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November 6, 2018

Justin Kudela
Case Management Counsel
Supreme Court of Ohio
65 South Front Street, 8th floor
Columbus, OH 43215-3431
Justin.Kudela@sc.ohio.gov

Re: Proposed amendment of Sup. Ct. R. 3.03

Dear Mr. Kudela,

The Ohio Association for Justice (OAJ) writes to comment on the proposed amendment to the Supreme Court Rule of Practice 3.03 regarding the extension of time to file certain documents. The OAJ is the statewide association for the plaintiff's bar and is dedicated to preserving our clients' 7th Amendment rights and ensuring access to our civil justice system. The proposed amendment reduces the single stipulated extension from 20 to 10 days and raises the standard for non-stipulated extensions from "good cause" to "extraordinary circumstances." After careful review and discussion, OAJ offers the following comments to express our objections to the proposed amendment.

While OAJ applauds the general goal of delivering swift justice, our concern is that the heaviest burden of complying with this proposed shorter extension will fall disproportionately on smaller law firms with fewer attorneys and limited administrative resources. Large law firms, where defense attorneys typically practice, are much better equipped by virtue of the sheer number of attorneys and legal staff they employ to shift workloads and meet this shorter

extension. Small firms, which comprise the overwhelming majority of OAJ's membership, will be put at a disadvantage as they strain to meet these shorter deadlines.

There are a number of unavoidable circumstances that would make this shorter extension insufficient. An upcoming trial or arguments scheduled in a lower court or an unanticipated life event, such as a serious medical issue, a car crash, the death of a close family member, or a technologic issue with office equipment – any of which could happen at any time and make compliance with the shorter extension almost impossible to meet.

We question the need to raise the standard for non-stipulated extensions from “good cause” to “extraordinary circumstances.” Has there been a spate of abuses by parties requesting extensions for “good cause” that justify tightening the standard? What situations does the court anticipate will meet the new “extraordinary circumstances” standard? Here, too, we emphasize this change poses a greater challenge for small firms and solo practitioners.

For these reasons, the OAJ respectfully asks that you reconsider and withdraw this proposed amendment.

Thank you, again, for the opportunity to present OAJ's comments. Please let me know if we might provide additional information. We would be please to discuss this further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Sean Harris", written in a cursive style.

Sean Harris
President, Ohio Association for Justice
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