

RULE 3: ASSIGNMENT OF CASES

3.0 PROCEDURE FOR RANDOM SELECTION

The clerk shall cause the computer to randomly assign each new case to a judge, subject to a weighting by the computer for the sole purpose of ensuring that there is an equal distribution of cases among the judges.

3.1 RECUSALS

If a judge recuses himself/herself from hearing a particular case or a particular matter, the judge shall inform the Administrative Judge in writing of the disqualification. Upon the request of the Administrative Judge, the clerk shall randomly assign the case/matter to another judge, unless all of the judges self-disqualify themselves from hearing the case/matter in which event the Administrative Judge shall request the appointment by the Supreme Court of a visiting judge.

3.2 UNAVAILABILITY OF A JUDGE

In the event of the unavailability of a judge for trial or for hearing on any pretrial matter, the trial/matter shall be assigned by the assigned judge to another judge for hearing, or if the assigned judge is unavailable to make the assignment, the assignment shall be made by the Administrative Judge.

3.3 REFILED CIVIL CASES

If a case has been dismissed and is refiled, the refiled complaint shall contain the following designation under the new case number: "THIS IS REFILED CASE # [STATE PREVIOUS CASE NUMBER], PREVIOUSLY ASSIGNED TO [STATE THE NAME OF THE JUDGE TO WHOM THE CASE WAS PREVIOUSLY ASSIGNED]." The judge to whom the case was previously assigned shall be assigned the re-filed case.

3.4 CONSOLIDATION OF CASES

When cases involving common questions of law or fact are pending before different judges, a party may file a motion to consolidate the cases. The motion shall be filed in each case which the movant seeks to consolidate. The motion to consolidate shall be ruled upon by the judge to whom the lowest case number is assigned and must also be approved by the judge(s) assigned to the other case(s). If cases assigned to different judges are consolidated, the cases shall be assigned to the judge having the lowest numbered case.

3.5 CONSOLIDATION ENTRIES

Upon approval of consolidation, an entry shall be prepared which bears the complete case captions of all cases to be consolidated and signature spaces for all assigned judges. The entry shall be initially presented to the judge having the lowest numbered case. After signature by the judge having the lowest numbered case, the movant shall present the entry for signature by each judge whose cases are affected by the consolidation. A copy of the signed entry shall be filed in each case.

3.6 FILING OF PAPERS IN CONSOLIDATED CASES

Although cases have been consolidated, each case shall remain separate and distinct. All subsequent pleadings shall bear the complete captions of all consolidated cases and unless otherwise ordered by the assigned judge shall be filed in each case. The case schedule of the lowest numbered case shall control the proceedings in the consolidated cases unless otherwise ordered by the judge assigned the consolidated cases.

3.7 RE-INDICTED CASES

If a case has been terminated by nolle prosequi or other form of dismissal, the re-indicted case shall contain the following designation under the case number: "THIS IS RE-INDICTED CASE # [STATE PREVIOUS CASE NUMBER], PREVIOUSLY ASSIGNED TO [STATE THE NAME OF THE JUDGE TO WHOM THE CASE WAS PREVIOUSLY ASSIGNED]." The judge to whom the case was previously assigned shall be assigned the re-indicted case.

3.8 CO-DEFENDANTS IN CRIMINAL CASES

Subject to Rule 3.11, all co-defendants indicted in a multiple defendant case(s) shall be assigned to the same judge, who shall be the judge with the lowest case number. At the time of the return of an indictment where there is (a) co-defendant(s), the prosecutor shall file a notice which provides that "THIS DEFENDANT HAS (A) CO-DEFENDANT(S) WHOSE NAME(S) AND DATE(S) OF BIRTH IS (ARE) [GIVE NAME AND DATE OF BIRTH OF EACH CO-DEFENDANT]."

3.9 DEFENDANTS WITH ACTIVE PROBATION/COMMUNITY CONTROL/ INTERVENTION IN LIEU OF CONVICTION/DIVERSION CASES

Subject to Rule 3.11, if a probationer is indicted on a new case, the new case shall be assigned to the judge who placed the defendant on probation or community control or before whom the defendant pleaded guilty and was placed on intervention in lieu of conviction or in a diversion program.

3.10 CRIMINAL DEFENDANTS WITH PENDING CASES

Subject to Rule 3.11, if a defendant is arraigned on a new case and the defendant has pending case(s) assigned to a judge, the new case shall be assigned to that judge.

3.11 PRIORITY OF ASSIGNMENTS

In the event that a case is subject to more than one assignment category, the following assignment priority applies:

- a. Re-indicted cases;
- b. Co-Defendant cases;
- c. Pending cases; and
- d. Active probation/community control/intervention in lieu of conviction/diversion cases.

3.12 ASSIGNMENT OF AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS

All aggravated murder cases with death penalty specifications will be assigned randomly by lot without regard to the assignment rules set forth above.

3.13 THREE JUDGE AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS

If a defendant in an aggravated murder case with death penalty specifications seeks to enter a plea of guilty to one or more death penalty specification(s) or waives a jury trial in writing and on the record, the case shall be submitted to a three-judge panel. The assigned judge shall serve as the presiding judge over the trial of the case. The two additional judges shall be designated, pursuant to R.C. 2945.06, by the Presiding Judge of the Court and shall be selected at random by lot.