

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence of the Courts of Ohio (Sup.R. 2, 5, 13, 16.06, 36.08, 48.04–48.06, and 57) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

September 20, 2021	Initial publication for comment
March 8, 2022	Final adoption by conference
July 1, 2022	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

**RULE 2. Definitions.**

As used in these rules:

(A) “Appear,” “appearance,” “attendance,” and “in person” mean the physical or remote presence of an individual.

(B) “Case” means a notice of appeal, petition, or complaint filed in the court of appeals and any of the following when filed in the court of common pleas, municipal court, and county court:

(1) A civil complaint, petition, or administrative appeal;

(2) A criminal indictment, complaint, or other charging instrument that charges a defendant with one or more violations of the law arising from the same act, transaction, or series of acts or transactions;

(3) A petition, complaint, or other instrument alleging ~~that~~ a child is delinquent, unruly, or a juvenile traffic offender based on conduct arising out of the same act, transaction, or series of acts or transactions or a petition alleging ~~that~~ a child is dependent, neglected, or abused;

(4) An estate, trust, guardianship, petition for adoption or other miscellaneous matter as defined in Sup. R. 50.

~~(B)~~(C) “Court” means a court of appeals, court of common pleas, municipal court, or county court.

~~(C)~~(D) “Division” means the general, domestic relations, juvenile, or probate division of the court of common pleas, any combination of the general, domestic relations, juvenile, or probate divisions of the court of common pleas, or the environmental or housing divisions of the municipal court.

(E) “Open court” means a live proceeding of a court or division that the public may attend either in person or by remote presence.

(F) “Remote,” “remotely,” and “remote presence” mean the presence of an individual who is using live two-way video or audio technology.

**RULE 5. Local Rules.**

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

**(D) Case and jury management plans**

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

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

(2) A jury management plan for purposes of ensuring the efficient and effective use and management of jury resources. In addition to any other provisions necessary to satisfy the purposes of ~~this division (D)(2) of this rule~~, the plan shall address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993, and procedures for conducting a trial by jury, whether in whole or in part, remotely.

**(E) Technology plan**

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

(1) A technology plan for the purposes of ensuring the efficient and effective use of technology in the delivery of services of the court or division. The plan shall include a comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division.

(2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

**RULE 13. Videotaped Deposition Testimony and Evidence.**

**(A) ~~Videotape depositions.~~ Depositions Recorded depositions**

(1) **Authority Use of depositions.** ~~Videotape depositions~~ Depositions Recorded depositions are authorized by Civil Rule 30(B)(3).

(2) **Notice.** The notice requirements of Civil Rule 30(B)(3) regarding the manner of recording, preserving, and filing depositions apply to ~~videotape~~ recorded depositions. Notice is sufficient if it specifies ~~that the videotape~~ deposition is to be taken pursuant to the provisions of this rule.

(3) **Persons authorized to take depositions.** The officer before whom a ~~videotape~~ recorded deposition is taken shall be one of those persons enumerated in Civil Rule 28.

(4) **Date and time recording.** A date and time generator shall be used to superimpose the year, month, day, hour, minute, and second over the video portion of the recording during the taking of the deposition. The total deposition time shall be noted on the outside of the ~~videotape, disc, or other storage device.~~

(5) **Objections.** The officer shall keep a log of objections referenced to the time of making each objection as superimposed on the video portion of the recording. If the deposition is transcribed, the log shall include the page of the transcript on which each objection occurs.

(6) **Copies of the deposition.** Upon the request of a party, the officer shall provide ~~an audio cassette~~ a recording of the deposition at the conclusion of its taking. Upon the request of a party, the officer shall provide a copy of the deposition in the medium of ~~videotape,~~ disc, or other storage device or a written transcript of the deposition within a reasonable period of time. The requesting party shall bear the cost of the copy requested.

(7) **Submission to witness.** After a ~~videotape~~ recorded deposition is taken, ~~the videotape~~ a recording of the ~~in-person or remote~~ testimony shall be shown immediately to the witness for his examination, unless the examination is waived by the witness and the parties. If viewing is not waived by the witness, Civil Rule 30(E) shall govern the review process and timing for its completion.

(8) **Certification of original ~~videotape~~ recorded deposition.** The officer before whom the ~~videotape~~ recorded deposition is taken shall cause a written certification to be attached to the original ~~videotape, disc, or other storage device.~~ The certification shall state ~~that~~ the witness was fully sworn or affirmed by the officer and ~~that~~ the ~~videotape, disc, or other storage device~~ is a true record of the testimony given by the witness. If the witness has not waived ~~his or her~~ the right to a showing and examination of the ~~videotape~~ recorded deposition, the witness shall also sign the certification.

When an officer makes a copy or a transcription of the videotape recorded deposition in any medium, ~~he or she~~ the officer shall attach a written certification to the copy or transcription. The certification shall state ~~that~~ the copy is a true record of the videotape pre-recorded in person or remote recorded testimony of the witness.

(9) **Certification of edited videotape recorded depositions.** The officer who edits the original videotape recorded deposition shall attach a written certification to the edited copy of the videotape recorded deposition. The certification shall state ~~that~~ the editing complies with the rulings of the court and ~~that~~ the original videotape recorded deposition has not been affected by the editing process.

(10) **Filing where objections not made.** Where objections are not made by a party or witness during the recorded deposition and, if pursuant to Civil Rule 30(F)(1) a party requests, or the court orders, that the deposition be filed with the court, the officer shall file the recorded deposition with the clerk of the court.

(11) **Filing where objections made.** When a recorded deposition containing objections is filed with the court pursuant to Civil Rule 30(F)(1), ~~it shall be accompanied by~~ the officer's log of objections shall accompany it. A party may request ~~that~~ the court rule upon the objections within fourteen days of the filing of the deposition or within a reasonable time as stipulated by the parties. In ruling upon objections, the court may view the videotape recording in its entirety or view only those parts of the videotape recording pertinent to the objections made. If the parties are not present at the time the court's rulings are made, the court shall provide the parties with copies of its rulings on the objections and his instructions as to editing.

(12) **Editing alternatives.** The original videotape recording shall not be affected by any editing process.

- (a) In its order and editing instructions the court may do any of the following:
  - (i) Release the videotape recording to the officer with instructions to keep the original videotape recording intact and make an edited copy of the videotape recording that deletes all references to objections and objectionable material;
  - (ii) Order the person showing the original videotape recording at trial to suppress the objectionable audio portions of the videotape recording;
  - (iii) Order the person showing the original videotape recording at trial to suppress the objectionable audio and video portions of the videotape recording.
- (b) If the court uses the alternative in division (A)(12)(a)(i) of this rule, the officer shall cause both the original videotape recording and the edited videotape recording, each clearly identified, to be filed with the clerk of the court. If the court

uses the alternative in division (A)(12)(a)(ii) of this rule, it shall, in jury trials, instruct the jury to disregard the video portions of the presentation when the audio portion is suppressed. If the court uses the alternative in division (A)(12)(a)(iii) of this rule, it shall, in jury trials, instruct the jury to disregard any deletions apparent in the playing of the ~~videotape~~ recording.

(13) **Storage.** Each court shall provide secure and adequate facilities for the storage of ~~videotape~~ recordings.

(14) **Inspection or viewing.** Except upon order of the court and upon such terms as it may provide, the ~~videotape~~ recordings on file with the clerk of the court shall not be available for inspection or viewing after filing and prior to use at trial or disposition in accordance with this rule. Upon the request of a party under division (A)(3) of this rule, the clerk, without court order, may release the ~~videotape~~ recording to the officer to allow the making of a copy of the ~~videotape~~ recording.

(15) **Objections at trial.** Objections should be made prior to trial, and all objections shall be made before actual presentation of the ~~videotape~~ recording at trial. If an objection is made at trial that has not been waived pursuant to Civil Rule 32(D)(3) or previously raised and ruled upon, the objection shall be made before the ~~videotape~~ recorded deposition is presented. The trial judge shall rule on objections prior to the presentation of the ~~videotape~~ recording. If an objection is sustained, that portion of the ~~videotape~~ recording containing the objectionable testimony shall not be presented.

**(B) Videotape trials. Use of deposition pre-recorded testimony at trial**

(1) **Authority.** ~~Videotape trials are Presenting deposition pre-recorded testimony at trial may include testimony pre-recorded in-person and or remotely-presented testimony,~~ as authorized by Civil Rule 40. In videotape trials, videotape A recording is the exclusive medium of presenting testimony irrespective of the availability of the individual witness to testify in person. All testimony is recorded on videotape, disc, or other storage device and the limitations of Civil Rule 32 upon the use of depositions shall not apply.

(2) **Initiation of videotape trial with deposition pre-recorded testimony.** By agreement of the parties and with the consent of the trial judge all or a portion of testimony and appropriate evidence may be presented ~~by videotape~~ via a recording. The trial judge may order the recording of all or a portion of testimony and evidence on ~~videotape, disc,~~ or other storage device in an appropriate case. In determining whether to order a ~~videotape~~ trial by pre-recorded in-person or remote testimony, the trial judge, after consultation with counsel, shall consider the costs involved, the nature of the action, and the nature and amount of testimony.

(3) **Procedure.** Divisions (A)(3) to (13) and (D) apply to ~~videotape~~ trials by pre-recorded remote testimony. The sequence of taking the testimony of individual witnesses and the sequence of presentation of that testimony shall be at the option of the proponent. In ordering or consenting to the recording of all of the testimony on ~~videotape, disc, or~~

other storage device, the trial judge shall fix a date prior to the date of trial by which all pre-recorded testimony shall be filed with the clerk of the court.

(4) **Objections.** All objections shall be made and ruled upon in advance of the trial. Objections may not be made during the presentation of the ~~videotape~~ evidence.

(5) **Presence of counsel and trial judge.** In jury trials, counsel for the parties and the trial judge are not required to be present in the courtroom when the ~~videotape~~ pre-recorded in-person or remote testimony is played to the jury. If the trial judge leaves the courtroom during the playing of the ~~videotape~~ recording, the judge shall admonish the jurors regarding their duties and responsibilities. In the absence of the judge, a responsible officer of the court shall remain with the jury. The trial judge shall remain within such proximity to the courtroom that ~~he or she~~ the judge can be readily summoned.

(C) **Equipment:**

(1) **Standard.** There are several recording ~~format standards~~ formats used in the trial courts of this state. Proponents of ~~videotape~~ pre-recorded in-person or remote testimony or evidence shall determine the format utilized by the trial court in which the ~~videotape~~ recording is to be filed and shall make the ~~videotape~~ recording ~~on in~~ the appropriate format ~~machine~~. If a party records testimony or evidence ~~on videotape~~ in a format that is not compatible with the trial court equipment, the party shall be responsible for the furnishing of reproduction equipment of institutional quality or for the conversion of the ~~videotape~~ recording to the ~~standards~~ format used in trial court equipment, all of which shall be at the cost of the party and not chargeable as costs of the action.

Each court shall provide for the availability of playback equipment. As may be appropriate, the court may purchase or lease equipment or make contract for the equipment on occasions of need. The court shall provide for the adequate training of an operator from the personnel of the court or for the services of a competent operator to operate the equipment when ~~videotape~~ pre-recorded or in-person remote testimony or evidence is presented in court.

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

(D) **Costs; ~~videotape~~ depositions**

(1) The expense of ~~videotape~~ recording as a material shall be borne by the proponent.

(2) The reasonable expense of ~~recording~~ pre-recorded in-person or remote testimony ~~on videotape~~, the expense of playing the ~~videotape~~ recording at trial, and the expense of playing the ~~videotape~~ recording for the purpose of ruling upon objections shall be allocated as costs in the proceeding in accordance with Civil Rule 54.

(3) The expense of producing the edited version of the ~~videotape~~ recording shall be costs in the action, provided ~~that~~ the expense of the videotape, disc, or other storage device, as a material, shall be borne by the proponent of the testimony.

(4) The expense of a copy of the ~~videotape~~ recording ~~and the expense of an audio tape recording of the videotape sound track~~ shall be borne by the party requesting the copy.

**(E) Disposition of ~~videotape~~ recording filed with the court.**

(1) **Ownership.** ~~Videotape~~ The videotape, disc, or other storage device used in recording testimony shall remain the property of the proponent of the testimony. ~~Videotape~~ The videotape, disc, or other storage device may be reused, but the proponent is responsible for submitting a recording of acceptable quality.

**(2) Release of ~~videotape~~ recordings.**

(a) The court may authorize the clerk of the court to release the original ~~videotape~~ recording and the edited ~~videotape~~ recording to the owner of the videotape, disc, or other storage device upon any of the following:

- (i) The final disposition of the cause where no trial occurs;
- (ii) The expiration of the appeal period following trial, if no appeal is taken;
- (iii) The final determination of the cause, if an appeal is taken.

If the testimony is recorded stenographically by a court reporter during the playing of the ~~videotape~~ recording at trial, the videotape, disc, or other storage device may be returned to the proponent upon disposition of the cause following the trial.

(b) The court shall order release by journal entry.

**RULE 16.06. Meetings.**

**(A) Manner**

The Commission on Dispute Resolution may meet in person or by telephonic or other electronic means available to the Supreme Court.

**(B) Frequency**

The commission shall meet as often as required to complete its work, provided the commission shall meet ~~in person~~ a minimum of two times per year. The commission may



meet at the call of the chairperson or at the request of a majority of the commission members.

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

**(E) Member attendance**

For a fully effective commission, a commission member shall make a good faith effort to attend, ~~in person,~~ each commission meeting. ~~A commission member who is unable to attend a meeting due to an unavoidable conflict may request the chairperson allow the member to participate by telephonic or other electronic means available to the Supreme Court. A commission member participating in this manner shall be considered present for meeting attendance purposes.~~ Should a commission member miss three consecutive meetings, the commission or the commission secretary may recommend to the Chief Justice and Justices of the Supreme Court ~~that~~ the member relinquish the member's position on the commission.

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

**RULE 36.08. Meetings.**

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

**(E) Member attendance**

(1) For a fully effective commission, a commission member shall make a good faith effort to attend, in person, by telephone, or by other electronic means, each commission meeting. Should a commission member miss three consecutive meetings, the commission or the Supreme Court employee who staffs the commission may recommend to the Chief Justice and Justices of the Supreme Court ~~that~~ the member relinquish the member's position on the commission.

(2) ~~A commission member who is unable to attend a meeting due to an unavoidable conflict may request the chairperson allow the member to participate by telephonic or other electronic means available to the Supreme Court. A commission member participating in this manner shall be considered present for meeting attendance, quorum, and voting purposes.~~

(3) A commission member may not designate a replacement for participation in meetings.

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

**RULE 48.04. Pre-Service Education.**

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

**(B) Pre-service education hours and topics**

- (1) Pre-service education for guardians ad litem shall be twelve hours.
- (2) Of the twelve hours of pre-service education, six hours shall be obtained via a live education program ~~where the guardian ad litem is physically present.~~
- (3) The remaining six hours of pre-service education may be satisfied by online or live education, teaching, writing, mentoring, or field-training activities with approval by the appointing court.

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

**RULE 48.05. Continuing Education.**

**(A) Continuing education hours and topics**

- (1) Continuing education for guardians ad litem shall total six hours annually and be provided by the Supreme Court; the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association; or, with the approval of the appointing court, another provider.
- (2) Of the six hours of continuing education, three hours shall be obtained via a live education program ~~where the guardian ad litem is physically present.~~
- (3) The remaining three hours of continuing education may be satisfied by online or live education, training, writing, mentoring, or field-training activities as pre-approved by the appointing court.
- (4) Continuing education shall consist of advanced education related to topics identified in Sup.R. 48.04.

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

**RULE 48.06. Guardian Ad Litem Reports.**

**(A) General report requirements**

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

(2) All reports shall include the following warning: “The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure ~~or distribution~~ of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.”

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

**RULE 57. Filings and Judgment Entries.**

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

(B) All filings shall contain the name, address, telephone number, e-mail address, and attorney registration number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address, and telephone number of the fiduciary. Any filing not containing the above requirements may be refused.

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

**RULE 99. Effective Date.**

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

**([Insert division letter])** The amendments to Sup.R. 2, 5, 13, 16.06, 36.08, 48.04–48.06, and 57, adopted by the Supreme Court of Ohio on March 8, 2022, shall take effect on July 1, 2022.