Ohio Legislative Service Commission

Bill Analysis   David M. Gold

H.B. 216
129th General Assembly
(As Introduced)

Rep.   Patmon

BILL SUMMARY

- Requires every multi-judge municipal or county court and every multi-judge general, domestic relations, or juvenile division of a court of common pleas to randomly assign cases to judges of the court or division.

- Allows for exceptions to the random assignment of cases for certain types of proceedings disposed of in particular sessions of a multi-judge court or division.

- Requires an equitable reassignment of pending cases on a random basis when a new judicial position is created for a multi-judge court or division.

CONTENT AND OPERATION

Random assignment of cases

The bill requires that, as a general rule, cases in a multi-judge municipal or county court or a multi-judge general, domestic relations, or juvenile division of a court of common pleas be randomly assigned to judges of the court or division through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of the court or division. Civil cases are assigned when an answer is filed or when a motion, other than one for default judgment, is filed. Criminal cases are assigned when a plea of not guilty is entered. The bill permits a court or division, by local rule, to modify the random assignment system to provide for the redistribution of cases involving the same criminal defendant, parties, family members, or subject matter.[1]

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[1] R.C. 2301.04(B) and (E).

If a previously filed and dismissed case is refiled, the case must be reassigned to the judge originally assigned by lot to hear it unless, for good cause shown, that judge is precluded from hearing the case.[2]

Exceptions to random assignment of cases

As an exception to the general rule of random assignment, the bill requires the court or division to dispose of certain types of cases in particular sessions of court. A particular session is one in which cases are assigned according to subject category.[3] The categories are:[4]

(1) Civil cases in which a motion for default judgment is made;

(2) Criminal cases in which a plea of guilty or no contest is entered;

(3) Initial appearance in criminal cases;

(4) Preliminary hearings in criminal cases;

(5) Criminal cases in which an immediate trial is conducted upon initial appearance;

(6) Small claims cases;

(7) Forcible entry and detainer cases in which the right to trial by jury is waived or not demanded;

(8) Cases in which a party has applied or been accepted into a specialized court or docket.

The bill requires that the administrative judge of the court or division equally apportion particular session assignments among all judges. The bill prohibits the assignment of a judge to a particular session for more than two consecutive weeks. To guarantee a fair and equal distribution of cases, the bill authorizes a judge who is assigned a case by subject matter to request the administrative judge to reassign a similar case by lot to another judge in that court or division.[5]

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[2] R.C. 2301.04(G).

[3] R.C. 2301.04(A).

[4] R.C. 2301.04(C).

[5] R.C. 2301.04(D) and (F).

Reassignment of pending cases when a new judicial position is created

If the court or division has a new judicial position, the bill requires the administrative judge of the court or division, after the date of election of a judge to the new position but before the judge's term begins, to equitably reassign pending cases between or among the judges of the court or division through a random selection. Reassignment may exclude criminal cases and cases scheduled for trial. Any matters arising in cases assigned to the docket for the new judicial position prior to the date on which the judge takes office must be resolved by the administrative judge or assigned to another judge.

HISTORY

ACTION	DATE
Introduced	05-03-11