

# 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*

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### Meeting Minutes

March 9, 2012

#### Committee Members Present:

Jean Atkin, Esq.	Judge Richard Frye
Gretchen Beers, Esq.	Judge Michael Hall
Anne Brown	Judge Laura Gallagher
Russell Brown, Esq.	Judge Kathleen Giesler
Judge Timothy Cannon, Chair	Judge Alan Goldsberry
Judge Rocky Coss	Lisa Gorrasi, Esq.
Judge Carol Dezso (via teleconference)	Judge Jerome Metz
Judge Robert Douglas	Judge Tom Pokorny
Judge Judith French, Vice Chair	Judge Joseph Zone
Judge Sheila Farmer	

#### Committee Members Absent:

Judge Anthony Capizzi	Judge Diane Palos
Mark Combs	Judge John Pickrel
Judge Gary Dumm	Judge Jack Puffenberger

#### Supreme Court of Ohio Staff Members Present:

Christine Bratton	Stephanie Graubner Nelson
Brian Farrington	Stephanie Hess
Diane Hayes	Tasha Ruth

#### Summary of Meeting:

##### Meeting Minutes

Advisory Committee Chairperson Judge Timothy Cannon called the meeting to order. The minutes from the August 19, 2011 meeting were reviewed and were approved.

### Introductory Issue

Judge Cannon indicated that before the Time Guidelines subcommittees began their reports, the Advisory Committee should note that there was variance among the subcommittees in the manner in which they addressed the time guidelines. Some subcommittees recommended a 100% compliance while others opted for 90%, 95%, or 98%. The Committee was asked to discuss the appropriateness of the variance. Is the variance acceptable or should the Committee strive to normalize the time guidelines across jurisdiction types? Discussion followed; issues discussed included:

- Should the time guidelines be normalized across jurisdictions to make it easier for the public to understand?
- Should cases involving children require a more stringent time guideline?
- In appellate courts, should the difference in district jurisdiction geographic size be a factor?
- In order to account for the variances, should the timeframe be extended to normalize the threshold?
- If the end point is not 100%, how will the remaining cases be tracked and measured?
- Is 100% compliance an attainable goal?
- Should judges be required to submit a list of actual cases that are pending past the time guideline at the end of each reporting period with an explanation of why those cases are pending past the time guideline?
- How could the instructions for the statistical reporting forms impact the time guideline?
- How should percentages be calculated; should it be an aggregate percentage across similar case types?
- Should a preamble be included with the proposed rule to provide additional clarification on the purpose of the time guideline?
- Should the *Sargeant* case be considered in the development of revised time guidelines?

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

### **Summary of the Time Guidelines Subcommittee Reports (refer to attachment *Recommendations of the Time Guidelines Subcommittees* for additional information):**

#### Appellate Courts – Time Guidelines Subcommittee

Judge Farmer indicated that the subcommittee extracted data from the Appellate Case Management System, which is hosted by the Supreme Court of Ohio. The subcommittee made no case type distinction in the recommended time guidelines. Judge Farmer outlined the recommendations and framework by which those recommendations were compiled. It was also noted that there was no change in the time guidelines for the Individual Judge form. Discussion followed.

#### Common Pleas, General Division Courts – Time Guidelines Subcommittee

Judge Metz indicated that the General Division subcommittee approached their work by recognizing the time guidelines as mandatory standards with a final 98% mandatory standard and an 80% interim guideline to assist in meeting the 98% final standard. The subcommittee proposed that the 80% guideline should function as an internal management report for each individual judge.

Areas of particular concern addressed by the subcommittee were administrative appeals, workers' compensation, foreclosure, and criminal case types. Discussion followed; topics discussed included the impact of doctors' depositions on workers' compensation cases as well as the appropriate tracking of time during mediation in foreclosure cases and how the timeframe in criminal cases is tracked in conjunction with preliminary hearings held in municipal courts.

#### Common Pleas, Domestic Relations Division Courts - Time Guidelines Subcommittee

Lisa Gorrasi indicated that the subcommittee recommended a 100% standard and did not consider a tiered time guideline system but that it would be amenable to considering such a system to promote consistency among the jurisdictions. Discussion followed; topics discussed included the court's responsibility to move cases involving children to timely disposition, the extension of guidelines due to factors outside of the court's control, the impact of a magistrate's decision and subsequent objections to the magistrate's decision on the time guideline and the possibility of designating certain cases as "complex litigation" with a longer time guideline recommendation.

#### Common Pleas, Probate Division Courts – Time Guidelines Subcommittee

Report deferred to the May 18, 2012 meeting.

#### Common Pleas, Juvenile Division Courts – Time Guidelines Subcommittee

Judge Giesler indicated that the subcommittee decided to recommend a 100% standard but would accept a 98% standard to promote consistency among the jurisdictions. Discussion followed; topics discussed included the review of the current overage rates in conjunction with the recommended time guidelines as well as the impact of pending cases on children and how education and case management techniques could be employed to decrease the number of cases pending past the time guidelines as an alternative to increasing the time guideline itself.

The Domestic Relations and Juvenile jurisdiction time guideline subcommittees will work together to review additional data and possibly reach a higher level of consistency on the standards recommended in case types that occur in both jurisdictions.

#### Municipal and County Courts – Time Guidelines Subcommittee

Judge Douglas indicated that the subcommittee decided to recommend a guideline of 95% completion. Discussion followed; topics discussed included the effect of reactivations on the time guidelines, and the calculation of the time guidelines for felony cases in conjunction with the guideline proposed by the common pleas, general division subcommittee.

#### Additional Discussions

Following the report by the Municipal and County Courts Time Guidelines subcommittee, a discussion developed surrounding the use of the term time "guideline" versus time "standard" and if such a guideline was meant to be mandatory or merely an aspiration. It was pointed out that on the statistical report forms, the term "guideline" is used to describe the time period by which judges should dispose of any given case type. Conversely, Rule 39 of the Rules of Superintendence for the Courts of Ohio references a time "limit."

*The time limits for disposition of appellate and civil cases shall be as indicated on the Supreme Court report forms.*

Judge Metz indicated that the national standards do not contemplate a judge's discipline for failure to comply with the standards but instead, the national standards were developed to provide achievable goals for the courts and attorneys as well as define expectations for the public. Discussion followed.

It was agreed that the time intervals developed would be referred to as "time standards." Judge Cannon indicated that he would create a subcommittee which would draft language that could be included in the proposed Rule as a preamble to further clarify the Advisory Committee's intentions for the time standards. Judges Coss, Frye, and Metz, volunteered to serve on the subcommittee.

It was further agreed that all Time Guidelines Subcommittees should develop completion intervals of 90%, 95%, and 98% and decide on which is their preference.

**Old Business:**

None considered.

**New Business:**

Probation Statistics

The Advisory Committee welcomed Jo Ellen Cline, Government Relations Counsel for the Supreme Court of Ohio. Ms. Cline provided an update on the collection of probation statistics in accordance with House Bill (HB) 86, in which the General Assembly requested that the Supreme Court of Ohio collect probation statistics from the trial courts. Statistics requested by HB 86 were: (1) the number of individuals on probation at the beginning of a reporting period, (2) the number of individuals on probation at the end of a reporting period, and (3) how individuals were terminated from probation during a reporting period.

Staff are suggesting the collection of more robust statistical information, which may include statistics outlined in the 1996 passage of Senate Bill 2. Staff has also met with the Ohio Department of Rehabilitation and Corrections (ODRC) to discuss the collection of these statistics. Possible methods of data collection may be through the Ohio Risk Assessment System (ORAS) or via a web-based form, submitted directly to the Case Management Section of the Supreme Court of Ohio. Staff is working to avoid the submission of statistics via hard copy format (on paper) and to avoid the duplication of data submission (the submission to ODRC as well as to the Supreme Court of Ohio). The timeframe for completion of the project is 12 to 18 months. Discussion followed; topics discussed were the inclusion of statistics from the Community Based Correctional Facilities and data collection via a statewide probation case management system.

Electronic Submission of Caseload Statistics

Stephanie Hess provided an update to the Committee regarding the submission of caseload statistics. Robert Stuart, the Director of Information Technology for the Supreme Court of Ohio, suggested that once the Committee approved its recommended time standards revisions, it then develop a Request for

Information (RFI). The RFI would be distributed to the current Ohio case management system vendors and request information regarding the process each system would go through to implement the revised time standards. Such information would include specific details regarding each vendor's timeframe and budget needed to complete the implementation. That information could then assist the Committee's recommendation to the Court regarding the rollout of the revisions in the future.

**Action Items:**

- (1) Time guideline subcommittees should review their recommendations and develop alternative time lengths for completion standards of 90%, 95%, and 98%, and indicate their preference. The revised recommendations should be completed and submitted to their staff liaisons no later than April 16, 2012.
- (2) The Domestic Relations and Juvenile jurisdiction time guideline subcommittees will work together to review additional data and possibly reach a higher level of consistency on the standards recommended in case types that occur in both jurisdictions.
- (3) A vote on the revised time guidelines is deferred to the May 18, 2012 meeting.
- (4) The New Business issue of multi-district litigation is tabled until the May 18, 2012 meeting.
- (5) The New Business issue of Superintendence Rule 41: Conflict of Trial Assignment Date is tabled until the May 18, 2012 meeting.

**Motions and/or Decisions:**

Judge Frye moved to approve the August 19, 2011 meeting minutes; Judge French seconded that motion. The August 19, 2011 meeting minutes were unanimously approved.

**Future Meeting Dates:**

Friday, May 18, 2012  
Friday, August 10 2012  
Friday, October 12, 2012