

COMMISSION ON THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS

The Supreme Court of Ohio has established the Commission on the Rules of Practice and Procedure effective January 1, 2006. The Commission replaces the Supreme Court Rules Advisory Committee, formerly established in Rule XII of the Supreme Court Rules for the Government of the Bar of Ohio.

Section 1. Creation of Commission.

Pursuant to the power vested in the Supreme Court of Ohio by Article IV, Section 5(B) of the Ohio Constitution regarding rules governing practice and procedure in all courts of the state, and by R.C. 2935.17 and R.C. 2937.46 regarding rules governing procedure in traffic cases, and to assist the Court in the exercise of its rule-making powers, there shall be a Supreme Court Commission on the Rules of Practice and Procedure in Ohio Courts.

Section 2. Duties of Commission.

The Commission shall review all rules governing practice and procedure in the courts of Ohio, including the Rules of Civil Procedure, the Rules of Criminal Procedure, the Rules of Appellate Procedure, the Rules of Juvenile Procedure, and the Rules of Evidence. For the purpose of convenience and consistency, the Commission shall also review all rules governing procedure in traffic cases which pursuant to Article IV, Section 5(B) of the Ohio Constitution are not considered rules of practice and procedure. The Commission shall receive and consider proposed rules and amendments, and recommend rules and amendments for adoption to the Court.

Section 3. Membership.

The Commission shall consist of nineteen members appointed by the Supreme Court.

(A) Ten members shall be members of the following organizations or committees and shall be nominated for appointment by:

- (1) the Chair of the Civil Law and Procedure Committee of the Ohio Judicial Conference;
- (2) the Chair of the Criminal Law and Procedure Committee of the Ohio Judicial Conference;
- (3) the President of the Ohio Courts of Appeals Judges Association;
- (4) the President of the Ohio Common Pleas Judges Association;
- (5) the President of the Ohio Association of Probate Judges;
- (6) the President of the Ohio Association of Domestic Relations Judges;

- (7) the President of the Ohio Association of Juvenile Court Judges;
- (8) the President of the Association of Municipal/County Court Judges of Ohio;
- (9) the President of the Ohio Association of Magistrates;
- (10) the Chair of the Judicial Administration and Legal Reform Committee of the Ohio State Bar Association.

(B) Nine members shall be appointed by the Supreme Court as follows:

- (1) Five attorneys admitted to and engaged in the practice of law in Ohio;
- (2) Two attorneys who are members of law faculty and are engaged in full-time legal education in Ohio law schools;
- (3) One attorney admitted to the practice of law in Ohio who is employed full-time as a prosecuting attorney, city prosecutor, or city law director;
- (4) One attorney admitted to the practice of law in Ohio whose practice includes the representation of persons charged with criminal offenses.

Section 4. Committees

(A) The Commission shall establish a Traffic Rules Committee. The Traffic Rules Committee shall consist of the members of the Commission as are appointed by the chair, municipal court judges appointed by the chair, a municipal court clerk of court appointed by the chair and the following *ex officio* members, or their designees:

- (1) The Superintendent of the Ohio Highway Patrol;
- (2) The chair of the Traffic Law Committee of the Ohio State Bar Association;
- (3) The Director of the Department of Public Safety.

(B) The Chair may also establish other committees to aid the Commission in the completion of its work. These committees may include a Civil Rules Committee, Criminal Rules Committee, Appellate Rules Committee, Evidence Rules Committee and Juvenile Rules Committee. The committees shall consist of members of the Commission and others as are appointed by the chair.

Section 5. Terms.

(A) Members of the Commission shall serve three year terms beginning on the first day of January. Members shall be eligible for reappointment, but shall not be eligible to serve more than two consecutive terms of three years without a six month break in service.

(B) Vacancies shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall hold office for the remainder of the term. If an attorney member no longer practices in Ohio, if an educator member is no longer engaged in full-time legal education in an Ohio law school, if a judge member leaves office, if the magistrate member is no longer employed as a full-time magistrate, if the prosecuting attorney, city prosecutor, or city law director member is no longer employed full-time in that capacity, or if the member whose practice includes the representation of persons charged with criminal offenses ceases such representation, the member shall be disqualified and a vacancy shall occur.

Section 6. Chair; Vice-Chair.

The Court shall appoint one of the members as chair and one of the members as vice-chair. The chair and vice-chair shall serve for two years, and may be reappointed, but a member shall not serve as chair or vice-chair for more than two consecutive terms of two years.

Section 7. Compensation.

Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

Section 8. Staff.

The Administrative Director of the Supreme Court, or the director's designee, shall serve as staff liaison to the Commission.

Section 9. Effective Date; Transition of Membership.

This rule shall take effect on January 1, 2006; amended effective November 1, 2007. Each member of the Supreme Court Rules Advisory Committee serving on the Committee as of the effective date of this rule shall continue to serve on the Commission for the balance of the term to which the member was appointed. The service of a member on the Rules Advisory Committee shall be included in determining the eligibility of the member for reappointment to the Commission pursuant to Section 4(A) of this rule.