

(2) Request the Chief Justice to assign one or more retired judges to active duty to the court pursuant to Article IV, Section 6(C) of the Ohio Constitution.

**(B) Title**

The judges designated or assigned by the Chief Justice shall be styled “commercial docket judges.”

**(C) Candidate recommendations**

A subcommittee of the Advisory Committee on Case Management shall recommend to the Chief Justice candidates for designation or assignment as commercial docket judges and the number of commercial docket judges for each court.

**RULE 49.03. Termination of Commercial Docket.**

**(A) Sitting judges serving as commercial docket judge**

If a vacancy in the position of a commercial docket judge occurs in a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and 49.02(A)(1), resulting in the court having only one commercial docket judge, and no other judge of the court volunteers to serve and is appointed by the Chief Justice to the commercial docket pursuant to Sup.R. 49.02(A)(1), the court shall terminate the commercial docket as follows:

(1) The court shall cease assigning cases to the commercial docket;

(2) Commercial docket cases assigned to the remaining commercial docket judge shall remain with the judge until final disposition;

(3) Following final disposition of all commercial docket cases assigned to the remaining commercial docket judge, the commercial docket shall cease to exist.

**(B) Retired judge serving as commercial docket judge**

If a vacancy in the position of a commercial docket judge occurs in a court of common pleas that has established a commercial docket with a retired judge serving as the commercial docket judge pursuant to Sup.R. 49.01 and 49.02(A)(2), resulting in the court having no commercial docket judge, and no other retired judge volunteers to serve and is appointed by the Chief Justice to the commercial docket pursuant to Sup.R. 49.02(A)(2), the court shall terminate the commercial docket and all remaining commercial docket cases shall be randomly assigned to a judge of the court in accordance with the individual assignment system adopted by the court pursuant to Sup.R. 36(B)(2).

**RULE 49.09. Commercial Docket Judge Workload.**

**(A) Adjustment of other case assignments**

To promote a fair and equal distribution of cases, in a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and 49.02(A)(1), for each commercial docket case assigned to a commercial docket judge pursuant to Sup.R. 49.07, a similar non-commercial docket civil case shall be assigned by lot from the docket of the commercial docket judge to a non-commercial docket judge of the court.

**(B) Adoption of local rule reducing workload**

Notwithstanding the case assignment requirements of Sup.R. 36(B)(2), a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and Sup.R. 49.02(A)(1) shall adopt a local rule of court reducing the number of cases assigned to each commercial docket judge through one or more of the following measures:

(1) Each commercial docket judge receiving no fourth or fifth degree felony cases;

(2) A fifty percent reduction in the number of criminal cases assigned to each commercial docket judge;

(3) A meaningful reduction in the non-commercial docket civil cases assigned to each commercial docket judge.

**RULE 99. Effective Date.**

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 (EEE) The amendments to Sup.R. 49, 49.02, 49.03, and 49.09 adopted by the Supreme Court of Ohio on May 21, 2013, shall take effect on July 1, 2013.