

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 5 - PRESIDING, ADMINISTRATIVE AND DUTY JUDGES

5.01 The judges of all three divisions of this Court shall in joint session elect one of their number Presiding Judge and one of their number as secretary, each to serve one year commencing with the January term of each year, but at the pleasure of the Judges. If the position of Presiding Judge or secretary shall become vacant for any reason whatsoever, the vacancy shall be filled by election in joint session for the unexpired portion of the year.

5.02 No Judge shall serve more than two consecutive terms of one year as Presiding Judge but this provision shall not limit the number of non-consecutive terms to which a judge may be elected.

5.03 The Presiding Judge shall preside at all joint meetings of the three divisions of this Court, and shall appoint such standing committees as deemed necessary or as may be agreed upon by the judges of all three divisions in joint meeting. The Presiding Judge shall also perform such duties as may be provided by rule of this Court or as may be prescribed by rule of the Supreme Court pursuant to Section 4, Article IV, Ohio Constitution.

5.04 (10-20-98) At the first regular judges' meeting in November, the judges of the general division shall elect one of their number Administrative Judge who will serve one year commencing with the first day of January of each year, but at the pleasure of the judges. If the position of Administrative Judge becomes vacant for any reason whatsoever, the vacancy shall be filled by election by the general division for the unexpired portion of the year.

(6-29-98)The Administrative Judge shall preside at all meetings of the general division of the Court, and shall appoint such standing committees as the administrative judge deems necessary or as may be agreed upon by the Judges of the general division. By agreement of the judges of the general division, the administrative judge may designate special process servers. Such designation shall comply with the provision of CIV. R. 4.1 and CIV. R. 4.3 of the OHIO rules of civil procedure and shall be for a period not to exceed one (1) year. The Administrative Judge shall also perform such duties as may be prescribed by rule of the Supreme Court pursuant to Section 4, Article IV, Ohio Constitution.

5.06 The Duty Judge shall perform the following functions:

- A. The Administrative Judge's functions when the Administrative Judge is absent and the matter cannot await the Administrative Judge's return.
- B. Ministerial matters of a Trial Judge when the Trial Judge is absent and will not be returning for three Court days. "Ministerial matters" shall not include:
 - 1. default judgments;
 - 2. dismissal entries not agreed to by all parties;
 - 3. continuances, not previously approved by the Trial Judge;
 - 4. appointment of counsel;
 - 5. entries reflecting a ruling of the Trial Judge which has not been approved by all parties (including all ex-parte orders).
- C. Emergency matters for a Trial Judge who is unavailable.
- D. Matters involving cases which are not assigned.
- E. Matters dealing with non-sworn jurors.
- F. Arraignments.

5.07 (4-27-98) The responsibilities of the duty judge shall be from 9:00 a.m. on Monday to 9:00 a.m. the following Monday. Regular office hours for the duty judge are 9:00 a.m. to 12:00 noon and 1:30 p.m. to 4:00 p.m. Monday through Friday. The duty judge shall be available for emergency situations from 4:00 p.m. on Friday until 9:00 a.m. on Monday.

5.08 (5-23-02) Proxy Votes Whether in electing the presiding or Administrative Judges or in considering the ordinary course of court business, only the judges present at the meeting wherein the aforementioned matters are considered may vote on such matters. Neither oral nor written proxies shall be given or counted.