

THE SUPREME COURT *of* OHIO

ADVISORY COMMITTEE ON CASE MANAGEMENT

Honorable Timothy Cannon

Eleventh Appellate District

Chairperson

Honorable Judith French

Tenth Appellate District

Vice Chairperson

Meeting Minutes

August 19, 2011

Committee Members Present:

Jean Atkin, Esq.
Gretchen Beers, Esq.
Anne Brown
Russell Brown, Esq.
Judge Timothy Cannon, Chair
Judge Anthony Capizzi
Mark Combs, Esq.
Judge Rocky Coss
Judge Carol Dezso
Judge Robert Douglas
Judge Gary Dumm

Judge Judith French, Vice Chair
Judge Sheila Farmer
Judge Richard Frye
Judge Laura Gallagher
Judge Kathleen Giesler
Judge Alan Goldsberry
Lisa Gorrasi, Esq.
Judge Jerome Metz
Judge Edward O'Farrell
Judge Tom Pokorny
Judge Jack Puffenberger

Committee Members Absent:

Judge Michael Hall
Judge John Pickrel

Judge Joseph Zone

Guests Present:

Judge Timothy J. McGinty
Judge Thomas A. Januzzi

Elizabeth Stephenson, Esq.

Supreme Court of Ohio Staff Members Present:

Christine Bratton
Brian Farrington
Diane Hayes

Stephanie Graubner Nelson
Stephanie Hess

Summary of Meeting:

Meeting Minutes

Advisory Committee Chairperson Judge Timothy Cannon called the meeting to order. The minutes from the June 10, 2011 meeting were then reviewed and were approved.

Court Statistics Project

Given time constraints, Judge Cannon indicated that the Committee would take the agenda out of order and asked Statistics Analyst Brian Farrington to give the Committee an overview of the National Center for State Courts' Court Statistics Project webpage. The Court Statistics Project (CSP) collects caseload statistics from all states that are able to submit data. The CSP also publishes an annual report, which is available on its website at www.courtstatistics.org. Brian outlined data quality issues encountered by the CSP as well as usefulness of the data at the local court level. A way to improve data quality is to implement a civil case coversheet. Examples of those coversheets are available on the CSP webpage.

Brian then went onto provide an overview of the Supreme Court of Ohio's caseload statistics publications: the Ohio Courts Statistical Report and the Ohio Courts Statistical Summary.

Guests

Judge Cannon welcomed guests that were in attendance at the meeting and asked each to introduce themselves: Judge Januzzi from Oberlin Municipal Court, Judge McGinty from Cuyahoga County Common Pleas Court, and Elizabeth Stephenson from the Tuscarawas Common Pleas Court, General and Domestic Relations Division.

Judge Cannon then asked for the subcommittee reports (see Subcommittee Reports below).

Subcommittee Reports:

Appellate Courts – Time Guidelines Subcommittee

Judge Farmer indicated that the subcommittee plans to focus their conversations on benchmarks for the time guidelines, using the American Bar Association and the National Center for State Courts time guidelines as a point of reference for those discussions. It was also noted that the subcommittee recognizes there are some cases that cannot be completed within the prescribed time guidelines and as such, it is looking for ways to account for those cases.

Appellate Courts – Statistical Report Subcommittee

Judge Hall was unable to attend the meeting and as a result, Judge Cannon deferred the subcommittee report to a later date.

Common Pleas, General Division Courts – Time Guidelines Subcommittee

Judge Metz and the subcommittee indicated they have had two meetings to date. The subcommittee has focused on the general principles and purposes of the time guidelines, reviewing the ABA, COSCA, and CCJ time guidelines / proposed scales. In particular, the subcommittee compared Ohio's current criminal case processing time guideline of 6 months with the ABA, COSCA, and CCJ time

guideline of 12 months. It was noted that the national time guideline is counted from the date of arrest whereas the Ohio time guideline is counted from the date of arraignment in the common pleas court.

Data was gathered from several courts to conduct an analysis of the criminal case time guidelines; the subcommittee also discussed the time for processing administrative appeals in the Franklin County Court of Common Pleas. It was noted that initial thoughts lead the subcommittee to believe that submission of the record in administrative appeals cases is a cause for delay but data does not seem to support that view.

Outstanding issues for consideration include, (1) how criminal case processing is impacted by requests for competency evaluations and associated delays, (2) the ABA/COSCA model of staggered time guidelines, (3) the impact of HB 86 on criminal case processing as the Ohio Department of Rehabilitation and Corrections enters the workflow in terms of providing sentencing options, and (4) the public's perception that case processing, as a whole, takes too long and how that perception should impact the work of the subcommittee. Discussion followed.

Common Pleas, General Division Courts – Statistical Report Subcommittee

Judge Coss indicated that the subcommittee has held 2 telephone conferences, during which, the subcommittee invited representatives from the clerk's association as well as from the Ohio Department of Rehabilitation and Corrections (ODRC) to join the subcommittee. The subcommittee reviewed HB 86 and the requirement that courts provide probation statistics to ODRC.

The subcommittee's charge is to review the current case types and termination types and make recommendations to revision of those data elements. The group reviewed the document compiled by the Case Management Section staff as well as the data elements considered by the Court Statistics Project.

Judge Coss noted that accountability to the public and increased scrutiny should be welcomed and considered during the statistics review process. He also noted that it is important to decide the purpose of the statistics – who is the consumer of the statistics and for what reason? Courts must decide what is important to measure and why.

The subcommittee is also reviewing the instructions that accompany the current statistical reports. Discussion followed.

Judge Coss explained that the subcommittee felt it would be helpful to have a representative from the National Center for State Courts to come into talk with the Advisory Committee about the current national standards, etc.

Common Pleas, Domestic Relations Division Courts - Time Guidelines Subcommittee

Lisa Gorrasi indicated that the subcommittee has received feedback from the Advisory Committee on Domestic Violence in terms of the domestic violence case time guideline. The recommendation, at this time, is to increase the time from 30 days to 180 days. Discussion followed.

Common Pleas, Domestic Relations Division Courts - Statistical Report Subcommittee

Judge Dezso indicated the subcommittee has begun to review the case types and have reached an agreement in respect to all of the prospective case types. Several of the case types have been broken out and assigned a case time guideline for each separate case type. This will allow case types that must be expedited the flexibility to do so without impacting the time guideline of those case types that do not have a need for an expedited track. Other case types were merged as appropriate.

The subcommittee also discussed the approach to the statistics in general to ensure that the statistics collected are really representative of the work of the court. For instance, in cases where a magistrate decides a case, a recommendation could be that the case be terminated upon filing of the magistrate's decision, then reactivated if objections to the decision are filed.

Domestic relations judges and magistrates will be consulted on the subcommittee's proposed case types.

Common Pleas, Probate Division Courts – Time Guidelines Subcommittee

Judge Puffenberger indicated that the work of the subcommittee was discussed at the Probate Judges Executive Committee meeting. The probate courts are in a unique position in that there are currently no time guidelines for that division of the common pleas courts. The subcommittee will look at the model standards, although there is a general belief that time standards do not fit in with the work of the probate courts; their work is largely driven by statutory time frames.

Common Pleas, Probate Division Courts – Statistical Report Subcommittee

Judge Gallagher reported that the subcommittee has almost completed its review of the case types in terms of identifying what statistics are important to the court, the Supreme Court, and the public. She will put together a draft statistical report form for the subcommittee's review. It was noted that many courts are concerned about updating their case management systems following a change in the statistical reporting schema.

Common Pleas, Juvenile Division Courts – Time Guidelines Subcommittee

Judge Giesler indicated that the subcommittee has met twice since the last in-person meeting. Magistrate Beers created a document to track the subcommittee's progress. Not only is the group reviewing the time guidelines, but they are also developing rationale for each change. The subcommittee surveyed all juvenile court judges on the time guidelines. Judge Giesler indicated that some judges are concerned about how a time guideline should function in relation to statutory time frames; as a result, the subcommittee will address that issue as well.

Common Pleas, Juvenile Division Courts – Statistical Report Subcommittee

Judge Capizzi indicated that the subcommittee plans to compare the current case types with those suggested by the Case Management Section staff and will also review recent legislation that may have an impact on the case types. It will also focus on creating instructions that are clear and will promote data consistency throughout the state. The subcommittee also explored the area of who uses the data, how it is used, and discussed measuring cases in terms of the number of children as opposed to the number of cases to foster consistency with Children's Service's data.

Judge Cannon reiterated that the instructions to the report forms are critical to develop quality data that is consistent across all courts in the state. Discussion followed.

Municipal and County Courts – Time Guidelines Subcommittee

Judge Douglas indicated that the subcommittee has met twice and will have their third meeting following the Advisory Committee meeting. The subcommittee has identified some reporting issues that may be impacting the overage rates in the municipal and county courts; those issues are being addressed to ensure that the time guidelines are appropriate. Judge Douglas indicated that the next step for the subcommittee is to review the graduated scale time guideline method.

Municipal and County Courts – Statistical Report Subcommittee

Judge Pickrel, the chairperson of the subcommittee, was not in attendance; as a result, Anne Brown gave the report for the group. The subcommittee began to discuss the case types but then turned to explore the method by which municipal and county courts report their caseloads via an administrative judge report as well as an individual judge report. It will research why the reports were developed in that manner and determine if that is still appropriate. The group will also look into who makes public records requests for the caseload statistics and identify the stakeholders.

Ms. Brown indicated that the subcommittee also began a cursory review of the Case Management Section's recommendations and will have a follow up conversation about those recommendations. It's possible that recent legislative changes may have an impact on those case types.

Old Business:

Judge Cannon asked for a report from the judges on their presentations at the respective association meetings. Discussion followed about outreach. Suggestions included using the Ohio Judicial Conference and the Ohio Association for Court Administration as forums in which to publicize the Advisory Committee's work.

New Business:

Information sharing among subcommittees

Judge Cannon advised the chairs of both the time guidelines and statistical report subcommittees that they are welcome to share information back and forth as needed. The chairs are asked to consider how that might come to fruition and at what point in time.

Statistics for Specialized Dockets

The Advisory Committee on Specialized Dockets promulgated a rule to govern the operation of specialized dockets, which is effective in January, 2013. The Advisory Committee on Specialized Dockets has asked for members of the Advisory Committee on Case Management to serve on a joint subcommittee that will make a recommendation as to the caseload statistics for the evaluation of specialized dockets. Judge Cannon asked for volunteers to serve on the joint subcommittee. Discussion followed.

National model time standards

Judge Cannon called the members' attention to the model national time standards. Judge Metz served on the ABA's committee that was involved in promulgating the model time standards; he provided the committee with the background on the process and offered to expand on that information if there were questions. He also reminded the members that the model time standards were developed to be both aggressive and achievable. Discussion followed.

National consultant

Judge Coss reiterated that he believed it would be helpful to hear from a representative from the National Center for State Courts as to the national model time standards and the process by which the subcommittees should consider Ohio's time standards and statistical report forms. Discussion followed. Judge Cannon agreed to explore the possibility of hiring a national consultant.

Action Items:

- (1) Subcommittees should review the national model time standards and take that information into consideration in their work on the Ohio time guidelines and the statistical report forms.
- (2) Staff should discuss with Mr. Hollon the possibility of contracting with a national consultant who could provide additional information to the Advisory Committee and its subcommittees.
- (3) Time guidelines subcommittees should plan to have a recommendation submitted to staff no later than December 31, 2011.

Motions and/or Decisions:

Judge Goldsberry moved to approve the June 10, 2011 meeting minutes; Judge Capizzi seconded that motion. The June 10, 2011 meeting minutes were unanimously approved.

Future Meeting Dates:

October 14, 2011
Friday, March 9, 2012
Friday, May 18, 2012
Friday, August 10, 2012
Friday, October 12, 2012