

January 23, 2015

Statement by Bruce G. Hearey, President, Cleveland Metropolitan Bar Association

In December 2009, the Cleveland Metropolitan Bar Association (CMBA) issued a resolution supporting the creation of the Cuyahoga County Court of Common Pleas Commercial Docket Pilot Project. At that time, the CMBA Board of Trustees, on behalf of all association members, expressed the view that a Commercial Docket would be an excellent addition to the civil practice of law in Cuyahoga County.

In May 2013, following a successful, three-year pilot, the CMBA joined the chorus of many Cleveland attorneys, law firms and other associations in recommending that the Supreme Court of Ohio issue permanent rules providing for the continuation of the Commercial Docket. The Supreme Court ultimately enacted permanent rules authorizing the creation of the Commercial Docket later in 2013.

Over the past 18 months, the Commercial Docket provided the opportunity for expedited review of complex commercial cases and received significant praise from many in the legal and business communities. Unfortunately, on Wednesday, January 21, 2015, a majority of the judges of the Cuyahoga County Court of Common Pleas voted to terminate the Commercial Docket.

We are surprised and disappointed by the judges' decision, as we believe that the Commercial Docket has proven to be an effective and efficient means to resolve business disputes. We also believe the Commercial Docket benefits commercial activity in our region by providing better litigation experiences for all involved. In fact, the availability of the specialized docket encouraged many attorneys to include venue provisions in commercial contracts so that the filing of any lawsuits would be done within this local docket. Such provisions result in increased use of local law firms and attorneys which in turn positively contribute to our region's economy.

We urge the judges to reinstate the Commercial Docket given the many benefits it provides to the Greater Cleveland legal and business communities.