

Litigation Overview: Ohio

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A Q&A guide to general litigation information for Ohio. This State Q&A covers the Ohio state court structure, state statutes and rules governing litigation procedure, and the attorney admissions process (including admission without examination, *pro hac vice* admission, and in-house counsel registration). Answers to questions can be compared across a number of jurisdictions (see Litigation Overview: State Q&A Tool).

State Courts

1. What are your state's appellate courts? For each appellate court, please identify:

- The courts from which a direct appeal may be taken to this appellate court.
- The appellate court's general subject matter jurisdiction.
- The court(s), if any, to which a further appeal may be sought.

Ohio has three appellate-level courts. These are:

- The Supreme Court (see Supreme Court).
- The courts of appeals (see Courts of Appeals).
- The municipal and county courts (see Municipal and County Courts).

Supreme Court

The Supreme Court is Ohio's highest appellate court (see [Ohio Judicial System: Supreme Court of Ohio](#)).

Jurisdiction

The Supreme Court hears appeals as a matter of right or as a matter of discretion through a grant of *certiorari*.

The Supreme Court has appellate jurisdiction as a matter of right in cases:

- Originating in the courts of appeals.
- Affirming the death penalty.

- Involving questions arising under the US constitution or the Ohio constitution.

(Ohio Const. art. IV, § 2(B)(2).)

In addition, the Supreme Court may elect to:

- Grant leave to appeal criminal felony cases from the courts of appeals.
- For civil cases, direct any court of appeals to certify its record for cases of public or great general interest.
- Review administrative cases, if jurisdiction is specified by law.

(Ohio Const. art. IV, § 2(B)(2).)

The Supreme Court retains original jurisdiction over writs of:

- *Habeas corpus*.
- *Mandamus*.
- *Procedendo*.
- Prohibition.
- *Quo warranto*.

The courts of appeals have concurrent original jurisdiction over these remedies. (Ohio Const. art. IV, § 2(B)(1); see Courts of Appeals: Jurisdiction.)

The Supreme Court may also grant leave to appeal a case involving a contested election. This is the only type of discretionary appeal that allows a case to be taken directly from the court of common pleas to the Supreme Court. (R.C. 3515.15.)

Further Appellate Review

The US Supreme Court may review a decision of the Ohio Supreme Court in certain situations, including where:

- The validity of a US treaty or statute is challenged.
- A state statute is claimed to violate the US Constitution.

(28 U.S.C. § 1257(a).)

Courts of Appeals

The courts of appeals are Ohio's intermediate appellate courts. There are 12 appellate districts, each of which has a court of appeals. (See [Ohio Judicial System: Appeals Courts](#).)

Jurisdiction

Generally, the courts of appeals have jurisdiction over all applicable judgments and final orders of all lower courts of record. However, the courts of appeals cannot review a judgment imposing the death penalty on direct appeal. The courts of appeals hear appeals from:

- The courts of common pleas.
- The municipal and county courts.

(Ohio Const. art. IV, § 3(B)(2).)

The courts of appeals have concurrent original jurisdiction with the Supreme Court to hear applications for writs of:

- *Habeas corpus*.
- *Mandamus*.
- *Procedendo*.
- Prohibition.
- *Quo warranto*.

(Ohio Const. art. IV, § 3(B)(1); see Supreme Court: Jurisdiction.)

The Tenth District Court of Appeals in Franklin County hears appeals from the Court of Claims (R.C. 2743.20).

Further Appellate Review

Appeals from the courts of appeals go to the Supreme Court, Ohio's highest court (Ohio Const. art. IV, § 2(B)(2)(a)).

Municipal and County Courts

Most, but not all, counties have a county or municipal court. These are courts of limited jurisdiction. (R.C. 1901.01.)

Jurisdiction

Municipal and county courts hear appeals from the mayor's courts regarding violations of local ordinances and state traffic laws (R.C. 1901.18).

Further Appellate Review

Appeals from the municipal or county court go to a court of appeals (Ohio Const. art. IV, § 3(B)(2)).

2. What are the trial courts in your state? For each trial court, please identify:

- The court's general subject matter jurisdiction.
- The state court(s) to which a direct appeal may be taken.

Ohio has two judicial trial-level courts, which are:

- The courts of common pleas (see [Courts of Common Pleas](#)).
- The municipal and county courts (see [Municipal and County Courts](#)).

Additionally, Ohio has:

- The mayor's courts, which are not part of the judicial branch (see [Mayor's Courts](#)).
- A Court of Claims, for claims against the state of Ohio (see [Court of Claims](#)).

Courts of Common Pleas

The court of common pleas is the only trial court created by the Ohio Constitution. Each of the 88 counties in Ohio has a court of common pleas. Ohio's [General Assembly](#) may divide the courts of common pleas into separate divisions, including:

- General.
- Domestic relations.
- Probate.
- Juvenile.

(Ohio Const. art. IV, § 4; R.C. 2301.01.)

Certain counties designate judges from the courts of common pleas to serve on certain divisions, including the probate, juvenile, domestic relations, and drug courts (R.C. 2301.02).

Jurisdiction

The general division has original jurisdiction in:

- Criminal felony cases.
- Civil cases where the amount in controversy exceeds \$15,000, but excludes cases in which the county court has original jurisdiction, including actions:
 - in which tort awards exceed the limits in R.C. 2315.21 or R.C. 2315.18; or
 - that are time barred.

(R.C. 2305.01 and 2931.03.)

The general division also has appellate jurisdiction over decisions of some state administrative agencies as specifically designated by statute.

The probate courts have jurisdiction over:

- The probate of wills.
- The supervision of the administration of estates and guardianships.
- The issuance of marriage licenses.
- Adoption proceedings (*In re Adoption of Pushcar*, 853 N.E.2d 647, 649 (Ohio 2006)).
- Determining sanity or mental competency.
- Certain eminent domain proceedings (R.C. 163.01(D)).

(R.C. 2101.24.)

Domestic relations courts have jurisdiction over all domestic relations matters, including:

- Divorce or dissolution of marriages.
- Annulment.
- Legal separation.
- Spousal support.
- The allocation of parental rights and responsibilities for the care of children.

(R.C. 3105.011.)

Juvenile courts hear cases principally pertaining to:

- Minors charged with acts that would be crimes if committed by a person over 18 years of age.
- Adults charged with misdemeanors regarding any act or omission involving a child.
- Unruly, dependent, and neglected children, including related allegations involving a parent, guardian, or

other person taking care of a child who is alleged to be a habitual or chronic truant.

- Writs of *habeas corpus* involving the custody of a child.
- All criminal cases charging adults with violations of Chapter 2151 or Chapter 2919 of the Ohio Revised Code.
- The interstate compact on juveniles as specified in R.C. 2151.56.
- The custody or support of children that is not ancillary to domestic proceedings.
- Consent-to-marry petitions.
- Protective orders against a child.
- Paternity, child abuse, nonsupport, contributing to the delinquency of minors, and the failure to send a child to school.
- Emancipated young adults as specified in R.C. 2151.45 to R.C. 2151.455.

(R.C. 2151.23.)

Appeals

An appeal from the court of common pleas goes to the applicable court of appeals that has jurisdiction over the court of common pleas, except for death penalty cases (Ohio Const. art. IV, § 3(B)(2)).

Municipal and County Courts

Most, but not all, counties have a county or municipal court (R.C. 1901.01). These are courts of limited jurisdiction.

Jurisdiction

Municipal or county courts may conduct preliminary hearings in felony cases and have jurisdiction over traffic and non-traffic misdemeanors (R.C. 1901.20). These courts also have limited civil jurisdiction and may hear civil cases if the amount of controversy does not exceed \$15,000 (R.C. 1901.17).

If a municipal court exercises countywide jurisdiction, no county court is needed. A county court is necessary if an area of a county is not served by a municipal court.

Appeals

Appeals from the municipal and county courts go to the courts of appeals (Ohio Const. art. IV, § 3(B)(2)).

Mayor's Courts

Mayor's courts are not a part of the judicial branch of Ohio government and are not courts of record. Mayor's courts are created at the discretion of the local municipal body.

Jurisdiction

The mayor's courts only hear cases involving violations of local ordinances and state traffic laws (R.C. 1905.01). The mayor, who is not required to be a lawyer, or an attorney appointed as a magistrate may preside over these courts (R.C. 1905.05).

Appeals

Appeals from the mayor's court go to the municipal or county court having jurisdiction within the municipal corporation (R.C. 1905.22).

Court of Claims

There is one Court of Claims, which is located in Columbus, Franklin County (R.C. 2743.03).

Jurisdiction

The Court of Claims has original jurisdiction:

- To hear and determine all civil actions filed against the state of Ohio and its agencies, including:
 - contract disputes;
 - property damages;
 - personal injury;
 - immunity of state officers and employees; and
 - discrimination and wrongful imprisonment cases.
- Over appeals from decisions made by the Ohio attorney general on claims allowed under the Ohio Victims of Crime Act (R.C. 2743.51 to 2743.72).

(R.C. 2743.03 and 2743.52.)

Civil complaints seeking \$10,000 or less are decided on the contents of the case file by the clerk or a deputy clerk of the court (R.C. 2743.10(A)).

Appeals

Appeals from administrative determinations may be taken to a judge of the Court of Claims on motion for court review. The court's judgment is not subject to further appeal. (R.C. 2743.10(D).)

The Tenth District Court of Appeals in Franklin County hears non-administrative appeals from the Court of Claims (R.C. 2743.20).

Appeals of reparation awards by the attorney general filed by victims of crime are heard and determined by the Court of Claims (R.C. 2743.121). No further appeal from the decision on crime victim reparations is permitted (R.C. 2743.20).

State Litigation Procedure

3. What are the key statutes and rules governing litigation procedure in your jurisdiction?

The following are the major sources of Ohio law governing litigation procedure:

- **Ohio Constitution.** Article 4 of the Ohio State Constitution governs the creation and jurisdiction of the state's various courts.
- **Ohio Rules of Civil Procedure (ORCP).** The ORCP provide the main body of law governing civil procedure in Ohio's state courts (Ohio Const. art. IV, § 5(B)).
- **Ohio Rules of Criminal Procedure.** The Ohio Rules of Criminal Procedure provide the main body of law governing criminal procedure in Ohio's state courts (Ohio Const. art. IV, § 5(B)).
- **Ohio Rules of Appellate Procedure (ORAP).** The ORAP provide the main body of law governing appellate procedure in Ohio's appellate courts (Ohio Const. art. IV, § 5(B)).
- **Ohio Revised Code (ORC).** The ORC is the main body of law governing general obligations and rights of persons within Ohio.

Issues for Attorneys

4. Please describe how an attorney becomes a member of the state bar in your jurisdiction, including whether the state offers attorneys admitted in other states reciprocity or the ability to register as in-house counsel.

Admission on Examination

To be eligible for admission to the [Ohio Bar](#), an applicant must:

- Be at least 21 years old.
- Have a bachelor's degree from an accredited college or university.
- Have a law degree from an American Bar Association-approved law school (or, if the applicant attended a non-US law school, a \$150 fee must be submitted to evaluate the applicant's legal education).
- Be approved as to character, fitness, and moral qualifications.
- Pass the Ohio bar exam.
- Pass the Multistate Professional Responsibility Examination.
- Take an oath of office.

(OH St Govt Bar Rule I.)

To apply for admission to the Ohio Bar, an applicant must:

- File an application to register as a candidate for admission to the [Office of Bar Admissions of the Supreme Court](#).
- File an application to take the bar examination that includes a character questionnaire providing background information regarding the applicant.
- Be subject to an investigation regarding the applicant's character, fitness, and moral qualifications to practice.

(OH St Govt Bar Rule I.)

Admission Without Examination

An applicant admitted to the practice of law in another state may be eligible for admission in Ohio without examination, also known as admission on motion. In Ohio, admission to the bar without examination is not based on reciprocity. An applicant may be admitted to practice law in Ohio if the applicant has satisfied all of the following requirements:

- Has been admitted to practice in the highest court of another state or in the District of Columbia.
- Is a citizen or resident of the United States.
- Is at least 21 years old.
- Has an accredited bachelor's degree and law degree.

- Has practiced law for at least five out of the last ten years on a full-time basis before submitting an application.
- Has not failed the Ohio bar exam within the previous five years of applying for admission without examination.
- Has not engaged in the unauthorized practice of law.

(OH St Govt Bar Rule I(10).)

The admissions process generally takes between eight and ten months for applicants approved by the court.

Registration of In-House Counsel

In Ohio, there are no laws addressing the registration of in-house counsel.

5. Please describe the process for becoming admitted on a *pro hac vice* basis in your jurisdiction.

An out-of-state attorney may be admitted in Ohio *pro hac vice* to participate in "an adjudicative matter pending before a tribunal." The attorney:

- Must associate with an active Ohio attorney in good standing.
- May receive permission to appear in no more than three proceedings in a calendar year. Appeals, transfers, and consolidations do not count toward the limitation if the out-of-state attorney participated in the initial proceeding.

(OH St Govt Bar Rule XII.)

The out-of-state attorney must:

- Obtain a certificate of *pro hac vice* registration by:
 - registering with the [Supreme Court Office of Bar Admissions](#); and
 - paying a \$500 registration fee.
- After the attorney receives a certificate of *pro hac vice* registration, file a motion for permission to appear *pro hac vice* with the tribunal.
- If the out-of-state attorney receives permission to appear *pro hac vice*, notify the Supreme Court Office of Bar Admissions by filing a notice of permission to appear *pro hac vice*.

(OH St Govt Bar Rule XII.)

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If the out-of-state attorney is required to appear in a proceeding less than five business days from the date of their application for *pro hac vice* registration, then the attorney may file a motion for permission to appear *pro hac vice instante* with the tribunal. Before filing the motion, the out-of-state attorney must apply for *pro hac vice* registration and pay the \$500 registration fee. The motion must include a time-stamped copy of the registration application. (OH St Govt Bar Rule XII.)

Only one *pro hac vice* registration, or renewal, is required each calendar year (OH St Govt Bar Rule XII). Out-of-state attorneys seeking to appear in federal court in Ohio should consult the Ohio federal court's local rules on *pro hac vice* procedure.

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