



THE SUPREME COURT *of* OHIO

65 South Front Street, Columbus, Ohio 43215-3431

Acting Judge FAQ

Courts acting judges can serve on (Please see R.C. 1901.121; R.C. 1907.141)

1. What courts can acting judges serve on?
 - A. Municipal and county courts.

Who appoints acting judges and under what circumstances (Please see R.C. 1901.121; R.C. 1907.141)

2. I sit on a single-judge municipal or county court. Can I appoint an acting judge while I am temporarily absent from the bench?
 - A. Yes, if your absence is for a reason other than incapacitation, disqualification, suspension, or recusal.
3. If I don't sit on a single-judge municipal or county court, can I appoint an acting judge?
 - A. Yes, if you are the presiding judge of a municipal or county court with two or more judges, you can appoint an "acting judge" to serve in the stead of a judge absent from the court due to incapacitation, unavailability, temporary absence, or in the case of a vacancy. On a multijudge court, any judge's temporary absence can be covered by an acting judge, but only the presiding judge can appoint the acting judge.

Qualifications for acting judges (Please see R.C. 1901.121; R.C. 1907.141)

4. Who can serve as an acting judge?
 - A. Depending on timing, there are two possible answers:
 - i. **Before March 23, 2023.**
 - Residency
 - A resident of the territory of the court; or
 - if the territory of the court has a population of less than 25,000 according to the latest federal decennial census and the judge is unable to appoint a substitute who is a resident of the territory of the court, a resident of the territory of another municipal or county court that is contiguous to the court.

- Experience
 - A person admitted to the practice of law in this state and who has been engaged in the practice of law in Ohio for a total of at least six years preceding the appointment;
 - A judge of a court of record in any U.S. jurisdiction; or
 - A retired judge of a court of record.

ii. On or after March 23, 2023.

- Residency
 - A resident of the territory of the court; or
 - A resident of the territory of another municipal or county court that is contiguous to the court.
- Experience
 - A person admitted to the practice of law in this state and who has been engaged in the practice of law in Ohio for a total of at least six years preceding the appointment;
 - A judge of a court of record in any U.S. jurisdiction; or
 - A retired judge of a court of record.

Who pays for acting judges (Please see R.C. 1901.123; R.C. 1907.143)

5. If my court uses an acting judge, who pays for the acting judge?
 - A. Acting judges receive per diem compensation based on the temporarily absent judge's compensation. The treasurer of the county a municipal court is located in pays the per diem compensation. The same is true for the treasurer of a county that has a county court. Once the county treasurer has paid the per diem compensation, that treasurer submits to the Supreme Court's administrative quarterly requests for reimbursement of the state's portion of the per diem amounts paid.

Additional qualification for acting judges (Please see Gov.Jud.R. IV)

6. Must an acting judge have any other qualifications?
 - A. Yes, each acting judge must register annually with the Supreme Court Commission on Continuing Legal Education. And as part of the 24 hours of CLE each attorney must complete for each biennial compliance period, each acting judge must complete at least 10 credit hours of CLE that are offered by the Supreme Court of Ohio Judicial College *and* that do not consist solely of instruction on professional conduct required by Gov.Bar R. X, Section 3(B).

For emergency appointments of acting judges—lasting no longer than 24 hours or until the conclusion of the next day the court is open—the CLE and registration requirements discussed above do not apply. Emergency appointments can only be made due to both unforeseen circumstances, such as a family illness or death, *and* the lack of availability of a registered acting judge or the impracticability of applying for a visiting judge or retired judge sitting by assignment of the Chief Justice.

Registration (Please see Gov.Bar R. IV, Section 5(B))

7. How do I register as an acting judge?

- A. You must register annually as an acting judge via the online attorney portal, which is found on the Supreme Court of Ohio website:

<https://www.supremecourt.ohio.gov/attorneyportal>

You may access instructions to assist you with this process on the Judicial Officers tab of the website.

Continuing Legal Education

8. Where can I register for Continuing Legal Education?

- A. You can register for Continuing Legal Education (CLE) courses on the Supreme Court of Ohio Judicial College webpage at:

<https://www.supremecourt.ohio.gov/education/judicial-college/>