

## **RULE 7. INDIVIDUAL ASSIGNMENT SYSTEM**

- A. In accordance with Superintendence Rules 5 and 36, upon the filing or transfer of a civil case, upon arraignment in a criminal case, or upon special request of the Hamilton County Prosecutor as provided in Paragraph (I) herein, such case shall be immediately assigned by the Administrative Judge or by court personnel at the Administrative Judge's direction, by lot to a judge of the division. Except as otherwise provided herein, the assigned judge is responsible for the determination of all matters pertaining to the case. If the assigned judge is unavailable, the Administrative Judge may act in the assigned judge's absence. Cases shall be distributed as equitably as possible to each of the judges in the division.
- B. All criminal arraignments, extraditions, and bond settings, except in death penalty cases, shall be heard by a General Division magistrate.
- C. Modifications to Individual Assignment System. Pursuant to Sup. R. 36.011(C), the Individual Assignment System is hereby modified as follows:
  1. To provide for the redistribution of cases involving the same criminal defendant;
  2. A new criminal case involving a person who is currently on probation shall be directly assigned to the judge to whom the probation case is assigned; and,
  3. Equity and Presiding Criminal Judge
    - a. In the General Division, each judge is assigned a dice (pill) with a number from 1 through 16 corresponding to their court room number. The Drug Court judge (14) shall not be included in the assignment of the Equity and Presiding Criminal Judge. To commence the Equity and Presiding Criminal Judge random assignment process, the 15 remaining dies (pills) are placed in a bottle. The bottle shall be shaken and one number shall be rolled out. The judge assigned to that number will be assigned the first two-weeks 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 two-week periods. There shall be two rolls for the assignment process setting forth 30 two-week periods of assignment for Equity and Presiding Criminal Judges. This process will be performed by the Court Administrator in the presence of the Administrative Judge, the Assistant Administrative Judge, or the Second Assistant Administrative Judge, and any other interested person.
    - b. Where there is an application for a temporary restraining order, appointment of a receiver, or a writ of 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, directs otherwise. 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 statistical reports required under Sup. R. 37, all miscellaneous cases not otherwise assigned shall be reported each month by the Equity Judge.

- c. When a criminal case has been assigned to a judge of this division and the state seeks to obtain relief from discovery or to perpetuate testimony or for a witness protective order under Crim. R. 16(B), said motion will not be heard by the assigned judge but rather will be heard and determined by the judge assigned as Presiding Criminal Judge during the period wherein the motion is filed. The assigned judge will continue to be primarily responsible for the determination of every other issue and proceeding in the case until its termination pursuant to section (A) above.

#### D. Assignment of Cases Following Recusal

1. General. When necessary or proper a judge may recuse or disqualify himself or herself from a particular case by written entry and shall notify the Common Pleas Assignment Commissioner of such recusal. Following recusal or disqualification, the Administrative Judge shall randomly reassign the case.
2. Request for visiting judge. In any case in which the administrative judge reasonably believes based on all circumstances that no judge of the court should hear the case, the administrative judge may request a visiting judge be assigned.

E. 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.

F. Consolidation and separate trials. Unless otherwise agreed by the judges involved, Civil Rule 42 motions to consolidate shall be heard by the judge to whom the lowest numbered case is assigned and, if granted, the consolidated cases shall be assigned to that judge. The case(s) assigned to the judge granting the motion to consolidate 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. After consolidation is ordered, the random assignment by lot of civil cases shall be adjusted to preserve the equitable distribution of civil cases among the judges. All filings received by the Clerk of Court's Office post consolidation on the SOURCE case(s) shall be docketed exclusively under the TARGET case.

- G. Capital Cases. A separate assignment by lot shall be made for capital cases (death penalty offenses) to a judge of the General Division who is qualified to hear the case, pursuant to Sup. R. 36.013. Such assignments shall be made by lot from a pool consisting of each General Division judge eligible to hear the case. Upon receipt of such criminal case, the name or courtroom number of the assigned judge is removed from the pool. Upon the assignment of such criminal case to the second-to-last judge in the pool, the names or courtroom numbers of each judge of the General Division eligible to hear capital cases are added back into the pool. In capital 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 judge assigned a capital case will appoint one additional attorney for defendant.
- H. In accordance with Superintendence Rule 36.017, 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.
- I. Upon request of the Hamilton County Prosecutor, a judge may be randomly assigned to preside over a pre-indictment matter. The Court Administrator shall designate a form by which the prosecutor shall make such a request. When multiple defendants are charged as a result of single event, with the same or similar charges, each defendant will be assigned a separate case number prior to assignment. The prosecutor must indicate on the assignment request form the case numbers of such companion cases to be assigned together to one judge. Co-defendants will be consolidated into one indictment, using the lowest case number assigned. Co-defendants will be listed in the indictment in the same ascending order as the case numbers were assigned originally. This pre-indictment assignment shall remain sealed until such time as an indictment is filed or an arrest is made. The randomly assigned judge will preside over all pre-arraignment matters and arraignment after which the judge assignment will be unsealed. The judge assigned to a matter pre-indictment shall preside over the new case post-arraignment, unless that judge is precluded from hearing the case or other good cause exists to reassign the case by lot. The Court Administrator may develop additional guidelines consistent with this rule and Sup. R. 36.015.