

**PROPOSED AMENDMENT TO THE LOCAL RULES OF THE CUYAHOGA COUNTY
COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
Published October 26, 2016**

In accordance with Rule 5 of the Rules of Superintendence for the Courts of Ohio, notice is hereby given of a proposed amendment to Local Rule 2 of the Local Rules of the Cuyahoga County Court of Common Pleas, Domestic Relations Division. The amendment is in red below.

Comments regarding the rule amendment will be accepted through November 28, 2016. Comments should be directed to Serpil Ergun, Administrator for Judicial Operations/Chief Magistrate, Cuyahoga County Courthouse, 1 W. Lakeside Avenue, Cleveland, Ohio 44113.

Rule 2. ASSIGNMENT AND SCHEDULING OF CASES

(A) ASSIGNMENT OF JUDGE.

(1) Cases filed on or after 1/13/87 shall be assigned to a Judge ~~by~~ randomly by the Clerk of Courts. The system shall be constructed so as to insure that the identity of the next Judge's name is unknown until the name is drawn. Cases filed prior to 1/13/87 bearing a case number equal to or lower than 175294 have been reassigned as follows:

CASE NUMBERS ENDING IN 01-20 – ROSEMARY GRDINA GOLD

CASE NUMBERS ENDING IN 21-40 - LESLIE ANN CELEBREZZE

CASE NUMBERS ENDING IN 41-60 - CHERYL S. KARNER

CASE NUMBERS ENDING IN 61-80 - DIANE M. PALOS

CASE NUMBERS ENDING IN 81-00 – FRANCINE B. GOLDBERG

Any exceptions to this blanket reassignment have been entered on the docket.

Cases filed on or after 12/01/02 shall be assigned to a Judge through a process, either manual or electronic, which insures a random selection of the Judge and preserves the identity of the Judge until selected.

Where it happens that both parties have filed complaints, whether for divorce, legal separation, or annulment, the Court on its own motion or on the motion of a party, shall consolidate the cases. The matter shall proceed under the case number of the complaint upon which service was obtained first and the other complaint shall operate as a counterclaim upon service thereof. Any orders issued prior to consolidation shall remain in full force and effect.

(2) Reassignment of Judge.

(a) Complaints for Divorce, Petitions for Dissolution, Complaints for Legal Separation, and Domestic Violence Petitions that are filed where the parties have been previously engaged in litigation in this Court shall be reassigned to the previously assigned Judge or the successor Judge.

(b) When it is necessary for a case already assigned to a Judge to be reassigned, a Judgment Entry shall be sent to the Administrative Judge requesting the reassignment and stating the reason for the reassignment. The Administrative Judge will then reassign a Judge, at random, and record the reassignment into the case docket.

(B) DUTY JUDGE AND AVAILABILITY OF ASSIGNED JUDGE.

The Administrative Judge shall appoint one judge each week who shall be designated the "Duty Judge." In the event an assigned judge is not available, routine preliminary matters in the case may be handled by the Administrative Duty Judge. The appointment shall be by order of the Administrative Judge and recorded in the Minute Book maintained by the Clerk of Courts. ~~In such case, the following notation shall be made under the Administrative Judge's signature:~~

~~"When the Administrative Judge's absence is anticipated, he/she shall designate by Journal Entry an acting Administrative Judge who shall have the same authority as the Administrative Judge to handle preliminary matters in cases where the assigned Judge is not available. In the event of the unanticipated absence of the Duty Administrative Judge and if no acting the Administrative Judge is otherwise unavailable has been designated, the most senior Judge available shall assume the role of acting Administrative Duty Judge".~~

(C) SCHEDULING OF CASES.

The scheduling of a case for trial or hearing will be accomplished at the direction of the Judge to whom the case is assigned. The commitments of attorneys in other state and federal courts shall be considered by each Judge when setting trial dates. Attorneys with larger than average caseloads, may, upon notification by the Administrative Judge, be required to submit detailed calendar information to the assigned Judge for the purpose of scheduling and shall be required to provide substitute counsel.

(D) FAILURE TO ANSWER.

A divorce or legal separation case shall be deemed to be "uncontested" unless an answer, motion or stipulation for leave to plead, is filed within 28 days after completion of service by publication. If a Defendant appears at the uncontested hearing, the Assigned Judge, in his/her discretion, may go forward with the hearing, may accept testimony or evidence from the Defendant, or may continue the hearing to allow the Defendant time to file an answer.

(E) TRIAL OR HEARING DATE.

(1) Pursuant to Ohio Rule of Civil Procedure 75(K), no action for divorce, annulment, or legal separation may be heard and decided until the expiration of 42 days after service of process or 28 days after the service of a counterclaim, which may be designated a cross-complaint, unless the Plaintiff files a written waiver of such 28 day period.

(2) Pursuant to R.C. 3105.64, no action for dissolution of marriage will be heard less than 30 days or more than 90 days after the filing of the petition for dissolution of marriage, except in the case of a conversion from a divorce action or in the case of a successful collaborative family law process.

(a) If the spouses have successfully completed a collaborative family law process in accordance with R.C. 3105.43, the hearing may be anytime within 90 days after the filing of the petition for dissolution of marriage.

(b) Spouses who have successfully completed a collaborative family law process and would like an immediate hearing must file a Notice of Collaborative Process with Request for Expedited Hearing contemporaneously with the filing of the petition for dissolution of marriage. (DDR Form). This Notice with Request must be signed by both parties and counsel and must include telephone numbers for both parties and their counsel. Failure to do so will result in the hearing being scheduled more than 30 days after the filing.

(3) Notice of any pretrial, case management conference, trial, or hearing date will be sent by electronic mail to all counsel of record or mailed to the parties, if not represented by counsel, no less than 14 days in advance of the day set for pretrial, case management conference, trial or hearing. The Court may shorten the notice time if required by statute or rule, by agreement of both parties or counsel, or in its discretion.

A daily computer generated register of pretrial, case management conference, trial or hearing notices mailed or sent by electronic mail on that day shall be attached to and verified by a Journal Entry signed by the Administrative Judge and entered in the Domestic Relations Hearing Notice Journal maintained by the Clerk of Courts.

(Effective July 1, 1991. Amended effective September 30, 1991; June 1, 1993; February 14, 1994; December 11, 2000; December 1, 2002; February 1, 2005; August 14, 2009; July 1, 2010; March 15, 2011; May 22, 2013; November 1, 2014; December 22, 2014.)