

Baldwin's Ohio Handbook Series

OHIO TRIAL HANDBOOK

2026 Edition
Issued in May 2026

by

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9th District Court of Appeals



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ISBN: 979-8-350-26724-2

Preface to the 2026 Edition

For over fifty years, this text has compiled, coordinated, and commented on developments for most common trial issues. It has become a standard resource for many judges and lawyers. Formerly known as Trial Handbook for Ohio Lawyers, as the most comprehensive single volume publication for Ohio Trial Practice, it proudly now wears that title.

This text answers critical questions that a lawyer can and will face in almost every trial. Some lawyers carry it with them to their trials. Others use it to check out last-minute issues in their offices. Some senior lawyers give it to newer practitioners when they begin their practices.

With more than 14,000 citations, this 2026 Edition continues to focus the trial lawyer's search for governing constitutional provisions, statutes, rules, and precedent.

This 2026 Edition replaces the 2025 Edition in its entirety.

Highlights

- Exclusion of witnesses (*State v. Greenawalt*, § 11:6)
- Victim's character in a criminal case (*State v. Kinard*, § 15:20)
- Confidential nature of attorney communication (*TCE Tall Oaks, L.L.C. v. Fifth Third Bank, National Association*, § 19:8)
- Nature of judicially noticeable fact (*State ex rel. Watkins v. McNamara*, § 20:5)
- Authentication of text messages (*State v. Goings*, § 22:21)
- Hearsay exception—Excited utterance (*State v. Oatneal*, § 26:9)
- Judicial admission (*Drouhard v. Thompson*, § 27:10)
- Prohibition against illegal search and seizure (*State v. Diaw*, § 29:3)
- Compromise offer (*Mikes Handyman/HVAC Service, LLC v. DiFiore*, § 30:7)
- Attorney fees—Statutory remedies (R.C. 2323.51(B)(2), *Friedman v. Bexley Public Library*, § 34:10)
- Improper conduct of juror (*State v. Williams*, § 37:11)
- Expungement of criminal record (*State v. M.F.*, § 39:27)
- Updated appendices

Thank you for subscribing to *Ohio Trial Practice (Baldwin's Ohio Handbook Series)*. We hope that you find this book an invaluable tool for your practice.

Clair E. Dickinson

Akron, Ohio

About the Author

Clair E. Dickinson

During law school, Clair Dickinson served as Editor-In-Chief of the Cleveland State Law Review and received the Howard L. Oleck Award for outstanding writing by a law student. He began his legal career as a law clerk to the Honorable Leroy J. Contie Jr., United States District Judge for the Northern District of Ohio. He was then an associate with Jones, Day, Reavis & Pogue in Cleveland. He first joined the Akron office of Brouse McDowell in 1983 and spent a total of over 29 years with the firm, interrupted by two periods of service as a judge on the Ninth District Court of Appeals. At Brouse, he practiced as both a trial and an appellate lawyer and, at different times, chaired both practice groups. He also served as firm counsel for a number of years.

Mr. Dickinson served as a judge on the Ohio Ninth District Court of Appeals from 1993 through 1999 and from 2007 through 2012. He both argued cases before and served as a visiting justice on the Ohio Supreme Court. During his almost twelve years on the appellate court, he participated in more than 4,000 decisions. He is a former member of the Ohio Supreme Court Commission on the Rules of Practice and Procedure (Chair of the Appellate Rules Committee), a former member of the Ohio Supreme Court Commission on the Rules of Superintendence, a former member of the Board of Editors of Ohio Lawyer, a former member of the Council of Delegates of the Ohio State Bar Association, a former member of the Board of Trustees of the Akron Bar Association, former Chairman of the Board of Directors of Ohio United Way, former Counselor for the Charles F. Scanlon and Judge Samuel (Sam) Bell Inn of Court, and member and former Chairman of the Board of Downtown Akron Partnership.

He has taught continuing legal education classes for lawyers and judges, including classes for the Ohio Judicial College. He and his wife Kathie have been married for 53 years and live in Akron. They have three grown children and seven grandchildren.

Acknowledgment

The author wishes to Acknowledge the past contributions of Judge Richard M. Markus to this work. Judge Markus combined practical litigation experience with meaningful academic and judicial perspectives. During his over thirty years as a very active trial lawyer, he served as National President of the American Trial Lawyers Association, co-founder and Chairman of the Board for the National Institute for Trial Advocacy, and State President of both the Ohio State Bar Association and the Ohio Academy of Trial Lawyers.

His judicial experience included more than twenty-five years as a common pleas and court of appeals judge, including visiting judge service in the Ohio Supreme Court, six Ohio appellate court districts, and common pleas courts for forty Ohio counties. He participated in more than 3,000 appellate decisions.

He served on the full-time faculties of Harvard University Law School and Cleveland State University Law School, and more than twenty-five years on the part-time faculties of Case Western Reserve University Law School, Cleveland State University Law School, Akron University Law School, and the Massachusetts Institute of Technology.

He gave more than 600 seminar lectures for lawyers and judges, including many for the National Judicial College, the Ohio Judicial College, and the Institute for Judicial Administration at the N.Y.U. Law School. In addition to the *Ohio Trial Practice*, he had published two additional texts and more than fifty articles related to trial and appellate litigation.



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