

## INSTRUCTIONS FOR PREPARATION OF STATISTICAL REPORT FORMS

### COURT OF COMMON PLEAS – GENERAL DIVISION – FORM A

#### I. MATHEMATICAL ACCURACY AND CONSISTENCY

- 1. Month to Month Consistency.** The number of cases reported as 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.
- 2. Correction of Reporting Errors.** Errors may be corrected using the eStats process but only for the most recently-submitted report. To submit an amendment to a previously-submitted report, email the completed Excel template to the Case Management Section at [casemgmt@sc.ohio.gov](mailto:casemgmt@sc.ohio.gov).

Where an error cannot be traced to a specific report period, adjustments shall be made on the current report form.

#### II. CALCULATION OF TIME

Each judge of the court of common pleas responsible for the disposition of cases in the general division is required to complete Form A. Form A shall be completed monthly and submitted via eStats to the Case Management Section. The form must be received by the fifteenth day of the next month.

For purposes of calculating the time a case has been pending use the chart below. Refer to Form A for each case type's time standard. The time standard is located on Form A above Line 21. If a case is placed on inactive status (using Line 14, Unavailability of Party or Line 17, Bankruptcy Stay or Interlocutory Appeal) the time will stop until the tolling event is concluded (or following a *capias*, the return of the warrant). Upon the conclusion of the tolling event, the case is reactivated on Line 3 and time resumes again.

Form A Case Type	Time Starts	Time Ends
Criminal	Upon arraignment or waiver of arraignment	Upon the journalization of sentencing entry or transfer to another court
Civil	Upon the filing of the complaint or other initial pleading	Upon the journalization of the judgment entry or transfer to another court or referral to private judge

#### III. EXPLANATIONS AND DEFINITIONS

##### A. Case Type Categories – Definitions

When a civil case may be reported in more than one category, it shall be reported only in the category 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. Because it is not always possible to determine the principal issue, there will be instances in which 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 claims.

If subsequent pleadings or case activity indicate that an incorrect classification initially was made, the case should be terminated on Line 18, Other Termination, and redesignated on Line 3 in the proper column.

1. **Professional Tort – Column A.** This category is used to report cases that involve allegations of malpractice by a person acting in a professional capacity, such as a doctor, lawyer, or engineer.
2. **Product Liability – Column B.** This category is used to report cases that involve the alleged responsibility of the manufacturer or seller of an article for injury caused to person or property by a defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.
3. **Other Torts – Column C.** This category is used to report tort cases that cannot be classified as Professional Tort or Products Liability. A tort is an injury or civil wrong committed either against a person or against a person's property by a party who either did something that he or she was obligated not to do, or failed to do something that he or she was obligated to do. Examples would include automobile tort cases, as well as tort cases involving air and water transportation.
4. **Workers' Compensation – Column D.** This category is used to report cases brought pursuant to R.C. 4123.519, which is an appeal of a decision by the Industrial Commission in any injury or occupational disease case, other than a decision as to extent of disability. This category also includes noncompliance actions by the state for the recovery of benefits or premiums, as well as mandamus actions arising from claims or awards.
5. **Foreclosures – Column E.** This category is used to report cases that involve the enforcement of a lien, mortgage, trust deed, or other similar instrument in any method provided by law. A foreclosure case is reported as terminated upon the filing of a foreclosure entry. Whether the case proceeds to the sale of the property has no influence on the termination of the case for reporting purposes. If defendant is pursuing loss mitigation options pursuant to federal law, then the case is placed on inactive status during that time using Line 14, Unavailability of Party.
6. **Administrative Appeal – Column F.** This category is used to report cases that are appealed from a decision of an administrative agency. For reporting purposes, an administrative agency is defined as a non-judicial unit of government that is charged with overseeing the implementation, execution, and administration of particular legislation.
7. **Complex Litigation – Column G.** This category is used to report extraordinary civil cases that involve novel or complicated issues of law or fact. An unusually large number of parties does not alone justify inclusion in this category. In determining whether a case should be filed in this category, the assigned judge shall consider all factors outlined in Sup.R. 42.

New cases shall not be reported in this category when they are initially filed. A case may only be designated as Complex Litigation by the assigned judge pursuant to Sup.R. 42. Upon the assigned judge's designation of a case as Complex Litigation, the case is terminated on Line 18, Other Terminations, and redesignated on Line 3 in Column G. To calculate the length of time the redesignated case has been pending, the starting date should be the date the case was originally filed.

A designation of a case as Complex Litigation pursuant to Sup.R. 42 shall be made within six months of the date on which the case was filed. If a case is designated as Complex Litigation, the judge shall submit a report, which may be in the form of a copy of the judgment entry or letter, to the Case Management Section specifying the reasons for the designation of the case as Complex Litigation.

**8. Other Civil – Column H.** This category is used to report all other cases that are not appropriately reported in the specific civil categories of Columns A through G. Petitions for civil stalking orders shall be reported in Column H. Ancillary proceedings such as show cause and contempt matters are not reported in this or any other column on the report.

**9. Criminal – Column I.** This category is used to report cases in which a defendant is charged with the violation of a state law or local ordinance. Pursuant to Sup.R. 2, a criminal case is defined as a criminal indictment, complaint, or other charging instrument that charges a defendant with one or more violations of the law arising from the same act, transaction, or series of acts or transactions. In criminal cases involving co-defendants, each defendant shall be assigned a separate case number. Where as a result of the same act, transaction, or series of acts or transactions, a single defendant is charged with multiple felonies, only one case number shall be assigned.

Parole violations, shock probations, probation violations, or other post-dispositional actions in criminal cases are not counted as new or reactivated cases for reporting purposes.

**10. Total – Column T.** This column shows the sum of cases in Columns A through I that are on any horizontal line of the form. An entry should appear on each line of this column except line 22, Number of Months Oldest Case is Pending Beyond Time Guideline. If no activity is reported in any column on a line, a zero should appear in the Total column for that line.

**11. Visiting Judge – Column V.** This category is used to report the activity of retired assigned judges, or judges assigned from another division of the court, or from another court, who have presided during the reporting period over cases originally assigned to the reporting judge.

a. **Visiting Judges Assigned by Chief Justice (Recusal):** Where the originally-assigned judge has recused from a case and the Chief Justice has assigned

a visiting judge to preside over it, the case shall be terminated on Line 15, Transfer to Another Judge or Court, and redesignated on Line 3 in Column V. The case is disposed of in due course in Column V, only. To calculate the length of time the redesignated case has been pending, the starting date should be the date the case was originally filed (civil) or the defendant was arraigned (criminal).

- b. **Visiting Judge Assisting:** When a judge, other than the originally-assigned judge, has assisted in cases on the docket of the originally-assigned judge, those cases in which the visiting judge assisted shall be reported on the originally-assigned judge's statistical report both in the appropriate Columns A – I and in Column V. An example where cases would be reported in this manner is when a judge is on vacation and a visiting judge has been assigned for a period of time or where a court uses a visiting judge to assist with an overburdened docket.

During the reporting period, the visiting judge should use a copy of Form A as a worksheet to report their activity. These worksheets can then be given to the originally-assigned judge at the end of the reporting period, who will tabulate the numbers and include the totals in Column V and the appropriate Columns A – I on his or her report. The statistical report filed with the Case Management Section would thus include all of the activity of the originally-assigned judge, as well as all activity performed by the visiting judges who assisted the originally-assigned judge during the reporting period. In these situations, no related entries may appear in Column V for Lines 1 through 4 and 20 through 23, because the cases were never assigned to the visiting judges. Therefore, the visiting judge's only reportable statistics would be counts of cases terminated by them during the time they provided assistance with management of the originally-assigned judge's docket.

## **B. Report Lines – Definitions**

Each line on Form A 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.

For reporting purposes, a civil case is considered terminated when a judgment entry is journalized pursuant to Sup.R. 7. A criminal case is considered terminated when a sentencing entry is journalized pursuant to Sup.R. 7.<sup>1</sup>

- 1. Pending Beginning of Period – Line 1.** All cases pending at the beginning of the reporting period must be reported in the appropriate column on this line. Line 1

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<sup>1</sup> Pursuant to Sup.R. 26(B)(4), "Journal" means a verbatim record of every order or judgment of a court.

must be the same as Line 20, Pending End of Period, of the Form A filed for the preceding month.

**2. New Cases Filed – Line 2.** All new cases filed and assigned to the reporting judge during the month must be reported in the appropriate column on this line.

**3. Cases Transferred In, Reactivated, or Redesignated – Line 3.**

a. **Transferred in:** A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on Line 3. For example, Line 3 is used when the reporting judge receives a case because of the recusal or disqualification of the originally-assigned judge. To calculate the length of time the transferred case has been pending see below:

i. **Transfers in from Another Court:** If a case is transferred in from another court, the calculation of time begins upon that transfer in the same manner as an ordinary new filing in the transferee court.

ii. **Transfers in from Another Judge of the Court:** If a case is transferred from one judge to another within the same court or division of the court – regardless of whether or not the two judges are within separate divisions of the court – the transfer does not impact the continued aging of that case. The starting date for the calculation of time is the date the case was originally filed (civil) or the defendant was arraigned (criminal).

b. **Reactivated:** All cases previously terminated other than on the merits of the case (i.e., placed on inactive reporting status) are reported in the appropriate column on Line 3 during any month in which they are reactivated for further proceedings. Parole violations, shock probations, probation violations, or other post-dispositional actions in criminal cases *are not counted* as new or reactivated cases for reporting purposes. See below for special instructions concerning the calculation of case age.

i. **Reactivation (following remand):** If a case previously disposed is reactivated because the Supreme Court or a court of appeals has remanded the case back to the trial court for further proceedings, the calculation of time starts over as if the case was a new filing in that court upon the court receiving notice the case has been remanded.

ii. **Previous Unavailability of Party:** A case previously terminated on Line 14 because of the unavailability of a party is reactivated on Line 3 if the person subsequently becomes available. The indicated time period for termination is suspended for the period of time in which a person is unavailable for a hearing.

For example, the court may terminate a case on Line 14, Unavailability of Party, when the court receives notice that a criminal defendant has failed to appear for a hearing and issues a capias. That case is reactivated on Line 3 when the court receives notice that the accused is available to appear.

- iii. **Bankruptcy Stay or Interlocutory Appeals:** A case previously placed on inactive reporting status on Line 17 after the filing of an interlocutory appeal or after a bankruptcy stay is issued is reactivated on Line 3 when the case is remanded or the stay is removed. The indicated time period for termination is suspended for the period of time in which the appeal or bankruptcy stay is pending.

For example, the court may terminate a case on Line 17, Bankruptcy Stay or Interlocutory Appeal, when the court receives notice of the filing of the interlocutory appeal. The case is reactivated on Line 3 when the court receives notice that the case is remanded.

- c. **Redesignated:** A case may initially 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 18, Other Terminations, and reported as a redesignated case in the appropriate column on Line 3. To calculate the length of time the redesignated case has been pending, the starting date should be the date the case was originally filed (civil) or the defendant was arraigned (criminal).

For example, a case may be filed and reported in Column A as a Professional Tort. Subsequently, it may become apparent that the case meets the criteria of Complex Litigation and is so designated by the assigned judge pursuant to Sup.R. 42. In that situation, the case would be reported as terminated on Line 18, Other Terminations, Column A, and entered as a redesignated case in Column G on Line 3.

- 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.
- 5. **Jury Trial – Line 5.** This line is used to report all cases in which a jury has been impaneled and judgment is entered 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.

In the event a mistrial is declared (e.g., hung jury), the case shall remain pending for statistical reporting purposes and thus continue to age against the applicable time standard until such time as a final disposition occurs. Such final disposition may be reported on Line 5, Jury Trial, regardless of whether the case was retried.

6. **Court Trial – Line 6.** This line is used to report cases that are terminated as a result of a court or bench trial. 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 Line 6 at the conclusion of the proceedings.
7. **Settled or Dismissed Prior to Trial – Line 7.** A criminal case should be reported on Line 7 if, during or after a pretrial conference, but prior to the swearing of the jury, or the swearing of the first witness in the absence of a jury, the case is dismissed. Line 7 is not used to report the termination of a criminal case by reason of a plea agreement. Terminations as a result of plea agreement are reported on Line 13, Guilty or No Contest Plea to Reduced Charge. A civil case should be reported on Line 7 if the case is terminated by settlement or withdrawal of the complaint during or after a pretrial conference, but prior to the swearing of the jury or the swearing of the first witness in a bench trial.
8. **Dismissal – Line 8.** This line is used to report any case that is dismissed with or without prejudice, pursuant to Civ.R. 41(A) and not appropriately reported on another line.
9. **Dismissal for Lack of Speedy Trial (Criminal) or Want of Prosecution (Civil) – Line 9.** This line is used to report criminal cases that are dismissed for failure of the accused to receive a speedy trial pursuant to R.C. 2945.73 and civil cases dismissed for want of prosecution pursuant to Civ.R. 41(B).
10. **Magistrate – Line 10.** This line is used to report cases that are terminated as a result of the use of a magistrate. A case is considered terminated by a magistrate if judgment is rendered after the first witness is sworn or in which contested evidence is presented and a magistrate hears the case and submits a decision for review by the judge. This may include trials if a magistrate presided over the proceedings, however, if at any time prior to adopting the magistrate’s decision, a judge hears additional evidence and enters a final judgment, the case shall be reported on Line 6, Court Trial. Although Civ.R. 53, Juv.R. 40, and Crim.R. 19 permit a judge to immediately adopt a magistrate’s decision, the case shall not be reported as disposed on Line 10 until either the 14-day objection period has elapsed or the parties have waived their right to object.
11. **Diversion or Arbitration – Line 11.**
  - a. **Diversion / Intervention in Lieu of Conviction:** This line is used to report a criminal case in which a defendant enters a diversion program or enters a

treatment program in lieu of conviction. The case is reported on Line 11 when the defendant agrees to enter the diversion or treatment program. For cases referred to a specialized docket, see Line 14, Unavailability of a Party.

If the defendant successfully completes such a program, no further action is necessary for purposes of reporting on the Supreme Court Report.

If the defendant is unsuccessful, the case is reactivated on Line 3 and disposed in due course. In such cases, it will be necessary to calculate the length of time the case has been pending. To calculate this length of time, the starting date is the date the defendant was arraigned and the ending date is the date the case is terminated following the reactivation. The time the case was placed on inactive status for completion of such program is subtracted from the total time.

- b. **Arbitration:** This line is used to report the final termination of a civil case in a court that has adopted a mandatory arbitration rule under the provisions of Sup.R. 15. The referral of the case to arbitration does not constitute a termination. A case is reported as terminated by arbitration only after a report and award has been filed by the arbitrator or arbitration panel and the period for the filing of an appeal or exception as specified in Sup.R. 15 (30 days) has expired. To calculate the length of time a case referred to arbitration has been pending, the starting date should be the date the case was originally filed. In cases referred to arbitration, time is not tolled during arbitration.

- 12. Guilty or No Contest Plea to Original Charge (criminal) / Default (civil) – Line 12.** This line is used to report cases in which the accused has entered a plea of guilty or no contest to all of the charges as contained in the charging instrument. 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, Jury Trial, or Line 6, Court Trial. Civil cases disposed by default judgment are reported on Line 12.
- 13. Guilty or No Contest Plea to Reduced Charge – Line 13.** This line is used to report cases in which the accused has entered a plea of guilty or no contest to a charge or charges with less than the total potential penalties contained in the original charging instrument. If either a jury is impaneled in a jury trial, or the first witness is sworn in a court trial, the case is reported in the appropriate column on Line 5, Jury Trial or Line 6, Court Trial.
- 14. Unavailability of Party – Line 14.** This line is used to report cases that are terminated for reporting purposes because of the unavailability of a party for a hearing. For purposes of calculating the age of the case, time is suspended while the party is unavailable. The case is reactivated on Line 3 when the court receives notice that the party is available to appear.

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 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 placed on inactive status on Line 14 only when the judge, in the exercise of discretion, determines that there is little likelihood that a party will be available for a hearing within a reasonable period of time.

Further examples of situations or conditions permitting the placement of a case on inactive status on Line 14 include the following:

- a. **Capias or Warrant Issued:** Cases in which a capias or warrant has been issued for failure to appear.
- b. **Cases Transferred to Certified Specialized Docket:** Cases which have been transferred to a certified specialized docket prior to sentencing may be terminated for reporting purposes on Line 14, Unavailability of Party, during the completion of the specialized docket program. For example, if the person is ordered to participate in a specialized docket and the judge's sentence is held in abeyance (i.e., final disposition not journalized), the case may be terminated for reporting purposes on Line 14 during the completion of such program. Upon the completion or termination of such program, the case is reactivated on Line 3 and the final disposition is reported in due course. To calculate the length of time a case has been pending where a defendant enters a specialized docket program, the starting date should be the date the defendant was arraigned, less the time the case was placed on inactive status for completion of such program.
- c. **Cases Pending Restoration to Competency:** Cases in which a person is found not competent but restorable pursuant to R.C. 2945.38 may be placed on inactive status on Line 14 upon the order for restoration. Upon the court's receipt of the determination that the defendant has been restored or has failed to be restored to competency, the case is reactivated on Line 3 and disposed of in due course.
- d. **Foreclosure Cases Stayed Pursuant to Federal or State Law:** Foreclosure cases in which the court has received notice that a stay is required pursuant to federal or state law may be placed on inactive status during that time using Line 14, Unavailability of Party. Cases are reactivated upon the court's receipt of notice of the conclusion of the required stay.

The placement of a case on inactive status on Line 14 is **not** permitted in the following instances:

- a. **Cases Referred to Mediation (Non-Federal Mandate):** Cases which have been referred to mediation are not reported on Line 14 or otherwise placed on inactive status.

- b. **Failure of Service:** Cases in which service has failed are not reported on Line 14 or otherwise placed on inactive status.
- 15. Transfer to Another Judge or Court – Line 15.** This line is used to report cases transferred from the originally-assigned judge to another judge in the same or another court or to a judge in another division of the court or to a visiting judge.
- a. **Visiting Judge Assigned by Chief Justice:** Where a judge, other than the originally-assigned judge has been assigned by the Chief Justice to preside over an individual case, the case shall be terminated on Line 15, Transfer to Another Judge or Court, and redesignated on Line 3 in Column V. The case is disposed of in due course in Column V only. To calculate the length of time the redesignated case has been pending, the starting date should be the date the case was originally filed (civil) or the defendant was arraigned (criminal). A case where all the judges of a particular court have recused and a request has been made to the Chief Justice for a visiting judge is an example of case that would be reported in this manner.
  - b. **Internal Transfer:** Where a case is reassigned to another judge of the court, the case shall be terminated on Line 15, Transfer to Another Judge or Court, on the originally-assigned judge’s statistical report. The case is then redesignated on Line 3 in the appropriate column on the newly assigned judge’s statistical report. To calculate the length of time the newly assigned case has been pending, the starting date should be the date the case was originally filed (civil) or the defendant was arraigned (criminal).
- 16. Referral to Private Judge – Line 16.** This line is used to report cases transferred from the reporting judge to a private judge in accordance with the provisions of R.C. 2701.10 and Gov.Jud.R. VI. Cases transferred to a visiting judge are not reported on Line 16.
- 17. Bankruptcy Stay or Interlocutory Appeal – Line 17.** This line is used to report cases in which a bankruptcy stay has been issued or an interlocutory appeal taken. If the bankruptcy stay is removed or the case is remanded, the case is reactivated on Line 3. The indicated time period for termination is suspended for the period the stay is effective or the appeal is pending.
- 18. Other Terminations – Line 18.** This line is used to report cases terminated in any manner not specifically required to be reported on Lines 5 through 17.

The use of this termination line is rare, however the following are examples of the appropriate use of this line:

- a. **Clerical Adjustment:** This line is used as a means to decrease, as needed, the court’s count of active cases going forward.
- b. **Consolidation:** When the court consolidates two or more cases for inclusion of compulsory counterclaims or compulsory joinder of parties or

other proceedings common to consolidated cases, the surviving case shall be the earliest filed case unless otherwise required by law and the other case(s) shall be terminated for statistical reporting purposes only. The terminated case is reported on Line 18.

c. **Summary Judgment:** A summary judgment disposing of all claims in the case shall be reported on Line 18.

**19. Total – Line 19.** The sum of Lines 5 through 18 is reported on Line 19. 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 18 in Column T.

**20. Pending End of Period – Line 20.** This line is used to report the number of cases pending at the close of business on the last day of the reporting period. This figure is obtained by subtracting Line 19, Total terminations from Line 4, Total cases.

**21. Cases Pending Beyond Time Guideline – Line 21.** This line is used to report the number of cases pending for a period of time in excess of the applicable time standard. If at least one case is reported on Line 21 as pending beyond the time standard, a number indicating the length of time the oldest case has been pending must be reported on Line 22, Number of Months the Oldest Case is Beyond Time Guideline. The time standard for each category of case is indicated on the line immediately above Line 21. To calculate the length of time a case has been pending, the starting date should be the date the case was originally filed (civil cases) or the defendant was arraigned (criminal cases).

For example, a criminal case in which the defendant was arraigned on January 15, 2015 is 180 days (6 months) old on July 14, 2015. On July 31, if the case remains pending, the case will be 196 days (6 months and 16 days) old. The case shall be reported in the July report as pending beyond the six-month time standard on Line 21. Thus, if there were four more criminal cases pending beyond the six-month time standard at the close of the July reporting period, the report would reflect a “5”, or five cases pending beyond the time standard on Line 22 in Column I.

**22. Number of Months Oldest Case is Beyond Time Guideline – Line 22.** This line is used to report the number of months that the oldest case reported on Line 21, Cases Pending Beyond Time Guideline, in each category is pending beyond the applicable time standard. This is the only line on the 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 standard. To calculate the length of time a case has been pending, the starting date should be the date the case was originally filed (civil cases) or the defendant was arraigned (criminal cases).

For example, a criminal case in which the defendant was arraigned on January 15, 2015 is 180 days (6 months) old on July 14, 2015. On July 31, if the case remains pending, the case will be 196 days (6 months and 16 days) old. The case shall be reported in the July report as pending beyond the six-month time standard on Line

21 in Column I. Additionally, if this were the only criminal case pending beyond the time standard at the close of the July reporting period it would be the oldest criminal case beyond the time standard. Line 22 (Column I) would reflect a "1", or one month, pending beyond the time standard.

- 23. Cases Submitted Awaiting Sentencing or Judgment Beyond Time Guideline – Line 23.** This line is used to report the number of cases reported on Line 21, Pending Beyond Time Guideline, that have been submitted to the reporting judge and are awaiting the final judgment or sentencing. Cases pending beyond the applicable time standard for any other reason are not included on Line 23.