



## **Senate Bill 183: Study Ohio Business Courts**

### **Testimony**

**Keith Ashmus**

**Frantz Ward LLP**

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Chairman Bacon and members of the Ohio Senate Judiciary Committee, my name is Keith Ashmus. I am a Partner at Frantz Ward, a full-service law firm committed to providing clients with practical cost-effective legal solutions. We are proudly based in Cleveland, Ohio and serve a national client base, including Fortune 500 companies, small- and medium-sized businesses and individuals. It may also be helpful for you to know that I am a past president of the Ohio State Bar Association and past chair of the National Small Business Association.

Thank you for the opportunity to provide testimony in support of Senate Bill 183 (SB 183) on behalf of members of the Greater Cleveland Partnership (GCP) and its small business division, the Council of Smaller Enterprises (COSE). As you know, the organization represents the most comprehensive small, middle market, and large business organization in the state with more than 8,500 business members in Northeast Ohio.

We are strongly in favor of creating a Joint Committee to study business courts in Ohio because our members believe in the ability of specialized courts to better create predictable case law for the business community and increase efficient rulings within Ohio that can benefit all parties. In fact, GCP supported recent action by the Cuyahoga County Common Pleas Court to reconstitute the commercial docket. The docket was created as a pilot program in the late 2000s to resolve typical business disputes in a more consistent manner. The docket was discontinued in 2015, but recent changes to Ohio Supreme Court rules provided an opportunity for reconsideration.

Further study of the potential benefits of a business court system in Ohio is very worthwhile. Simply stated, a streamlined commercial court docket makes it easier to do business in our community and we believe the same could be true throughout all of Ohio. Legislation resulting from such an effort could effectively encourage additional investment and make Ohio an even more attractive location for businesses looking to expand or relocate. Done properly, establishing a business court system will make our state a more popular venue for business disputes. This will reduce costs for companies in litigation and increase opportunities for our law firms and courts.

We applaud Senator LaRose's request – via SB 183 – to name a committee comprised of Ohio General Assembly members, sitting judges, the business community, and others to investigate and review realistic options going forward. We believe in this legislation's ability to provide for an enhanced dialogue and understanding of the potential benefits of business courts. In addition, we suggest the legislature also consider including additional representatives from the legal community, perhaps appointed by the OSBA, who can provide sound expertise and add value to a Joint Committee's work.

There are significant issues for the Joint Committee to consider. For example, what cases should qualify; should there be opt-in or opt-out alternatives; what, if any, criteria should guide assignment of judges;



should there be multi-county courts; how should the docket of a business court judge be integrated with the general civil and criminal dockets; what, if anything, should be done for appeals?

We are supportive of this common-sense legislation and we urge you and your colleagues to consider our members' views as you continue to discuss SB 183. I appreciate the opportunity to provide the perspective of our membership and I am available to answer any questions you may have.