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August 5, 2016

Ms. Tasha Ruth  
Case Management Section Manager  
Supreme Court of Ohio  
65 South Front Street, 6th floor  
Columbus, OH 43215-3431

Re: Proposed Changes to Rule 39

Dear Ms. Ruth:

Thank you for the opportunity to comment on the proposed changes to Rule 39 of the Rules of Superintendence.

The 1,300 members of the Ohio Association for Justice represent injured Ohioans and their families. Many of our cases get resolved during litigation. Because of changes in tort law, significantly fewer cases have been and are being filed in courthouses across the state. As a result, court dockets are much less crowded and the court's ability to effectively manage civil cases has greatly increased. Amending the rules to place mandatory deadlines on all personal injury actions, regardless of the complexities of a case, actually serves to delay or impede resolution of the case, rather than accelerate it. Often times continuing deadlines and trial dates enable the parties to resolve the case through private mediation, narrow the issues for trial or to adequately prepare for trial. By imposing arbitrary deadlines that leave the trial court without any flexibility serves no one, especially the litigants themselves. Unintended consequences often flow from the creation or modification of rules, and the consequences that this proposed change will likely cause is parties voluntarily dismissing cases only to refile at a later date, thereby delaying a timely resolution for all parties concerned. The litigants will be better served by permitting the court to continue to exercise its judgment on how to manage its civil cases.

In the alternative, carving out good faith or agreed upon exceptions to the mandatory deadlines will assist the court and the litigants in resolving the matter or trying the case to a jury. Such exceptions will allow for the always unexpected problems that accompany civil cases, like the availability of witnesses, particularly expert witnesses, and litigants themselves.

Again, thank you for the opportunity to comment on the proposed changes to Rule 39.

Sincerely,

Paul Grieco  
President