

**AMENDMENTS TO THE SUPREME COURT  
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (Sup.R. 36 and 49.02 through 49.04) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

June 20, 2016	Initial publication for comment
February 28, 2017	Final adoption by conference
March 1, 2017	Effective date of amendments

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

**RULE 36. Designation of Trial Attorney; Assignment System.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

**(B)(1) Individual assignment system.** As used in these rules, “individual assignment system” means the system in which, upon the filing in or transfer to a court or a division of the court, a case immediately is assigned by lot to a judge of the court or division, as applicable, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. All preliminary matters, including requests for continuances, shall be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge. The individual assignment system ensures all of the following:

- (a) Judicial accountability for the processing of individual cases;
- (b) Timely processing of cases through prompt judicial control over cases and the pace of litigation;
- (c) Random assignment of cases to judges of the court or division, as applicable, through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of that court or division.

(2) Each multi-judge general, domestic relations, and juvenile division of a court of common pleas; multi-judge municipal court; and multi-judge county court shall adopt the individual assignment system for the assignment of all cases to judges of the court or division, as applicable. As provided in division (C) of this rule, modifications to the individual assignment system may be adopted to provide for the redistribution of cases involving the same criminal defendant, parties, family members, or subject-matter. Any modifications shall satisfy divisions (B)(1)(a) through (c) of this rule and be adopted by local rule of court.

**(C) Assignment system.** Except as provided in division (C)(4) of this rule, in each multi-judge court or division, cases may be assigned to an individual judge or to a particular

session of court pursuant to the following system:

**[Existing language unaffected by the amendments is omitted to conserve space]**

**(4) Assignment of commercial docket eligible cases.** A case eligible for assignment into a commercial docket of a court of common pleas pursuant to Sup.R. 49.05 shall be assigned as follows:

- (a) If the court has established a commercial docket pursuant to Sup.R. 49.01, the case shall be assigned to the commercial docket pursuant to Sup.R. 49.07;
- (b) If the court has not established a commercial docket pursuant to Sup.R. 49.01, the case shall be assigned by lot to a judge of the court or division pursuant to the individual assignment system.

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

**(A) Designation or assignment**

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 commercial docket judges:

- (1) By majority vote of the judges of the general division of the court, designate two or more sitting judges of the division. A judge shall not be designated a commercial docket judge unless the judge agrees to participate and meets either of the following qualifications:
  - (a) Within the previous six years, the judge has served on the general division of the court for at least three consecutive years;
  - (b) The judge has at least seven years of substantial practice as a commercial or business-related litigator.
- (2) Request the Chief Justice to assign one or more retired judges to active duty on the court pursuant to Article IV, Section 6(C) of the Ohio Constitution.

**(B) Candidate considerations**

When designating or assigning a commercial docket judge pursuant to division (A) of this rule, the judges of the general division of the court or the Chief Justice, as applicable, should consider each of the following:

- (1) The candidate's length of judicial experience;

- (2) Any commercial or business-related education or experience the candidate may possess;
- (3) Any commercial or business-related litigation experience the candidate may possess, including any specific commercial or business-related litigation in which the candidate participated as an attorney or over which the candidate presided as a judge;
- (4) The candidate's case management expertise and experience, including case management of complex litigation;
- (5) For a sitting judge, the candidate's current caseload, including the number of pending cases the candidate may have that are beyond the time limits for disposition pursuant to Sup.R. 39;
- (6) Whether the candidate has demonstrated a continuous commitment to the commercial docket concept;
- (7) For a sitting judge, whether the candidate demonstrates a willingness to assume any additional duties and responsibilities required by the commercial docket;
- (8) Whether the candidate demonstrates a willingness to participate in commercial and business law-related training and education;
- (9) The candidate's judicial temperament;
- (10) The input and opinion of the regional or local bar associations;
- (11) Any other relevant factors or qualifications.

**(C) Term length**

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 division (A)(1) of this rule shall adopt a local rule establishing a length of term of no less than three years for the judges.

**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 designated as a commercial docket judge 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.

**[Existing language unaffected by the amendments is omitted to conserve space]**

**RULE 49.04. Commercial Docket Judge Education.**

**(A) Initial orientation and education program**

Within the period of time commencing two years prior to appointment to the commercial docket and ending one year following the appointment, each commercial docket judge shall complete an orientation and education program on business law and the administration of commercial dockets to be offered or approved by the Supreme Court of Ohio Judicial College or the National Judicial College.

**(B) Biennial education**

As part of the forty hours of continuing legal education instruction required by Gov.Jud.R. IV, Section 2(A), each commercial docket judge shall complete at least twelve hours of commercial docket education offered or approved by the Supreme Court of Ohio Judicial College or the National Judicial College.

**(C) Non-commercial docket judges**

Non-commercial docket judges shall be encouraged to attend commercial docket education opportunities offered pursuant to divisions (A) and (B) of this rule. A non-commercial docket judge who complies with the requirements of divisions (A) and (B) of this rule shall be eligible for assignment by the Chief Justice pursuant to Article IV, Section 5(A)(3) of the Ohio Constitution to hear cases assigned to the commercial docket.

**RULE 99. Effective Date.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

(AAAA) The amendments to Sup.R. 36 and 49.02 through 49.04, adopted by the Supreme Court of Ohio on February 28, 2017, shall take effect on March 1, 2017.