

Business Courier of Cincinnati - July 7, 2008

<http://cincinnati.bizjournals.com/cincinnati/stories/2008/07/07/story4.html>

BUSINESS COURIER

Friday, July 4, 2008

Hamilton County judges to test special docket

Pilot commercial program designed to speed up disputes for businesses

Business Courier of Cincinnati - by [Jon Newberry](#) Staff Reporter

Hamilton County judges are the state's first to agree to participate in a "commercial docket" intended to speed the disposition of business disputes and other complex commercial litigation.

Under a four-year pilot program that began July 1, qualifying cases will go before specialist judges and proceed under streamlined rules and procedures.

It is expected to reduce costs and make outcomes more predictable, which will make Ohio a more desirable place to do business, proponents contend. Created under special rules by the Ohio Supreme Court, it's the culmination of a decade of work by advocates.

Currently, cases get bounced from judge to judge as they proceed toward final disposition. That tends to create delays and inconsistent rulings, said Jack Stith, a business lawyer at **Porter Wright Morris & Arthur**. In states where similar programs have been instituted, including New York, the results have been impressive, he said.

"Business people can adjust to any rules you give them, but you have to know what the rules are," he said. "Having a case handled from beginning to end by a (commercial docket) judge, that's a real advantage."

Having a specialized docket will help Ohio businesses when they're negotiating "choice of forum" provisions in business contracts, said Stith, a member of a Supreme Court task force. It's cheaper, and businesses generally prefer to settle disputes in their home courts, he said, but improved conditions in states that started commercial courts make that difficult for Ohio businesses.

The Ohio program in effect will create a special court within Common Pleas Court for most disputes between businesses, owners or business officials. Either party to a lawsuit may request assignment to the docket, or judges can make requests.

In addition to Hamilton County, Cuyahoga, Franklin, Montgomery and Lucas counties are eligible. As of July 1, Hamilton County judges were the only ones to sign on. The dockets won't begin operating for at least several months as the state prepares.

"There's still a few pieces of the puzzle out there," said John VanNorman, a Supreme Court

policy and research analyst serving as its liaison with the task force co-chaired by Patrick Fischer, a litigator at **Keating Muething & Klekamp**.

jnewberry@bizjournals.com | (513) 337-9433

All contents of this site © American City Business Journals Inc. All rights reserved.