



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 1,800 civil cases (0.001 percent) in the general divisions of Ohio's common pleas courts are classified each year as complex litigation matters.



LanguageLine Enables Courts to Connect with Live Interpreters

In the fall of 2013, Chief Justice Maureen O’Connor announced that the Supreme Court was making available to all courts across Ohio access to a telephonic interpretation system. The service, managed through a contract between the Supreme Court and LanguageLine Solutions, provides local courts with free, round-the-clock, over-the-phone interpreting services, covering more than 200 languages.

“The remote interpretation service is intended to operate just as though the interpreter is standing in the courtroom by communicating with the litigant about the judge’s instructions or relaying questions from and answers to the prosecution or defense,” Chief Justice O’Connor said.

“The right to a fair trial requires all participants are fully involved and fully aware of what’s occurring,” she continued. “By providing this service, we are ensuring that every citizen, including those who are limited English proficient, understand fully the court proceedings in which they are involved and truly have their day in court.” She also pointed out that the new service would support judges in their jobs to fulfill this important obligation and in complying with Title VI of the Civil Rights Act of 1964, Sup.R. 88, and other statutory requirements.

The service was rolled out in 2014, and in the first two years of its availability, Ohio courts used LanguageLine

to conduct more than 1,200 telephonic interpretations. In 2015, the service was used 884 times, a 171-percent increase over 2014, the program’s inaugural year. The total usage in 2015 consisted of over 225 hours of telephonic interpretation.

As expected, the majority of the telephonic interpretations were performed in Ohio’s limited jurisdiction trial courts, where most court cases are filed. Nearly two-thirds (61 percent) of the interpretations took place in cases heard in the state’s municipal and county courts.

The extent to which individual courts experience the need to use this vital service hinges greatly upon the local availability of qualified in-person interpreters and the degree to which the courts are encountering parties and case participants whose languages are uncommon.

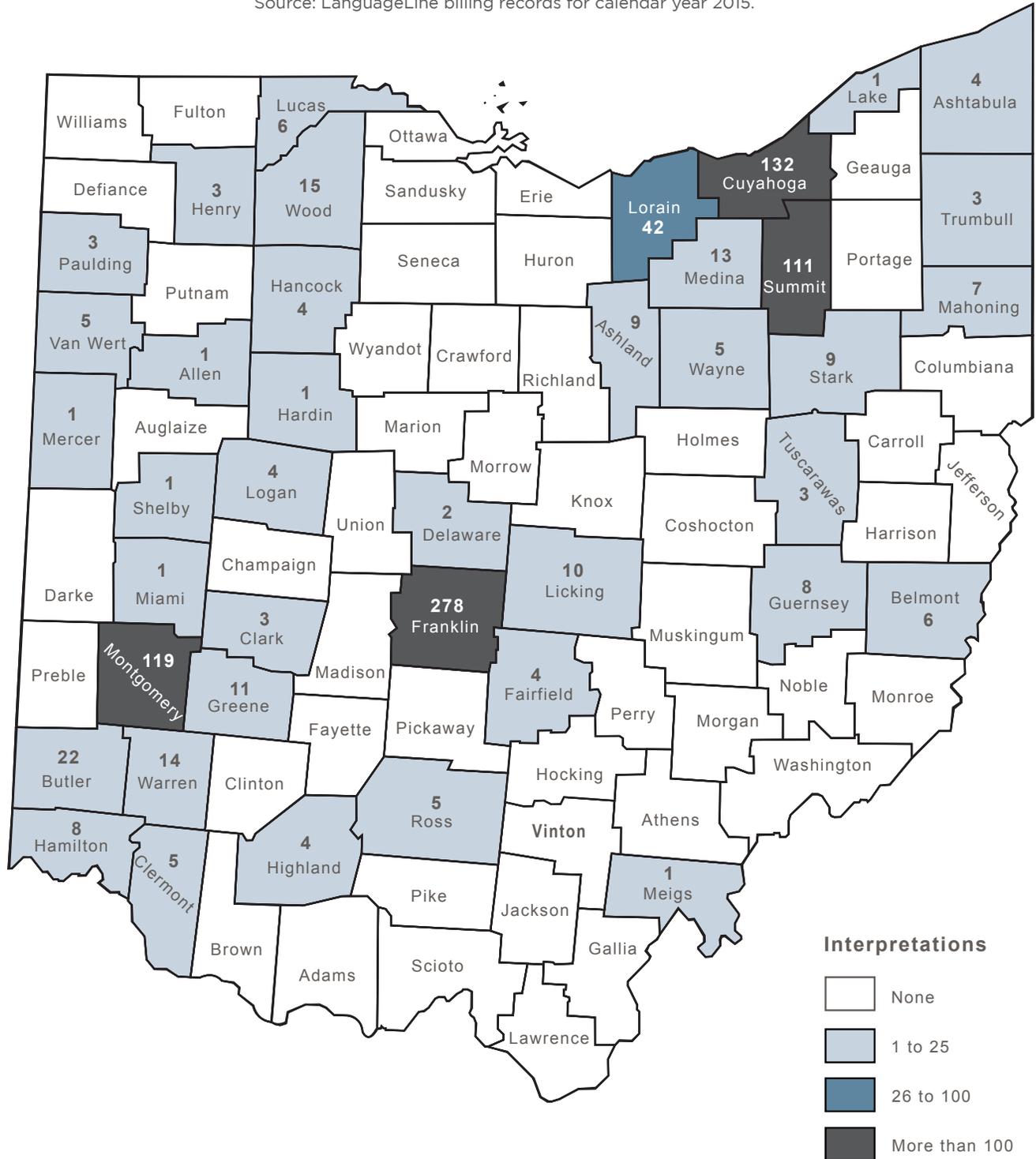
In 2015, telephonic interpretations were provided covering 63 unique languages, with Spanish leading with 22 percent of the 884 interpretations. Arabic interpretations were the second-most frequent, at 13 percent. Rounding out the remaining top five languages were Nepali, Mandarin, and Russian.

Shown in the map at right are the numbers of telephonic interpretations in 2015 for the various courts in each county. Franklin County lead the state with 278 interpretations.

Use of LanguageLine in 2015

Total Number of Interpretations, All Languages Combined

Source: LanguageLine billing records for calendar year 2015.



Caseloads

Figure 1 shows the breakdown of incoming cases in 2015 within the general divisions of Ohio’s courts of common pleas. Criminal cases, Foreclosures and Other Civil cases constitute 87 percent of all filings in 2015. See the *Appendix* for a table displaying the number of incoming cases for each individual case type from 2006 through 2015.

Figure 2 shows 10-year trends in number of filings of Criminal, Foreclosure, and Other Civil cases. These major categories of cases display a degree of volatility over the ten year period. Foreclosure cases rose steadily from 2006 until 2009 when the trend reversed. For the last six years, the number of incoming foreclosure cases has decreased. The 46,725 incoming cases in 2015 represent a 10-percent decline from 2014 and a 52-percent decline from the 10-year high of 94,295 in 2009. Similarly, filings of Other Civil cases continue to steadily decline. In 2015, at total of 48,170 incoming cases were filed, representing a 2-percent decrease from 2014 and a 36-percent decrease from the 10-year high in 2008.

Criminal cases have also been generally declining, though at a lesser rate. In 2015, the courts reported a total of 78,112 incoming criminal cases. This is a decrease of 3-percent over 2014, and 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 2015 for all case types exceeded 100 percent. Average monthly overage rates over each of the last five years are shown

FIGURE 1

All Case Types

Total incoming cases in 2015

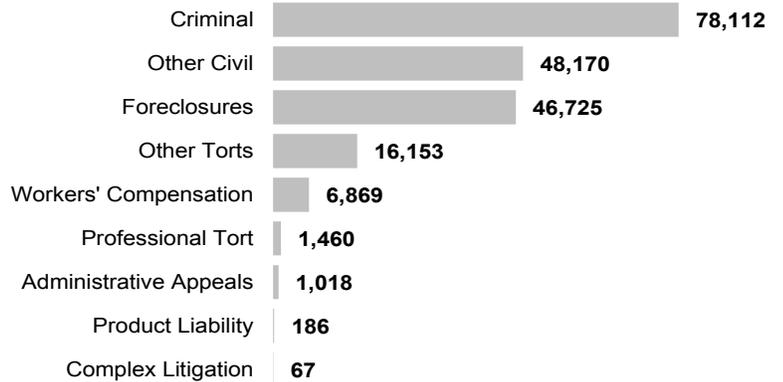


FIGURE 2

Major Case Types

Total Incoming cases

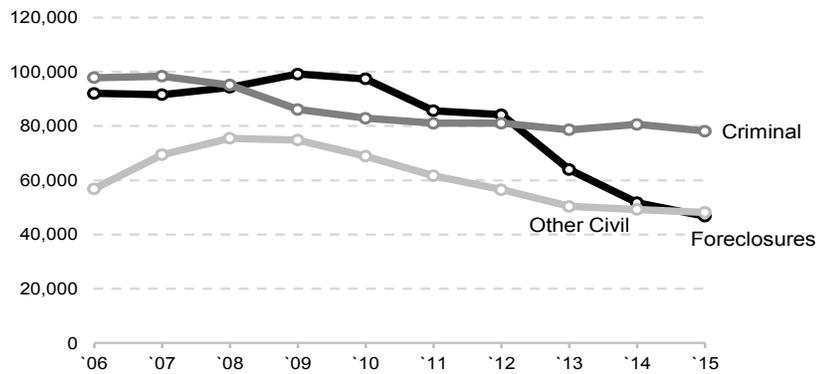


TABLE 1

Clearance Rates

Average per month in 2015

| Case Type | Monthly Average |
|------------------------|-----------------|
| Administrative Appeals | 111% |
| Complex Litigation | 207% |
| Criminal | 101% |
| Foreclosures | 104% |
| Other Civil | 101% |
| Other Torts | 103% |
| Product Liability | 109% |
| Professional Tort | 103% |
| Workers' Compensation | 103% |

TABLE 2

Overage Rates

Percent of caseload pending past time guidelines, average per month

| Case Type (Time guideline, in months) | 2011 | 2012 | 2013 | 2014 | 2015 |
|---------------------------------------|------------|------------|------------|------------|------------|
| Civil | 6% | 6% | 6% | 7% | 6% |
| Administrative Appeals (9) | 24% | 20% | 24% | 25% | 27% |
| Complex Litigation (36) | 10% | 15% | 16% | 6% | 6% |
| Foreclosures (12) | 8% | 8% | 9% | 10% | 7% |
| Other Civil (24) | 4% | 4% | 4% | 4% | 4% |
| Other Torts (24) | 3% | 3% | 3% | 3% | 3% |
| Product Liability (24) | 7% | 8% | 5% | 8% | 4% |
| Professional Tort (24) | 9% | 9% | 9% | 9% | 11% |
| Workers' Compensation (12) | 11% | 11% | 10% | 10% | 10% |
| Criminal (6) | 15% | 15% | 16% | 16% | 17% |

in **Table 2**. Average monthly overage rates above 10 percent are seen in four case types (Administrative Appeals, Criminal, Professional Tort, and Workers' Compensation). Other Civil cases, which constitute 24 percent of the statewide general division caseload, are being managed in a timely manner, with only 4 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.

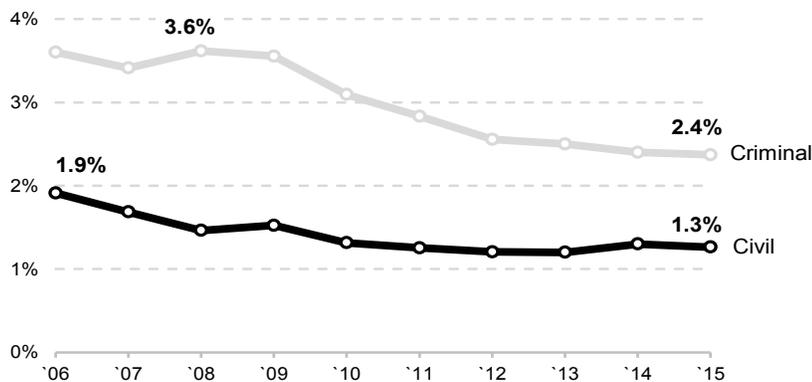
It is conventionally understood among court observers at the national level that approximately 2 percent of civil cases and 5 percent of criminal cases ultimately go to trial.

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 2015 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 steadily declined.

FIGURE 3

Trial Rates

Trials as a percentage of total dispositions



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 ten years has declined rapidly from a ten year high in 2006 of 444 new cases to a low of 56 new cases in 2015. (See **Table 3** and **Figure 4**).

The number of cases pending over the past ten years was at its highest in 2006, when there were 44,755 cases pending. The lowest number of pending cases over the past 10 years occurred in 2015, with 1,701 cases pending at the end of the year. The number of pending cases decreased substantially in 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 |
|------|-------------|------------------------|------------------|
| 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 |
| 2015 | 56 | 1,701 | 1,427 |

FIGURE 4

Cuyahoga County Asbestos Docket
New Filings

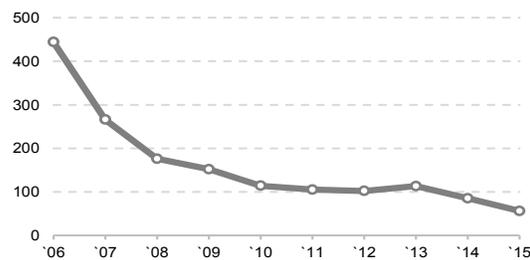


FIGURE 5

Cuyahoga County Asbestos Docket
Pending cases

