



Ohio Judicial Conference

The Voice of Ohio Judges

House Civil Justice Committee
Judge Randall D. Fuller
Proponent Testimony on House Bill 7
February 16, 2021

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 7 on behalf of the Ohio Judicial Conference.

I am Judge Randall Fuller. I was elected to serve as the first Judge of the Common Pleas Court of Delaware County, Domestic Relations Division in 2016. Prior to taking the bench, I practiced law in downtown Delaware for 21 years. I currently serve as the President-Elect of the Ohio Association of Domestic Relations Judges and as President of the Ohio Chapter of the Association of Family and Conciliation Courts (AFCC). I am a member of the Ohio Judicial Conference's Domestic Relations Law and Procedure Committee, Court Administration Committee, Court Technology Committee and a member of the Judicial Advisory Group. I am also a member of the National Council for Juvenile and Family Court Judges and a member of the American Judges Association.

H.B. 7 contains several provisions that will improve the practice of law in Ohio. For the sake of brevity, I will focus my testimony on the Private Judging Reform proposed by the Ohio Judicial Conference. Currently, R.C. 2701.10 allows parties to any civil action to choose to have the action referred for adjudication with a private judge of their choosing, provided the judge is a qualified retired judge and registered with the court. Upon notice that the parties have agreed and retained the services of a private judge, the elected judge before whom the action is pending is mandated to order the referral of the case to the private judge. The elected judge has no discretion over whether to order the referral, and once the case is so referred, the case is out of the elected judge's hands.

Judges and their constituents have encountered numerous problems as it relates to the use of private judges, particularly in domestic relations cases. If a proposed dissolution is one-sided or otherwise unfair, the elected judge has no authority to address the agreement. Additionally, the elected judge loses oversight on the case. In one extreme example, a couple believed they were divorced for years before finding out the necessary paperwork was not actually filed by the private judge. Because of these serious concerns, we proposed reforming the private judging statute, R.C. 2701.10, in three key ways:

First, H.B. 7 would give elected and accountable judges the discretion to order the referral of a case to a private judge, rather than mandate it upon request of the parties. At the request of family law attorneys, we suggested requiring the elected judge to address the matter within 14 days. Currently, there is no timeframe for the referral to private judges.

Second, the bill would require the parties to create a provision in their private judging agreement to allow for termination of the relationship with the private judge. The termination procedure would be up to the

parties, but would likely be by mutual agreement. We proposed this language after hearing from parties who wanted out of the private judging relationship, but had no recourse under the current statute.

Third, our proposal clarifies that when the referred action is concluded jurisdiction is automatically returned to the referring judge so they can adjudicate any subsequent motions or modifications. These simple changes would reform private judging while allowing the practice to continue in appropriate cases.

Thank you for the opportunity to testify in support of H.B. 7. We thank the sponsors, Representative Grendell and Representative Stewart, for reintroducing this bill, and we look forward to working with them and members of this Committee on any improvements, if needed. I am available to answer any questions you may have.