

Under the bill, only an order that denies (not an order that grants) a stay of a trial of any action pending arbitration, including, but not limited to, an order that is based upon a determination of the court that a party has waived arbitration under the arbitration agreement, is a final order.

Fiscal Effects of the Bill

Appeals. The bill would essentially expedite arbitration by narrowing the basis for appealing a court order pertaining to a stay of trial. According to staff of the Ohio Judicial Conference, a minimal number of arbitration cases end up in court proceedings. For those arbitration cases that would end up in court proceedings, this “narrowing” should decrease adjudication time and may result in, at most, a minimal decrease in county expenditures.

Jury Trials. Additionally, the bill eliminates the right of an aggrieved party to demand and have a jury trial of the issue of whether there is failure to perform under the arbitration agreement or whether the agreement exists. The elimination of the option to have a jury trial may simply shift some jurors over to other court trials. Alternately, eliminating this right to jury trials may result in a potential negligible savings for counties due to having fewer trials for arbitration cases and fewer jurors present over the lengthy trial period. In any event, court time for arbitration cases will be minimized by eliminating the time involved for jury trials. This will result in a potential decrease in county expenses associated with the costs of jury trials. The decrease will vary by jurisdiction, but is anticipated to be, at most, minimal.

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