

**SUPREME COURT RULES FOR THE  
GOVERNMENT OF THE JUDICIARY OF OHIO**

**Rule**

- I     [Professional responsibility and judicial ethics](#)
- II    [Disciplinary procedure](#)
- III   [Retirement, removal, or suspension of judges](#)
- IV   [Mandatory continuing legal education for the judiciary](#)
- V     [Judicial College](#)
- VI   [Reference of civil action pursuant to section 2701.10 of the Revised Code](#)
- XX   [Title](#)

## **RULE I. Professional Responsibility and Judicial Ethics.**

### **Section 1. Applicability.**

The Ohio Rules of Professional Conduct, effective February 1, 2007, as amended, shall be binding upon all persons admitted to practice law in Ohio. The willful breach of the Rules by a Justice, judge, or candidate for judicial office shall be punished by reprimand, suspension, disbarment, or probation as provided in Gov. Jud. R. II and Gov. Bar R. V. The Code of Judicial Conduct, as adopted by the Supreme Court, effective December 20, 1973, and set forth in 36 Ohio State 2d Reports, as amended, shall be binding upon all judicial officers of this state and candidates for judicial office. The willful breach of the Code shall be punished by reprimand, suspension, disbarment, or probation as provided in Gov. Jud. R. II and Gov. Bar R. V, or by retirement, removal, or suspension from office, as provided in Gov. Jud. R. III.

### **Section 2. Duty of Lawyers.**

It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Justices and judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of lawyers against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit a grievance to the proper authorities. These charges should be encouraged and the person making them should be protected.

[Effective: July 1, 1983; amended effective October 1, 1986; January 1, 1988; January 1, 1993, February 1, 2007.]

## **RULE II. Disciplinary Procedure.**

### **Section 1. Board of Commissioners on Grievances and Discipline of the Supreme Court.**

There is created under Rule V of the Supreme Court Rules for the Government of the Bar of Ohio a Board of Commissioners on Grievances and Discipline of the Supreme Court. The Board shall receive evidence, preserve the record, make findings, and submit recommendations to the Supreme Court as follows:

(A) Concerning complaints of misconduct that are alleged to have been committed by a Justice, judge, or candidate for judicial office;

(B) Concerning allegations that a Justice or judge is unable to discharge the duties of judicial office by virtue of a mental or physical disability;

(C) Upon reference by the Supreme Court of conduct by a Justice, judge, or candidate for judicial office affecting any proceeding under these rules or the Supreme Court Rules for the Government of the Bar of Ohio, where the acts allegedly constitute a contempt of the Supreme Court or a breach of these rules but did not take place in the presence of the Supreme Court or a member of the Supreme Court, whether by willful disobedience of any order or judgment of the Supreme Court or an order or subpoena issued by the Board of Commissioners, by interference with any officer of the Supreme Court in the prosecution of any duty, or otherwise. Nothing in this section shall be construed as limiting or affecting the plenary power of the Supreme Court to impose punishment with reference either to contempts or breaches of these rules committed in its presence or the plenary power of any other court with reference to contempts committed in its presence.

### **Section 2. Authority and Duty of Disciplinary Counsel and Certified Grievance Committees.**

(A) Complaints and grievances alleging misconduct of a judge or candidate for judicial office, or alleging that a judge is unable to discharge the duties of judicial office by virtue of a mental or physical disability, shall be filed with Disciplinary Counsel or with a Grievance Committee certified pursuant to Gov. Bar R. V. Disciplinary Counsel and Certified Grievance Committees shall have authority to investigate complaints, file formal complaints with the Board, and prosecute formal complaints filed with the Board.

(B)(1) All complaints and grievances alleging misconduct of the Chief Justice or a Justice of the Supreme Court, or alleging that the Chief Justice or a Justice of the Supreme Court is unable to discharge the duties of judicial office by virtue of a mental or physical disability, shall be filed with Disciplinary Counsel. Disciplinary Counsel promptly shall forward any complaints or grievances to the Chief Justice of the Courts of Appeals elected pursuant to section 2501.03 of the Revised Code.

(2) The Chief Justice of the Courts of Appeals promptly shall forward a copy of the complaint or grievance to the Chief Justice or Justice of the Supreme Court for response within fourteen days. Upon receipt of the response, or if no response is made, the Chief Justice of the Courts of Appeals shall appoint a panel of three presiding judges of the Courts of Appeals to review the complaint or grievance and response.

(3)(a) The panel shall promptly review the complaint or grievance and response to determine if there is sufficient cause to warrant further investigation or if the matter should be dismissed. If the panel determines that sufficient cause for further investigation exists, it shall inform the Chief Justice of the Courts of Appeals who shall appoint a special investigator to conduct further investigation as may be appropriate. The special investigator shall be an attorney admitted to practice in Ohio and shall not be an employee or appointee of the Supreme Court or have any interest in a pending case before the Supreme Court while serving as the special investigator. The special investigator shall have the power to issue subpoenas and to cause testimony to be taken under oath. Upon completion of the investigation, the special investigator either shall report to the Chief Justice of the Courts of Appeals that the matter should be dismissed or prepare and file a formal complaint with the Chief Justice of the Courts of Appeals in the name of the special investigator as relator. The Chief Justice of the Courts of Appeals shall convene the panel described in Section 4 of this rule that shall hear and decide the complaint.

(b) The special investigator shall be paid expenses and reasonable compensation, upon approval by the Chief Justice of the Courts of Appeals, from the Attorney Registration Fund. The Chief Justice of the Courts of Appeals may authorize a special investigator to employ counsel or support staff as may be necessary to assist in the proceedings and any subsequent appeals, and may authorize payment of fees, compensation, and expenses from the Fund.

(c) Unless the justice against whom the grievance has been filed agrees otherwise, the matter shall remain private unless and until a formal complaint is filed in the name of the special investigator as relator.

### **Section 3. Application of Rule.**

Except as provided in Sections 2(B) and 4 of this rule, complaints and grievances involving alleged misconduct by Justices, judges, and candidates for judicial office; all proceedings for the discipline of Justices, judges, and candidates for judicial office; and all proceedings with regard to the alleged inability of a Justice or judge to discharge the duties of judicial office by virtue of a mental or physical disability shall be brought, conducted, and disposed of in accordance with the provisions of this rule and Gov. Bar R. V.

### **Section 4. Disqualification of Supreme Court.**

Notwithstanding any of the provisions of Gov. Bar R. V and Gov. Jud. R. II and III, if the person who is the complainant or the respondent in the disciplinary, disability, retirement, removal, or suspension proceeding is a Justice or the Chief Justice of the Supreme Court of Ohio, all members of the Supreme Court shall be disqualified to hear or determine any matter in

the proceeding, and the Supreme Court shall be composed of a panel consisting of thirteen members, the Chief Justice of the Courts of Appeals elected pursuant to section 2501.03 of the Revised Code and the presiding judge of each of the appellate districts of Ohio. If any presiding judge is disqualified, unable to serve on the panel, or required to preside in place of the Chief Justice of the Courts of Appeals under this section, the most senior Courts of Appeals judge, other than the presiding judge, in that district shall serve in place of that judge. The Chief Justice of the Courts of Appeals shall serve as Chief Justice of the Supreme Court for the purpose of the proceedings. If the Chief Justice of the Courts of Appeals is disqualified or otherwise unable to serve, the presiding judge most senior in length of service as a judge of the Courts of Appeals who is appointed to the panel under this section shall preside for purposes of the proceedings. If two or more presiding judges are equally senior, selection of the judge to preside shall be by majority vote of the panel.

### **Section 5. Campaign Conduct; Enforcement and Sanctions.**

(A) As used in this section:

(1) “Judicial candidate” has the same meaning as in Canon 7 of the Code of Judicial Conduct.

(2) “Complaint” and “probable cause” have the same meanings as in Gov. Bar R. V;

(3) “Disciplinary sanction” means any of the sanctions set forth in Gov. Bar R. V, Section 6(A), removal, or suspension from office.

(4) “Costs” means the expenses incurred by the Board of Commissioners on Grievances and Discipline, the Supreme Court, and any appellate judge or panel of appellate judges in conducting the expedited proceedings under this section, including but not limited to the expenses of the three-member panel and the commission of five judges, and the expenses of the respondent incurred in defending a frivolous grievance or a grievance filed solely for the purpose of obtaining an advantage for a judicial candidate, including reasonable and necessary attorneys fees.

(B) A grievance that alleges a violation by a judicial candidate of Canon 7 of the Code of Judicial Conduct during the course of a campaign for judicial office shall be brought, conducted, and disposed of in accordance with this rule and Gov. Bar R. V, as modified by this section. All other grievances shall be brought, conducted, and disposed of in accordance with this rule and Gov. Bar R. V.

(C)(1)(a) A grievance that alleges a violation by a judicial candidate of Canon 7 of the Code of Judicial Conduct during the course of a campaign for judicial office shall be filed with the secretary of the Board of Commissioners on Grievances and Discipline. Within two days of receiving the grievance, the secretary shall conduct a preliminary review. If the secretary is unable to conduct the preliminary review because of a conflict of interest, he or she immediately shall forward the grievance to the chair of the Board who shall conduct the preliminary review. If the chair has a conflict of interest or is unavailable, the secretary immediately shall forward

the grievance to the vice-chair of the Board who shall conduct the preliminary review. If, after reviewing the grievance, the secretary, chair, or vice-chair determines that the grievance is facially valid, that the Board has jurisdiction over the matters raised in the grievance, and that the grievance should be considered on an expedited basis, the secretary immediately shall appoint three members of the Board to determine whether there is probable cause that a violation of Canon 7 has occurred. No member of the probable cause panel shall be a resident of the judicial district from which the grievance arose. The probable cause panel shall determine probable cause within five days after the grievance was filed and may conduct a hearing to facilitate the determination of probable cause. If the probable cause panel finds probable cause that a violation of Canon 7 has occurred, the panel shall notify the secretary who shall prepare a formal complaint based on instructions from the probable cause panel.

(b) Within three days of the probable cause determination, the chair shall appoint three members of the Board to conduct a formal hearing on the complaint. One member of the hearing panel shall be a nonattorney member of the Board, and no member of the hearing panel shall be a resident of the judicial district in which the complaint arose. The secretary shall forward a copy of the complaint to each member of the hearing panel, the complainant, and the respondent.

(c) The chair or secretary may designate former members of the Board to serve on probable cause and hearing panels appointed pursuant to division (C)(1) of this section.

(2) If a judicial candidate files a grievance alleging a violation by his or her opponent of Canon 7 of the Code of Judicial Conduct and the judicial candidate and his or her opponent have signed an agreement with a voluntarily organized judicial election monitoring committee that provides for expedited consideration of alleged violations of Canon 7 of the Code of Judicial Conduct, the secretary may refer the grievance to the monitoring committee for consideration. The secretary shall not refer the grievance to the monitoring committee if the judicial candidate has exhausted the remedies provided for under the agreement.

(3) The secretary, chair, or vice-chair may refer a grievance to the Disciplinary Counsel under any of the following circumstances:

(a) The probable cause panel fails to find probable cause that a violation of Canon 7 has occurred;

(b) Secretary, chair, or vice-chair determines that it is unnecessary to handle the grievance on an expedited basis;

(c) The complainant withdraws the grievance or fails to prosecute the complaint before the Board hearing panel, five-judge commission, or Supreme Court.

(D) Within five days of its appointment, the hearing panel shall conduct a formal hearing limited to the allegations contained in the complaint. The complainant and respondent shall be notified of the hearing. Within five days after conclusion of the hearing, the hearing panel shall issue a report of its findings and recommendations. If the hearing panel determines

by clear and convincing evidence that a violation of Canon 7 has occurred, the hearing panel's report and the record of the proceeding shall be certified to the Supreme Court, together with a recommendation as to whether the complaint should be considered on an expedited basis and whether the five-judge commission appointed pursuant to division (E) of this section should issue a cease and desist order pursuant to division (E)(2) of this section. If the hearing panel determines by clear and convincing evidence that a violation of Canon 7 has occurred, the hearing panel shall determine whether the respondent previously has been found to have violated Canon 7 and include the determination in its report.

(E)(1) Within five days of receiving the report, the Supreme Court shall appoint a commission of five judges as provided in section 2701.11 of the Revised Code and Gov. Jud. R. III. The commission shall expedite its consideration of the report and may make its determination from the report of the hearing panel, permit or require the filing of briefs, conduct a hearing, or order the hearing panel to take additional evidence. If the commission determines by clear and convincing evidence that a violation of Canon 7 has occurred, the commission may enter an order that includes one or more of the following:

- (a) A disciplinary sanction against the respondent;
- (b) An order enforceable by contempt of court that the respondent cease and desist from engaging in the conduct that was found to be in violation of Canon 7;
- (c) A fine imposed against the respondent;
- (d) An assessment against the respondent of the costs of the proceeding;
- (e) An assessment against the respondent of the reasonable and necessary attorneys fees incurred by the complainant in prosecuting the grievance.

(2) Upon recommendation of the hearing panel, motion of the complainant or *sua sponte*, the commission may enter an interim cease and desist order as it finds reasonable and necessary prior to making the determination required by division (E)(1) of this section. The interim order shall be based on the commission's preliminary review of the report and recommendation of the hearing panel and the record made before the commission.

(3) The respondent may appeal a sanction issued by the commission to the Supreme Court. Notice of appeal shall be given by the respondent to the secretary of the commission and the Supreme Court within twenty days after the respondent's receipt by certified mail of the commission's order. After receipt of the notice of appeal, the Court may issue a briefing order and other appropriate orders.

(F) A grievance shall remain private until the probable cause panel has made a determination of probable cause. After a determination of probable cause has been made, the grievance, the formal complaint, the report of the hearing panel, the order of the commission of five judges, the record of the proceedings, and all hearings shall be public.

(G) If the hearing panel or commission determines that the grievance was frivolous or filed solely for the purpose of obtaining an advantage for a judicial candidate, the hearing panel or commission, in addition to any other order considered proper, may assess the costs of the proceeding against the complainant.

(H) A grievance or complaint filed under this section naming a judicial candidate for the Supreme Court as respondent shall be considered and disposed of in accordance with this section except as otherwise set forth in this division.

(1) The Chief Justice of the Courts of Appeals shall perform all duties assigned under this section to the secretary, chair, or vice-chair of the Board, including the appointment of appellate judges to serve on any panel, commission, or court required by this section. The Chief Justice of the Courts of Appeals shall receive all documents in a pending matter. The Chief Justice of the Courts of Appeals who initially is responsible for performing duties pursuant to this division shall continue to serve in that capacity until all proceedings in the matter are terminated, except in the case of death, resignation, or retirement of that Chief Justice. The Chief Justice of the Courts of Appeals shall not serve as a member of a panel, commission, or court appointed by that Chief Justice.

(2) The probable cause panel shall consist of three appellate judges charged with making the probable cause determination, the hearing panel shall be the panel appointed pursuant to Gov. Jud. R. II, Section 2(B)(2), the five-judge commission shall consist of five appellate judges appointed pursuant to section 2701.11 of the Revised Code and Gov. Jud. R. III, and the Supreme Court shall consist of the persons specified in Gov. Jud. R. II, Section 4. No appellate judge shall be appointed to or serve on more than one panel, commission, or court in a pending matter.

(3) The Chief Justice of the Courts of Appeals or the chair of the probable cause panel shall immediately notify the judicial candidate of the filing of a grievance and provide a copy of the grievance to the judicial candidate. The chair of any panel or commission appointed pursuant to this section shall provide a copy of any decision in the matter to the Chief Justice of the Courts of Appeal, who shall serve a copy of the decision on the parties.

(4) In any matter in which probable cause is found to exist, the Chief Justice of the Courts of Appeals shall transmit the record, exhibits, and other papers at the conclusion of the matter to the Secretary of the Board of Commissioners on Grievances and Discipline. Upon receipt, the Secretary shall be responsible for maintaining the record, exhibits, and other papers.

(5) If the complainant withdraws a grievance or fails to prosecute a complaint before the probable cause panel, hearing panel, five-judge commission, or Supreme Court, the Chief Justice of the Courts of Appeals shall transmit the grievance or complaint to Chief Justice-elect of the Courts of Appeal or successor Chief Justice, provided that judge has not previously participated in the matter. The appellate judge to whom the grievance or complaint is transmitted may refer the matter for further proceedings conducted in accordance with Gov. Jud. R. II, Sections 2(B)(2), 2(B)(3), and 4.

(I) In recommending, imposing, or reviewing a sanction for a violation of Canon 7, the hearing panel, commission, and Supreme Court shall consider any prior violations by the respondent and may increase the severity of the sanction recommended or imposed for the violation pending before the hearing panel, commission, or Supreme Court.

(J) Any sanction imposed by the commission or Supreme Court shall be published by the Supreme Court Reporter in the manner prescribed in Rule V, Section 8(D)(2) of the Supreme Court Rules for the Government of the Bar of Ohio and noted in the public records maintained by the Supreme Court Attorney Registration Office.

(K) The Board may adopt regulations to facilitate and implement the expeditious consideration of grievances and complaints filed under this section. A probable cause or hearing panel may extend the time requirements contained in divisions (C)(1) or (D) of this section on its own motion, on agreement of the parties, or on motion of a party for good cause shown. In considering an extension of the time requirements contained in divisions (C)(1) or (D) of this section, the panel shall consider all of the following:

- (1) The immediacy of the alleged violation;
- (2) The complexity of the complaint;
- (3) When the parties received notice of the hearing;
- (4) Whether a weekend or legal holiday intervenes to shorten the applicable time period;
- (5) The parties' difficulty in obtaining documentation or witnesses, or both, to prove or defend an allegation.

[Effective: July 1, 1983; amended effective January 1, 1986; October 1, 1986; September 1, 1987; January 1, 1988; January 1, 1993; July 1, 1995; September 1, 1995; January 1, 1996; June 1, 1997; November 1, 1999; January 1, 2004.]

### **RULE III. Retirement, Removal, or Suspension of Judges.**

The following rule is adopted pursuant to sections 2701.11 and 2701.12 of the Revised Code.

#### **Section 1. Complaint.**

(A)(1) Six copies of the written and sworn complaint required by section 2701.11 of the Revised Code shall be filed with the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court when it is determined by Disciplinary Counsel or a Certified Grievance Committee after investigation pursuant to Gov. Jud. R. II that probable cause exists for the filing of a complaint. The Secretary shall transmit the complaint to the Chair of the Board. The complaint shall set forth specifically the grounds claimed to be cause for retirement, removal, or suspension of the Justice or judge from office and the time and place the acts or omissions occurred that are alleged to be cause for such retirement, removal, or suspension under section 2701.12 of the Revised Code. The filing of a complaint by Disciplinary Counsel or by the President, Secretary, or Chair of a Certified Grievance Committee shall constitute a representation that, after investigation, Disciplinary Counsel or a Certified Grievance Committee has determined that probable cause exists to warrant a hearing on the complaint. Complaints shall be filed in the name of Disciplinary Counsel or a Certified Grievance Committee as relator.

(2) At the time the written and sworn complaint is filed with the Secretary of the Board, the written and sworn complaint and all proceedings in connection with the complaint shall be public.

(B) In addition to the causes for removal or suspension of a Justice or judge, as provided in section 2701.12 of the Revised Code, a Justice or judge may be removed or suspended from office for any of the following:

- (1) The willful and persistent failure to perform judicial duties;
- (2) Habitual intemperance;
- (3) Engaging in conduct prejudicial to the administration of justice or that would bring the judicial office into disrepute;
- (4) Suspension from the practice of law for a period of six months to two years, probation, indefinite suspension from the practice of law, permanent disbarment, or resignation from the practice of law in Ohio.

(C) Cases involving the retirement, removal, or suspension of a Justice or Chief Justice of the Supreme Court shall be heard and decided by a panel as provided in Gov. Jud. R. II, Section 2(B).

## **Section 2. Action on the Complaint.**

(A)(1) Upon receipt of a written and sworn complaint, the Chair of the Board shall convene the Board and present the complaint. The Secretary of the Board shall send a copy of the complaint to the judge against whom the complaint is made. The Board shall then review the investigation made by Disciplinary Counsel or a Certified Grievance Committee. If, after review of the investigation, two-thirds of the members of the Board determine that there is substantial credible evidence in support of the complaint, the Secretary of the Board shall certify to the Supreme Court the result of the investigation.

(2) The report of the Board of Commissioners shall be sent by certified mail to the judge against whom the complaint is made at the same time it is sent to the Supreme Court.

(B)(1) If the report finds there is substantial credible evidence in support of the complaint, the Supreme Court shall appoint within a reasonable time after its receipt a commission of five judges, as provided in section 2701.11 of the Revised Code.

The chair of the commission appointed to determine the question of retirement, removal, or suspension of a judge shall be designated by the Supreme Court. After receipt of the notice of appointment and the receipt of the complaint, the chair promptly shall fix a day, time, and place for the hearing.

(2) If the commission determines by majority vote that grounds for retirement, removal, or suspension without pay have been established by clear and convincing evidence as alleged in the complaint or as provided in section 2701.12 of the Revised Code, the commission shall make the necessary and proper order. Notice of any order shall be sent by certified mail with return receipt to the judge against whom the finding has been made and to the Supreme Court.

(3) As used in this rule:

(a) "Mental disability" means the condition defined in division (A) of section 5122.01 of the Revised Code that presently prevents the proper discharge of the judge's duties.

(b) "Physical disability" means the impairment of the faculties of a Justice or judge that has prevented the proper discharge of judicial duties for more than six months. Failure to be present in court or to perform usual judicial functions for six months or more shall raise a presumption of physical disability.

(4) The commission shall make the determination of disability based upon the testimony adduced before it. Expert medical testimony may be received by the commission, and, with the consent of the respondent, it may name medical experts to examine the Respondent.

### **Section 3. Appeal.**

Any judge retired, removed, or suspended by the commission may appeal the action to the Supreme Court on the record made before the commission. Notice of the appeal shall be given by the judge to the commission and the Supreme Court within twenty days after the judge's receipt by certified mail of the findings made by the commission. After a notice of appeal is given, the time for filing a transcript of testimony, briefs, and the conduct of a hearing shall be as provided in Gov. Bar R. V.

### **Section 4. Reinstatement.**

A Justice or judge who has been suspended by reason of physical or mental disability may apply for reinstatement by filing a petition with the Board setting forth the facts supporting the alleged restoration of health. The petition shall be processed in the same manner as a complaint.

### **Section 5. Procedure.**

(A) The commission may take testimony in any manner prescribed by Ohio law. All rules of evidence shall be observed in the conduct of hearings before the commission. Respondent may be represented by counsel.

(B) The commission shall issue subpoenas for witnesses under the seal of the Supreme Court, signed by a member of the commission or the Secretary of the Board. The refusal or neglect of a person subpoenaed as a witness to obey a subpoena, to attend, to be sworn or to affirm, or to answer any proper question shall be considered contempt of the Supreme Court, and the person shall be punished accordingly.

(C) Costs and expenses incurred by the Board and the commission shall be paid from the Attorney Registration Fund. The Supreme Court may order that the fund be reimbursed by the respondent if the proceeding terminates in retirement, removal, or suspension without pay.

(D) This rule and regulations relating to investigations and proceedings involving complaints and petitions for reinstatement shall be liberally construed for the protection of the public and the courts and shall apply to all pending investigations and complaints so far as may be practicable, and to all future investigations, complaints, and petitions whether the conduct involved occurred prior or subsequent to the adoption of this rule.

### **Section 6. Disqualification or Suspension without Pay; Criminal Charge or Conviction.**

(A) A Justice or judge is disqualified from acting as a Justice or judge while there is pending an indictment or an information charging the Justice or judge with a crime punishable as a felony under state or federal law.

(B) A Justice or judge shall be suspended from judicial office without pay if the Justice or judge pleads guilty or no contest to or is found guilty of a crime punishable as a felony under state or federal law.

(C)(1) The judge presiding over a case that satisfies the circumstances described in division (B) of this section shall prepare a certified notice of a verdict of guilty, a judicial finding of guilt, or a guilty or no contest plea. The judge shall transmit the certified notice to the Secretary of the Board of Commissioners on Grievances and Discipline and to either the Disciplinary Counsel or the president, secretary, or chair of the geographically appropriate Certified Grievance Committee. Upon receipt from any source of the certified notice, the Secretary promptly shall submit the certified notice to the Supreme Court. The Secretary shall submit the certified notice regardless of the pendency of an appeal.

(2) Upon receipt of the certified notice, the Supreme Court shall enter an order immediately suspending the Justice or judge from judicial office without pay pending further proceedings pursuant to these rules. There shall be no appeal of a suspension from judicial office without pay imposed pursuant to this section.

(D) Suspension of a Justice or judge from judicial office without pay shall remain in effect until any of the following occurs:

(1) The conviction resulting from a plea of guilty or no contest, verdict of guilty, or judicial finding of guilt is reversed;

(2) A final decision on a complaint filed pursuant to Section 1 of this rule is issued by a five-judge commission appointed pursuant to Section 2 of this rule or by the Supreme Court;

(3) A disciplinary order is entered by the Supreme Court pursuant to Rule V of the Rules for the Government of the Bar of Ohio that suspends or disbars the Justice or judge from the practice of law;

(4) A final order is issued by a court removing the Justice or judge from judicial office.

#### **Section 7. Suspension without Pay; Disciplinary Sanction.**

(A) A disciplinary order entered by the Supreme Court pursuant to Rule V of the Rules for the Government of the Bar of Ohio that suspends a Justice or judge from the practice of law shall include a provision immediately suspending the Justice or judge from judicial office without pay for the term of the suspension, pending further proceedings pursuant to law. There shall be no appeal of a suspension from judicial office without pay imposed pursuant to this section.

(B) Suspension of a Justice or judge from judicial office without pay shall remain in effect until any of the following occurs:

- (1) The Justice or judge is reinstated to the practice of law;
- (2) A final decision on a complaint filed pursuant to Section 1 of this rule is issued by a five-judge commission appointed pursuant to Section 2 of this rule or by the Supreme Court;
- (3) A final order is issued by a court removing the Justice or judge from judicial office.

**Section 8. Definition.**

As used in this rule, “pay” means all salary payable and benefits available to the Justice or judge as a result of his or her service in judicial office.

[Effective: July 1, 1983; amended effective October 1, 1986; January 1, 1988; January 1, 1993; June 22, 1998.]

## **RULE IV. Mandatory Continuing Legal Education for the Judiciary**

### **Section 1. Purpose.**

(A) To serve the public interest that mandates the competent performance of the duties of judicial office in Ohio, each Ohio judge shall participate in continuing legal education programs in compliance with this rule and Rule X of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) As used in this rule, "judge" includes the Chief Justice and Justices of the Supreme Court.

### **Section 2. Judicial Continuing Legal Education Requirements.**

(A) Full-time judges, part-time judges, and retired judges eligible for assignment to active duty pursuant to Section 6(C), Article IV of the Ohio Constitution shall complete and report a minimum of forty hours of instruction every two years on subjects devoted to the law and judicial administration.

(B) As part of the required forty hours of instruction, full-time, part-time, and retired judges shall complete at least ten hours of instruction offered by the Supreme Court of Ohio Judicial College, including at least two hours on access to justice and fairness in the courts and how these issues impact the public's trust and confidence in the judicial system and the perception of justice in Ohio. Judges may receive instruction on access to justice and fairness in the courts on one or any combination of the following topics:

- (1) Self-represented litigants;
- (2) Pro bono representation;
- (3) Foreign language interpretation;
- (4) Race, ethnicity, and foreign origin;
- (5) Gender;
- (6) Disability;
- (7) Sexual orientation.

(C) As an additional part of the required forty hours of instruction, full-time, part-time, and retired judges shall complete at least two hours of instruction on judicial ethics and professionalism, which shall be broadly defined to cover material designed to instill in judges the importance of ethics and professionalism within the judiciary. Judges may receive instruction on judicial ethics and professionalism on one or any combination of the following topics:

- (1) Ohio Ethics Law;
- (2) Ohio Code of Judicial Conduct;
- (3) Judicial Creed;
- (4) Ohio Rules of Professional Conduct;

(5) The role of judges in facilitating legal ethics and professionalism among attorneys by encouraging and facilitating compliance with the requirements of the Ohio Rules of Professional Conduct, A Lawyer's Creed, A Lawyer's Aspirational Ideals, and a Statement on Pro Bono Activity by Lawyers Adopted by the Supreme Court;

(6) Alcoholism, substance abuse, and mental health issues, and their causes, prevention, detection, and treatment alternatives.

(D) When the Commission determines that a judge has timely completed and timely reported more than the required number of credit hours in a reporting period the Commission may apply a maximum of twenty credit hours to the next reporting period.

### **Section 3. Reports and Exemptions.**

(A) A judge whose last name begins with a letter from A through L shall report compliance with the requirements of this rule by the thirty-first day of January of even-numbered years for the preceding two calendar years. A judge whose last name begins with a letter from M through Z shall report compliance with the requirements of this rule by the thirty-first day of January of odd numbered years for the preceding two calendar years. If a judge's name changes after the judge is admitted to the practice of law, the judge shall remain in the same alphabetical grouping for purposes of filing all future reports. Reports shall be filed with the Supreme Court Commission on Continuing Legal Education on forms provided by the Commission.

(B) If a judge becomes subject to this rule during a reporting period, the Commission shall adjust the requirements of this rule on a pro rata basis.

(C) The Commission may grant a temporary exemption from the continuing legal education requirements of this rule under the following circumstances:

(1) A judge suffering from severe, prolonged illness or disability preventing participation in accredited programs and activities for the duration of the illness or disability;

(2) A judge, who has demonstrated special circumstances unique to that judge constituting good cause to grant an exemption not to exceed one year and subject to any prorated adjustment of the credit hour requirements.

(D) A judge who, because of a permanent physical disability or other compelling reason, has difficulty attending programs or activities may request, and the Commission may grant, approval of a substitute program.

#### **Section 4. Administration of Continuing Legal Education for Judges.**

The Commission shall be responsible for administration of the continuing legal education requirements established by this rule. The Commission shall accredit continuing legal education programs, activities, and sponsors for judges, maintain records of continuing legal education credit for judges, issue transcripts and reports to judges, enforce and determine compliance with the provisions of this rule and Gov. Bar R. X, recommend sanctions for judges who fail to comply with the requirements of this rule or Gov. Bar R. X, and perform other functions necessary to carry out the duties of the Commission and facilitate the purpose of this rule.

#### **Section 5. Judicial orientation.**

(A) A person who, after January 1, 2007, is appointed by the governor or elected to a judgeship and who has not completed the Supreme Court of Ohio Judicial College Judicial Orientation for that jurisdiction shall attend the Judicial Orientation Program developed and accredited by the Supreme Court of Ohio Judicial College. With the exception of Section 5(B)(3), this provision does not apply to any person reelected to the same judicial position.

(B) The Judicial Orientation Program shall consist of four parts:

(1) Part I consists of a general and specific curriculum applicable to the jurisdictions of the attendees. The Supreme Court of Ohio Judicial College shall conduct Part I each year after the November election but before the commencement of judicial terms in the following year.

(2) Part II consists of a general and specific curriculum applicable to the jurisdiction of the attendees. The Supreme Court of Ohio Judicial College conducts Part II within six months after the conclusion of Part I.

(3) Part III consists of a capital case seminar offered or approved by the Supreme Court of Ohio Judicial College and must be completed by a judge of the common pleas court in the general division who is elected or appointed to the bench. The seminar shall be completed within twenty-four months of assuming the bench. All judges in divisions of the common pleas court other than the general division may take the capital case seminar. Judges in divisions of the common pleas court other than the general division who take the capital case seminar shall be eligible to preside over a capital case or participate in a capital case as a member of the three judge panel.

(4) Part IV is the Supreme Court of Ohio Judicial College Mentor Program. The Mentor Program pairs a newly elected or appointed judge with an experienced judge-mentor within the same subject matter jurisdiction. Each judge required by this rule to participate in the mentor program must have regular contact with the mentoring judge for at least one year. This program does not apply to Supreme Court justices.

(C) A person elected or appointed to the Supreme Court of Ohio shall complete only those portions of Parts I and II that are relevant to appellate or Supreme Court jurisdiction.

(D) Any judge appointed after the conclusion of Part I but before the beginning of Part II must attend Part II.

(E) A sitting judge who changes jurisdictions shall be required to complete only the portions of Parts I and II of the program that are specifically designed for the new jurisdiction.

(F) The Supreme Court of Ohio Judicial College shall not charge tuition for participation in Parts I and II and, pursuant to Supreme Court guidelines, shall pay or reimburse the participating judge for the costs of mileage, lodging, and meals while attending Parts I and II.

(G) For good cause, the Executive Committee of the Supreme Court of Ohio Judicial College Board of Trustees may delay or excuse participation in Part I or Part II, but not both.

(H) Failure to comply with this rule shall result in sanctions as set forth in Section 4 of this rule, but shall not affect the force or validity of any order entered by a judge.

### **Section 6. Compliance.**

Any trial judge with capital case jurisdiction shall comply with Section 5(B)(3) within twenty-four months of the effective date of this rule. Any retired judge shall comply with Section 5(B)(3) before accepting assignment to a capital case. The Chief Justice of the Supreme Court may delay or excuse compliance with Section 6.

### **Section 7. Effective Dates.**

- (A) The effective date of this rule shall be January 1, 1981.
- (B) The amendments to this rule adopted by the Supreme Court of Ohio on June 28, 1989, shall be effective on July 1, 1989.
- (C) The amendments to this rule adopted by the Supreme Court of Ohio on March 27, 1990, shall be effective on April 16, 1990.
- (D) The amendments to this rule adopted by the Supreme Court of Ohio on October 23, 1990 shall take effect on January 1, 1991.
- (E) The amendments to this rule, adopted by the Supreme Court of Ohio on October 8, 1991, shall take effect on January 1, 1992.
- (F) The amendments to this rule adopted by the Supreme Court of Ohio on October 20, 1992, shall take effect on January 1, 1993.
- (G) The amendments to this rule adopted by the Supreme Court of Ohio on December 14, 1993 shall take effect on January 1, 1994. All matters relating to reporting and administration of judicial continuing education requirements for calendar year 1993 shall be governed by this rule as it existed prior to January 1, 1994.
- (H) The amendments to this rule adopted by the Supreme Court of Ohio on October 27, 1998, shall take effect on January 1, 1999.
- (I) The amendments to Sections 2(B), 3(B) and 6 (I) of this rule, adopted by the Supreme Court on April 22, 2002, shall take effect on July 1, 2002.
- (J) The amendments to Sections 2(B), 3(B) and 6 (J) of this rule, adopted by the Supreme Court on July 20, 2004, shall take effect on September 1, 2004.
- (K) The amendments to Sections 6, 7, and 8 of this rule, adopted by the Supreme Court on March 14, 2006, shall take effect on January 1, 2007.
- (L) The amendments to Sections 4 and 5 of this rule, adopted by the Supreme Court on September 11, 2007, shall take effect on November 1, 2007.
- (M) The amendments to this rule adopted by the Supreme Court of Ohio on February 5, 2008 shall take effect on March 1, 2008.
- (N) The amendments to this rule adopted by the Supreme Court on March 9, 2009 shall take effect on May 1, 2009 and first apply to a judge whose last name begins with a letter

from M through Z and reports compliance with the requirements of this rule by the thirty-first day of January 2011.

[Effective: January 1, 1981; amended effective July 1, 1989; April 16, 1990; January 1, 1991; January 1, 1992; January 1, 1993; January 1, 1994; January 1, 1999; July 1, 2002; September 1, 2004; November 1, 2007; January 1, 2007; March 1, 2008; May 1, 2009.]

## **RULE V. Judicial College**

### **Section 1. Purpose; Duties; Construction.**

(A) The purpose of this rule is to establish and maintain the Supreme Court of Ohio Judicial College and provide for its governance.

(B) The Supreme Court of Ohio Judicial College, in cooperation with the Ohio Judicial Conference, the state judicial associations, and the associations of court personnel, shall do all of the following:

(1) Foster awareness that judicial training and education are necessary to maintain professional competence;

(2) Provide a comprehensive program of continuing education for the judges, and court personnel of this state;

(3) Create standards and curricula for education and training programs that will provide quality education and training in procedural and substantive law of Ohio, incorporating national standards and trends;

(4) Provide training and education in professional ethics and substance abuse.

(C) This rule and bylaws adopted under authority of this rule shall be construed liberally to accomplish the goals and purposes of this rule.

### **Section 2. Board of Trustees.**

(A) There is hereby created the board of trustees of the Supreme Court of Ohio Judicial College consisting of ten members appointed as follows:

(1) One judge appointed by the Ohio Judicial Conference;

(2) One judge appointed by the Association of Municipal and County Judges of Ohio;

(3) One judge appointed by the Ohio Common Pleas Judges Association;

(4) One judge appointed by the Ohio Courts of Appeals Judges Association;

(5) One judge appointed by the Ohio Association of Probate Judges;

(6) One judge appointed by the Ohio Association of Juvenile and Family Court Judges;

(7) One judge appointed by the Ohio Association of Domestic Relations Judges;

(8) One magistrate appointed by the Ohio Association of Magistrates;

(9) Two judges appointed by the Chief Justice of the Supreme Court.

The initial appointment of a trustee by the Ohio Association of Domestic Relations Judges pursuant to division (A)(7) of this section shall be made for a term beginning January 1, 1995 and ending December 31, 1997. The initial appointment of a trustee by the Ohio Association of Magistrates pursuant to division (A)(8) of this section shall be made for a term beginning January 15, 1995 and ending December 31, 1997.

(B)(1) Terms of office for trustees shall be three years. Trustees shall be eligible for reappointment, but shall not serve more than two consecutive full terms. A trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of the unexpired term.

(2) To be eligible for the position of trustee, an individual shall be a sitting judge or magistrate as appropriate under this rule. If a trustee leaves judicial office, the trustee shall be disqualified and a vacancy shall occur. A change in judicial position shall not disqualify a member. Vacancies shall be filled by the original appointing authority within sixty days of receiving notice of the vacancy and, if the appointing authority does not act within that time, by the board.

(C) Except for the annual meeting, the board shall meet at the call of the chair, or upon the written request of a majority of the trustees. Five trustees shall constitute a quorum. No action shall be taken by the board without the concurrence of a majority of the trustees constituting a quorum at that meeting.

(D) Trustees shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

(E) At its first meeting each year, the board shall elect from its membership a chair, vice-chair, and secretary as the officers of the Supreme Court of Ohio Judicial College. The officers shall be elected for a term of one year beginning on the day of their election and shall serve until their successors have assumed office. No person shall serve more than three consecutive one-year terms in any office.

(F) There shall be an annual meeting of the board in September.

(G) The executive committee shall consist of the officers of the board and shall exercise the duties, powers, privileges, and prerogatives of the board, consistent with the policies of the board, between meetings of the board. The executive committee shall carry out all other duties as may be prescribed by the board.

(H) The board may adopt bylaws consistent with this rule.

### **Section 3. Powers of the Board of Trustees.**

(A) The board shall file with the Supreme Court of Ohio a proposed budget for the year beginning the ensuing first day of July for approval by the Supreme Court. The budget shall be a public record.

(B) The board shall recommend for appointment, with the advice and consent of the Supreme Court, employees necessary to carry out the duties of the Supreme Court of Ohio Judicial College and upon terms and conditions as the board shall determine.

(C) Facilities for the Supreme Court of Ohio Judicial College shall be provided by the Supreme Court.

(D) The Supreme Court of Ohio Judicial College may receive, administer, distribute, and account for any bequest, devise, grant, or gift consistent with the purpose and goals of the Supreme Court of Ohio Judicial College.

#### **Section 4. Effective Dates.**

(A) The effective date of this rule shall be July 1, 1989.

(B) The amendments to Section 1 of this rule adopted by the Supreme Court of Ohio on October 23, 1990 shall take effect on January 1, 1991.

(C) The amendments to Sections 1, 2, and 3 of this rule, adopted by the Supreme Court of Ohio on October 22, 1991, shall take effect on January 1, 1992.

(D) The amendments to Section 2 of this rule, adopted by the Supreme Court of Ohio on December 14, 1993, shall take effect on January 1, 1995.

(E) The amendments to Section 2 of this rule, adopted by the Supreme Court of Ohio on January 11, 1995, shall take effect on January 15, 1995.

(F) The amendments to this rule adopted by the Supreme Court of Ohio on February 5, 2008 shall take effect on March 1, 2008.

[Former Rule V renumbered as Rule XX and new Rule V adopted effective July 1, 1989; amended effective January 1, 1991; January 1, 1992, January 1, 1995; January 15, 1995; March 1, 2008.]

**RULE VI. Reference of Civil Action Pursuant to Section 2701.10 of the Revised Code.**

**Section 1. Authority; Registration; Eligibility.**

(A) Parties to a civil action or proceeding pending in a court of common pleas, municipal court, or county court who agree to have their action or proceeding referred or issue or question submitted to a voluntarily retired judge pursuant to section 2701.10 of the Revised Code shall refer the action or proceeding or submit the issue or question according to the provisions of this rule and that section.

(B) To be eligible for the referral of actions or proceedings or submission of issues or questions, a retired judge shall register with the appropriate clerk of courts in accordance with section 2701.10 of the Revised Code and shall file a retired judge registration form with the Supreme Court.

(C)(1) A voluntarily retired judge or a judge retired under Article IV, Section 6(C) of the Ohio Constitution may register pursuant to section 2701.10 of the Revised Code.

(2) As used in this rule, “voluntarily retired judge” means any person who was elected or appointed to and served on an Ohio court without being defeated in an election for new or continued service on that court. “Voluntarily retired judge” does not include either of the following:

(a) A judge who has been removed or suspended without reinstatement from service on any Ohio court pursuant to the Supreme Court Rules for the Government of the Judiciary or who has resigned or retired from service while a complaint was pending under those rules;

(b) A judge who has resigned from office between the date of defeat in an election for further service on that court and the end of his or her term.

(D) A retired judge who registers and is selected to receive referrals and submissions pursuant to section 2701.10 of the Revised Code may accept assignments from the Chief Justice of the Supreme Court pursuant to Article IV, Section 6(C) of the Ohio Constitution.

**Section 2. Reference Procedure.**

(A) Upon the consent of all parties to a civil action or proceeding pending in any court of common pleas, municipal court, or county court, the parties shall notify the court of their agreement to have the action or proceeding referred for adjudication or have any specific issues or questions of fact or law in the action or proceeding submitted for determination to a retired judge of their choosing who is eligible to accept referrals or submissions. The parties shall file with the clerk of courts in which the action or proceeding was pending a copy of the written agreement and exchange copies between or among themselves. The agreement shall comply with the requirements of section 2701.10 of the Revised Code and serves as the notice of

the intention of the parties to refer the action or proceeding, or submit an issue or question in the action or proceeding, to a retired judge pursuant to that section.

(B) After the agreement is filed with the clerk, the judge before whom the action or proceeding is pending shall order the referral or submission in accordance with the agreement or any amendment to the agreement.

### **Section 3. Trial Procedure.**

(A) The Ohio Rules of Civil Procedure and the Ohio Rules of Evidence apply to actions or proceedings referred or issues or questions submitted to a retired judge pursuant to section 2701.10 of the Revised Code.

(B) Within a reasonable time after accepting the referral or submission, the judge shall schedule a pretrial conference. An order shall be filed with the clerk of courts that includes all of the following:

- (1) The issues to be decided by the judge;
- (2) A determination as to whether the case shall be submitted entirely on documentary evidence or if oral testimony is required;
- (3) A date for completion of discovery;
- (4) A trial date or, if the case is to be submitted to the judge on documentary evidence alone, a date for submission;
- (5) Any other matters agreed upon by the parties at the pretrial conference;
- (6) Any other matters resolved before trial.

(C) At the conclusion of the trial or after submission on documentary evidence, the judge may direct the parties to file post-trial memoranda. The judge shall decide the case promptly.

(D) The decision of the judge shall be in writing and contain separate findings of fact and conclusions of law. The judge shall file a copy of the decision and a judgment entry with the clerk of courts and direct the clerk to serve copies of the decision and judgment entry on all the parties.

(E) If the judge dies or becomes incapacitated before filing a decision and judgment entry in a case with the appropriate clerk of courts, the parties shall notify the court in which the action or proceeding was pending and the clerk shall return the action or proceeding to the regular docket of the judge to whom it originally was assigned.

### **Section 4. Authority of Chief Justice; Code of Judicial Conduct.**

(A) The Chief Justice of the Supreme Court shall have the same authority over actions or proceedings referred or issues or questions submitted pursuant to section 2701.10 of the Revised Code and this rule as in all other cases.

(B) A judge selected pursuant to section 2701.10 of the Revised Code shall comply with the Code of Judicial Conduct.

**Section 5. Appendix of Forms.**

The following forms are intended for illustration only. Substantial compliance with the prescribed forms is sufficient. Minor departures that do not negate substantial compliance shall not render void forms that are otherwise sufficient, and the forms may be varied when necessary to meet the facts of a particular case.

[Effective: January 1, 1989; amended effective November 2, 1992; February 2, 2009.]

**FORM 1. RETIRED JUDGE REGISTRATION FORM**

(1)  
INDEX OF RETIRED JUDGES REGISTRATION FORM\*  
R.C. 2701.10

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney Registration Number: \_\_\_\_\_

I, \_\_\_\_\_, hereby place my name on the index of retired judges in this court. In doing so, I state that I have registered with the Supreme Court of Ohio as a retired judge and I am eligible for service as a retired judge under the Constitution and laws of Ohio. I further state that, upon removing my name from registration with the Supreme Court of Ohio, I shall notify this court in writing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*TO BE FILED WITH THE APPROPRIATE LOCAL CLERK OF COURT.

[Effective: January 1, 1989; amended effective February 2, 2009.]

**FORM 2. REGISTRATION OF RETIRED JUDGE**

(2)

THE SUPREME COURT OF OHIO

65 South Front Street

Columbus, Ohio 43215

REGISTRATION OF RETIRED JUDGE\*

R.C. 2701.10

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney Registration Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Undergraduate and graduate education (include schools, graduation date(s) and degree(s) conferred): \_\_\_\_\_

\_\_\_\_\_

Law school education (include graduation date): \_\_\_\_\_

\_\_\_\_\_

Judicial experience (include administrative experience): \_\_\_\_\_

\_\_\_\_\_

Date of retirement from judicial service: \_\_\_\_\_

\_\_\_\_\_

Area(s) of expertise (based upon legal and judicial experience, other career experience, and scholarly pursuits): \_\_\_\_\_

\_\_\_\_\_

Publications: \_\_\_\_\_

\_\_\_\_\_

I state that the information contained on this form is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\* TO BE FILED WITH THE SUPREME COURT OF OHIO

[Effective: January 1, 1989; amended effective February 2, 2009.]

**FORM 3. AGREEMENT FOR REFERRAL OR SUBMISSION TO RETIRED JUDGE**

(3)  
IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

A.B.	)	CASE NO. _____
Plaintiff(s)	)	ASSIGNED JUDGE _____
v.	)	AGREEMENT FOR REFERRAL
	)	OR SUBMISSION TO RETIRED
C.D.	)	JUDGE PURSUANT TO R.C.
Defendant(s)	)	2701.10

1. Plaintiff(s) \_\_\_\_\_ and \_\_\_\_\_ and defendant(s) \_\_\_\_\_ and \_\_\_\_\_ do hereby agree that this case shall be transferred to \_\_\_\_\_, a Retired Judge, who shall: (check appropriate item)

( ) a. Hear and determine all issues of law and fact which may hereafter arise in this case, receive evidence, and render a judgment adjudicating the action or proceeding in its entirety, including all post-trial proceedings, if any.

( ) b. Hear and determine issues of law and fact, receive evidence, and render a decision with respect to the following specific issue(s) or question(s) only:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The parties hereto agree to assume the responsibility for providing all facilities, equipment, and personnel reasonably deemed necessary by the Retired Judge during his or her consideration of the action or proceeding referred, or the issue(s) or question(s) submitted, and that they will pay all costs arising out of the provision of the facilities, equipment, and personnel.

3. The parties hereto agree to pay the sum of \$ \_\_\_\_ (per diem) or \$ \_\_\_\_ (per hour) plus all reasonable expenses incurred incident to the conduct of the proceedings. Payment of all amounts due and owing to the Retired Judge for his or her services shall be made at such times and in such amounts as the parties hereto and the Retired Judge may find mutually agreeable.

4. If any different or additional terms and conditions are desired by the parties hereto and the Retired Judge, the same will be appended hereto and signed by the parties and the Retired Judge.

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Plaintiff(s): \_\_\_\_\_  
Defendant(s): \_\_\_\_\_  
Retired Judge: \_\_\_\_\_

[Effective: January 1, 1989; amended effective February 2, 2009.]

**FORM 4. ORDER OF REFERRAL OR SUBMISSION TO RETIRED JUDGE**

(4)  
IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

A.B.	)	CASE NO. _____
Plaintiff(s)	)	ASSIGNED JUDGE _____
v.	)	AGREEMENT FOR REFERRAL
	)	OR SUBMISSION TO RETIRED
C.D.	)	JUDGE PURSUANT TO R.C.
Defendant(s)	)	2701.10

The parties having elected to have \_\_\_\_\_ a duly registered Retired Judge (act as an adjudicator of the action between them in its entirety, including all post-trial proceedings, if any) (decide the particular issue(s) of fact and/or law which they have set forth in their agreement); and it appearing that they and the Retired Judge have filed their written agreement concerning this (referral) (submission) with this Court:

IT IS HEREBY ORDERED that this case is transferred, pursuant to R.C. 2701.10, to \_\_\_\_\_, a duly registered Retired Judge, as provided in their agreement. Should the Retired Judge become unable, for any reason, to fulfill the agreement, this case will revert to the docket of this Court for further proceeding.

The Clerk of this Court is hereby ordered to deliver to \_\_\_\_\_, the Retired Judge, a complete copy of the court file in this case, including copies of all documents filed as of the date of this order. Henceforth, copies of all documents filed with this Court shall also be served upon the Retired Judge at an address he or she shall provide to the parties.

Signature: \_\_\_\_\_  
Judge of the Court of Common Pleas

Dated: \_\_\_\_\_

[Effective: January 1, 1989; amended effective February 2, 2009.]

**RULE XX. Title**

These rules shall be known as the Supreme Court Rules for the Government of the Judiciary of Ohio and shall be referred to and cited as "Gov. Jud. R. \_\_\_\_."

[Former Rule V renumbered as Rule XX and adopted effective July 1, 1989.]