

INSTRUCTIONS FOR PREPARATION

ALL REPORT FORMS

I. MATHEMATICAL ACCURACY AND CONSISTENCY

A. Mathematical Accuracy. Reports will be considered mathematically accurate if the tests set forth in divisions (A)(1) through (A)(3) are met.

1. The sum of cases pending on the first day of the period, new cases filed, and cases transferred in, reactivated, or redesignated, minus the total cases terminated, **must** equal the cases pending at the end of the period.

2. The sum of cases in every column on a given line **must** equal the cases in the Total column for that line.

3. Where a Total column intersects a Total line, the entry **must** be the same, whether arrived at by adding horizontally or vertically.

B. Month to Month Consistency. The number of cases reported to be pending at the end of any reporting period **must** equal the number of cases reported as pending at the beginning of the next reporting period.

C. Correction of Reporting Errors. When errors are discovered on any report that has been submitted to the Court Statistical Reporting Section of the Supreme Court of Ohio, the preparer shall submit a corrected report for the same reporting period and clearly indicate on the face of the report that it is corrected. The preparer shall explain the nature of the error or errors being corrected and shall specifically refer to the line number and column letter designations of the erroneous entry or entries.

Where an error can not be traced to a specific report period, adjustments shall be made on the current report form. Time guidelines shall be computed based on the original filing date. In accordance with I. B. above, the number of cases reported as pending at the end of any reporting period will **always** equal the number of cases reported as pending at the beginning of the next reporting period even when adjustments are necessary.

II. COMPREHENSIVENESS AND COHERENCE: PREPARATION OF THE REPORTS

While mathematical accuracy and internal consistency may be controlled by thorough auditing, comprehensiveness (reporting the filing and terminations of all cases) and coherence (all courts consistently defining and reporting cases with similar fact patterns in a similar way) can be accomplished only by carefully observing the definitions applicable to each column and line.

III. MUNICIPAL AND COUNTY COURTS - ADMINISTRATIVE JUDGE REPORT

A. The administrative judge of each municipal or county court is required to complete the Administrative Judge Report.

B. The Administrative Judge Report is to be completed monthly and sent to the Court Statistical Reporting Section of the Supreme Court of Ohio by the fifteenth day of the following month.

C. Report Columns - Definitions

Each column on the Administrative Judge Report is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, identify any entry and shall be referred to when reports are amended or questioned.

When a civil case may be reported in more than one column, it shall be reported **only** in the column that represents the **principal** issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once; court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which arbitrary decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

The following definitions describe the types of cases that should be reported in each column and should be used with the case numbering provisions contained in Rule 12(E).

1. Felonies - Column A. A felony is defined by section 2901.02 of the Revised Code and Criminal Rule 2 as an offense specifically classified as a felony, regardless of penalty, or any offense for which imprisonment of more than one year can be imposed. Any case satisfying this definition should be reported in Column A including felony O.V.I.

See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications, and therefore could be reported in different columns.

2. Misdemeanors - Column B. A misdemeanor is defined by section 2901.02 of the Revised Code and Criminal Rule 2 as an offense specifically classified as a misdemeanor, or an unclassified offense for which imprisonment of not more than one year can be imposed. Violations of state law as well as local ordinances satisfying this definition, except those that should be reported in Columns C and D, should be reported in Column B.

(a) Misdemeanors that are disposed of by a Misdemeanor Violations Bureau established by Criminal Rule 4.1 and Sup. Rule 18 should be reported in Column B.

(b) O.V.I. (Operating a Vehicle While Intoxicated) and Other Traffic cases are to be reported separately in Columns C and D, and are **NOT** to be reported in Column B.

(c) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as an O.V.I. or Other Traffic arising out of the same act or transaction or series of acts or transactions, the case should be reported in separate columns.

(d) See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications.

3. O.V.I. - Column C. O.V.I. (Operating a Vehicle While Intoxicated) is defined as an offense that charges a violation of section 4511.19 of the Revised Code or any local ordinance that similarly prohibits operating a vehicle while under the influence of alcohol or any drug of abuse. Any case satisfying this definition should be reported in Column C.

(a) When an accused is charged with an offense classified as a misdemeanor and an offense classified as O.V.I. arising from the same act or transaction or series of acts or transactions, the case should be reported in separate columns.

(b) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising from the same act or transaction or series of acts or transactions, the case should be reported **only** in Column C.

(c) While O.V.I. cases also satisfy the definition of misdemeanor contained in the instructions for Column B, O.V.I. cases should be reported only once, in Column C.

(d) See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications.

4. Other Traffic - Column D. Other Traffic is defined as any violation of state law or local ordinance arising out of the use of any type of vehicle that generally is used on the roads of the state, except an offense that charges a violation of section 4511.19 of the Revised Code (O.V.I.) or any local ordinance that prohibits the operation of a vehicle while under the influence of alcohol or any drug of abuse. Any case satisfying this definition should be reported in Column D.

(a) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act or transaction or series of acts or transactions, the case is to be reported **only** in Column C.

(b) When an accused is charged with an offense classified as a misdemeanor and an offense classified as Other Traffic arising out of the same act or transaction or series of acts or transactions, the case should be reported in separate columns.

(c) When an accused is charged with an offense classified as a misdemeanor by Chapter 29 of the Revised Code and the use of a motor vehicle is a critical element of that case, that case will receive a TR-D case number and will be reported in Column D. Vehicular homicide is an example of this situation.

(d) Parking violations of any type, even if contested, are **NOT** to be reported in Column D or anywhere else on this report form. If parking violations have been decriminalized pursuant to section 4521.02 of the Revised Code, the case is to be reported in Column H.

(e) See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications.

5. Personal Injury and Property Damage - Column E. A case should be reported in this column if the principal issue is liability or damages for allegedly tortuous conduct resulting in personal injury, property damage, or both.

6. Contracts - Column F. A case should be reported in this column if the principal issue is liability or damages for breach of a contract. Cases that involve liability on promissory notes or cognovit notes or collection of accounts due should be reported in this column.

7. F.E.D. - Column G. A case should be reported in this column if it is initiated under the provisions of Chapter 1923. or 5321. of the Revised Code.

(a) Where the court exercises its option under section 1923.081 of the Revised Code to separate the action for eviction from the action for damages to the leased property, the case must be reported as one case and terminated at the conclusion of both actions.

(b) The deposit of rental payments with the clerk of court pursuant to section 5321.07(B)(1) of the Revised Code is not to be reported in Column G or anywhere else on the report form (rent escrow cases). The application for release of deposited rent pursuant to section 5321.09(A)(1) of the Revised Code should be reported in Column G.

8. Other Civil Cases - Column H. This column is used to report any civil case that does not satisfy the definitions set forth for Columns E, F, G, and H. Cases reported in this column would include, but are not limited to, Applications for Appointment of Trustee pursuant to section 2329.70 of the Revised Code; Implied Consent Suspensions pursuant to section 4511.191 of the Revised Code; Appeals from Bureau of Motor Vehicles Points Suspensions pursuant to section 4507.021(K) of the Revised Code; Transfers of Judgment; and Parking Violations Judgments pursuant to section 4521.02 of the Revised Code. The majority of these cases will be terminated within a relatively short period of time and reported as terminated on the Other Terminations Line.

9. Small Claims - Column I. A case should be reported in this column if it is initiated under the provisions of Chapter 1925. of the Revised Code. Refer to the report line definition for Line 7 where small claims cases are transferred to the general division.

10. Total - Column T. This column is used to report the sum of cases in Columns A through I on any horizontal line of the Administrative Judge Report Form. An entry should appear in this column for each line except Line 17. If no activity is reported in any column for a particular line, a zero should appear in Column T for that line.

The activity of a visiting judge during arraignments or particular sessions will not be reported other than in the specific case's original reporting column.

D. Report Lines - Definitions

Each line on the Administrative Judge Report is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry.

The following definitions describe the types of case activity that should be reported on each line and should be used with the case numbering provisions contained in Rule 43.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the reporting period must be reported on this line. Line 1 **must** be the same as Line 15 (Pending End of Period) of the Administrative Judge Report filed for the preceding month.

2. New Cases Filed - Line 2. All new cases filed with the court during the reporting period must be reported on this line.

(a) A Felony, Misdemeanor, O.V.I., or Other Traffic case is considered to be filed when the warrant or summons in lieu of warrant is issued.

(b) A Personal Injury and Property Damage, Contract, Forcible Entry and Detainer (F.E.D.), Other Civil, or Small Claims case is considered to be filed when the complaint is filed with the clerk of court.

(c) A Misdemeanor, O.V.I., or Other Traffic case that has been transferred from a mayor's court is to be reported on Line 2 as a new case filed.

(d) Where a Felony case is filed and the court, at the preliminary hearing, finds probable cause exists to believe that only a misdemeanor was committed, the felony case is reported as terminated on Line 9 and the misdemeanor case is reported on Line 2 as a new case filed. Where misdemeanor charges already existed as a result of the same act or series of acts, the charges will be consolidated. Where there are no companion misdemeanor charges, the misdemeanor shall receive a new case number with a CR-B designation, TR-C designation, or TR-D designation as applicable.

3. Cases Transferred In, Reactivated, or Redesignated - Line 3.

(a) A case initially filed as a Small Claims case and subsequently transferred to the general division pursuant to section 1925.10 of the Revised Code is reported as a case transferred in on Line 3.

Judgments transferred from another court for any proceeding are reported on Line 3 and may receive a new a new case number.

(b) Where a case has been filed, not individually assigned under Rule 36, terminated other than on the merits, and subsequently reactivated, the reactivation of the case is reported on Line 3.

A Misdemeanor, O.V.I., or Other Traffic case previously terminated because of unavailability of the accused, is reactivated and reported on Line 3, if the accused subsequently becomes available. The indicated time period for disposition is suspended for the period of time the accused is unavailable for trial.

A case previously terminated because of a bankruptcy stay or interlocutory appeal is reactivated and reported on Line 3, if the stay is lifted or the case is remanded. The indicated time period for termination is suspended for the period of time the stay is effective or the appeal is pending.

A case previously terminated on the merits and subsequently remanded from a court of appeals or the Supreme Court is reactivated on Line 3 in the appropriate column. The indicated time period for termination begins upon reactivation.

(c) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 13 and reported as a redesignated case in the appropriate column on this line.

For example, a case may be filed and reported in Column F as a Contracts cases. Subsequently, it may become apparent that the case should have been reported as an Other Civil case. In that situation, the case would be reported as terminated on Line 13 (Other Terminations), Column F, and entered as a redesignated case in Column H (Other Civil) of this line.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through I **must** equal the sum of Lines 1, 2, and 3 in Column T.

TERMINATIONS

For reporting purposes, a civil case is considered terminated when a judgment entry is filed with the clerk of the court for journalization. A criminal case is considered terminated for reporting purposes when a sentencing entry is filed with the clerk of courts for journalization.

In multiple charge cases, a case is considered terminated at the conclusion of all of the charges. Although the greatest potential penalty is reviewed to determine the proper reporting column, the termination of a multiple charge case is based on the first applicable termination on the report form. Thus an O.V.I. case (Column C) with an O.V.I. charge and a minor traffic

charge included may be terminated in the O.V.I. category (Column C) due to the O.V.I. charge, but on a specific line due to the minor traffic charge. For example, the O.V.I. charge may be dismissed and the minor traffic charge may receive a guilty plea. The entire case will be properly reported in the O.V.I. category (Column C) as a guilty plea since the guilty plea termination line appears first on the report form.

5. Trial/Hearing by Judge - Line 5. Cases terminated as the result of a trial or hearing before a judge are reported on this line. The terminations reported on Line 5 occur in criminal cases when the accused is sentenced and in civil cases when a judgment entry has been filed with the clerk of court for journalization.

(a) Felony cases in which the accused is bound over to a grand jury as a result of a preliminary hearing are reported on Line 5.

(b) Any Misdemeanor, O.V.I., or Other Traffic case in which the accused enters a guilty or no contest plea **and** is sentenced is reported on Line 5.

(c) Default judgments on any Personal Injury & Property Damage, Contracts, F.E.D., Other Civil or Small Claims cases are reported on Line 5.

6. Hearing by Magistrate - Line 6. Any case terminated by a magistrate is reported on Line 6. These cases are considered terminated when the judgment entry adopting the report of the magistrate is filed with the clerk of court for journalization.

7. Transfer - Line 7. Any case that is transferred to another court or individually assigned to a judge in accordance with Rule 36 is reported on Line 7.

(a) Felony cases in which the accused is bound over to a grand jury because of a waiver of a preliminary hearing are reported on Line 7.

(b) Misdemeanor, O.V.I., and Other Traffic cases in which the accused has entered a plea of not guilty and that must be individually assigned pursuant to Rule 36 are reported on Line 7.

(c) Personal Injury & Property Damage, Contracts, F.E.D., Other Civil, and Small Claims cases individually assigned to a judge in accordance with Rule 3(B)(2) are reported on Line 7.

(d) Small Claims cases transferred to the general division pursuant to section 1925.10 of the Revised Code are reported on Line 7.

8. Dismissal for Lack of Speedy Trial or Want of Prosecution - Line 8. Criminal cases that are dismissed for failure of the accused to receive a speedy trial pursuant to section 2945.73 of the Revised Code and civil cases dismissed for want of prosecution pursuant to Rule 6 are reported on this line.

9. Other Dismissals - Line 9. All cases that are dismissed for any reason other than those described in the instructions for Lines 5 through 8 are reported on Line 9. Criminal cases dismissed for want of prosecution are an example of cases that shall be reported as terminated on this line.

10. Violations Bureau - Line 10. Misdemeanor and Other Traffic cases that are disposed of by payment to a violations bureau are reported on Line 10.

11. Unavailability of Accused - Line 11. Felony, Misdemeanor, O.V.I., and Other Traffic cases that are terminated because of the unavailability of the accused are reported on Line 11.

For example, a defendant may be unavailable because of mental status, incarceration on other charges, or flight from prosecution or custody. The failure of the accused to appear at the time the case is set for trial or hearing does not, in itself, warrant termination by reason of unavailability.

A case should be reported on this line only when the judge, in the exercise of discretion, determines that there is little likelihood the accused will be available for trial, hearing, or sentencing within a reasonable period of time.

The case is reactivated and reported on Line 3 if the accused subsequently becomes available. The indicated time period for termination is suspended for the period of time the case is inactive.

12. Bankruptcy Stay and Interlocutory Appeal - Line 12. Cases in which a bankruptcy stay has been issued or an interlocutory appeal taken are reported on Line 12.

In these limited situations, final disposition of a particular case is beyond the control of the trial court. If the bankruptcy stay is removed or the case is remanded, the case is reported as reactivated on Line 3. The indicated time period for termination is suspended for the period the stay is effective or the appeal is pending. Motions to suppress are an example of an action taken that could cause a case to be reported as terminated on Line 12.

13. Other Terminations - Line 13. Any case terminated in any manner, not specifically required to be reported on Lines 5 through 12, is reported on Line 13.

14. Total - Line 14. The sum of Lines 5 through 13 is reported on Line 14. When added horizontally, the sum of Columns A through I reported in Column T on this line **must** equal the sum of Lines 5 through 13 in Column T.

15. Pending End of Period - Line 15. The number of cases pending in the court that have not been individually assigned at the close of business on the last day of the reporting period is reported on Line 15. This figure should equal the number of cases reported as terminated in each column on Line 14 subtracted from the number of cases in each column on Line 4.

16. Cases Pending Beyond Time Guideline - Line 16. The number of cases pending in the court as reported on Line 15 that have not been individually assigned and have been pending for a period of time in excess of the applicable time guideline is reported on this line.

(a) The time guideline for each category of case is indicated on the line immediately above Line 16.

(b) To compute the length of time a case has been pending, the starting date should be the date the case was filed. See Section (D)(2) above (Line 2 definition) for the method used to determine the date on which a case is filed for purposes of the Administrative Judge Report.

(c) Rule 39 requires that a report be filed with the Administrative Judge (or the Court Statistical Reporting Section in the case of a single judge court) that indicates the reason any Felony, Misdemeanor, O.V.I., or Other Traffic case is pending beyond the applicable time guidelines.

17. Number of Months Oldest Case is Beyond Time Guideline - Line 17. The number of months that the **oldest** case reported on Line 16 in each category is pending **beyond** the applicable time guideline is reported on this line. This is the only line on the Administrative Judge Report that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time guideline.

(a) The time guideline for each category of case is indicated on the line immediately above Line 16.

(b) To compute the length of time a case has been pending, the starting date should be the date the case was filed. See Section (D)(2) above (Line 2 definition) for the method used to determine the date a case is filed for purposes of the Administrative Judge Report.

18. The administrative judge must sign and date the report on the line provided.

19. The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

IV. MUNICIPAL AND COUNTY COURTS - INDIVIDUAL JUDGE REPORT

A. Each judge of a municipal or county court is required to complete the Individual Judge Report.

B. The Individual Judge Report is to be completed monthly and submitted to the administrative judge, who signs the report. Completed forms should be sent to the Court Statistical Reporting Section of the Supreme Court. The report must be received by the Supreme Court by the fifteenth day of the next month.

C. Report Columns – Definitions

Each column on the Individual Judge Report is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, identify any entry and shall be referred to when reports are being amended or questioned.

When a civil case may be reported in more than one column, it shall be reported **only** in the column that represents the **principal** issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once; court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which arbitrary decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

The following definitions describe the types of cases that should be reported in each column and should be used in connection with the case numbering provisions contained in Sup. Rule 43.

1. Misdemeanors - Column B. A misdemeanor is defined by section 2901.02 of the Revised Code and Criminal Rule 2 as an offense specifically classified as a misdemeanor, or an unclassified offense for which imprisonment of not more than one year can be imposed. Violations of state law as well as local ordinances satisfying this definition, except those that should be reported in Columns C and D, should be reported in Column B.

(a) O.V.I. and Other Traffic cases are reported separately in Columns C and D, and are **NOT** to be reported in Column B.

(b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as an O.V.I. or Other Traffic arising out of the same act or transaction or series of acts or transactions, the case should be reported in both columns.

(c) See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications, and therefore could be reported in different columns.

2. O.V.I. - Column C. O.V.I. is an offense that charges a violation of section 4511.19 of the Revised Code or any local ordinance that similarly prohibits operating a vehicle while under the influence of alcohol or any drug of abuse. Any case satisfying this definition should be reported in Column C.

(a) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as O.V.I. or Other Traffic arising out of the same act or transaction or series of acts or transactions, the case should be reported in both columns.

(b) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act or transaction or series of acts or transactions, the case is to be reported **only** in Column C.

(c) While O.V.I. cases also satisfy the definition of misdemeanor contained in the instructions for Column B, O.V.I. cases should be reported only once, in Column C.

(d) See Sup. Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications.

3. Other Traffic - Column D. Other Traffic is defined as any violation of state law or local ordinance arising out of the use of any type of vehicle that generally is used on the roads of the state, except an offense that charges a violation of section 4511.19 of the Revised Code (O.V.I.) or any local ordinance that prohibits the operation of a vehicle while under the influence of alcohol or any drug of abuse. Any case satisfying this definition should be reported in Column D.

(a) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act or transaction or series of acts or transactions, the case is to be reported **only** in Column C.

(b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as Other Traffic arising out of the same act or transaction or series of acts or transactions, the case should be reported in both columns.

(c) When an accused is charged with an offense classified as a misdemeanor that arose out of the use of a motor vehicle, that case should receive a TR-D case number and be reported in Column D. Vehicular homicide is an example of this situation.

(d) Parking violations of any type, even if contested, are NOT to be reported in Column D or anywhere else on this report form. If parking violations have been decriminalized pursuant to section 4521.02 of the Revised Code, the case is to be reported in Column H.

(e) See Rule 43 and its Comment for a discussion of the case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications.

4. Personal Injury and Property Damage - Column E. A case should be reported in this column if the principal issue is liability or damages for allegedly tortious conduct resulting in personal injury, property damage, or both.

5. Contracts - Column F. A case should be reported in this column if the principal issue is liability or damages for breach of a contract. Cases that involve liability on promissory notes or cognovit notes or collection of accounts due should be reported in this column.

6. F.E.D. - Column G. A case should be reported in this column if it is initiated under the provisions of Chapter 1923. or 5321. of the Revised Code.

(a) Where the court exercises its option under section 1923.081 of the Revised Code to separate the action for eviction from the action for damages to the leased property, the case must be reported as one case and terminated at the conclusion of both actions.

(b) The deposit of rental payments with the clerk of court pursuant to section 5321.07(B)(1) of the Revised Code is not to be reported in Column G or anywhere else on the report form (rent escrow cases). The application for release of deposited rent pursuant to section 5321.09(A)(1) of the Revised Code should be reported in Column G.

7. Other Civil Cases - Column H. This column is used to report any civil case that does not satisfy the definitions set forth for Columns E, F, G, and H. Cases reported in this column would include, but are not limited to, Applications for Appointment of Trustee pursuant to section 2329.70 of the Revised Code, Implied Consent Suspensions pursuant to section 4511.191 of the Revised Code, Appeals from Bureau of Motor Vehicle Points Suspensions pursuant to section 4507.021(K) of the Revised Code, Transfers of Judgment, and Parking Violations Judgments pursuant to section 4521.02 of the Revised Code. The majority of these cases will be terminated within a relatively short period of time and reported as terminated on the Other Terminations line (Line 16).

8. Total - Column T. This column is used to report the sum of cases in Columns B through H on any horizontal line of the Individual Judge Report Form. An entry should appear in this column for each line except Line 20. If no activity is reported in any column for a particular line, a zero should appear in Column T for that line.

9. Visiting Judge - Column V. This column is used to record the activity of a visiting judge, assigned judge, or acting judge who has presided during the reporting period over cases originally assigned to the reporting judge.

During the reporting period, the visiting, assigned, or acting judge should use a copy of the Individual Judge Report as a worksheet to record his or her activity. At the end of the reporting period, these worksheets should be given to the judge to whom the cases originally were assigned, who will tabulate the numbers and include the totals in Column V on his or her report. The worksheets may be submitted to the Court Statistical Reporting Section for additional documentation of the visiting, retired, assigned, or acting judge's activity. The Individual Judge Report of the originally assigned judge filed with the Court Statistical Reporting Section would

thus include all of the activity of the reporting judge, as well as all activity performed by judges who assisted the reporting judge during the reporting period.

In many situations, no entries will appear in Column V for Lines 1 through 4 and 18 through 21. Generally, a visiting, retired assigned, or acting judge will not have cases specifically assigned to him or her in another court and these lines will not be applicable.

However, in other situations, a visiting, retired assigned, or acting judge may be responsible for specific cases in a particular court and the information reflected on Lines 1 through 4 and 18 through 21 would be useful to report. For example, if the entry in Column V for Line 19 (Cases Pending Beyond Time Guideline) is a high percentage of the number of cases pending at the end of the period (Line 18) reported in the same column, that would indicate that the visiting, assigned, or acting judge or judges have been unable to terminate cases for which they have been given responsibility within the applicable time guidelines. The reporting judge and the administrative judge would then have the information necessary to take appropriate corrective action or to notify the Court Statistical Reporting Section of a potential problem.

The rationale for completing Lines 1 through 4 and 18 through 21 in Column V is thus the same as that for having the originally assigned judge complete these lines: the entries on these lines can be used to identify areas that may need attention or additional resources.

D. Report Lines - Definitions

Each line on the Individual Judge Report is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry. The following definitions describe the types of case activity that should be reported on each line and should be used with the case numbering provisions contained in Rule 43.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the reporting period must be reported on this line. Line 1 **must** be the same as Line 18 (Pending End of Period) of the Individual Judge Report filed for the preceding month.

2. New Cases Assigned - Line 2. All new cases assigned to the reporting judge during the reporting period must be included in the appropriate column on this line. For purposes of calculating the age of the case, the time begins when the case was first reported as filed in most circumstances.

3. Cases Transferred In, Reactivated, or Redesignated - Line 3.

(a) A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on this line. For example, this line is used when the reporting judge receives a case because of the recusal or disqualification of the originally assigned judge.

(b) All cases individually assigned to the reporting judge that previously have been terminated are to be reported in the appropriate column on Line 3 during any reporting period in which they are reactivated for further proceedings.

A Misdemeanor, O.M.V.I, or Other Traffic case that previously has been terminated because of the unavailability of the accused is reactivated and reported on Line 3 if the accused subsequently becomes available. The indicated time period for termination is suspended for the period the accused is unavailable for trial.

A case previously terminated on the merits and subsequently reactivated because of a probation violation or other similar post-decree motion, shall not be reported on this line or anywhere else on this report.

A case previously terminated because of a bankruptcy stay or interlocutory appeal is reactivated and reported on Line 3 if the stay is lifted or the case is remanded. The indicated time period for termination is suspended for the period the stay is effective or the appeal is pending.

(c) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 16 and reported as a redesignated case in the appropriate column on this line.

For example, a case may be filed and reported in Column F as a Contracts case. Subsequently, it may become apparent that the case should have been reported as an Other Civil case. In that situation, the case would be reported as terminated on Line 13 (Other Terminations), Column F, and entered as a redesignated case in Column H (Other Civil) of this line.

(d) A case previously terminated on the merits and subsequently remanded from a court of appeals or the Supreme Court is reactivated on Line 3 in the appropriate column on this report if the case had been individually assigned. The indicated time period for termination begins upon reactivation.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns B through H **must** equal the sum of Lines 1, 2, and 3 in Column T.

TERMINATIONS

For reporting purposes, a civil case (Personal Injury & Property Damage, Contracts, F.E.D., or Other Civil) is considered terminated when a judgment entry is filed with the clerk of court for journalization. A criminal case (Misdemeanor, O.V.I., or Other Traffic) is considered terminated for reporting purposes when a sentencing entry is filed with the clerk of courts for journalization.

In multiple charge cases, a case is considered terminated at the conclusion of all of the charges. The termination of a multiple charge case is based on the first applicable termination on the report form. Thus an O.V.I. case (Column C) with an O.V.I. charge and a minor traffic charge included may be terminated in the O.V.I. category (Column C) due to the O.V.I. charge, but on a specific line due to the minor traffic charge. For example, the O.M.V.I charge may be dismissed and the minor traffic charge may receive a guilty plea. The entire case will be properly reported in the O.V.I. category (Column C) as a guilty plea since the guilty plea termination line appears before the dismissal line on the report form.

5. Jury Trial - Line 5. This line is used to report the cases in each category that were terminated as a result of a jury trial. A case is considered terminated by jury trial if judgment is rendered after the jury has been impaneled. All cases in which a jury is impaneled and judgment is entered are reported as terminated by jury trial, whether or not a verdict is returned by the jury. Thus, a civil case that is settled or dismissed after the jury has been impaneled or a criminal case in which the defendant changes his or her plea or that is dismissed after the jury has been impaneled is reported on Line 5 at the conclusion of the proceedings.

6. Court Trial - Line 6. This line is used to report the cases in each category that are terminated as a result of a trial to the court. A case is considered terminated by court trial if judgment is rendered after the first witness has been sworn. Thus, a civil case that is settled or dismissed after the first witness has been sworn, or a criminal case in which the defendant changes his or her plea or that is dismissed after the first witness has been sworn, is reported on this line at the conclusion of the proceedings.

7. Default - Line 7. All cases that have been individually assigned pursuant to Rule 3(B)(2) and in which judgment by default has been rendered are reported in the appropriate column on Line 7. This line applies only to civil cases and will most often be used at the Administrative Judge Report level.

8. Guilty or No Contest Plea to Original Charge - Line 8. All cases in which the accused has entered a plea of guilty or no contest to the charge contained in the charging instrument are reported in the appropriate column on Line 8. If either a jury or witness is sworn prior to the entry of the plea, the case is reported in the appropriate column on Line 5 or 6.

9. Guilty or No Contest Plea to Reduced Charge - Line 9. All cases in which the accused has entered a plea of guilty or no contest to a charge or charges with less total potential penalties than that contained in the charging instrument, are reported in the appropriate column on this line. If either a jury or witness is sworn prior to the entry of the plea, the case is reported on Line 5 or 6.

10. Dismissal for Lack of Speedy Trial (criminal) or Want of Prosecution (civil) - Line 10. Criminal cases that are dismissed for failure of the accused to receive a speedy trial pursuant to section 2945.73 of the Revised Code and civil cases dismissed for want of prosecution pursuant to Sup. Rule 40 are reported on this line.

11. Other Dismissals - Line 11. Cases dismissed with or without prejudice for any reason other than those described on Line 10 are reported in the appropriate column on Line 11. Criminal cases dismissed for want of prosecution are an example of cases that shall be reported as terminated on this line.

12. Transfer to Another Judge or Court - Line 12. Cases transferred from the individually assigned judge to another judge in the same or another court are reported in the appropriate column on Line 12. Cases that had been individually assigned and then transferred to a visiting, retired assigned, acting judge, or another judge of the court are reported in the appropriate column on this line.

13. Referral to Private Judge - Line 13. Cases transferred from the individually assigned judge to a "private judge" pursuant to section 2701.10 of the Revised Code and Gov. Jud. R. VI are reported in the appropriate column on Line 13.

14. Unavailability of Party for Trial or Sentencing - Line 14. Cases that are terminated for reporting purposes because of the unavailability of a party for trial or sentencing are reported on Line 14.

For example, a party may be unavailable because of mental status, incarceration on other charges, or flight from prosecution or custody. The failure of the party to appear at the time the case is set for trial or hearing does not, in itself, warrant termination by reason of unavailability.

A case should be reported on this line only when the judge, in the exercise of discretion, determines that there is little likelihood that the accused will be available for trial, hearing, or sentencing within a reasonable period of time.

The case is reactivated and reported on Line 3 if the accused subsequently becomes available. The time guideline is suspended for the period the case is considered inactive.

15. Bankruptcy Stay and Interlocutory Appeal - Line 15. Cases in which a bankruptcy stay has been issued or an interlocutory appeal taken are reported in the appropriate column on Line 15.

In these limited situations, final disposition of a particular case is beyond the control of the trial court. If a bankruptcy stay is removed or the case is remanded, the case is reported as reactivated on Line 3. The indicated time period for termination is suspended for the period of time the stay is effective or the appeal is pending. Motions to suppress are an example of an action taken that would cause a case to be reported as terminated on Line 15.

16. Other Terminations - Line 16. Any case terminated in any manner, not specifically required to be reported on Lines 5 through 15, is reported on Line 16. Summary judgment terminations and many "other civil" cases are reported as terminated on this line.

17. Total - Line 17. The sum of Lines 5 through 16 is reported on Line 17. When added horizontally, the sum of Columns B through H reported in Column T on this line **must** equal the sum of Lines 5 through 16 in Column T.

18. Pending End of Period - Line 18. The number of cases pending with the individually assigned judge at the close of business on the last day of the reporting period is reported in the appropriate column on Line 18. This figure should equal the number of cases reported terminated in each column on Line 17 subtracted from the number of cases reported in each column on Line 4.

19. Cases Pending Beyond Time Guideline - Line 19. The number of cases pending with the individually assigned judge as reported on Line 18 for a period of time in excess of the applicable time guideline is reported on Line 19.

(a) The time guideline for each category of case is indicated on the line immediately above Line 19.

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case was originally assigned to a reporting judge.

(c) Rule 39 requires that a report be filed with the Administrative Judge (or the Court Statistical Reporting Section in the case of a single judge court) that indicates the reason any Misdemeanor, O.V.I. or Other Traffic case is pending beyond the time guidelines. This report may be a statement included on the Individual Judge Report.

20. Number of Months Oldest Case is Beyond Time Guideline - Line 20. The number of months that the **oldest** case in each category reported on Line 19 is pending **beyond** the applicable time guideline is reported in the appropriate column on this line. This is the only line on the Individual Judge Report that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time guideline.

(a) The time guideline for each category of case is indicated on the line immediately above Line 19.

(b) To compute the length of time a case has been pending, the starting date should be the date the case was originally reported as filed.

21. Cases Submitted Awaiting Sentencing or Judgment Beyond Time Guideline - Line 21. Cases that are pending beyond the applicable time guideline as reported on Line 19, because the cases have been submitted to the reporting judge and are awaiting the final judgment or sentencing, are reported in the appropriate column on Line 21. Cases pending beyond the applicable time guideline for any other reason are not included on this line.

E. The reporting judge must sign and date the report on the line marked "Judge" and submit the report to the administrative judge.

F. The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

G. The administrative judge of a multi-judge court must sign and date the Individual Judge Report submitted by each judge of the court and file the reports with the Court Statistical Reporting Section of the Supreme Court of Ohio.

H. Each judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided in the upper right-hand corner of this form. (See Rule 38)

V. COURT OF COMMON PLEAS (ALL DIVISION) AND MUNICIPAL AND COUNTY COURTS-REPORT OF MOTIONS AND SUBMITTED CASES TO ADMINISTRATIVE JUDGE

A. Prior to the amendments effective January 1, 1990, each municipal and county court judge filed with the Supreme Court a report of motions and submitted cases pending beyond an established number of days; Form F, "Motions and Submitted Cases."

Sup. Rule 40 requires that a similar report be made **only** to the administrative judge, who is empowered to take corrective action to rectify delays in the rendering of decisions by judges within the court on motions and submitted cases. The administrative judge must report to the Court Statistical Reporting Section of the Supreme Court only if he or she is unable to rectify any delays within 60 days. Thus, this report form is essentially an internal case management tool for the local court. The Rule does not specify how frequently this report is to be made.

The information on this report is not required to be kept in this exact format, and the report is **not** to be filed with the Court Statistical Reporting Section of the Supreme Court. This form is offered to the local courts as a model for duplication or modification. Forms will **not** be supplied to the local courts.

B. All cases submitted for determination after a court trial should be decided within 90 days from the date the case was submitted.

C. All motions should be ruled upon within 120 days from the date the motion was filed, unless the report form for the particular division of the court specifies a different time guideline.

D. Each judge shall report to the administrative judge all motions and decisions that have not been ruled upon within the applicable time period. The administrative judge shall confer with the judge who has motions pending beyond the applicable time period to determine the reasons for the delay. If the administrative judge determines that there is no just cause for the delay, the administrative judge shall seek to rectify the delay within 60 days. If the delay is not rectified within 60 days, the administrative judge shall report the delay in the rulings to the Court Statistical Reporting Section of the Supreme Court.

In a single judge court, if the judge has not resolved the delay, the judge shall report the delay in the rulings to the Court Statistical Reporting Section within 180 days from the date of the filing of the motion or the submission of the case.

This reporting requirement also applies to visiting or retired judges sitting by assignment of the Chief Justice of the Supreme Court.

E. MOTIONS SECTION

1. Definition. Motions include any written motion filed in a case for which the reporting judge has responsibility. This does not include cases originally assigned to the reporting judge, but subsequently transferred to another judge.

2. Computation of time. The 120 day period begins to run on the date the written motion is filed. For reporting purposes, only those motions that have been pending for more than 120 days from the date filed and that are pending as of the last day of the period must be reported.

3. Report Lines - Definitions

Line 1. This line is used to report the number of written motions pending in cases assigned to the reporting judge for more than 120 days as of the end of the reporting period.

Line 2. This line is not to contain a number of cases, but rather is to report the number of days the oldest motion has been awaiting a decision. If no pending motion is more than 120 days old, a zero should be entered on this line.

F. SUBMITTED CASES SECTION

1. Definition. Submitted cases include all cases submitted to a judge or magistrate, in the absence of a jury, for decision. A case is considered submitted when it is ready for decision.

2. Computation of time. The 90 day period begins to run on the day the case is ready for decision by the judge or magistrate. For reporting purposes, only submitted cases that have been pending for more than 90 days from the date that the case is ready for decision and that are pending as of the last day of the report period must be reported.

The 90 day period normally will begin to run on the day the trial is concluded. In some cases, post-trial proceedings will occur, such as the filing of post-trial briefs. In those situations, the 90 day period does not begin to run until all proceedings have been concluded and the case is ready for decision.

3. Report Lines - Definitions

Line 1. This line is used to report the number of cases assigned to the reporting judge as of the last day of the reporting period that have been pending for more than 90 days from the date the case was ready for decision.

Line 2. This line is not to contain a number of cases, but rather is to report the number of days the oldest case has been awaiting a decision. If no case has been pending more than 90 days from the date submitted, the oldest pending case does not have to be reported and zero should be entered on this line.

G. CASES TAKEN BY ASSIGNMENT SECTION

1. Definition. Cases taken by assignment include all cases filed and originally assigned to the docket of a judge in a court other than that of the reporting judge, and subsequently assigned to the reporting judge pursuant to assignment by the Chief Justice of the Supreme Court.

2. Computation of Time. The 90 and 120 day periods are computed in the same manner as explained under the Motions and Submitted Cases sections above, and the entries on these lines of the report are to be made using the same criteria.