

Rule 8 Assignment Commissioner and Jury Commissioner

8.01 Assignment of Judges. Upon receipt of the file in any case described in Rule 1.01 (D), the assignment commissioner shall assign the case to a judge by lot unless the defendant meets the criteria set forth below.

A. If the defendant meets any of the criteria below, the case shall be assigned in the following priority:

1. If the defendant has a pending case before an assigned judge, the new case shall be assigned to the judge to whom the pending case with the oldest case number has been assigned. Pending case means:

- a. Defendant has an active case with a judge.
- b. Defendant is order-in on an assigned case.

2. If the defendant is on probation, the new case shall be assigned to the judge who most recently placed the defendant on probation. Probation means:

- a. Defendant is on active probation.
- b. Defendant is order-in for revocation hearing.

3. If the defendant is not on probation but is subject to a sentence which includes monitoring for further convictions, the new case shall be assigned to the judge who most recently imposed that condition. P.N.C. means:

- a. Defendant is on active P.N.C.
- b. Defendant is ordered-in on a P.N.C. violation.

B. If the defendant meets any of the criteria below, the case shall be assigned as follows:

1. Any application for the sealing or expungement of records, including felony cases, shall be assigned to the judge who disposed of the case.

2. If the defendant has two or more cases assigned to different judges, all applications for the sealing or expungement of records in those cases shall be assigned to the Administrative Judge for disposition.

3. If a defendant has two or more cases assigned to different judges, and the defendant has filed an application to expunge records pursuant to R.C. 2953.38 (Expungement for Human Trafficking), all cases that are the subject of the application shall be referred to the CATCH Court judge for disposition.

8.02 Jury Use and Management Plan. The court adopts the Jury Use and Management Plan as approved at the judges' meeting on June 15, 1994, to be administered by the Jury Commissioner, subject to the supervision and direction of the Administrative Judge. A copy of the plan shall be available for public inspection in the office of the Jury Commissioner.

8.03 Conflicts in case schedules. Upon receipt of form 1.03, the assignment commissioner shall review the form for conflicts of assignment. If conflicts are discovered, the assignment commissioner shall notify the judge of the conflict, and the judge shall adjust the case schedule accordingly.

8.04 Mental Health Program Docket, Addiction Program Specialty Docket, and Solicitation Program Specialty Docket ("CATCH")

(a) Unassigned Case(s).

Upon execution of a Request for Assignment to the Mental Health, Addiction, or CATCH Program form by a judge in arraignment court (4C or 4D), or the duty judge in their absence, the arraignment shall be continued to the next Mental Health Program, Addiction Program or CATCH Docket. Upon defendant's acceptance into the Program, the case shall be assigned to the Judge elected to oversee the Program. If the defendant is not accepted into the Program, the case(s) shall be assigned pursuant to Loc. R. 8.01.

(b) Assigned Case(s).

Upon the execution of a Request for Assignment to the Mental Health, Addiction Program or CATCH Program form by the assigned judge and the Administrative Judge, pursuant to Sup. R 4(B)(1), the assignment commissioner shall transfer the case from the assigned judge to the Mental Health, Addiction Program or CATCH Docket. In the absence of the assigned judge, the administrative judge may authorize the transfer and sign the preliminary acceptance entry pursuant to Loc. R. 2.02.

If the defendant is accepted into a Program, the transfer shall be permanently assigned to the judge who has been elected to oversee the Mental Health, Addiction Program or CATCH Docket. If the defendant is not accepted into a Program, the case shall be transferred back to the judge to whom the case was originally assigned.

(c) Acceptance into a Program.

Acceptance into the Mental Health Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2004 to govern the operation of said Program.

Acceptance into the Addiction Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2009 to govern the operation of said Program.

Acceptance into the CATCH Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 03-2009 to govern the operation of said Program.

(d) Election of Judge.

The judge assigned to oversee the Mental Health, Addiction Program or CATCH Dockets shall be elected by a vote of a majority of the judges at the first judges= meeting after the adoption of this rule. Thereafter, the judge elected to oversee the Programs shall be elected each year at the meeting during which the administrative judge is elected. If the judge elected to oversee the Programs is unable or unwilling to serve, a new judge shall be elected at the next judges= meeting.