

RULE 7. Individual assignment system

(A) In the assignment of the Equity and Presiding Criminal Judges of the General Division, each judge is assigned a dice (pill) with a number from 1 through 16 corresponding to their court room number. The Judge of Drug Court (14) shall not be included in the roll. To commence the assignment process, the 15 dies (pills) are placed in a leather bottle. The bottle shall be shaken and one number shall be rolled out. The judge assigned to that number will be assigned the first month of the new rotation. The process will be repeated until all 15 die (pills) have been rolled and the bottle is empty. Once all remaining dies (pills) have been removed, all dies (pills) will be returned to the bottle to complete the next roll of 15 months. There shall be two rolls for the assignment process setting forth 30 months of assignment for Equity and Presiding Criminal Judges. This process will be performed by the Court Administrator in the presence of the Presiding Judge and any other interested person. All assignments, including criminal arraignments, extraditions, and bond settings, except in death penalty cases, shall be handled by the magistrate for Common Pleas Court. Where there is an application for a restraining order, appointment of a receiver or mandamus, the party making the application shall give written notice to the opposite party of the intention to make such application, unless the Equity Judge, for good cause shown, otherwise directs. If the Equity Judge directs that the written notice be omitted, an entry shall be made stating the reason for the omission of such notice. No request for a temporary restraining order will be heard unless it is presented by a motion separately filed. A case shall be permanently assigned to the judge serving in equity at the time a motion for temporary restraining order is filed; except that a case already permanently assigned at the time the motion is filed shall not be reassigned. For purposes of reports under Superintendence Rule 35, all miscellaneous cases not otherwise assigned shall be reported each month by the Equity Judge. (Effective January 1, 2013)

(B) In accordance with Superintendence Rule 4, upon the filing in, or transfer to, a division of the Court of a civil case, or upon arraignment upon information or indictment, or upon special request of the Hamilton County Prosecutor as provided in Paragraph (L) herein, in a criminal case, such case shall be immediately assigned by the Presiding Judge or the Court Administrator by lot to a judge thereof, who thus becomes primarily responsible for the determination of, except as otherwise provided herein, every issue and proceeding in the case until its termination. Under this system, all preliminary matters, including requests for continuances, must be submitted for disposition to the judge to whom the case has been assigned, or if the assigned judge is unavailable, to the Administrative Judge. Such cases, whether civil or criminal, shall be distributed, as nearly equally as possible, to each of the judges then in office in the division in which such action is cognizable, and the several judges of that division may effect any system whereby this is to be accomplished, provided such assignment is immediate upon filing, transfer or assignment, as the case may be. (Effective February 1, 1993)

(C) Whenever, upon the date set for trial of a cause, whether civil or criminal, counsel for the parties acknowledge their readiness to proceed to trial, and the judge to whom the cause has been assigned is engaged in another trial, or is absent, the Administrative Judge may forthwith assign such case to any judge of that division who is not engaged in the trial of a cause at that time, and

such judge shall take credit for the disposition of that case, in accordance with Superintendence Rule 5, as if such case had been originally assigned to him or her. Thereupon the judge receiving such reassignment shall promptly select and transfer one of the cases assigned to that judge's room in the same classification and filed in the same or subsequent year, in exchange to the room from which said case came, as a permanent transfer.

(D) For good cause shown, on written application by counsel to the Presiding Judge, a case may be reassigned by the Presiding Judge in the manner provided in Section (C) hereof.

(E) When necessary or proper a judge may disqualify himself or herself from a particular case. In those circumstances, that judge shall inform the Administrative Judge in writing of such disqualification and upon approval of the Administrative Judge, the Court Administrator will reassign the case pursuant to Rule 7(B) and (C) above. The writing will be an official entry.

(F) When a new trial is ordered, for any reason, either by the judge who originally tried the case or by a reviewing court, the case, for purposes of such new trial, shall be reassigned by lot in accordance with the system authorized by Paragraph B hereof. When a case has once been tried, and for any reason a retrial is required, said case shall be given preference in the setting of cases for trial.

(G) Consolidation and separate trials: Civil Rule 42 governs consolidation and separate trials. Unless otherwise agreed by the judges involved, motions to consolidate shall be heard by the judge to whom the lowest numbered case is assigned and, if granted, all cases shall then go to that judge. The case(s) going to the judge granting said motion shall be known as the SOURCE case(s). The case into which the SOURCE case(s) is/are to be consolidated shall be known as the TARGET case. In lieu of that judge's accepting a case through consolidation and returning a case under the provisions of Rule 7(C), the judge from whom a case is taken shall be assigned a new case pursuant to Rule 7(B). All filings received by the Clerk's Office post consolidation on the SOURCE case(s) shall be docketed exclusively under the TARGET case.

(H) A separate assignment by lot shall be made for death penalty offenses. In these cases, the Presiding Criminal Judge shall appoint one attorney for defendant on the day that the defendant is either arraigned in the Municipal Court or indicted, whichever comes first. The Assigned Judge will appoint one additional attorney for defendant upon assignment of the case in the Common Pleas Court. (Amended June 17, 1983)

(I) If it is ascertained that a defendant is under the age of 18 years of age and the Juvenile Court has not yet waived jurisdiction, the general division judge shall continue the case one day and will notify the presiding Juvenile Judge so that the proper complaint can be processed.

(J) In accordance with Superintendence Rule 4, in any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the judge originally assigned by lot to hear it, unless, for good cause shown, that judge is precluded from hearing the case. (New February 1, 1985)