

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until November 4, 2021, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: The iCOURT Task Force, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215, or iCOURT@sc.ohio.gov not later than November 4, 2021. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

1 **RULE 2. Definitions.**

2
3 As used in these rules:

4
5 (A) “Appear,” “appearance,” “attendance,” and “in person” mean the physical or
6 remote presence of an individual.

7
8 (B) “Case” means a notice of appeal, petition, or complaint filed in the court of appeals
9 and any of the following when filed in the court of common pleas, municipal court, and county
10 court:

11
12 (1) A civil complaint, petition, or administrative appeal;

13
14 (2) A criminal indictment, complaint, or other charging instrument that charges a
15 defendant with one or more violations of the law arising from the same act, transaction, or series
16 of acts or transactions;

17
18 (3) A petition, complaint, or other instrument alleging ~~that~~ a child is delinquent, unruly,
19 or a juvenile traffic offender based on conduct arising out of the same act, transaction, or series of
20 acts or transactions or a petition alleging ~~that~~ a child is dependent, neglected, or abused;

21
22 (4) An estate, trust, guardianship, petition for adoption or other miscellaneous matter
23 as defined in Sup. R. 50.

24
25 ~~(B)~~(C) “Court” means a court of appeals, court of common pleas, municipal court, or
26 county court.

27
28 ~~(C)~~(D) “Division” means the general, domestic relations, juvenile, or probate division of
29 the court of common pleas, any combination of the general, domestic relations, juvenile, or probate
30 divisions of the court of common pleas, or the environmental or housing divisions of the municipal
31 court.

32
33 (E) “Open court” means a live proceeding of a court or division that the public may
34 attend either in person or by remote presence.

35
36 (F) “Remote,” “remotely,” and “remote presence” mean the presence of an individual
37 who is using live two-way video or audio technology.

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45 **RULE 5. Local Rules.**

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

48

49 **(D) Case and jury management plans**

50

51 In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and
52 any other Rule of Superintendence, each court or division of a court, as applicable, shall
53 adopt the following by local rule:

54

55 (1) A case management plan for the purposes of ensuring the readiness of cases
56 for pretrial and trial, and maintaining and improving the timely disposition of cases.
57 In addition to any other provisions necessary to satisfy the purposes of division
58 (D)(1) of this rule, the plan shall include provisions for an early case management
59 conference, referral to appropriate and available alternative dispute resolution
60 programs, establishment of a binding case management schedule, and a pretrial
61 conference in cases where the trial judge determines a conference is necessary and
62 appropriate. A municipal or county court may establish separate provisions or
63 exceptions from the plan for small claims, traffic, and other types of cases ~~that~~ the
64 court determines would not benefit from the case management plan.

65

66 (2) A jury management plan for purposes of ensuring the efficient and effective
67 use and management of jury resources. In addition to any other provisions
68 necessary to satisfy the purposes of this division (D)(2) of this rule, the plan shall
69 address the provisions of the Ohio Trial Court Jury Use and Management Standards
70 adopted by the Supreme Court of Ohio on August 16, 1993, and procedures for
71 conducting a trial by jury, whether in whole or in part, remotely.

72

73 **(E) Technology plan**

74

75 In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and
76 any other Rule of Superintendence, each court or division of a court, as applicable, shall
77 adopt the following by local rule:

78

79 (1) A technology plan for the purposes of ensuring the efficient and effective
80 use of technology in the delivery of services of the court or division. The plan shall
81 include a comprehensive strategy for implementing and maintaining technology
82 solutions for conducting remote hearings, electronic service, the acceptance of
83 electronic signatures, and any other technology-related solution utilized by the
84 court or division.

85

86 (2) Procedures for notifying and providing instructions to the public on how to
87 use the technology solutions implemented by the court or division and how the
88 solutions will comply with any accessibility accommodation requirements,
89 including any applicable requirements of the “Americans with Disabilities Act.”

90 **RULE 13. Videotaped Deposition Testimony and Evidence.**

91
92 **(A) ~~Videotape depositions.~~ Depositions**

93
94 (1) **Authority Use of depositions.** ~~Videotape depositions~~ Depositions are authorized
95 by Civil Rule 30(B)(3).

96
97 (2) **Notice.** The notice requirements of Civil Rule 30(B)(3) regarding the manner of
98 recording, preserving, and filing depositions apply to ~~videotape~~ depositions. Notice is
99 sufficient if it specifies ~~that the videotape~~ deposition is to be taken pursuant to the
100 provisions of this rule.

101
102 (3) **Persons authorized to take depositions.** The officer before whom a ~~videotape~~
103 deposition is taken shall be one of those persons enumerated in Civil Rule 28.

104
105 (4) **Date and time recording.** A date and time generator shall be used to superimpose
106 the year, month, day, hour, minute, and second over the video portion of the recording
107 during the taking of the deposition. The total deposition time shall be noted on the outside
108 of the videotape, disc, or other storage device.

109
110 (5) **Objections.** The officer shall keep a log of objections referenced to the time of
111 making each objection as superimposed on the video portion of the recording. If the
112 deposition is transcribed, the log shall include the page of the transcript on which each
113 objection occurs.

114
115 (6) **Copies of the deposition.** Upon the request of a party, the officer shall provide an
116 ~~audio cassette~~ recording of the deposition at the conclusion of its taking. Upon the request
117 of a party, the officer shall provide a copy of the deposition in the medium of videotape,
118 disc, or other storage device or a written transcript of the deposition within a reasonable
119 period of time. The requesting party shall bear the cost of the copy requested.

120
121 (7) **Submission to witness.** After a ~~videotape~~ deposition is taken, the ~~videotape~~ pre-
122 recorded in-person or remote testimony shall be shown immediately to the witness for his
123 examination, unless the examination is waived by the witness and the parties.

124
125 (8) **Certification of original ~~videotape~~ deposition.** The officer before whom the
126 ~~videotape~~ deposition is taken shall cause a written certification to be attached to the original
127 videotape, disc, or other storage device. The certification shall state ~~that~~ the witness was
128 fully sworn or affirmed by the officer and ~~that~~ the videotape, disc, or other storage device
129 is a true record of the testimony given by the witness. If the witness has not waived ~~his or~~
130 ~~her~~ the right to a showing and examination of the ~~videotape~~ deposition, the witness shall
131 also sign the certification.

132
133 When an officer makes a copy or a transcription of the ~~videotape~~ deposition in any medium,
134 ~~he or she~~ the officer shall attach a written certification to the copy or transcription. The

135 certification shall state that the copy is a true record of the videotape pre-recorded in-person
136 or remote testimony of the witness.

137
138 (9) **Certification of edited videotape depositions.** The officer who edits the original
139 videotape deposition shall attach a written certification to the edited copy of the videotape
140 deposition. The certification shall state that the editing complies with the rulings of the
141 court and that the original videotape deposition has not been affected by the editing process.

142
143 (10) **Filing where objections not made.** Where objections are not made by a party or
144 witness during the deposition and, if pursuant to Civil Rule 30(F)(1) a party requests, or
145 the court orders, that the deposition be filed with the court, the officer shall file the
146 deposition with the clerk of the court.

147
148 (11) **Filing where objections made.** When a deposition containing objections is filed
149 with the court pursuant to Civil Rule 30(F)(1), ~~it shall be accompanied by~~ the officer's log
150 of objections shall accompany it. A party may request that the court rule upon the
151 objections within fourteen days of the filing of the deposition or within a reasonable time
152 as stipulated by the parties. In ruling upon objections, the court may view the videotape
153 recording in its entirety or view only those parts of the videotape recording pertinent to the
154 objections made. If the parties are not present at the time the court's rulings are made, the
155 court shall provide the parties with copies of its rulings on the objections and his
156 instructions as to editing.

157
158 (12) **Editing alternatives.** The original videotape recording shall not be affected by any
159 editing process.

160
161 (a) In its order and editing instructions the court may do any of the following:

162
163 (i) Release the videotape recording to the officer with instructions to
164 keep the original videotape recording intact and make an edited copy of the
165 videotape recording that deletes all references to objections and
166 objectionable material;

167
168 (ii) Order the person showing the original videotape recording at trial to
169 suppress the objectionable audio portions of the videotape recording;

170
171 (iii) Order the person showing the original videotape recording at trial to
172 suppress the objectionable audio and video portions of the videotape
173 recording.

174
175 (b) If the court uses alternative in division (A)(12)(a)(i) of this rule, the officer
176 shall cause both the original videotape recording and the edited videotape
177 recording, each clearly identified, to be filed with the clerk of the court. If the court
178 uses the alternative in division (A)(12)(a)(ii) of this rule, it shall, in jury trials,
179 instruct the jury to disregard the video portions of the presentation when the audio
180 portion is suppressed. If the court uses the alternative in division (A)(12)(a)(iii) of

181 this rule, it shall, in jury trials, instruct the jury to disregard any deletions apparent
182 in the playing of the ~~videotape~~ recording.
183

184 (13) **Storage.** Each court shall provide secure and adequate facilities for the storage of
185 ~~videotape~~ recordings.
186

187 (14) **Inspection or viewing.** Except upon order of the court and upon such terms as it
188 may provide, the ~~videotape~~ recordings on file with the clerk of the court shall not be
189 available for inspection or viewing after filing and prior to use at trial or disposition in
190 accordance with this rule. Upon the request of a party under division (A)(3) of this rule,
191 the clerk, without court order, may release the ~~videotape~~ recording to the officer to allow
192 the making of a copy of the ~~videotape~~ recording.
193

194 (15) **Objections at trial.** Objections should be made prior to trial, and all objections
195 shall be made before actual presentation of the ~~videotape~~ recording at trial. If an objection
196 is made at trial that has not been waived pursuant to Civil Rule 32(D)(3) or previously
197 raised and ruled upon, the objection shall be made before the ~~videotape~~ deposition is
198 presented. The trial judge shall rule on objections prior to the presentation of the ~~videotape~~
199 recording. If an objection is sustained, that portion of the ~~videotape~~ recording containing
200 the objectionable testimony shall not be presented.
201

202 (B) **~~Videotape trials.~~ Use of deposition testimony at trial**
203

204 (1) **Authority.** ~~Videotape trials are~~ Presenting deposition testimony at trial may
205 include pre-recorded in-person and remotely-presented testimony, as authorized by Civil
206 Rule 40. In videotape trials, videotape A recording is the exclusive medium of presenting
207 testimony irrespective of the availability of the individual witness to testify in person. All
208 testimony is recorded on videotape, disc, or other storage device and the limitations of Civil
209 Rule 32 upon the use of depositions shall not apply.
210

211 (2) **Initiation of ~~videotape~~ trial with deposition testimony.** By agreement of the
212 parties and with the consent of the trial judge all or a portion of testimony and appropriate
213 evidence may be presented by ~~videotape~~ via a recording. The trial judge may order the
214 recording of all or a portion of testimony and evidence on videotape, disc, or other storage
215 device in an appropriate case. In determining whether to order a ~~videotape~~ trial by pre-
216 recorded in-person or remote testimony, the trial judge, after consultation with counsel,
217 shall consider the costs involved, the nature of the action, and the nature and amount of
218 testimony.
219

220 (3) **Procedure.** Divisions (A)(3) to (13) and (D) apply to ~~videotape~~ trials by pre-
221 recorded remote testimony. The sequence of taking the testimony of individual witnesses
222 and the sequence of presentation of that testimony shall be at the option of the proponent.
223 In ordering or consenting to the recording of all of the testimony on videotape, disc, or
224 other storage device, the trial judge shall fix a date prior to the date of trial by which all
225 recorded testimony shall be filed with the clerk of the court.
226

227 (4) **Objections.** All objections shall be made and ruled upon in advance of the trial.
228 Objections may not be made during the presentation of the ~~videotape~~ evidence.
229

230 (5) **Presence of counsel and trial judge.** In jury trials, counsel for the parties and the
231 trial judge are not required to be present in the courtroom when the ~~videotape~~ pre-recorded
232 in-person or remote testimony is played to the jury. If the trial judge leaves the courtroom
233 during the playing of the ~~videotape~~ recording, the judge shall admonish the jurors regarding
234 their duties and responsibilities. In the absence of the judge, a responsible officer of the
235 court shall remain with the jury. The trial judge shall remain within such proximity to the
236 courtroom that ~~he or she~~ the judge can be readily summoned.
237

238 (C) **Equipment:**
239

240 (1) **Standard.** There are several recording ~~format standards~~ formats used in the trial
241 courts of this state. Proponents of ~~videotape~~ pre-recorded in-person or remote testimony
242 or evidence shall determine the format utilized by the trial court in which the ~~videotape~~
243 recording is to be filed and shall make the ~~videotape~~ recording ~~on~~ in the appropriate format
244 ~~machine~~. If a party records testimony or evidence ~~on videotape~~ in a format that is not
245 compatible with the trial court equipment, the party shall be responsible for the furnishing
246 of reproduction equipment of institutional quality or for the conversion of the ~~videotape~~
247 recording to the ~~standards~~ format used in trial court equipment, all of which shall be at the
248 cost of the party and not chargeable as costs of the action.
249

250 Each court shall provide for the availability of playback equipment. As may be
251 appropriate, the court may purchase or lease equipment or make contract for the equipment
252 on occasions of need. The court shall provide for the adequate training of an operator from
253 the personnel of the court or for the services of a competent operator to operate the
254 equipment when ~~videotape~~ pre-recorded in-person or remote testimony or evidence is
255 presented in court.
256

257 [Existing language unaffected by the amendments is omitted to conserve space]
258

259 (D) **Costs; ~~videotape~~ depositions**
260

261 (1) The expense of ~~videotape~~ recording as a material shall be borne by the proponent.
262

263 (2) The reasonable expense of recording pre-recorded in-person or remote testimony
264 ~~on videotape~~, the expense of playing the ~~videotape~~ recording at trial, and the expense of
265 playing the ~~videotape~~ recording for the purpose of ruling upon objections shall be allocated
266 as costs in the proceeding in accordance with Civil Rule 54.
267

268 (3) The expense of producing the edited version of the ~~videotape~~ recording shall be
269 costs in the action, provided ~~that~~ the expense of the videotape, disc, or other storage device,
270 as a material, shall be borne by the proponent of the testimony.
271

272 (4) The expense of a copy of the ~~videotape~~ recording ~~and the expense of an audio-tape~~
273 ~~recording of the videotape sound track~~ shall be borne by the party requesting the copy.

274
275 **(E) Disposition of ~~videotape~~ recording filed with the court.**

276
277 (1) **Ownership.** ~~Videotape~~ The videotape, disc, or other storage device used in
278 recording testimony shall remain the property of the proponent of the testimony. ~~Videotape~~
279 The videotape, disc, or other storage device may be reused, but the proponent is responsible
280 for submitting a recording of acceptable quality.

281
282 (2) **Release of ~~videotape~~ recordings.**

283
284 (a) The court may authorize the clerk of the court to release the original
285 ~~videotape~~ recording and the edited ~~videotape~~ recording to the owner of the
286 videotape, disc, or other storage device upon any of the following:

287
288 (i) The final disposition of the cause where no trial occurs;

289
290 (ii) The expiration of the appeal period following trial, if no appeal is
291 taken;

292
293 (iii) The final determination of the cause, if an appeal is taken.

294
295 If the testimony is recorded stenographically by a court reporter during the playing
296 of the ~~videotape~~ recording at trial, the videotape, disc, or other storage device may
297 be returned to the proponent upon disposition of the cause following the trial.

298
299 (b) The court shall order release by journal entry.

300
301
302 **RULE 16.06. Meetings.**

303
304 **(A) Manner**

305
306 The Commission on Dispute Resolution may meet in person or by telephonic or other
307 electronic means available to the Supreme Court.

308
309 **(B) Frequency**

310
311 The commission shall meet as often as required to complete its work, provided the
312 commission shall meet ~~in person~~ a minimum of two times per year. The commission may
313 meet at the call of the chairperson or at the request of a majority of the commission
314 members.

315
316 **[Existing language unaffected by the amendments is omitted to conserve space]**
317

318 (E) **Member attendance**

319

320 For a fully effective commission, a commission member shall make a good faith effort to
321 attend, ~~in person,~~ each commission meeting. ~~A commission member who is unable to~~
322 ~~attend a meeting due to an unavoidable conflict may request the chairperson allow the~~
323 ~~member to participate by telephonic or other electronic means available to the Supreme~~
324 ~~Court. A commission member participating in this manner shall be considered present for~~
325 ~~meeting attendance purposes.~~ Should a commission member miss three consecutive
326 meetings, the commission or the commission secretary may recommend to the Chief
327 Justice and Justices of the Supreme Court ~~that~~ the member relinquish the member's
328 position on the commission.

329

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

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332

333 **RULE 36.08. Meetings.**

334

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

336

337 (E) **Member attendance**

338

339 (1) For a fully effective commission, a commission member shall make a good faith
340 effort to attend, in person, by telephone, or by other electronic means, each commission
341 meeting. Should a commission member miss three consecutive meetings, the commission
342 or the Supreme Court employee who staffs the commission may recommend to the Chief
343 Justice and Justices of the Supreme Court ~~that~~ the member relinquish the member's
344 position on the commission.

345

346 (2) ~~A commission member who is unable to attend a meeting due to an unavoidable~~
347 ~~conflict may request the chairperson allow the member to participate by **telephonic** or other~~
348 ~~electronic means available to the Supreme Court. A commission member participating in~~
349 ~~this manner shall be considered present for meeting attendance, quorum, and voting~~
350 ~~purposes.~~

351

352 (3) A commission member may not designate a replacement for participation in
353 meetings.

354

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

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357

358 **RULE 57. Filings and Judgment Entries.**

359

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

361

362 (B) All filings shall contain the name, address, telephone number, e-mail address, and
363 attorney registration number of the individual counsel representing the fiduciary and, in the absence

364 of counsel, the name, address, and telephone number of the fiduciary. Any filing not containing the
365 above requirements may be refused.

366

367

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