

*BALDWIN'S*  
OHIO PRACTICE  
**CIVIL PRACTICE**

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Rules 1 to 25

2026-2027 Edition  
Issued in November 2026

Cassandra Burke Robertson



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# INTRODUCTION TO 2026-2027 EDITION

Baldwin's Civil Practice (Baldwin's Ohio Practice) provides an in-depth discussion of the Ohio Rules of Civil Procedure, plus ready-to-use forms for virtually all aspects of civil litigation, from case preparation to filing an appeal.

This 2026-2027 edition of Civil Practice Rules (Baldwin's Ohio Practice) Volumes 1 and 2 updated by Cassandra Burke Robertson combines rule-by-rule discussion with expert analysis and practical guidance. This 2026-2027 edition of Civil Practice Forms (Baldwin's Ohio Practice) Volume 3 updated by Dennis G. Terez continues to provide practitioners with forms for use throughout the litigation.

This 2026-2027 Edition of Baldwin's Civil Practice (Baldwin's Ohio Practice) volumes 1, 2 and 3 replaces the 2026-2027 Edition of Baldwin's Civil Practice (Baldwin's Ohio Practice) in its entirety.

If you currently subscribe to the companion forms on CD-ROM, you may wish to retain your copy of OH Civil Practice 25–26 FOCD (issued in 2025) as this forms-on-CD product will no longer be updated by the Publisher beginning in 2026 due to low customer demand. Forms material continues to be available in Westlaw and ProView eBook formats. No further CD-ROM updates will be produced for this title.

## Filing Instructions

- REMOVE and RECYCLE the 2025-2026 Edition of Volumes 1, 2 and 3.
- PLACE the new 2026-2027 Edition Softbound Volumes 1, 2 and 3 on your shelf.

## Highlights

The most significant development this year is the July 1, 2026 transfer of a substantial body of provisions from the Rules of Superintendence into the Rules of Civil Procedure, including the probate practice rules (new Civ. R. 73.1 through 73.29) and the civil protection order provisions (Civ. R. 65.1 and new Civ. R. 65.2). New sections addressing the transfer include:

- Analysis of the 2026 transfer of provisions from the Rules of Superintendence into the rules of practice and procedure, including the enforceability of the transferred provisions by litigants and their superseding effect over conflicting legislation under Section 5(B), Article

## IV of the Ohio Constitution (§ 1:106)

- Explanation of the amended Civ. R. 1(A) scope provision and the new express-precedence framework of Civ. R. 73(A)(2), under which the Rule 73-series provisions take precedence over conflicting Civil Rules in probate proceedings—a departure from the pre-2026 clearly inapplicable standard (1:6.10)

- [New§§ ] Explanation of the protection-order provisions transferred into Civ. R. 65.1, including NCIC database reporting, notification of the existence of a protection order, and the public access exception for records revealing the identity or location of protected persons (§§ 65.1:8 to 65.1:11)

- Explanation of new Civ. R. 65.2, which collects and standardizes the forms used in civil protection order proceedings, including the packet-distribution requirements, the mandatory order and warning-notice forms, and the ancillary weapon-surrender and wireless-service-transfer provisions (§ 65.2:1)

- Comprehensive coverage of the probate practice rules transferred into the Civil Rules as Civ. R. 73.1 through 73.29, including definitions, standard probate forms, filings and judgment entries, accounts, land sales, settlements of minors' and wards' claims, wrongful death settlements, counsel fees and fiduciary compensation, case management, and dispute resolution (§§ 73.1:1 to 73.29:1)

Significant new holdings from the Ohio Supreme Court include the following:

- Civ. R. 60(B) motion may not be used to reopen a judgment denying postconviction relief; R.C. 2953.21 is the exclusive remedy for successive collateral attacks (§ 1:89)

- Service by certified mail to defendant's former residence insufficient where plaintiff on notice of address change; Civ. R. 4.1(A)(1)(a) requires address reasonably calculated to reach defendant (§ 4.1:4)

- Civ. R. 6(D) three-day mail extension does not apply to 14-day period for objecting to magistrate's decision; period runs from filing with clerk, not service on parties (§ 6:38, § 53:5)

- Boilerplate failure to state a claim defense in answer does not preserve political-subdivision immunity under R.C. Chapter 2744, even where the immunity defense is apparent from the face of the complaint (§ 8:14)

- Civ. R. 15(A) permits amendment only of pleadings as defined in Civ. R. 7(A); an inmate could not invoke the rule to file a corrected R.C. 2969.25(A) affidavit of prior civil actions in response to a Civ. R. 12(C) motion (§ 15:2)

## INTRODUCTION

- Trial court may deny leave to amend answer where movant had sufficient information to raise the defense before the opposing party expended time and resources responding to timely raised issues (§ 15:5)

- Plaintiff need not comply with Civ. R. 15(D) to join additional defendants under R.C. 2323.451(D); 180-day medical-claim extension applies to defendants not named in original complaint even if their existence was contemplated at filing (§ 15:15)

- Trial court must consider imminent statutory changes barring class-wide recovery when assessing superiority under Civ. R. 23(B)(3); class certified before amendment's effective date properly decertified (§ 23:9)

- Discovery in public-records mandamus actions limited by Civ. R. 26(B)(1) relevance and proportionality to the office's search methodology and the parties' claims and defenses; court may not order production in discovery of the records sought in the action (§ 26:1)

- No special work-product exemption for insurer claims files in bad-faith actions; materials prepared in anticipation of litigation remain protected under Civ. R. 26(B)(4) absent good cause, with in camera review to apply the standard (§ 26:6)

- One-year refiling period under saving statute ends on anniversary of dismissal, not the day after; complaint refiled one day late was time-barred (§ 41:37)

- Sham-affidavit rule applies to expert affidavit contradicting the expert's earlier unsworn report where the report is incorporated by reference into the affidavit; contradiction goes to admissibility, not merely credibility or weight, and court may strike the affidavit (§ 56:29)

## Volume 3 Forms

- Updated forms for initiating appeals (Chapter 20)

- Practice pointers and alerts for new requirements on motions for extensions and continuances (Chapter 20)

- Practice pointers and alerts related to amended requirements for judgment entries (Chapter 15)

- Updated forms for actions to obtain civil protection orders (Chapter 4)

- Forms for new Civ. R. 65.2 related to actions for civil protection orders and efforts by the Supreme Court of Ohio to create more uniform practice in this area (Chapter 4)

Thank you for subscribing to *Baldwin's Civil Practice, 2026-2027 Ed. (Baldwin's Ohio Practice)*. We hope you find this book an invaluable tool for your practice.

THE PUBLISHER

## About the Author



**Professor Cassandra Burke Robertson** is the John Deaver Drinko—BakerHostetler Professor of Law and Director of the Center for Professional Ethics at Case Western Reserve University School of Law, where she teaches civil procedure, professional responsibility, torts, and commercial law. She has served on the Supreme Court of Ohio’s Commission on the Rules of Practice and Procedure and as an Ohio commissioner to the Uniform Law Commission. She earned a B.A. from the University of Washington and an M.A., M.P.Aff., and J.D. from the University of Texas.



# **PREFACE TO 2026-2027 EDITION OF CIVIL PRACTICE**

Volumes One and Two contain comprehensive text following each of the Ohio Rules of Civil Procedure. In this edition, Professor Robertson updates rule content, and builds upon practical guidance and in-depth analysis of the Rules provided in previous editions. Current law is defined through discussion of hundreds of reported and unreported cases, the revised Staff Notes to the Civil Rules, and analogous federal law and rules.

In Volume Three, Dennis G. Terez continues to provide practitioners with forms for use throughout the litigation process. Reorganized for ease of use and presented in an up-to-date softbound volume format, the forms are accompanied by Mr. Terez's practical guidance.

Additional aids to research include table of cases and of statutes and rules, and a comprehensive subject index found at the back of Volume Three, Baldwin's Ohio Practice Civil Forms.





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