**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE**

**FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until March 19, 2014, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: John VanNorman, Senior Policy and Research Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or john.vannorman@sc.ohio.gov not later than March 19, 2014. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1.        Existing language appears in regular type.  Example: text

2.     Existing language to be deleted appears in strikethrough.  Example: ~~text~~

3.      New language to be added appears in underline.  Example: text

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

**RULE 14. ~~Administration of Courts During Civil Disorder~~ Declaration of Judicial Emergency.**

**(A)** **Issuance of order**

In the event of a natural or man-made disaster, civil disorder, or any extraordinary circumstance that interrupts or threatens to interrupt the orderly operation of a court or a division of a court, the Chief Justice of the Supreme Court may issue an order declaring a judicial emergency for the affected court or division. The order shall include each of the following:

(1) The name of the affected court or division;

(2) A description of the circumstances necessitating the declaration of the judicial emergency;

(3) The duration of the judicial emergency. The duration of the judicial emergency shall be limited to an initial period of not more than thirty days, provided at the end of the thirty-day period the Chief Justice may issue additional orders extending the duration of the judicial emergency for additional periods of time as determined by the Chief Justice in consultation with the administrative judge of the affected court or division of the court. The Chief Justice may withdraw, cancel, or rescind an order at any time after its issuance.

(4) Any other information relevant to the declaration of the judicial emergency.

**(B)** **Filing of order**

The Chief Justice shall file an order declaring or extending a judicial emergency with the clerk of the Supreme Court. If possible given the circumstances of the judicial emergency, the Chief Justice shall file a copy of the order with the clerk of the affected court or division.

**(C) Authority**

The authority of the Chief Justice to declare a judicial emergency pursuant to this rule shall be independent of the authority of the administrative judge of a court or division of a court to issue an order authorizing the court or division to operate at a temporary location pursuant to R.C. 1901.0211(A), 1907.0111(A), 2301.011(A), or 2501.04(A).

**RULE 14.01. Authority of Chief Justice During Judicial Emergency.**

During a judicial emergency declared pursuant to Sup.R. 14, the Chief Justice ~~or the acting Chief Justice shall have authority to suspend~~ of the Supreme Court may do any of the following:

(A) Suspend or modify the operation of any local ~~court~~ rule~~, promulgate~~ of the affected court or division;

(B) Adopt temporary local rules ~~of~~ for the affected court~~, and do~~ or division;

(C) Suspend or modify the operation of any rule or requirement of the Supreme Court for the affected court or division;

(D) Adopt temporary rules of the Supreme Court for the affected court or division;

(E) Authorize the use of any audiovisual devices for actions and proceedings of the affected court or division;

(F) Assign and transfer any sitting or retired judge to emergency judicial duty at the affected court or division;

(G) Do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the judicial emergency. ~~In case of the absence or disability of the Chief Justice, the justice, who is not absent or disabled, having the period of longest total service upon the Court shall be the acting Chief Justice within the meaning of this rule.~~

**~~(B)~~ ~~Assignment of judges~~**

~~The Chief Justice or acting Chief Justice may assign and transfer to emergency judicial duties judges of any court of record in the state, including retired judges within the meaning of Article IV, Section 6(C) of the Ohio Constitution.~~

**~~(C)~~**

**RULE 14.02. Consultation ~~among~~ with Affected Court or Division and Notification of Justices During Judicial Emergency.**

~~The~~ During a judicial emergency declared pursuant to Sup.R. 14, the Chief Justice ~~or the acting Chief Justice~~ of the Supreme Court, whenever possible under the circumstances, shall ~~consult~~ do both of the following:

(A) Consult with ~~and report~~ the administrative judge and court administrator of the affected court or division prior to taking any actions in accordance with Sup.R. 14.01;

(B) Report to the ~~other justices~~ Justices of the Supreme Court any actions ~~contemplated or~~ taken in accordance with ~~this rule~~ Sup.R. 14.01.

**~~(D)~~ ~~Assigned judges; remuneration~~**

~~Statutes and rules governing payment and reimbursement of expenses of assigned judges in effect at the time of a judicial emergency shall apply to judges assigned under this rule.~~

**~~Commentary (July 1, 1997)~~**

~~Rule 14 is analogous to former C.P. Sup. R. 14 and M.C. Sup. R. 14.~~

~~The rule gives the Chief Justice or acting Chief Justice the power to suspend local court rules and promulgate temporary court rules that are necessary to facilitate the administration of justice for the duration of any judicial emergency caused by disaster or civil disturbance. During the emergency, the temporary rules govern the operation of the courts.~~