

1
2
3 **OHIO RULES OF APPELLATE PROCEDURE**

4 **RULE 26. Application for Reconsideration; Application for En Banc Consideration;**
5 **Application for Reopening.**

6 [Existing language unaffected by the amendments is omitted to conserve space]

7
8 **(B) Application for reopening**

9
10 (1) A defendant in a criminal case or a delinquent child in a juvenile case may apply
11 for reopening of the appeal from the judgment of conviction and sentence, or a judgment
12 of adjudication or disposition based on a claim of ineffective assistance of appellate
13 counsel. An application for reopening shall be filed in the court of appeals where the appeal
14 was decided within ninety days from journalization of the appellate judgment unless the
15 applicant shows good cause for filing at a later time.

16
17 [Existing language unaffected by the amendments is omitted to conserve space]

18 OHIO RULES OF CIVIL PROCEDURE

19
20 **RULE 4. Process: Summons.**

21
22 [Existing language unaffected by the amendments is omitted to conserve space]

23
24 **(D) Waiver of service of summons**

25
26 Service (1) Authority to waive service of summons, generally

27
28 In any type of action, service of summons may be waived in writing by any person
29 entitled thereto under Rule Civ.R. 4.2 who is at least eighteen years of age and not
30 under disability, or by the party’s attorney as permitted under division (D)(2) of
31 this rule. For any civil action filed in a Court of Common Pleas, the plaintiff may
32 request that the defendant waive service of a summons pursuant to the provisions
33 of Civ.R. 4.7.

34
35 (2) Waiver by attorney on behalf of a party

36
37 A waiver signed by a party’s attorney is presumed to be authorized.

38
39 (3) Waiver by individual on own behalf

40
41 A waiver signed by an individual on that individual’s own behalf is valid only if
42 the waiver sets forth a mailing address or e-mail address for that individual, which
43 shall be deemed a proper address for service under Civ.R. 5.

44
45 [Existing language unaffected by the amendments is omitted to conserve space]

46
47 **Proposed Staff Note (July 1, 2024 Amendment)**

48
49 Civil Rule 4(D) is amended in three respects. First, Civ.R. 4(D) and 4.7(B) are amended to clarify
50 that service of summons may be waived in any case. No substantive change is intended in this respect.
51 Second, the rule is amended such that a waiver signed by a party’s attorney is presumed to be authorized.
52 This amendment promotes the reliability of a waiver signed by an attorney on behalf of a client and
53 minimizes the risk of a defendant, late in the course of an action, asserting that the attorney lacked authority
54 to waive service of summons on behalf of the defendant. Third, the rule is amended such that a waiver
55 signed by an individual on the individual’s own behalf is valid only if the waiver sets forth a mailing or e-mail
56 address for that individual, which address is then deemed proper for service of subsequent papers. This
57 amendment is prompted by instances, especially in juvenile court and domestic relations court, of
58 unrepresented parties waiving service of summons without providing the court and the opposing parties an
59 address for service of subsequent papers.

60 **RULE 4.1. Process: Methods of Service.**

61

62 **[Existing language unaffected by the amendments is omitted to conserve space]**

63

64 **(A) Service by clerk**

65

66 (1) Methods of service

67

68 (a) Service by United States certified or express mail

69

70 Evidenced by return receipt signed by any person accepting
71 delivery, service of any process shall be by United States certified
72 or express mail unless otherwise permitted by these rules. The clerk
73 shall deliver a copy of the process and complaint or other document
74 to be served to the United States Postal Service for mailing at the
75 address set forth in the caption or at the address set forth in written
76 instructions furnished to the clerk as certified or express mail return
77 receipt requested, with instructions to the delivering postal
78 employee to show to whom delivered, date of delivery, and address
79 where delivered.

80

81 (b) Service by commercial carrier service

82

83 Unless the serving party furnishes written instructions to the clerk
84 that service be made pursuant to Civ.R. 4.1(A)(1)(a), the clerk may
85 make service of any process by a commercial carrier service
86 utilizing any form of delivery requiring a signed receipt. The clerk
87 shall deliver a copy of the process and complaint or other document
88 to be served to a commercial carrier service for delivery at the
89 address set forth in the caption or at the address set forth in written
90 instructions furnished to the clerk, with instructions to the carrier to
91 return a signed receipt showing to whom delivered, date of delivery,
92 and address where delivered.

93

94 **[Existing language unaffected by the amendments is omitted to conserve space]**

95 **RULE 4.7. Process: Waiving Service.**

96
97 **(A) Requesting a waiver**

98
99 An individual, corporation, partnership, or association that is subject to service under
100 Civ.R. 4 through 4.6 has a duty to avoid unnecessary expenses of serving the
101 summons. The plaintiff may notify such a defendant that an action has been commenced
102 and request that the defendant waive service of a summons. The notice and request must
103 satisfy all of the following requirements:

- 104
105 (1) Be in writing and be addressed as required by Civ.R. 4.2;
106
107 (2) Name the court where the complaint was filed;
108
109 (3) Be accompanied by a copy of the complaint, two copies of the waiver form
110 appended to this Rule 4.7, and a prepaid means for returning the form;
111
112 (4) Inform the defendant, using the form appended to this Rule 4.7, of the
113 consequences of waiving and not waiving service;
114
115 (5) State the date when the request is sent;
116
117 (6) Give the defendant a reasonable time of at least twenty-eight days after the
118 request was sent - or at least sixty days if sent to the defendant outside of the United
119 States - to return the waiver; ~~and~~
120
121 (7) Be sent by first-class mail or other reliable means.

122
123 **(B) ~~Limited to courts of common pleas~~ Scope of application**

124
125 The waiver of service provisions in this rule ~~are limited to apply only in~~ civil actions filed
126 in the courts of common pleas ~~but, except that~~ they do not apply to ~~civil protection orders~~
127 ~~pursuant to petitions seeking orders under~~ Civ.R. 65.1 ~~or to~~ nor domestic relations matters
128 as defined in R.C. 3105.011.
129

130 **(C) Failure to waive**

131
132 If a defendant over which the court has personal jurisdiction fails, without good cause, to
133 sign and return a waiver requested by a plaintiff, ~~then~~ the court may impose on the
134 defendant both of the following:

- 135
136 (1) The expenses later incurred in making service; ~~and~~
137
138 (2) The reasonable expenses, including attorney's fees, of any motion required
139 to collect those service expenses.
140

141 [Existing language unaffected by the amendments is omitted to conserve space]

142
143 [Form] RULE 4.7 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS.

144
145 (Caption)

146
147 To (name the defendant or — if the defendant is a corporation, partnership, or association
148 — name an officer or agent authorized to receive service):

149
150 WHY ARE YOU GETTING THIS?

151
152 A lawsuit has been filed against you, or the entity you represent, in this court under the
153 number shown above. A copy of the complaint is attached.

154
155 This is not a summons, or an official notice from the court. It is a request that, to avoid
156 expenses, you waive formal service of a summons by signing and returning the enclosed
157 waiver. To avoid these possible expenses, you must return the signed waiver within (give
158 at least 28 days or at least 60 days if the defendant is outside the United States) from the
159 date shown below, which is the date this notice was sent. Two copies of the waiver form
160 are enclosed, along with a stamped, self-addressed envelope or other prepaid means for
161 returning one copy. You may keep the other copy.

162
163 WHAT HAPPENS NEXT?

164
165 If you return the signed waiver, I will file it with the court. The action will then proceed as
166 if you had been served on the date the waiver is filed, but no summons will be served on
167 you and you will have 60 days from the date this notice is sent (see the date below) to
168 answer the complaint (or 90 days if this notice is sent to you outside the United States).

169
170 If you do not return the signed waiver within the time indicated, I will arrange to have the
171 summons and complaint served on you. And I will ask the court to require you, or the entity
172 you represent, to pay the expenses of making service.

173
174 Please read the enclosed statement about the duty to avoid unnecessary expenses.

175
176 I certify that this request is being sent to you on the date below.

177
178 Date: _____

179
180 ~~(Signature of the attorney or unrepresented party)~~

181
182 _____

183
184 ~~(Printed name)~~

185
186 _____

187

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234

(Address)

(E-mail address)

(Telephone number)

Name of party requesting waiver of service of summons: _____

Individual issuing this request on behalf of that party:

Printed name: _____

Signature: _____

Address: _____

E-mail address: _____

Telephone number: _____

[Form] RULE 4.7 WAIVER OF THE SERVICE OF SUMMONS.

(Caption)

To *(name the plaintiff's attorney or the unrepresented plaintiff)*:

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment could be entered against me or the entity I represent.

235 Date: _____
236

237 ~~(Signature of the attorney or unrepresented party)~~
238

239 _____
240

241 ~~(Printed name)~~
242

243 _____
244

245 ~~(Address)~~
246

247 _____
248

249 ~~(E-mail address)~~
250

251 _____
252

253 ~~(Telephone number)~~
254

255 _____
256

257 Name of party waiving service of summons: _____
258

259 Individual signing on behalf of party waiving service of summons:
260

261 Printed name: _____
262

263 Relationship to party waiving service of summons: _____
264

265 Signature: _____
266

267 Address: _____
268

269 E-mail address: _____
270

271 Telephone number: _____
272

273 (Attach the following)
274

275 **DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS**
276

277 Rule 4.7 of the Ohio Rules of Civil Procedure requires certain defendants to cooperate in
278 saving unnecessary expenses of serving a summons and complaint. A defendant who is
279 subject to the court's personal jurisdiction and who fails to return a signed waiver of service
280 requested by a plaintiff may be required to pay the expenses of service, unless the defendant
281 shows good cause for the failure.
282

283 “Good cause” does not include a belief that the lawsuit is groundless, or that it has been
284 brought in an improper venue, or that the court has no jurisdiction over this matter or over
285 the defendant or the defendant’s property.

286
287 If the waiver is signed and returned, you can still make these and all other defenses and
288 objections, but you cannot object to the absence of a summons or of service.

289
290 If you waive service, then you must, within the time specified on the waiver form, serve an
291 answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing
292 and returning the waiver form, you are allowed more time to respond than if a summons
293 had been served.

294
295 **Proposed Staff Note (July 1, 2024, Amendment)**

296
297 Division (B) of this rule is amended with Civ.R. 4(D) to clarify that service of summons may be
298 waived in any type of action. No substantive change is intended. The signature blocks of the forms are
299 amended to promote clarity.

300 **RULE 30. Depositions Upon Oral Examination.**

301

302 [Existing language unaffected by the amendments is omitted to conserve space]

303

304 **(D) ~~Motion~~ Duration; motion to terminate or limit examinations**

305

306

(1) Duration

307

308

Unless otherwise stipulated or ordered by the court, a deposition is limited to one day of seven hours. The court shall allow additional time consistent with Civ.R. 26(B)(6)(a) and (b) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

309

310

311

312

313

(2) Motion to terminate or limit examinations

314

315

At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Civ.R. 26(C). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of Civ.R. 37 apply to the award of expenses incurred in relation to the motion.

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[Existing language unaffected by the amendments is omitted to conserve space]

328 **RULE 45. Subpoena.**

329

330 **(A) Form; issuance; notice**

331

332 **[Existing language unaffected by the amendments is omitted to conserve space]**

333

334 (3) A party on whose behalf a subpoena is issued under division (A)(1)(b)(ii), (iii), (iv),
335 (v), or (vi) of this rule shall serve prompt written notice, including a copy of the subpoena,
336 on all other parties as provided in Civ.R. 5. If the ~~issuing attorney modifies a~~ subpoena
337 ~~issued under division (A)(1)(b)(ii), (iii), (iv), (v), or (vi) of this rule in any way is modified,~~
338 the issuing attorney party on whose behalf the subpoena is issued shall give prompt written
339 notice of the modification, including a copy of the subpoena as modified, to all other
340 parties.

341

342 **(B) Service**

343

344 A subpoena may be served by a sheriff, bailiff, coroner, clerk of court, constable, or a
345 deputy of any, by an attorney at law, or by any other person designated by court order of
346 ~~court who is not a party and is not less than eighteen years of age~~ under Civ.R. 4.1(E).
347 Service of a subpoena upon a person named therein shall be made by delivering a copy of
348 the subpoena to the person, by reading it to him or her in person, by leaving it at the person's
349 usual place of residence, or by placing a sealed envelope containing the subpoena in the
350 United States mail as certified or express mail return receipt requested with instructions to
351 the delivering postal authority to show to whom delivered, date of delivery and address
352 where delivered, and by tendering to the person upon demand the fees for one day's
353 attendance and the mileage allowed by law. The person responsible for serving the
354 subpoena shall file a return of the subpoena with the clerk. When the subpoena is served
355 by mail delivery, the person filing the return shall attach the signed receipt to the return. If
356 the witness being subpoenaed resides outside the county in which the court is located, the
357 fees for one day's attendance and mileage shall be tendered without demand. The return
358 may be forwarded through the postal service or otherwise.

359

360 **(C) Protection of persons subject to subpoenas**

361

362 (1) A party or an attorney responsible for the issuance and service of a subpoena shall
363 take reasonable steps to avoid imposing undue burden or expense on a person subject to
364 that subpoena.

365

366 (2) A

367

368 ~~(a)~~ A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of
369 this rule need not appear in person at the place of production or inspection unless
370 commanded to attend and give testimony at a deposition, hearing, or trial.

371

372 ~~(b)(3)~~ Subject to division (D)(2) of this rule, a person commanded to produce under
373 divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service

374 of the subpoena or before the time specified for compliance if such time is less than
375 fourteen days after service, serve upon the party or attorney designated in the subpoena
376 written objections to production. If objection is made, the party serving the subpoena shall
377 not be entitled to production except pursuant to an order of the court by which the subpoena
378 was issued. If objection has been made, the party serving the subpoena, upon notice to the
379 person commanded to produce, may move at any time for an order to compel the
380 production. An order to compel production shall protect any person who is not a party or
381 an officer of a party from significant expense resulting from the production commanded.
382

383 ~~(3)~~(4) On timely motion, the court from which the subpoena was issued shall quash or
384 modify the subpoena, or order appearance or production only under specified conditions,
385 if the subpoena does any of the following:
386

387 (a) Fails to allow reasonable time to comply;

388
389 (b) Requires disclosure of privileged or otherwise protected matter and no
390 exception or waiver applies;

391
392 (c) Requires disclosure of a fact known or opinion held by an expert not
393 retained or specially employed by any party in anticipation of litigation or
394 preparation for trial as described by Civ.R. 26(B)(7)(h), if the fact or opinion does
395 not describe specific events or occurrences in dispute and results from study by that
396 expert that was not made at the request of any party;

397
398 (d) Subjects a person to undue burden.
399

400 ~~(4)~~(5) Before filing a motion pursuant to division (C)~~(3)~~(4)(d) of this rule, a person
401 resisting discovery under this rule shall attempt to resolve any claim of undue burden
402 through discussions with the issuing attorney or unrepresented party. A motion filed
403 pursuant to division (C)~~(3)~~(4)(d) of this rule shall be supported by an affidavit of the
404 subpoenaed person or a certificate of that person's attorney of the efforts made to resolve
405 any claim of undue burden.
406

407 ~~(5)~~(6) If a motion is made under division (C)~~(3)~~(4)(c) or (C)~~(3)~~(4)(d) of this rule, the court
408 shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued
409 shows a substantial need for the testimony or material that cannot be otherwise met without
410 undue hardship and assures that the person to whom the subpoena is addressed will be
411 reasonably compensated.
412

413 **[Existing language unaffected by the amendments is omitted to conserve space]**

414 **OHIO RULES OF CRIMINAL PROCEDURE**

415
416 **RULE 4. Warrant or Summons; Arrest.**

417
418 **[Existing language unaffected by the amendments is omitted to conserve space]**

419
420 **(E) Arrest**

421
422 **(1) Arrest upon warrant**

423
424 (a) Where a person is arrested upon a warrant that states it was issued before a
425 scheduled initial appearance, or the warrant is silent as to when it was issued, the
426 judicial officer before whom the person is brought shall determine bail.

427
428 (b) Where a person is arrested upon a warrant that states it was issued after an
429 initial appearance or the failure to appear at an initial appearance and the arrest
430 occurs either in the county from which the warrant issued or in an adjoining county,
431 the arresting officer shall, except as provided in division (F) of this rule, where the
432 warrant provides for the posting of bail, permit the arrested person to post a sum of
433 cash or secured bail bond as contained in the warrant with the requirement that the
434 arrested person appear before the warrant issuing court at a time and date certain,
435 or bring the arrested person without unnecessary delay before the court that issued
436 the warrant.

437
438 (c) Where a person is arrested upon a warrant that states it was issued after an
439 initial appearance or the failure to appear at an initial appearance and the arrest
440 occurs in any county other than the county from which the warrant was issued or in
441 an adjoining county, the following sequence of procedures shall be followed:

442
443 (i) Where the warrant provides for the posting of bail, the arrested
444 person shall be permitted to post a sum of cash or secured bail bond as
445 contained in the warrant with the requirement that the arrested person
446 appear before the warrant issuing court at a time and date certain.

447
448 (ii) The arrested person may in writing waive the procedures in division
449 (E)(1)(c)(iii) of this rule after having been informed in writing and orally by
450 a law enforcement officer of those procedures, and consenting to being
451 removed to the warrant issuing court without further delay. This waiver
452 shall contain a representation by a law enforcement officer that the waiver
453 was read to the arrested person and that the arrested person signed the
454 waiver in the officer's presence.

455
456 (iii) Where the warrant is silent as to the posting of bail, requires that the
457 arrested person be held without bail, the arrested person chooses not to post
458 bail, or the arrested person chooses not to waive the procedures contained
459 in division (E)(1) of this rule, the arrested person shall, except as provided

460 in division (F) of this rule, be brought without unnecessary delay before a
461 court of record therein, having jurisdiction over such an offense, and the
462 arrested person shall not be removed from that county until the arrested
463 person has been given a reasonable opportunity to consult with an attorney,
464 or individual of the arrested person's choice, and to post bail to be
465 determined by the judge or magistrate of that court not inconsistent with the
466 directions of the issuing court as contained in the warrant or after
467 consultation with the issuing court. If the warrant is silent as to the posting
468 of bail or holding the arrested person without bail, the court may permit the
469 arrested person to post bail, hold the arrested person without bail, or consult
470 with the warrant issuing court on the issue of bail.

471
472 (d) d) If the arrested person is not released, the arrested person shall then be
473 removed from the county and brought before the court issuing the warrant, without
474 unnecessary delay and not later than the time prescribed by statute for the
475 defendant's first bail hearing. If the arrested person is released, the release shall be
476 on condition that the arrested person appear in the issuing court at a time and date
477 certain.

478
479 (2) Arrest without warrant. Where a person is arrested without a warrant and has
480 not been released from custody pursuant to division (F) of this rule, the arresting officer -
481 shall, ~~except as provided in division (F),~~ bring complete the following tasks:
482

483 (a) Promptly cause to be prepared a criminal complaint or sworn statement
484 setting forth probable cause supporting the arrest. A judge or magistrate of a court
485 having jurisdiction over the offense shall review for probable cause the officer's
486 complaint or sworn statement without unnecessary delay and, notwithstanding
487 Crim. R. 45, not later than 48 hours after the arrest. The probable cause review
488 need not be conducted in open court or on the record. If the reviewing judge or
489 magistrate does not find that the complaint or statement establishes probable cause
490 to believe an offense has been committed, the defendant shall be released for that
491 offense.

492
493 (b) Bring the arrested person without unnecessary delay, and not later than the
494 time prescribed by statute for the defendant's first bail hearing, before a court
495 having jurisdiction of the offense, and shall file or cause to be filed a complaint
496 describing the offense for which the person was arrested. Thereafter the court shall
497 proceed in accordance with Crim. R.5.

498
499 **[Existing language unaffected by the amendments is omitted to conserve space]**

500
501 **Proposed Staff Note (July 1, 2024, Amendment)**

502
503 Crim.R. 4 has been amended to explicitly conform with constitutional and statutory requirements
504 concerning warrantless arrests and the processing of persons who have been arrested and not yet
505 released on bail.
506
507

508 *Probable Cause Review for Warrantless Arrests*

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With respect to warrantless arrests, the Rule has been amended to require that the arresting officer promptly provide a judicial officer having jurisdiction over the offense with a sworn statement setting forth the officer's belief that there is probable cause to hold the person arrested for an offense. The judicial officer must review the officer's statement and make an independent probable cause determination without unnecessary delay and in no event later than 48 hours after arrest.

This requirement, set forth in division (E)(2)(i), is constitutionally required. Post-arrest detention is a Fourth Amendment "seizure" that must be based on probable cause. Constitutionally, the requirement is that the probable cause determination be made "promptly after arrest" by a neutral and detached government official. See, *Gerstein v. Pugh*, 420 U.S. at 125. Anything less than 48 hours from the time of the arrest until the determination of probable cause is considered sufficiently prompt so as to avoid a systemic challenge to that jurisdiction's arrest procedures (although, on an individual basis, a delay could be violative of the Fourth Amendment even if the probable cause determination is made in less than 48 hours). *County of Riverside v. McLaughlin*, 500 U.S. 44, 111 S.Ct. 166, 114 L.Ed.2d 49 (1991).

Riverside underscored that the police do not comply with the Fourth Amendment when they arrest a person without a warrant and then use the ensuing time to establish probable cause for the already-executed warrantless arrest. The 48 hours contemplated by *Riverside* represents the outside time frame by which police, who must have had probable cause when they made the arrest in the first place, and the court must ensure that a neutral and detached government official will have reviewed the complaint for probable cause. The 48 hours contemplated as the outer deadline in *Riverside* is inclusive of weekends and holidays; for that reason, the Rule explicitly excludes Crim.R. 45's normal computation from the deadline for determining probable cause for the warrantless arrest.

The determination of probable cause required within 48 hours of arrest need not be conducted pursuant to a hearing or in open court. Rather, much like judicial review of an application for a search warrant under Crim.R. 41, judicial review of the arresting officer's probable cause statement can be conducted informally, outside of court, and outside the presence of either the parties or any alleged victim of the offense of arrest. The judicial officer's ex parte review of the arresting officer's sworn statement can be conducted via remote communication.

First Appearance of Defendant

R.C. 2937.011(J)(1) requires that persons who have been arrested and not yet released be brought to open court for a bail hearing by "the second court day" following arrest. The Rule has been amended to be in accord with this statutory provision.

The amended Crim.R. 4 also provides that the "second court day" is the time limit for filing the complaint. This is required by Crim.R. 5, which states that the complaint will be reviewed with the defendant at the defendant's initial appearance before the court. *Accord*, Crim.R. 10 (arraignment procedure includes the reading of the complaint).

OHIO RULES OF EVIDENCE

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RULE 101. Scope of Rules: Applicability; Privileges; Exceptions.

(A) Applicability

These rules govern proceedings in the courts of this state, subject to the exceptions stated in division ~~(C)~~(D) of this rule.

[Existing language unaffected by the amendments is omitted to conserve space]

561 **RULE 702. Testimony by Experts.**

562

563 A witness may testify as an expert if the proponent demonstrates to the court that it is more likely
564 than not that all of the following apply:

565

566 (A) The witness' testimony either relates to matters beyond the knowledge or
567 experience possessed by lay persons or dispels a misconception common among lay
568 persons;

569

570 (B) The witness is qualified as an expert by specialized knowledge, skill, experience,
571 training, or education regarding the subject matter of the testimony;

572

573 (C) The witness' testimony is based on reliable scientific, technical, or other specialized
574 information and the expert's opinion reflects a reliable application of the principles and
575 methods to the facts of the case. To the extent that the testimony reports the result of a
576 procedure, test, or experiment, the testimony is reliable only if all of the following apply:

577

578 (1) The theory upon which the procedure, test, or experiment is based is
579 objectively verifiable or is validly derived from widely accepted knowledge, facts,
580 or principles;

581

582 (2) The design of the procedure, test, or experiment reliably implements the
583 theory;

584

585 (3) The particular procedure, test, or experiment was conducted in a way that will yield an
586 accurate result.

587

588 **Proposed Staff Note (July, 1, 2024 Amendment)**

589

590 The amendment adopts 2023 changes to Fed. R. Evid. 702.

OHIO RULES OF JUVENILE PROCEDURE

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RULE 9. Intake.

(A) Court action to be avoided

In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court.

(B) ~~Screening; referral~~ Notification

~~Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public~~ If formal court action is avoided pursuant to division (A) of this rule, the court shall notify the prosecuting attorney and the victim of the offense in accordance with Chapter 2930 of the Revised Code.