

Report of the Judicial Administration and Legal Reform Committee

1 *To the Council of Delegates:*

2 The Judicial Administration and Legal Reform Committee respectfully requests your
3 favorable consideration of the following proposed amendment to the Ohio Rules of
4 Superintendence. Below is a proposal to amend to Sup. R. 5(B)(1) mandating case
5 management conferences or scheduling conferences to be conducted telephonically.

6 Respectfully submitted,

7 **Judge Mary Jane Trapp, Warren**
8 Chair

9 **PROPOSED AMENDMENT**

10 **Rule 5. Local Rules**

11 ... (B) In addition to local rules of practice adopted pursuant to division (A)(1) of this rule
12 and any other Rule of Superintendence, each court or division, as applicable, shall adopt
13 the following by local rule:

14
15 (1) A case management plan for the purposes of ensuring the readiness of cases for
16 pretrial and trial, and maintaining and improving the timely disposition of cases. In
17 addition to any other provisions necessary to satisfy the purposes of division (B)(1) of
18 this rule, the plan shall include provisions for an early case management conference,
19 referral to appropriate and available alternative dispute resolution programs,
20 establishment of a binding case management schedule, and a pretrial conference in cases
21 where the trial judge determines a conference is necessary and appropriate. A municipal
22 or county court may establish separate provisions or exceptions from the plan for small
23 claims, traffic, and other types of cases that the court determines would not benefit from
24 the case management plan.

25 (a) Where the case management plan does not provide for an automatically
26 generated case management schedule, the initial case management conference
27 or scheduling conference shall be conducted telephonically between the judge
28 or court staff and trial counsel or pro se parties.

29 **Rationale for Proposal:**

30 The Rules of Superintendence mandate that local courts establish by local rule a case
31 management plan. Except those courts that have adopted an automatically generated
32 scheduling order, most courts conduct shortly after service of the complaint a case

33 management or scheduling conference during which the assigned judge or the judge's
34 designee meets with the attorneys or pro se parties for the purpose of taking appropriate
35 action on service issues, leaves to plead, time limitations for discovery, scheduling a date
36 for subsequent pretrial or settlement conferences, alternative dispute resolution referrals,
37 and any other scheduling matters.

38 Some courts by local rule permit the initial scheduling conference to be conducted
39 telephonically; other courts mandate personal appearance of counsel or pro se parties
40 which often involves a considerable amount of travel time and expense and waiting time
41 to resolve scheduling matters that could be done in a few minutes by telephone. Unlike
42 settlement conferences or pretrial conferences with the judge during which settlement is
43 discussed and legal issues such as pretrial motions and discovery disputes are resolved, a
44 scheduling conference does not require a face to face meeting and is conducted at a point
45 in the litigation where such discussions are usually premature.

46 In order to ensure uniformity in the state, the committee unanimously recommended
47 during its meeting held on September 12, 2008, that the Council of Delegates submit to
48 the Supreme Court of Ohio Commission on the Rules of Superintendence an amendment
49 to the Rules of Superintendence which would mandate that the initial scheduling
50 conference be conducted by telephone for the convenience of the court, counsel and pro
51 se parties, as telephone conferences necessarily promote efficient time management and
52 thus reduce fees and expenses charged to clients. This proposed amendment would not
53 affect those courts which have an automatically generated case management schedule.