

# Guidelines for Assignment of Judges





# The Supreme Court of Ohio

## GUIDELINES FOR ASSIGNMENT OF JUDGES

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Article IV, Sections 5(A)(3) and 6(C) of the Ohio Constitution and Ohio Revised Code Sections 1901.121 and 1907.141 vest the Chief Justice of the Supreme Court with the authority to make temporary assignments of sitting and retired judges to serve in any Ohio court in the absence of a sitting judge due to circumstances that are subject to constitutional, statutory, and rule limitations.

These guidelines are issued by the Chief Justice and intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Chief Justice may waive compliance with any guidelines to assist the exercise of that discretion.

These guidelines do not affect the appointment of acting judges pursuant to R.C. 1901.121 or 1907.141.

These guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

## **SECTION 1. DEFINITIONS.**

### **1.01. Definitions.**

Unless otherwise limited by the context, as used in these guidelines:

#### **(A) Administrative judge**

“Administrative judge” means the sitting judge of a court or division of a court, as applicable, designated or elected as such pursuant to Sup.R. 4.10.

#### **(B) Assigned judge**

“Assigned judge,” also known as a “visiting judge,” means either of the following:

(1) A sitting judge whom the Chief Justice assigns to serve temporarily on a court other than the court on which the sitting judge serves;

(2) A retired judge whom the Chief Justice assigns to serve temporarily on a court.

#### **(C) Chief Justice**

“Chief Justice” includes a designee authorized by the Chief Justice.

#### **(D) Conflict of interest**

“Conflict of interest” means a real or seeming incompatibility between the interests and judicial duties of a sitting or retired judge that could reasonably lead to the judge’s impartiality being questioned or the appearance of impropriety.

#### **(E) Disrupted docket**

“Disrupted docket” means a sitting judge’s docket has an extended trial that prevents or interferes with the judge’s ability to attend to the remainder of the judge’s docket.

#### **(F) IGOR**

“IGOR” means the “Interactive Generator of Online Requests,” the tool for administrative judges to submit requests on the Supreme Court’s website.

**(G) JASPAY**

“JASPAY” means the “Judicial Assignment Payment System,” the portal for retired assigned judges to request compensation and keep track of the hours they have worked.

**(H) On-call assignment**

“On-call assignment” means a limited period of time assignment of a sitting or retired judge to a single-judge court or division in the event the sitting judge has a personal illness or family emergency.

**(I) Over-age case**

“Over-age case” means a case that has been pending for longer than the applicable case processing time standard as specified under Sup.R. 5.21.

**(J) Overburdened docket**

“Overburdened docket” means the docket of a sitting judge that, through statistical analysis, demonstrates either a significant level of over-age cases or backlog of cases, or a significant volume of incoming or pending cases.

**(K) Presiding judge**

“Presiding judge” means a sitting judge of a court designated or elected as such pursuant to Sup.R. 4.00.

**(L) Previously assigned case**

“Previously assigned case” means a case for which a sitting or retired judge received a certificate of assignment and the assignment has ended.

**(M) Reciprocal agreement**

“Reciprocal agreement” means an agreement between sitting judges to sit for one another for any reason other than recusal from a case.

**(N) Related case**

“Related case” means a case that is filed, re-activated, or re-opened and is connected to another case or cases by the parties.

**(O) Retired judge**

“Retired judge” means a person who left judicial service on any Ohio court either voluntarily by reason of resignation or retirement or involuntarily by reason of Article IV, Section 6(C) of the Ohio Constitution.

**(P) Sitting judge**

“Sitting judge” means a person who currently serves on any Ohio court by reason of election or gubernatorial appointment.

**(Q) Specific time off**

“Specific time off” means a definite date range for which a sitting judge is unavailable to attend to the judge’s docket.

**(R) Vacancy**

“Vacancy” means a judicial office that is without a sitting judge due to the death, resignation, forfeiture, or removal of the judge.

**SECTION 2. ELIGIBILITY FOR ASSIGNMENT.**

**2.01. Eligibility for Assignment as a Sitting or Retired Judge.**

A sitting or retired judge is ineligible for assignment when the judge was removed or suspended without reinstatement from service on any Ohio court pursuant to the Rules for the Government of the Judiciary or resigned or retired from service on any Ohio court while a complaint was pending against the person under those rules.

**2.02. Process for Being Added to the Assigned Judges List.**

A sitting or retired judge who meets the requirements of Guideline 2.01 and is interested in serving as an assigned judge may be added to the list of judges available for assignment through the following methods:

(A) A sitting judge who is willing to sit by assignment shall submit the appropriate information in a format as determined by the Chief Justice to the Supreme Court’s Judicial Assignment Specialist.

(B) A retired judge who is willing to sit by assignment shall submit the appropriate information in a format as determined by the Chief Justice to the Supreme Court’s Judicial Assignment Specialist. A retired judge shall not be eligible for assignment unless the judge has taken a onetime oath of office and submitted such oath to the Judicial Assignment Specialist in compliance with Guideline 7.02(I) and R.C. 3.23.

### **2.03. Assignment by Reciprocal Agreement.**

Sitting judges may establish a reciprocal agreement to be assigned to sit for one another for any reason, except when a sitting judge recuses from a case. In cases involving recusals, the assignment of a sitting judge shall comply with Guideline 6.01. To enter into a reciprocal agreement, all sitting judges party to the reciprocal agreement shall agree to its terms, and one of the sitting judges shall submit the appropriate information by electronic means via IGOR. Reciprocal agreements between sitting judges may allow sitting judges to sit for each other for up to six consecutive months, pursuant to Guideline 4.02.

## **SECTION 3. REASONS FOR ASSIGNMENT.**

### **3.01. Reasons for Assignment.**

The administrative judge of a court or division of a court, as applicable, may request the Chief Justice to temporarily assign a sitting or retired judge to serve as an assigned judge on that court or division pursuant to Sup.R. 4.12(B)(10) and these guidelines and for any of the following reasons:

- (A) A sitting judge of the court or division recuses from one or more specific cases because of a conflict of interest;
- (B) A sitting or retired judge of the court or division is suspended or removed due to discipline;
- (C) A sitting or retired judge of the court or division is disqualified due to an affidavit of disqualification;
- (D) A sitting judge of the court or division anticipates a disrupted docket;
- (E) A sitting judge of a single-judge court or division requests an on-call assignment for the limited purpose of personal illness or family emergency;
- (F) A sitting judge of the court or division has an overburdened docket;
- (G) A sitting or retired judge was previously assigned to a re-activated or re-opened case of the court or division or a case related to a previously assigned case was filed, re-activated, or re-opened;
- (H) A sitting judge of the court or division has entered into a reciprocal agreement with sitting judges of another court;
- (I) For any special circumstance approved by the Chief Justice;
- (J) A sitting judge of the court or division will be temporarily absent and is requesting specific time off for one or more of the following reasons:

- (1) Personal time for the taking of a reasonable vacation, personal illness, a personal medical procedure, or other health-related matters that renders the sitting judge unable to attend to judicial duties;
  - (2) A family emergency or family illness that renders the sitting judge unable to attend to judicial duties;
  - (3) Attendance at a continuing legal education program or other legal education workshop or seminar, and the sitting judge cannot reasonably schedule the judge's docket to eliminate the need for an assigned judge during the absence;
  - (4) Attendance at a meeting of a board, commission, advisory committee, or task force of the Supreme Court of Ohio, the Ohio Judicial Conference, or a state judicial association, and the sitting judge cannot reasonably schedule the judge's docket to eliminate the need for an assigned judge during the absence;
  - (5) Attendance at a meeting of a board, commission, advisory committee, or task force of a national judicial association, and the sitting judge cannot reasonably schedule the judge's docket to eliminate the need for an assigned judge during the absence.
- (K) To assist during a period of vacancy of a sitting judge of the court or division.
- (L) The Chief Justice may deny any request for the assignment of a judge for noncompliance with these guidelines or the Rules of Superintendence.

#### **SECTION 4. TYPE AND LENGTH OF ASSIGNMENT.**

##### **4.01. Type of Assignment.**

The Chief Justice may temporarily assign a sitting or retired judge as an assigned judge to one or more specific cases; for a specific period of time; or in a special circumstance, such as the convening and deliberation of a grand jury, appointment of a special prosecutor, or consideration of a particular type of docket.

##### **4.02. Length of Assignment.**

The Chief Justice shall not ordinarily assign a sitting judge as an assigned judge for a specific period of time exceeding six consecutive months or a retired judge as an assigned judge for a specific period of time exceeding three consecutive months, provided the Chief Justice may reassign the judge for additional specific periods of time as needed.

## **SECTION 5. GENERAL SUBMISSION PROCEDURE FOR REQUESTING ASSIGNMENT.**

### **5.01. General Submission Procedure for Requesting Assignment.**

#### **(A) Requirements**

The administrative judge of a court or division of a court shall make the request for the assignment of a judge. The request shall meet all of the following requirements:

- (1) Submission by electronic means via IGOR on the website of the Supreme Court. If unexpected circumstances create an inability to enter a request into IGOR, the request shall be made by contacting the Supreme Court's Judicial Assignment Specialist or by other appropriate means.
- (2) Indicate the reason for the request, pursuant to Guideline 3.01;
- (3) Provide a direct contact name and phone number of the person responsible for the request of the assignment of a judge. The phone number shall have a functioning voicemail.

#### **(B) Attestation**

If the administrative judge submitting a request pursuant to division (A) of this guideline is from a multiple-judge court or multiple-division court, the administrative judge shall attest the judge attempted to assign another judge of that court or division pursuant to the Rules of Superintendence and these guidelines, as applicable.

#### **(C) Requesting specific judges**

If an administrative judge requests an assignment for a reason other than recusal, the administrative judge may request the Chief Justice to assign a specific sitting or retired judge; however, the Chief Justice is not required to assign that judge.

## **SECTION 6. REQUESTS FOR THE ASSIGNMENT OF A JUDGE.**

### **6.01. Requests for Assignment due to Recusal.**

#### **(A) Conflict of interest requirement and block case approval**

An administrative judge may request the assignment of a judge if there is a recusal due to a conflict of interest. If the request for the assignment of a judge is for a single case or several cases due to recusal, the administrative judge shall enter each case into IGOR individually and provide a file stamped judgment entry from the recusing sitting judge for each case. If the request for the assignment of a judge is

for a block of cases due to recusal, the administrative judge shall call the office of the Chief Justice for prior approval.

**(B) Prohibition on requesting specific judges**

When an administrative judge requests the assignment of a judge due to recusal, the administrative judge shall not request the Chief Justice to assign a specific sitting or retired judge.

**(C) Single-judge court or division**

In the event of the recusal of a sitting judge in a single-judge court or division, the administrative judge shall request the Chief Justice to assign a sitting or retired judge as an assigned judge to the court or division.

**(D) Multiple-judge court or division**

In the event of the recusal of a sitting judge in a multiple-judge court or division, the following shall apply:

(1) Pursuant to Sup.R. 4.12(B)(10) and 5.19(A), if the administrative judge of the court or division reasonably believes other sitting judges of that court or division are eligible to hear the case, the administrative judge shall make at least three attempts to have the case randomly assigned to another sitting judge of that court or division. If after three attempts to have the case randomly assigned to another sitting judge no sitting judge is eligible to hear the case, the administrative judge may request the Chief Justice to assign a sitting or retired judge as an assigned judge to that court or division. The request shall include an attestation to the Chief Justice the requirements of this division have been satisfied in accordance with Guideline 5.01(B).

(2) Pursuant to Sup.R. 5.19(B), if the administrative judge of the court or division reasonably believes no sitting judge of that court or division is eligible to hear the case, the administrative judge may request the Chief Justice to assign a sitting or retired judge as an assigned judge to that court or division. The request shall include an attestation to the Chief Justice that no sitting judge of the court or division is eligible to hear the case, in accordance with Guideline 5.01(B).

**6.02. Requests for Assignment due to Affidavit of Disqualification.**

**(A) Assignment of judge in single-judge court or single-judge division**

If a sitting judge of a single-judge court of common pleas, municipal court, or county court with no divisions; a single-judge division in a multiple-division court of common pleas, municipal court, or county court; or a retired judge assigned to

any of these courts is disqualified as the result of an affidavit of disqualification, the Chief Justice shall assign a sitting or retired judge to serve as an assigned judge on that court pursuant to these guidelines.

**(B) Assignment of judge in multiple-judge court or multiple-judge division**

If a sitting judge of a multiple-judge court of common pleas, municipal court, or county court with no divisions; a multiple-judge division in a multiple-division court of common pleas, municipal court, or county court; or a retired judge assigned to any of these courts is disqualified as the result of an affidavit of disqualification, and the Chief Justice does not specifically assign a sitting or retired judge to hear the proceeding, the following shall apply to the assignment of another sitting or retired judge to the case:

(1) If the Chief Justice orders the administrative judge to assign the proceeding to another sitting judge of the court or division, as applicable, and the court or division consists of only two sitting judges, the case shall be assigned to the other sitting judge of that court or division;

(2) If the Chief Justice orders the administrative judge to assign the proceeding to another sitting judge of the court or division, as applicable, and the court or division consists of more than two sitting judges, the administrative judge shall make at least three attempts to have the case randomly assigned to another sitting judge of that court or division. If after three attempts to have the case randomly assigned to another sitting judge no sitting judge is eligible to hear the case, the administrative judge may request the Chief Justice to assign a sitting or retired judge as an assigned judge to that court or division.

(3) The request shall include an attestation to the Chief Justice that the requirements of this division have been satisfied in accordance with Guideline 5.01(B).

**6.03. Requests for Assignment due to Discipline.**

**(A) Assignment of judge in single-judge court**

If a sitting or retired judge in a single-judge court is suspended, either on an interim, term, or indefinite basis, or removed from service due to discipline, the Chief Justice shall assign a sitting or retired judge to serve as an assigned judge on that court pursuant to these guidelines.

**(B) Assignment of judge in other courts**

When a sitting or retired judge in a single-judge division of a multiple-division court, multiple-judge court without divisions, or multiple-judge division of a

multiple-division court is suspended, either on an interim, term, or indefinite basis, or is removed from service due to discipline, an administrative judge may request the assignment of a sitting or retired judge. Based on the structure of court submitting the request, the administrative judge shall follow the same request process used for specific time off requests pursuant to Guideline 6.10(B) through (D). The administrative judge shall also comply with the Rules of Superintendence and with the attestation requirement in Guideline 5.01(B), as applicable.

#### **6.04. Requests for Assignment due to a Disrupted Docket.**

When a sitting judge has an extended trial scheduled and the administrative judge of a court or division of a court determines the extended trial will interfere with the remainder of the sitting judge's docket, the administrative judge may request the assignment of a judge. Based on the structure of court submitting the request, the administrative judge shall follow the same request process used for specific time off requests pursuant to Guideline 6.10(B) through (D). The administrative judge shall also comply with the Rules of Superintendence and with the attestation requirement in Guideline 5.01(B), as applicable.

#### **6.05. Requests for Assignment of an On-Call Judge due to Personal Illness or Family Emergency in a Single-Judge Court or Division.**

##### **(A) On-call assignment of sitting judges**

A sitting judge of a single-judge court or division may request the on-call assignment of a sitting judge to guard against potential docket interruptions due to personal illness or family emergency of the sitting judge that prevents the sitting judge from attending to the sitting judge's docket. There is no limit on the number of sitting judges allowed for assignment. Sitting judges may only sit for a maximum of six months pursuant to Guideline 4.02.

##### **(B) On-call assignment of retired judges**

A sitting judge of a single-judge court or division may request the on-call assignment of a retired judge to guard against potential docket interruptions due to personal illness or family emergency of the sitting judge that prevents the sitting judge from attending to the sitting judge's docket. The sitting judge shall be limited to the assignment of two retired judges, each for a maximum of three months pursuant to Guideline 4.02. When a certificate of assignment has been issued for the on-call assignment of a retired judge and the retired judge has attended to a sitting judge's docket, the sitting judge shall enter into IGOR each date or range of dates the assigned judge presides. The retired judge shall not submit a request for compensation in JASPAY for presiding over the court until the sitting judge of the single-judge court or division has entered the required information into IGOR.

**6.06. Requests for Assignment due to an Overburdened Docket.**

An administrative judge of a court or division of a court may request the assignment of a judge to assist with alleviating an overburdened docket. Upon a request for the assignment of a judge due to an overburdened docket, the Statistical Manager of the Supreme Court will perform a statistical analysis of the docket and perform a comparison of similarly situated courts. When an administrative judge makes a request for assignment due to an overburdened docket, the administrative judge shall separately contact the Supreme Court of Ohio's Office of Court Services to discuss potential solutions to prevent future issues. The Chief Justice will grant the assignment of a judge only if the statistical analysis demonstrates a significant backlog of cases, a significant level of over-age cases, or a significant volume of incoming or pending cases.

**6.07. Requests for Assignment due to a Previously Assigned/Related Case.**

When the Chief Justice has previously assigned a sitting or retired judge to hear a case, and that case has been re-activated, re-opened, or another related case is filed, re-activated, or re-opened, an administrative judge may request an assignment of the previously assigned judge.

**6.08. Requests for Assignment due to a Reciprocal Agreement Not Required.**

IGOR approval is not necessary when a sitting judge who is a party to a reciprocal agreement needs to use the reciprocal agreement. However, reciprocal agreements may not be used in cases involving recusal.

**6.09. Requests for Assignment due to a Special Circumstance.**

An administrative judge may request the assignment of a sitting or retired judge for a special circumstance not covered by the enumerated reasons in these Guidelines. An administrative judge requesting assignment due to a special circumstance shall call the office of the Chief Justice to receive approval for the special circumstance.

**6.10. Requests for Assignment due to a Specific Time-Off Request.**

Pursuant to Guideline 3.01(J), an administrative judge may request the assignment of a sitting or retired judge for a specific time-off request for a sitting judge due to personal time, family emergency or illness, attendance at a legal education program, or attendance at a meeting of a state or national judicial association. The administrative judge shall comply with the Rules of Superintendence and with the attestation requirement in Guideline 5.01(B), as applicable.

**(A) Single-judge court**

Pursuant to Sup.R. 4.12(B)(10), in the event of the temporary absence of the sitting judge in a single-judge court for due to a specific time-off request, the judge may request the Chief Justice to assign a sitting or retired judge as an assigned judge.

**(B) Single-judge division of a multiple-division court**

In the event of the temporary absence of the sitting judge in a single-judge division of a multiple-division court due to a specific time-off request, the judge may do the following:

- (1) Request the presiding judge of the court to assign a sitting judge from another division of the court pursuant to Sup.R. 4.02(B) to perform any unanticipated emergency duties of the sitting judge who is requesting an assigned judge if the requesting sitting judge has no hearings or trials scheduled for the time of the absence;
- (2) If the presiding judge of the court is unable to assign a sitting judge from another division of the court, request the Chief Justice to assign a sitting or retired judge as an assigned judge to the division during the period of the sitting judge's temporary absence.

**(C) Multiple-judge court without divisions**

In the event of the temporary absence of a sitting judge in a multiple-judge court that does not consist of divisions due to a specific time-off request, the following shall apply:

- (1) Pursuant to Sup.R. 4.12(B)(10), the administrative judge of the court shall attempt to arrange for another sitting judge of the court to perform the duties of the sitting judge who is requesting an assigned judge. The administrative judge may require the sitting judge requesting the assigned judge to satisfy this requirement.
- (2) If no sitting judge of the court is eligible or available to perform the duties of the sitting judge who is requesting an assigned judge, the administrative judge of the court may request the Chief Justice to assign a sitting or retired judge as an assigned judge to the court during the period of the sitting judge's temporary absence. The request shall include an attestation to the Chief Justice that the requirements of this division have been satisfied in accordance with Guideline 5.01(B).

**(D) Multiple-judge division of a multiple-division court**

In the event of the temporary absence of a sitting judge in a multiple-judge division of a multiple-division court due to a specific time-off request, the following shall apply:

(1) Pursuant to Sup.R. 4.12(B)(10), the administrative judge of the division shall attempt to arrange for another sitting judge of the division to perform the duties of the sitting judge who is requesting an assigned judge. The administrative judge may require the sitting judge requesting the assigned judge to satisfy this requirement.

(2) If no other sitting judge of the division is available, the administrative judge of the division shall request the presiding judge of the court to assign a sitting judge from another division of the court pursuant to Sup.R. 4.02(B) to perform any unanticipated emergency duties of the sitting judge who is requesting an assigned judge if the requesting sitting judge has no hearings or trials scheduled for the time of the absence;

(3) If no sitting judge of the court is eligible or available to perform the duties of the sitting judge who is requesting an assigned judge, the administrative judge of the division may request the Chief Justice to assign a sitting or retired judge as an assigned judge to the court during the period of the sitting judge's temporary absence. The request shall include an attestation to the Chief Justice that the requirements of this division have been satisfied in accordance with Guideline 5.01(B).

**6.11. Requests for Assignment due to a Vacancy.**

In the event of a vacancy of a sitting judge in any court, the Chief Justice may assign a sitting or retired judge to serve during the period of the vacancy.

**6.12. Requests to Withdraw or Rescind Certificates of Assignment.**

**(A) Withdrawing or rescinding a certificate of assignment**

Prior to the approval of the Chief Justice, an administrative judge may withdraw a request for the assignment of a sitting or retired judge in IGOR. After the Chief Justice has approved a request for the assignment of a sitting or retired judge, the administrative judge may request a certificate of assignment be rescinded in IGOR.

**(B) Effect of a rescinded certificate of assignment**

When the Chief Justice has issued a certificate of assignment and the Chief Justice approves a subsequent request to rescind that assignment, the original certificate of

assignment shall have had valid force and effect until the date of the Chief Justice's rescission order, unless the order provides a different date.

## **SECTION 7. FACTORS IN SELECTING SITTING OR RETIRED JUDGES FOR ASSIGNMENT.**

### **7.01. General Factors for Consideration in Selecting Sitting or Retired Judges for Assignment.**

In considering a request for assignment of an assigned judge, the Chief Justice may consider the following factors regarding the sitting or retired judge to be assigned:

- (A) The status of the docket of the sitting judge;
- (B) The competence of the sitting or retired judge for the prospective duties;
- (C) The experience of the sitting or retired judge serving on courts of the level requesting the assignment. The Chief Justice shall not ordinarily assign a sitting judge who has not completed at least one full year of judicial service as a judge on the level of court on which the sitting judge currently serves.
- (D) The proximity of the judge to the court making the request. Whenever feasible, a sitting or retired judge from a nearby county should be assigned in order to economize on travel time as well as to eliminate or minimize overnight expenses.
- (E) If a sitting judge, the willingness of the sitting judge to sit by assignment.

### **7.02. Additional Factors in Selecting Retired Judges for Assignment.**

#### **(A) Practice of law**

The Chief Justice shall not assign a retired judge as an assigned judge if the judge is engaged in the full-time or part-time practice of law in any state.

#### **(B) Elector of state**

The Chief Justice shall assign a retired judge as an assigned judge only if the judge is an elector of the state.

#### **(C) Judicial education requirements**

The Chief Justice shall assign a retired judge as an assigned judge only if the judge has completed and properly reported the judge's judicial education requirements pursuant to the Rules for the Government of the Judiciary.

**(D) Good standing with the Supreme Court**

The Chief Justice shall assign a retired judge as an assigned judge only if the judge has paid all necessary attorney registration fees and otherwise is in good standing with the Supreme Court as determined by the Office of Attorney Services.

**(E) Serving as a paid expert witness**

The Chief Justice shall not assign a retired judge as an assigned judge if the judge is serving or has served in the preceding twelve calendar months as an expert witness for which the judge has received compensation from a party in a proceeding in any federal or state court in the state.

**(F) Arbitration, mediation, and private judging**

The Chief Justice may assign a retired judge as an assigned judge if the judge engages in alternative dispute resolution, such as arbitration, mediation, and private judging pursuant to R.C. 2701.10. However, the level of the judge's activity in this regard, including the status of the judge's arbitration, mediation, or private judging docket, may limit the opportunity for assignments under these guidelines.

**(G) Defeat in final election**

The Chief Justice shall assign a retired judge to serve as an assigned judge on a level of court only if the judge was not defeated in the judge's final election for new or continued service on that level of court.

**(H) Time following judicial service**

Except in exigent circumstances, the Chief Justice shall not assign a retired judge to serve as an assigned judge until thirteen weeks after the date the judge left judicial service as a sitting judge.

**(I) Oath of office**

(1) The Chief Justice shall not assign a retired judge to serve as an assigned judge until the retired judge has taken a onetime oath of office. The oath shall be administered by the Chief Justice or a Justice of the Supreme Court, court of appeals judge, or common pleas judge; a member of the General Assembly; or a notary public and, pursuant to R.C. 3.23, shall be the same or substantially similar to the following:

“I, (name), do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of Ohio, will administer justice without respect to persons, and will faithfully and impartially discharge and perform all the duties incumbent upon me as a retired judge assigned to

active duty pursuant to Article IV, Section 6(C) of the Constitution of Ohio, according to the best of my ability and understanding.”

(2) Within thirty days of taking the oath of office, the retired judge shall transmit a certificate of oath, signed by the person administering the oath, to the Supreme Court’s Judicial Assignment Specialist or the office of the Chief Justice.

### **7.03. Constitutional and Ethical Prohibition on Service as a Magistrate.**

Pursuant to Article IV, Section 6(B) of the Ohio Constitution and Jud.Cond.R. 1.2, a retired judge sitting by assignment may not simultaneously serve as a magistrate to a court. Due to this prohibition, the Chief Justice will not assign a retired judge who is simultaneously serving as a magistrate to a court.

## **SECTION 8. LEVELS OF ASSIGNMENT.**

### **8.01. Levels of Assignment of Sitting Judges.**

Subject to constitutional, statutory, and rule limitations, the Chief Justice may assign a sitting judge to serve as an assigned judge on other courts as follows:

- (A) A sitting full-time or part-time municipal or county court judge may serve on another municipal or county court;
- (B) A sitting court of common pleas judge may serve on a municipal or county court, another court of common pleas, or the Court of Claims;
- (C) A sitting court of appeals judge may serve on a municipal or county court, a court of common pleas, the Court of Claims, a court of appeals, or the Supreme Court;
- (D) A sitting Supreme Court justice may serve on a municipal or county court, a court of common pleas, the Court of Claims, or a court of appeals.

### **8.02. Levels of Assignment of Retired Judges.**

Subject to constitutional, statutory, and rule limitations, the Chief Justice may assign a retired judge to serve as an assigned judge on courts as follows:

- (A) A retired full-time or part-time municipal or county court judge may serve on a municipal or county court;
- (B) A retired court of common pleas judge may serve on a municipal or county court, a court of common pleas, or the Court of Claims;

(C) A retired court of appeals judge may serve on a municipal or county court, a court of common pleas, the Court of Claims, or a court of appeals;

(D) A retired Supreme Court justice may serve on a municipal or county court, a court of common pleas, the Court of Claims, or a court of appeals.

## **SECTION 9. CERTIFICATES OF AND RESPONSIBILITIES ON ASSIGNMENT.**

### **9.01. Certificates of Assignment.**

#### **(A) Specific case**

(1) The Chief Justice may issue a certificate of assignment for a specific case. If the assignment is for a specific case, the certificate of assignment shall state the case caption, case number, and assignment number, with no more than one certificate issued per case.

(2) The administrative judge of the court or division of the court, as applicable, requesting the assignment shall direct the original certificate of assignment be filed with the clerk of the court to which the assigned judge has been assigned and included as part of the record in the case.

#### **(B) Specific period of time**

(1) The Chief Justice may issue a certificate of assignment for a specific period of time. If the assignment is for a specific period of time, the certificate of assignment shall state the dates the assignment shall be in effect and the assignment number.

(2) The administrative judge of the court or division of the court, as applicable, requesting the assignment shall direct the original certificate of assignment be filed with the clerk of the court to which the assigned judge has been assigned and entered upon the miscellaneous journal of the court. The administrative judge shall further direct photocopies of the file-stamped certificate be placed in the case file of every matter considered by the assigned judge pursuant to the certificate.

#### **(C) Special circumstances**

(1) The Chief Justice may issue a certificate of assignment for special circumstances. If the assignment is for a special circumstance not covered by a specific case or for a specific period of time, the certificate of assignment shall state the special circumstance and the assignment number.

(2) The administrative judge of the court or division of the court, as applicable, requesting the assignment shall direct the original certificate of assignment to be filed with the clerk of the court to which the assigned judge has been assigned and

entered upon the miscellaneous journal of the court. The administrative judge shall further direct photocopies of the file-stamped certificate be placed in the case file of every matter considered by the assigned judge pursuant to the certificate.

**9.02. Responsibilities of an Assigned Judge.**

**(A) Assignments in general**

An assigned judge shall not preside over an empty or inactive docket. Pursuant to Jud.Cond.R. 2.5, an assigned judge shall perform judicial duties diligently. An assigned judge shall work expeditiously to bring the case or cases to full-final judgment.

**(B) Assignment for specific case**

(1) When an assigned judge is assigned to a court or a division of a court for a specific case, the assignment shall continue until the conclusion of the case, including any post-judgment proceedings, unless and until the Chief Justice reassigns the case or rescinds the assignment.

(2) An assigned judge on assignment to a specific case may only exercise judicial duties related to that specific case, unless the administrative judge of the court or division specifically requests the Chief Justice to designate the assigned judge for an additional purpose by following the requirements of Section 6 of these guidelines.

**(C) Assignment for specific period of time**

(1) When an assigned judge is assigned to a court or a division of a court for a specific period of time, the temporarily absent sitting judge shall retain responsibility for cases in which the sitting judge has resolved or presided over substantial preliminary matters. The assigned judge shall assume responsibility for cases in which the temporarily absent sitting judge has had the least involvement when the assignment occurs.

(2) When an assigned judge is assigned to a court or a division of a court for specific period of time, all matters pending before the assigned judge should be concluded by the end of the period. Any matter presented to the assigned judge that is not concluded by the end of the period may be extended beyond the end of the period to allow the assigned judge an opportunity to conclude the matter, not to exceed three months. If the matter continues for more than three months after the end of the specified period, the administrative judge shall review the request and submit a request for continuation of the assignment, if appropriate.

**(D) Assignment for special circumstance**

(1) When an assigned judge is assigned to a court or a division of a court for a special circumstance, the assignment shall continue until the conclusion of the matter, including any post-judgment proceedings, unless and until the Chief Justice reassigns the matter or withdraws the assignment.

(2) An assigned judge on assignment due to a special circumstance may only exercise judicial duties related to that special circumstance, unless the administrative judge of the court or division of the court, as applicable, specifically requests the Chief Justice to designate the assigned judge for that additional purpose by following the requirements of Section 6 of these guidelines.

**9.03. Responsibilities of Requesting Court or Division.**

In addition to any other responsibilities noted herein, the court or division of the court, as applicable, to which an assigned judge is assigned shall also do all of the following:

(A) Notify counsel of the assignment once it is made by the Chief Justice. If the parties are not represented by counsel, the parties shall be notified.

(B) Provide sufficient facilities and staff support to enable the assigned judge to execute the responsibilities of the assignment properly and expeditiously. Support staff should include the services of a bailiff, court reporter, secretary, or law clerk as may be necessary and appropriate for the assignment.

(C) Provide legal research resources to the assigned judge. To the extent such resources are not available to the court or division, the court or division shall refer the assigned judge to the Supreme Court of Ohio law library.

(D) Provide instructions to the assigned judge concerning parking and access to the courthouse. If the court utilizes remote technology, the court or division shall provide sufficient technical support to the assigned judge to ensure the timely and efficient delivery of judicial services.

(E) Report the work performed by the assigned judge in the manner required by the Rules of Superintendence for the Courts of Ohio. No sitting judge shall report that the judge disposed of any case or conducted any jury or non-jury trial if the activity was performed by an assigned judge.

(F) Ensure an assigned judge is not presiding over an empty or inactive docket.

## **SECTION 10. REIMBURSEMENT AND COMPENSATION.**

### **10.01. Reimbursement for Travel Expenses.**

#### **(A) Appellate courts**

Reimbursement of travel expenses incurred by assigned judges who are assigned to duty in the Supreme Court or a court of appeals shall be governed by the “Guidelines for Reimbursement of Travel and Education Expenses for Appellate Judges” issued by the Supreme Court.

#### **(B) Trial courts**

Reimbursement of travel expenses incurred by assigned judges who are assigned to duty in a court of common pleas or municipal or county court is the responsibility of the applicable county or municipal funding authority and shall be governed by the policies adopted by such authority.

### **10.02. Compensation of Sitting Judge.**

If an assigned judge is a sitting judge, all requests for compensation should be forwarded as appropriate to the Supreme Court or local funding authority for payment as follows:

(A) If sitting with the Supreme Court, the payment of compensation is governed by R.C. 141.11, and all requests for compensation shall be submitted to the Supreme Court using its prescribed compensation form;

(B) If sitting with a court of appeals, the payment of compensation is governed by R.C. 141.10(B);

(C) If sitting with a court of common pleas, the payment of compensation is governed R.C. 141.07;

(D) If sitting with a municipal court, the payment of compensation is governed by R.C. 1901.122 and Sup.R. 4.30;

(E) If sitting with a county court, the payment of compensation is governed by R.C. 1907.142 and Sup.R. 4.30.

### **10.03. Compensation of Retired Assigned Judge.**

#### **(A) Submission of request**

(1) If the assigned judge is a retired judge, all requests for compensation should be submitted to the Supreme Court as follows:

(a) The assigned judge shall request compensation for work performed while serving on assignment by submitting a compensation report through JASPAY. The judge should submit a daily request for work performed that day. However, if the judge does not submit daily requests, the judge shall submit a request after the judge performs such work, but not later than two weeks after the work was performed. No more than two weeks of work performed should be reported on each biweekly pay period request.

(b) When submitting a compensation request pursuant to division (A)(1)(a) of this guideline, the assigned judge shall attest the record the judge is entering is true and accurate and the work for which compensation is sought was performed pursuant to a trial, hearing, docket review, conference, research or writing, travel, or court administrative duties;

(c) When submitting a compensation request pursuant to division (A)(1)(a) of this guideline, the assigned judge shall include the assignment number from the certificate of assignment issued by the Chief Justice, the date on which the work was performed, and the total number of hours of the work expressed in whole numbers. If the total number of hours worked includes a portion of an hour less than one-half of an hour, the judge shall round the hour down to the nearest whole hour. If the total number of hours worked includes a portion of an hour equal to or greater than one-half of an hour, the judge shall round the hour up to the nearest whole hour. If the judge worked on more than one matter in an hour and each matter has a separate assignment number, the judge shall report only the assignment number of the matter on which the judge spent the most time.

(2) A retired judge sitting pursuant to an on-call assignment shall not submit a request for compensation in JASPAY for presiding over the court until the administrative judge has entered the required information into IGOR.

**(B) Amount of compensation**

(1) The compensation paid to the assigned judge for work performed each day shall be computed by multiplying the number of hours worked that day times one-eighth of the per diem associated with that assignment, not to exceed the full per diem associated with that assignment. The assigned judge shall not be entitled to more than one full per diem for each calendar day worked, regardless of the number of hours worked in a particular day.

(2) The aggregate annual compensation paid to the assigned judge as a result of all assignments shall not exceed the annual compensation payable to a judge serving on the highest level of court to which the judge has been assigned during the calendar year.

**(C) Failure to submit compensation requests**

The Chief Justice reserves the right not to assign an assigned judge who fails to submit compensation requests in accordance with this guideline.

**(D) Submission of inaccurate request**

The Chief Justice may order the reimbursement of compensation paid to a retired judge who through mistake, inadvertence, or error submits an inaccurate request.

**10.04. Retired Assigned Judge Payment.**

An assigned judge who is a retired judge may be eligible to receive a retired assigned judge payment pursuant to R.C. 141.16.

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