

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Michael Buenger, Administrative Director

FROM: Judge Jerome Metz, Committee Chairperson
Tasha Ruth, Manager, Case Management Section

DATE: January 25, 2016

RE: Advisory Committee on Case Management 2015 Annual Report

In accordance with the Operating Guidelines for the Advisory Committee on Case Management, please accept this memo as the Advisory Committee's annual report of its work in 2015.

Created in 2011, the purpose of the Advisory Committee on Case Management is to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning case management and statistical reporting in Ohio courts; the development and delivery of case management services to Ohio courts, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding case management in Ohio courts.

In 2015, the Advisory Committee focused its efforts on the following subject areas:

- (1) Superintendence Rule 8, Court Appointments
- (2) Superintendence Rule 36, Designation of Trial Attorney; Assignment System
- (3) Superintendence Rule 38, Annual Physical Case Inventory; New Judge Inventory
- (4) Superintendence Rule 39, Case Time Limits
- (5) Superintendence Rule 42, Complex Litigation—Court of Common Pleas
- (6) Court Consulting

A subcommittee was created for each subject area. Each of the subcommittees is chaired by an Advisory Committee member and includes additional Advisory Committee members as well as members from the local court communities (court administrators, magistrates, court staff, and members of the bar). An update for each subject area is provided below.

Superintendence Rule 8, Court Appointments

The Subcommittee on Superintendence Rule 8 focused its work on court appointments of attorneys to indigent criminal defendants. The Subcommittee identified areas in the current rule that were unclear and worked to eliminate ambiguities. For example, the term “equitable distribution” was clearly defined as a “system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all persons from the list maintained by the court or division of persons pre-qualified for appointment.” The Subcommittee also formulated five factors a judicial officer must take into account in making appointments of counsel. The amended rule was published for public comment; the comment period closed on December 24, 2015.

Superintendence Rule 36, Designation of Trial Attorney; Assignment System

The Subcommittee on Superintendence Rule 36 specifically identified the section of the rule regarding Assignment System, Sup.R. 36(B)-(E) as the current focus area. Due to concern about the large scale impact of changes to this rule, the Subcommittee started its review by seeking input from local courts. During the Ohio Association for Court Administrators fall conference, a focus group of local court representatives convened to discuss their current assignment practices and to voice their concerns and opinions regarding possible changes to this rule. The Subcommittee will use the information gleaned from this focus group as they continue their work on revisions to this rule during the upcoming year.

Superintendence Rule 38, Annual Physical Case Inventory; New Judge Inventory

In the interest of modernizing Superintendence Rule 38 to include instructions for the annual review of files that are electronic or digital case files, the Subcommittee on Superintendence Rule 38 met to make needed changes to the rule. Changes to the rule include language that considers both paper and electronic files as well as a detailed explanation, in the commentary of the rule, outlining the mechanics of a case inventory. The rule has been approved by the Court and will be made available for public comment in early January 2016.

Superintendence Rule 39, Case Time Limits

The Advisory Committee on Case Management reviewed current case processing time guidelines, the historical overage caseload data, as well as the national time standards as developed by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Management, and the National Center for State Courts. From this review, a need for revisions was identified and a subcommittee formed to review the current time guidelines and to suggest amendments. The Subcommittee recommended changes to increase the time standards on all Court of Appeals case types; increase the time standard on two of the nine Common Pleas, General Division case types and leave the remaining seven unchanged; increase the Common Pleas, Domestic Relations Division time standard for five case types, decrease one (Parentage), and leave the remaining five unchanged; and created time standards for all case types except Wrongful Death in the Common Pleas, Probate Division. In Municipal and County courts, only one time standard was increased while the others remained the same. The proposed changes to Sup.R.39 will be presented to the Court for approval.

Superintendence Rule 42, Complex Litigation – Domestic Relations Cases

The Advisory Committee discussed the importance of recognizing Complex Litigation cases in the Domestic Relations Division and approved the creation of Sup.R.42.01, Complex Litigation – Domestic Relations Cases. This rule includes a six-month timeframe under which a case may be designated as complex as well as factors to be considered by the judge before categorizing the case as complex. If designated as Complex Litigation, case time standards are expanded to 24 months from the date of filing to be terminated.

Court Consulting

The Subcommittee for Court Consulting was formed to plan a coordinated and consistent message to local courts regarding changes to case time limits (Sup.R.39). This Subcommittee also serves as a forum for Advisory Committee members to recommend improvements to the case management review process, suggest new education topics, and help to support judges and court professionals. The work of this Subcommittee will continue in 2016 as additional changes to the Rules of Superintendence are approved and come in to effect.

As you can see, the Advisory Committee has been working diligently on a number of projects. The members should be commended for their commitment and enthusiasm. Thank you for your support and the continued opportunity to improve the delivery of court services to the citizens of Ohio. We welcome your feedback and suggestions on the Advisory Committee's work.