

## A New Day for Businesses with Litigation in Ohio

The Ohio Supreme Court has given Ohio's corporations (and the litigators who work on their behalf) a renewed vision for the future of business in the state. By implementing a pilot program for a new commercial docket, Ohio has set into motion the creation of a special court within the Common Pleas Court that will focus on and be able to absorb most disputes between businesses, business owners or business officials.

The commercial docket will set up case schedules consisting entirely of cases between businesses. The anticipated advantages of this specialized court include the quick resolution of commercial disputes, as well as more standardized rulings, given the expertise of its presiding judges. Both of these benefits are very attractive to Ohio businesses considering the existing hurdles they often face within the state's legal system.

Currently, business litigation can take years to reach resolution. The judges who hear business disputes are sometimes unfamiliar with complex business topics, and may also have cases passed between them, creating delays in those cases for the parties involved and often resulting in inconsistent rulings upon resolution.

While waiting for a case to be resolved, businesses have to carry contingencies on their books, which may prevent them from getting credit or investment. Additionally, companies in Ohio sometimes must consent to try any legal matters in one of the 16 U.S. jurisdictions that *does* have a commercial division whenever they sign new contracts. This has made Ohio a less attractive place to do business – until now.

Members of the Ohio Supreme Court's task force on commercial dockets, including retired Hahn Loeser attorney Harry D. Mercer, have worked since the 1970s for a court of this kind to be established in Ohio for the benefit of the state. The four-year pilot program creates specialized commercial dockets in Ohio's five largest counties: Franklin County (Columbus metro area), Lucas County (Toledo metro area), Cuyahoga County (Cleveland metro area), Montgomery County (Dayton metro area), and Hamilton County (Cincinnati metro area). These courts will be overseen by one or two specially-trained judges.

The commercial docket will include the following types of cases, among others: business creation or liquidation disputes, obligations between business owners and shareholders, trade secrets, employment agreements, and director and officer liability issues. If your business is or plans to be involved in these or similar matters in the near future, call your Hahn Loeser attorney to discuss how use of the commercial docket can be beneficial to your business.

The pilot program will run through July 1, 2012. By the conclusion of the pilot program, Ohio's counties will know if they want to continue to participate, and state officials will be able to decide, based on data collected measuring the success of the program, if they will implement the commercial docket permanently.

Regardless of whether or not you have a personal motivation to get involved with the new commercial docket system, the pilot program should benefit all Ohio residents by keeping business in Ohio as well as making Ohio an attractive place to do business in general.