



COURTS OF COMMON PLEAS

General Division

The general divisions of the courts of common pleas have original jurisdiction over all criminal felony cases, all civil actions in which the amount in controversy is generally greater than \$15,000 and jurisdiction over the appeals of decisions of certain state administrative agencies.

For statistical reporting purposes, all criminal cases are counted together with no distinction based on specific charges. Civil cases are reported under a number of different case-type categories.

Cases involving tort claims are classified as either

- Professional Tort — Such as medical and legal malpractice
- Product Liability
- Other Torts — Tort cases not otherwise classifiable as professional tort or product liability cases.

The non-tort case-type categories are:

- Workers' Compensation — Typically involving appeals from a decision of the Industrial Commission
- Foreclosures
- Administrative Appeals
- Complex Litigation — A special case type discussed further below
- Other Civil — Civil cases not otherwise classifiable in other case-type categories.

The complex litigation case type is a special category reserved for civil cases involving novel or complicated issues of law and fact that are not likely to be resolved within the time guidelines established for other cases. A judge assigned to a civil case that meets the criteria prescribed under Sup.R. 42 may reclassify a civil case as a complex litigation case. Accordingly, no cases are filed with the courts as complex litigation cases. Instead, civil cases are first classified under their appropriate case types and then, if applicable, are reclassified as complex litigation cases. Complex litigation cases are rare. Since 2003, on average, approximately one out of every 1,500 civil cases (0.07 percent) in the general divisions of Ohio's common pleas courts are classified each year as complex litigation matters.



CourTools

A Court Performance Framework

In 1987, the National Center for State Courts (NCSC) and the Bureau of Justice Assistance of the United States Department of Justice initiated the Trial Court Performance Standards Project in order to develop a common language for describing, classifying and measuring the performance of trial courts.

Their work culminated in the 1990 release of Trial Court Performance Standards (TCPS). Included in those standards was an extensive battery of 68 performance measures. Faced with the practical challenges of implementing the multitude of performance measures prescribed in the TCPS, NCSC staff worked with state court representatives to develop a streamlined set of measures that evaluate the essential core functions of a court. The result was the 2005 completion of 10 performance measures constituting the CourTools.

The CourTools provide a balanced and comprehensive, yet workable, empirical perspective on court operations. When implemented, they give the judiciary, its justice partners and the public direct evidence into how well a court is functioning.

Court performance measurement is about knowing where things stand today — which, in turn, permits the development of a plan for the future. The CourTools provide an effective framework for courts to establish performance baselines, diagnose existing problems and plan for specific improvements.

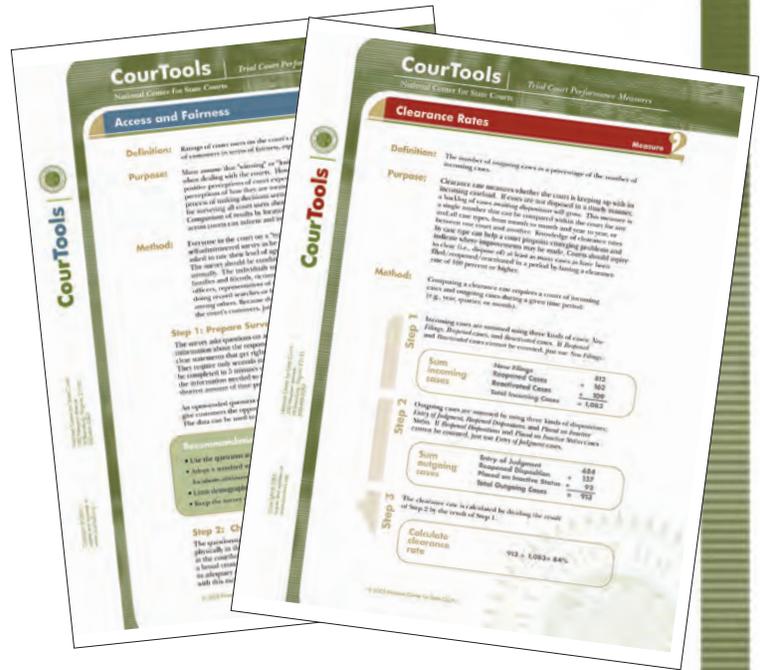


Measuring Court Performance

The Supreme Court of Ohio encourages Ohio trial courts to measure performance using the CourTools.

The Court's Case Management Section provides specific training directly to the courts on implementing, interpreting and understanding the CourTools.

The 10 CourTools are published in a visual and accessible how-to format. Brief descriptions of each are featured below.



CourTools Measure 1 measures how well a court does in providing accessibility to its services and to what extent participants in court proceedings feel they are treated fairly and with respect.

CourTools Measures 2, 3, 4 and 5 focus on the critical goals of courts functioning expeditiously and resolving cases in a timely manner.

CourTools Measure 6 focuses on the foundational element that courts maintain accurate and complete files.

CourTools Measure 7 permits a court to obtain a firm grasp on how effective it is at collecting monetary penalties.

Courts using juries can apply **CourTools Measure 8** to demonstrate the soundness of their jury management capabilities.

CourTools Measure 9 provides courts with a means to ensure that court staff are functioning at a high level and providing an optimal level of public service by measuring the work environment and the relations between staff and court management.

Lastly, **CourTools Measure 10** describes how to establish a cost-per-case foundation for responsible budgeting.

More information about CourTools is available at www.courttools.org.

Caseloads

Figure 1 shows the breakdown of incoming cases in 2014 within the general divisions of Ohio’s common pleas. Criminal cases, Foreclosures, and Other Civil cases constitute 87 percent of all filings in 2014. See the *Appendix* for a table displaying the number of new filings for each individual case type from 2005 through 2014.

Figure 2 shows 10-year trends in number of filings of Criminal, Foreclosure, and Other Civil cases. Sizable volatility in these major categories of cases can be seen. Foreclosure cases rose steadily each year until 2010 when the long-term trend reversed. For the last five consecutive years, the number of incoming foreclosure cases has decreased. The 51,699 incoming cases in 2014 represent a 19-percent decline over 2013 and a 48-percent decline over the 10-year high seen in 2009. Similarly, filings of Other Civil cases continue to experience steady declines. In 2014, a total of 49,251 incoming cases were filed, representing a 2-percent decrease over 2013 and a 35-percent decrease over the 10-year high in 2009.

Criminal cases have also been generally declining but at a lesser rate. In 2014, the courts reported a total of 80,490 incoming criminal cases. This represents an increase of 2 percent over 2013, but a decrease of 18 percent over the 10-year high of 98,387 cases in 2007.

Performance Measures

A description of court performance measures used by the Supreme Court is available on *page 3*.

As shown in **Table 1**, average monthly clearance rates in 2014 for all case types exceeded 100 percent with the sole exception of Criminal. Average monthly overage rates over

FIGURE 1

All Case Types

Total incoming cases in 2014

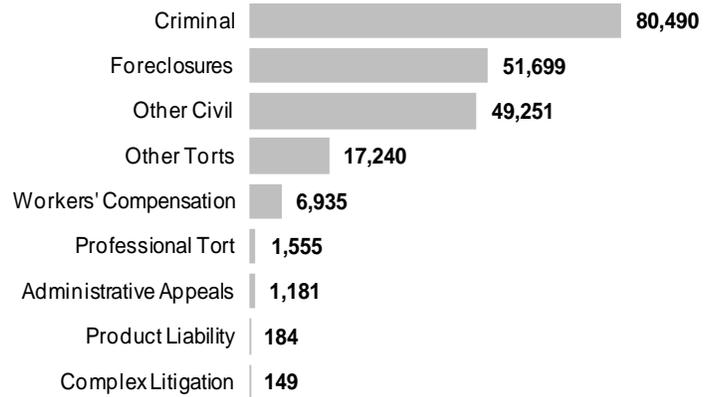


FIGURE 2

Major Case Types

Total incoming cases

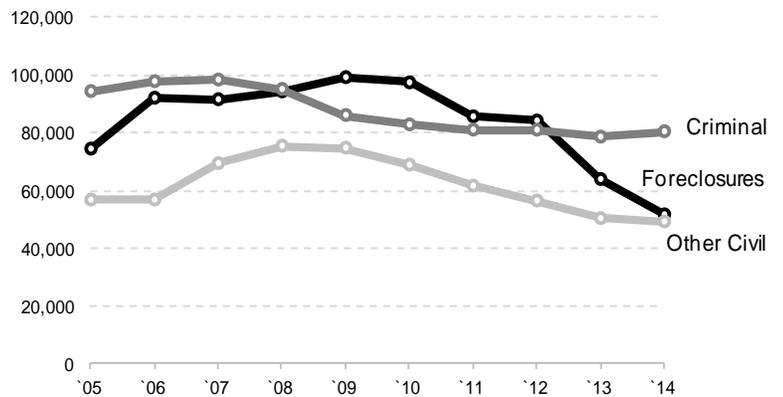


TABLE 1

Clearance Rates

Average per month in 2014

Case Type	Monthly Average
Administrative Appeals	105%
Complex Litigation	113%
Criminal	98%
Foreclosures	109%
Other Civil	101%
Other Torts	103%
Product Liability	120%
Professional Tort	106%
Workers' Compensation	104%

TABLE 2

Overage Rates

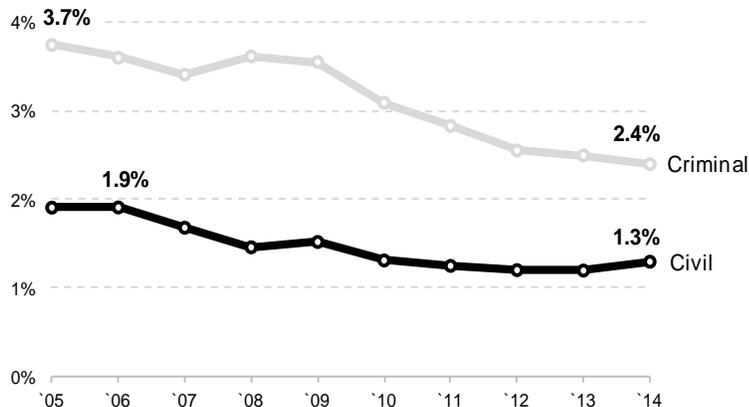
Percent of caseload pending past time guidelines, average per month

Case Type (Time guideline, in months)	2010	2011	2012	2013	2014
Civil	5%	6%	6%	6%	7%
Administrative Appeals (9)	24%	24%	20%	24%	25%
Complex Litigation (36)	8%	10%	15%	16%	6%
Foreclosures (12)	6%	8%	8%	9%	10%
Other Civil (24)	4%	4%	4%	4%	4%
Other Torts (24)	3%	3%	3%	3%	3%
Product Liability (24)	8%	7%	8%	5%	8%
Professional Tort (24)	9%	9%	9%	9%	9%
Workers' Compensation (12)	10%	11%	11%	10%	10%
Criminal (6)	14%	15%	15%	16%	16%

FIGURE 3

Trial Rates

Trials as a percentage of total dispositions



each of the last five years are shown in **Table 2**. Average monthly overage rates above 10 percent are seen in four case types (Administrative Appeals, Complex Litigation, Criminal, and Workers' Compensation). Other Civil cases, which constitute 24 percent of the statewide general division caseload, are being managed timely, with only four percent of the caseload overage on average each month.

Trial Rates

The rate of trials occurring in a court is a useful statistic when assisting courts in understanding the fundamentals of effective caseload management. Although it is not a measure of a court's performance, per se, this statistic routinely is used by the Case Management Section as part of its caseload management training curriculum.

In order to calculate trial rates, the various termination categories reported by the courts first are separated into termination categories that are truly dispositive of the case and categories that instead simply render the case no longer active for reporting purposes. The number of dispositive terminations are then summed. The resulting sum is divided into the number of trials (either by jury, by court, or both) to produce the trial rate, expressed as a percentage.

It is conventionally understood among court observers at the national level that approximately 2 percent of civil cases and 5 percent of criminal cases ultimately go to trial.

Ohio trial rates fall below those figures. As shown in **Figure 3**, the trial rate for civil cases heard in the common pleas, general division courts in 2014 was 1.3 percent and 2.4 percent for criminal cases. When viewed over the last 10 years, the rates of civil and criminal cases proceeding to trial have declined considerably. Although the overall rates are certainly small regardless of the year, the generally continuing year-to-year decreases can be clearly seen.

Cuyahoga County's Asbestos Docket

Not reflected in the caseload statistics in this report is a special group of asbestos-related cases pending in the Cuyahoga County Court of Common Pleas. This docket chiefly consists of product liability cases involving alleged exposure to products containing asbestos and, to a smaller extent, silica. Also included in this docket are premises liability cases against owners or possessors of property on which plaintiffs allege injury from exposure to asbestos-containing products.

The volume of these cases filed over the years in Cuyahoga County necessitated certain extraordinary means for managing it. The cases are heard by retired assigned judges with special designated staff and are not counted among Cuyahoga County's traditional caseload statistics.

The number of new cases filed each year over the past 10 years has declined rapidly from a 10-year high in 2006 of 444 new cases to a low of 85 new cases in 2014. (See **Table 3** and **Figure 4**).

The number of cases pending at the end of each year over the past 10 years reached a peak in 2005 when there were 45,486 cases pending. The lowest number of pending cases over the past 10 years occurred in 2014, with 3,067 cases pending at the end of the year. The number of pending cases stayed relatively stable until 2008 when 34,813 cases were terminated. (See **Table 3** and **Figure 5**). The majority (about 31,000) of those terminations were "administrative dismissals" rendering the cases inactive, pursuant to the passage of special asbestos-related tort reform legislation. The court found those cases did not contain the requisite medical evidence to warrant keeping the cases in active status. It should be noted that a given case, which can contain dozens of defendants, cannot be counted as being terminated until every defendant in the case is subject to a condition causing a reportable termination. Consequently, the number of cases terminated each year does not align as typically expected against the number of cases filed.

TABLE 3

Cuyahoga County Asbestos Docket
Overall caseloads

Year	New Filings	Pending at End of Year	Cases Terminated
2005	404	45,486	1,303
2006	444	44,755	1,180
2007	266	44,744	279
2008	176	9,966	34,813
2009	152	6,894	3,000
2010	114	6,851	321
2011	105	6,699	490
2012	102	5,174	1,635
2013	113	5,164	120
2014	85	3,067	2,182

FIGURE 4

Cuyahoga County Asbestos Docket
New Filings

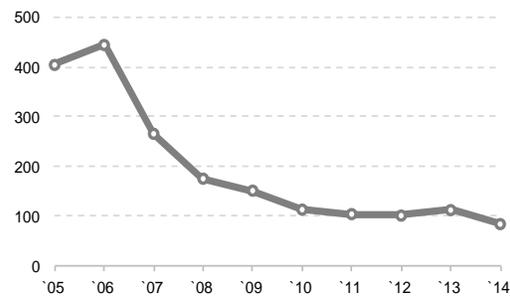


FIGURE 5

Cuyahoga County Asbestos Docket
Pending cases

