

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Jeff Hagler, Administrative Director
Stephanie Hess, Deputy Administrative Director
Stephanie Nelson, Director of Court Services

FROM: Judge Jerome Metz, Committee Chairperson
Hamilton County Common Pleas Court, General Division

Judge Laura Gallagher, Committee Vice Chairperson
Cuyahoga County Common Pleas Court, Probate Division

Colleen Rosshirt, Manager, Case Management Section

DATE: December 31, 2020

RE: Advisory Committee on Case Management 2020 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 2020.

Created in 2011, the purpose of the Advisory Committee on Case Management (ACCM) 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 2020, the Advisory Committee focused its efforts on the following subject areas:

- (1) Superintendence Rule 39, Time Standards;
- (2) Appellate Courts, including:
 - a. Appellate Caseflow Review & Training;
 - b. Appellate Case Management System Replacement;
 - c. App. Rule 13(A) & 14 (C) Review;
 - d. Appellate Data Dashboard; and
 - e. Appellate Court Statistical Reporting Subcommittee.
- (3) COVID-19 Resources, including
 - a. Backlog Strategies Bench Card & Training; and
 - b. Eviction and Foreclosure Reports.
- (4) Access & Fairness Pilot Project; and
- (5) On-demand Case Management Training.

Superintendence Rule 39, Time Standards

On October 12, 2012, the Advisory Committee on Case Management adopted recommended changes to Sup.R. 39 concerning case processing time standards in the courts of appeals and the trial courts. The time standard recommendations were presented to the Court at its January 26, 2016 administrative conference and subsequently released for public comment. Public comments were presented to the Court at its January 23, 2018 administrative conference. At that time, the full set of recommended changes to trial and appellate court time standards were tabled by the Court so that the Court could review its caseflow practices and enhance processes.

At the Court's February 25, 2020 administrative conference, the full set of time standard recommendations were presented again to the Court. Considering the appellate recommendations first, the Court directed staff to acquire more data concerning case processing timeliness in the courts of appeals in order to further inform their deliberations. Detailed time to disposition and case phase overage rate analyses were presented to the Court at its April 7, 2020 administrative conference.

At the Court's April 7, 2020 administrative conference, the Court directed staff to (1) undertake a caseflow management review of the appellate districts to learn what practices are leading to better outcomes in certain districts both overall and across the various case phases, (2) develop a public-facing online appellate data dashboard, and (3) present on these activities to the appellate judges at their association meeting in September 2020. *See Appellate Court Case Management Review, below.*

At the Court's September 22, 2020 administrative conference, the Court reviewed the caseflow management report and directed staff to meet with appellate court administrators to discuss process improvements to reduce delay in the appellate caseflow process. The impact of changes made to improve upon overage rates will be reported to the Court in 2021.

Appellate Courts

Appellate Caseflow Review & Training

Following the April 7, 2020 administrative conference, Court Services Staff conducted a series of extensive interviews with court administrators from all twelve districts to review their caseflow management practices and procedures. These interviews culminated in the production of a caseflow management review report containing descriptions of the information obtained and identifying promising practices that could contribute to more effective and timely case management. A two-day training series, *Appellate Promising Practices*, was held for appellate court judges and administrators to review the best practices highlighted in the report on December 4 and 11, 2020. There were 44 participants in the training and all districts participated. The districts will use the material presented in the training to implement process improvements in the new year.

Appellate Case Management System (ACMS) Replacement

The appellate court administrators, Court Services and Court's IT staff have regularly met to develop the functionality of the C-Track Case Management System from Thompson Reuters. This case management system replaces the current ACMS built and maintained by the Supreme Court. The Second District and Ninth District will be piloting the system. After the pilot is completed, all districts except the Tenth District will join the system because Franklin County is using the same

vendor for all courts; the Eighth District is still determining whether it will participate using C-Track.

App. Rule 13(A) & 14 (C) Review

A motion was passed by the Advisory Committee on Case Management requesting a review of Appellate Rules 13(A) (briefs deemed filed when sent, not when received) and 14(C) (three days added to deadlines when service is made by mail) by the Commission on the Rules of Practice and Procedure (Commission). These particular rules impact appellate court caseload, however, after review and consideration by the ACCM, it was unanimously voted that the review of the rule and any revisions should be referred to the Commission.

Appellate Data Dashboard

The data dashboard was created by the Supreme Court as a digital platform with easy-to-access displays that allow for the graphical demonstration of local court caseloads and terminations. The dashboards were first created to display trial court data. The inclusion of appellate court case data has been developed and presented in beta-form to the appellate court judges. The platform is expected to go live in the first quarter of 2021.

Appellate Court Statistical Reporting Subcommittee

As a result of the focus on appellate court caseload, particularly C-Track system influences and innovative approaches used during the pandemic to bring appellate courts on-line, a number of questions surrounding the reporting forms and reporting instructions have surfaced. In response to these questions, the ACCM's Appellate Court Statistical Reporting subcommittee met to discuss reporting requirements. The instructions for reporting have been partially updated and a full update will be completed in the first quarter of 2021.

COVID-19 Resources

Backlog Strategies Bench Guide & Training

In response to accumulating a backlog of cases due to the pandemic, the Advisory Committee formed a subcommittee to review backlog strategies. Their efforts resulted in the *Pathway Approach for Civil Cases Bench Guide*. The guide is posted online on the Court's Coronavirus webpage. An accompanying 90-minute, virtual training on using the pathways approach for case management was created in collaboration with the Judicial College.

Foreclosure & Eviction Reports

In anticipation of the increase of foreclosure and evictions, the Office of Court Services convened stakeholders to analyze projected caseloads, create strategies for backlogs, and modernize court operations through technology. The result of this work is the *Evictions Report and Recommendations* report and a *Foreclosure and Civil Justice Report and Recommendations* report. These documents provide actionable recommendations for Ohio's judiciary in light of the pandemic.

Access & Fairness Pilot Project

The National Center for State Courts is partnering with four Ohio pilot courts to test the redesigned CourTools Measure 1, Access and Fairness Survey. This updated tool now measures court user's

satisfaction with virtual hearings, as well as conducting business with the court in a virtual environment. Access to the survey is available through a smart phone or computer. The results of this survey are expected in the fourth quarter of 2021.

On-demand Case Management Training

In coordination with the Judicial College, members of the Advisory Committee provided content and feedback to build a virtual case management training course. The content includes a primer in caseflow management, outlines the seven fundamentals of caseflow management, reviews the Rules of Superintendence that are relevant to the topic, as well as providing the learner with interactive questions with real-life scenarios. The course was unveiled during the first virtual new judge orientation, held in December 2020. The interactive web-based course may be accessed by all court personnel as well.

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.