

**PROPOSED AMENDMENTS TO THE SUPREME COURT  
RULES FOR THE GOVERNMENT OF THE JUDICIARY OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until January 29, 2024, on the following proposed amendments to Supreme Court Rules for the Government of the Judiciary of Ohio.

Comments on the proposed amendments should be submitted in writing to: John VanNorman, Chief Legal Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or [ruleamendments@sc.ohio.gov](mailto:ruleamendments@sc.ohio.gov) not later than January 29, 2024. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

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

**RULE II. Disciplinary Procedure.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

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

**[Existing language unaffected by the amendments is omitted to conserve space]**

*(C) Appointment of hearing panel; proceedings on the formal complaint.*

**[Existing language unaffected by the amendments is omitted to conserve space]**

(3) 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 4 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 (D) of this section should issue a cease and desist order pursuant to division (D)~~(2)~~(3) of this section. If the hearing panel determines by clear and convincing evidence that a violation of Canon 4 has occurred, the hearing panel shall determine whether the respondent previously has been found to have violated Canon 4 and include the determination in its report.

*(D) Appointment of five-judge commission; proceedings before the commission.*

(1)(a) 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 following shall apply to the commission:

(i) Each judge shall have served four or more years on the courts of this state;

(ii) If the respondent has declared his or her candidacy as a member of a major political party, as defined in section 3501.01 of the Revised Code, three of the judges shall be of the same political party as the respondent and two of the judges shall be of a different political party as the respondent;

(iii) No judge shall be a candidate for judicial office during the duration of the commission. The

42 (b) The judge having the longest total service on the courts of this state shall serve as  
43 the chair of the commission. After receipt of the notice of appointment and the receipt of the  
44 report, the chair promptly shall fix a day, time, and place for the first meeting of the commission.  
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46 (2) The commission shall expedite its consideration of the report and may make its  
47 determination from the report of the hearing panel, permit or require the filing of briefs, conduct  
48 oral argument, or order the hearing panel to take additional evidence. If the commission concludes  
49 the record supports the hearing panel's finding that a violation of Canon 4 has occurred and there  
50 has been no abuse of discretion by the hearing panel, the commission may enter an order that  
51 includes one or more of the following:  
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53 **[Existing language unaffected by the amendments is omitted to conserve space]**  
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55 ~~(2)~~(3) Upon recommendation of the hearing panel, motion of the complainant or sua  
56 sponte, the commission may enter an interim cease and desist order as it finds reasonable and  
57 necessary prior to making the determination required by division (D)(1) of this section. The  
58 interim order shall be based on the commission's preliminary review of the report and  
59 recommendation of the hearing panel and any record made before the commission.  
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61 ~~(3)~~(4) A party may allege the existence of bias, prejudice, or other disqualifying factor on  
62 the part of a judge appointed by the Supreme Court to serve on a commission of five judges by  
63 filing a motion with the Chief Justice of the Supreme Court. The motion shall be filed within three  
64 days of the date the party receives notice of the appointment of the commission. If the Chief Justice  
65 finds the existence of bias, prejudice, or other disqualifying factor, the judge named in the motion  
66 shall be disqualified, and the Supreme Court shall appoint a substitute judge.  
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69 **RULE III. Disability Retirement, Removal, or Suspension of Judges.**  
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71 **[Existing language unaffected by the amendments is omitted to conserve space]**  
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73 **Section 2. Action on the Complaint.**  
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75 **[Existing language unaffected by the amendments is omitted to conserve space]**  
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77 (B)(1)(a) If the report finds there is substantial credible evidence in support of the  
78 complaint, the Supreme Court shall appoint within a reasonable time after its receipt a commission  
79 of five judges, as provided in section 2701.11 of the Revised Code, that meets the following  
80 criteria:  
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82 (i) Each judge shall have served four or more years on the courts of this state;  
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84 (ii) If the respondent has declared his or her candidacy as a member of a major political  
85 party, as defined in section 3501.01 of the Revised Code, three of the judges shall be of the same  
86 political party as the respondent and two of the judges shall be of a different political party as the  
87 respondent.

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(b) ~~The judge having the longest total service on the courts of this state shall serve as 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 electronic service address or certified mail with return receipt to the judge against whom the finding has been made and to the Supreme Court.

**[Existing language unaffected by the amendments is omitted to conserve space]**