

# THE SUPREME COURT *of* OHIO

## ADVISORY COMMITTEE ON CASE MANAGEMENT

**Honorable Timothy Cannon**

Eleventh Appellate District

*Chairperson*

**Honorable Judith French**

Tenth Appellate District

*Vice Chairperson*

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### Meeting Minutes

May 18, 2012

#### Committee Members Present:

Jean Atkin, Esq.  
Gretchen Beers, Esq.  
Judge Timothy Cannon, Chair  
Judge Anthony Capizzi  
Mark Combs  
Judge Rocky Coss  
Judge Carol Dezso  
Judge Robert Douglas  
Judge Gary Dumm  
Laurie Endly  
Judge Sheila Farmer

Judge Judith French, Vice Chair  
Judge Richard Frye  
Judge Laura Gallagher  
Judge Kathleen Giesler  
Judge Alan Goldsberry  
Lisa Gorrasi, Esq.  
Judge Jerome Metz  
Judge Diane Palos  
Judge John Pickrel  
Judge Tom Pokorny

#### Committee Members Absent:

Russell Brown, Esq.  
Judge Michael Hall

Judge Jack Puffenberger  
Judge Joseph Zone

#### Supreme Court of Ohio Staff Members Present:

Steve Hollon  
Christine Bratton  
Brian Farrington  
Diane Hayes

Stephanie Graubner Nelson  
Stephanie Hess  
Tasha Ruth

#### Summary of Meeting:

##### Meeting Minutes

Advisory Committee Chairperson Judge Timothy Cannon called the meeting to order. The minutes from the March 9, 2012 meeting were reviewed and approved unanimously.

### Preamble to the Proposed Time Standards Rule

The Advisory Committee first reviewed the proposed language for the Preamble to the Time Standards rule. Discussion followed and the Preamble language was approved unanimously.

### Reporting of Case Specific Information Regarding Overage Cases

The Advisory Committee discussed whether or not it would be appropriate to ask the courts to report case specific information once a case ages beyond a certain point or time standard. Such information might include the age of the case and reason for the case to go past the time standard. Discussion followed regarding the amount of time past the time standard that would be an appropriate trigger for such a case specific overage report. The Advisory Committee approved a case specific narrative report which would provide information for any case pending longer than for 50% of that case type's specific time standard. That narrative report should be submitted to the Case Management Section of the Supreme Court of Ohio with the court's next regular statistical report.

Discussion followed regarding implementation of this narrative report and it was decided that each individual judge would be responsible for providing the narrative report to the administrative judge who in turn shall attempt to resolve the issue at the local court level. In the event that the administrative judge cannot resolve the issue, the administrative judge shall contact the Case Management Section of the Supreme Court of Ohio for assistance. In the event that a court has a court administrator, the court administrator could be responsible for generating the report and providing it to the individual judge and the administrative judge. The Supreme Court staff will draft the proposed rule and implementation language.

### **Summary of the Time Guidelines Subcommittee Reports (refer to attachment *Final Approved Time Standards Recommendations* for additional case type specific information):**

Judge Cannon asked each Time Guidelines subcommittee chair to discuss their recommendations and indicate their preferred time standard tiers.

#### Appellate Courts – Time Guidelines Subcommittee

Judge Farmer indicated that the subcommittee recommends time standard tiers of 75% and 95%. Discussion followed. The appellate time standards were approved unanimously.

#### Common Pleas, General Division Courts – Time Guidelines Subcommittee

Judge Metz indicated that the General Division subcommittee recommended time standard tiers of 80% and 98%. Discussion followed regarding the treatment of foreclosure cases that are either in mediation or another type of settlement negotiation or “work out / seasoning period.” It was noted that such settlement negotiations may warrant the extension of the time standard from 12 months to 18 months. The Advisory Committee unanimously approved the General Division time standards with tiers of 75% and 95% and with the notation that foreclosure cases should be granted a onetime stay while in mediation or another type of settlement negotiation or “work out / seasoning period” for a period of time not to exceed 6 months.

Common Pleas, Domestic Relations Division Courts - Time Guidelines Subcommittee

Lisa Gorrasi indicated that the subcommittee also agreed to time standard tiers of 75% and 95%. Discussion followed. The proposed domestic relations time standards were approved unanimously.

Common Pleas, Probate Division Courts – Time Guidelines Subcommittee

The Probate Division subcommittee is still working on its time standards and as such, will report back on their progress at the August 10, 2012 meeting.

Common Pleas, Juvenile Division Courts – Time Guidelines Subcommittee

Judge Giesler indicated that the subcommittee will also agree to time standard tiers of 75% and 95%. Discussion followed regarding the appropriateness of a tier for case types with a time standard of six months or less. The proposed juvenile time standards were approved unanimously.

Municipal and County Courts – Time Guidelines Subcommittee

Judge Douglas indicated that the subcommittee recommended a time standard of 95%. Discussion followed regarding the appropriateness of a time standard tier for municipal and county court case types. The proposed municipal and county court time standards were approved unanimously.

**Old Business - Statistical Reporting Subcommittee Reports:**

As the Statistical Reporting subcommittees continue their work, the Supreme Court staff identified a number of topic areas that cross over more than one court jurisdiction. For instance, the counting of criminal cases impacts the work of both the Common Pleas, General Division and Municipal and County Court Statistical Reporting subcommittees. Discussion followed. The chairs of the Statistical Reporting Subcommittees will meet via conference call before the next full Advisory Committee meeting to discuss these issues and develop a manner by which to approach them.

Judge Cannon then asked for a report from each of the Statistical Reporting Subcommittees.

Appellate Courts – Statistical Reporting Subcommittee

Judge Hall was not present at the meeting, as such; Mark Combs provided the report back for the subcommittee. The subcommittee has been working on the development of a new Presiding Judge report. John Crossman, the IT staffer from the Supreme Court, is testing those proposed data elements. Discussion followed regarding the development of new case types and the impact those case types may have on the Supreme Court's case types as well.

Common Pleas, General Division Courts – Statistical Reporting Subcommittee

The general division subcommittee continues to meet via conference call. An issue that has been discussed is the treatment of cases that are referred to a Specialized Docket. Discussion followed. The general division will collaborate with the municipal and county court statistical reporting subcommittee on disposition types as needed.

#### Common Pleas, Domestic Relations Division Courts – Statistical Reporting Subcommittee

The domestic relations subcommittee is collaborating with the juvenile statistical reporting subcommittee to come to an agreement on the treatment of case and disposition types which impact both jurisdictions. Discussion followed.

#### Common Pleas, Probate Division Courts – Statistical Reporting Subcommittee

The probate subcommittee is working on both topics of time guidelines as well as a review of the statistical report itself. Discussion followed.

#### Common Pleas, Juvenile Division Courts – Statistical Reporting Subcommittee

The juvenile subcommittee will recommend a number of changes to the juvenile form which encompasses changes discussed with the domestic relations subcommittee. Discussion followed regarding the interval at which each jurisdiction submits its statistical reports to the Supreme Court.

#### Municipal and County Courts – Statistical Reporting Subcommittee

The municipal and county court subcommittee has added some additional case categories and is considering the addition of information regarding post-conviction actions such as probation violations, expungements, etc., so that the report will more accurately reflect the actual work of the court. Discussion followed.

#### **New Business:**

##### Multi-District Litigation

The Advisory Committee reviewed a memorandum forwarded to it for consideration by the Commission on the Rules of Superintendence and the Commission on Rules of Practice and Procedure. The memorandum asks the Advisory Committee to consider the feasibility and necessity of a Rule of Superintendence which would allow the consolidation before one Ohio judge of all related civil cases pending in different Ohio counties. Discussion followed. Judge Frye will chair a subcommittee to review the proposal and make a recommendation to the Advisory Committee.

##### Superintendence Rule 41: Conflict of Trial Court Assignment Dates

Supreme Court staff outlined issues that have been raised by local court staff regarding Rule 41: (1) criminal cases taking priority over other case types and other courts and in what order cases should be given priority, and (2) what the Rules should require in terms of a continuance entry form. Discussion followed regarding the appropriateness of the “first in time, first in right” method for dealing with trial date conflicts versus outlining priority levels in the Rule itself. Judge Cannon agreed to chair a subcommittee with Judges Metz, Palos, and French volunteering to serve as well.

#### **Action Items:**

- (1) Staff will draft language for the Time Standards rule; such language shall include the approved Preamble, case specific narrative reporting language and implementation methodology.
- (2) Judge Cannon will schedule a conference call of the subcommittee chairs in June to discuss the cross-jurisdictional statistical reporting issues such as the treatment of cases in a specialized

docket, the use of “reactivation” and “re-designation,” and the treatment of probation violation hearings.

- (3) All Advisory Committee members are encouraged to seek out opportunities to address their respective association groups during the summer meetings to update those associations on the work of the Advisory Committee.

#### **Motions and/or Decisions:**

- (1) Judge French moved to approve the March 9, 2012 meeting minutes; Judge Capizzi seconded that motion. The March 9, 2012 meeting minutes were unanimously approved.
- (2) Judge Frye moved to approve the Preamble language; Mark Combs seconded that motion. The proposed Preamble language was unanimously approved.
- (3) Judge Coss moved that the Advisory Committee recommend each judge provide a case specific detailed report for any case pending past more than 50% of that case type’s specific time standard. Judge Metz asked to amend the motion to read “narrative” rather than “detail.” Judge Frye seconded the motion as amended and the motion was unanimously approved.
- (4) Judge Farmer moved to approve the Appellate Time Standards recommended reporting tiers of 75% and 95%. Mark Combs seconded the motion; the Appellate Time Standards were unanimously approved.
- (5) Judge Metz moved to approve the General Division Time Standards recommended reporting tiers of 75% and 95% with a notation that foreclosure cases should be granted a onetime stay, while in mediation or another type of settlement negotiation or “work out / seasoning period,” for a period of time not to exceed 6 months. Judge Capizzi seconded the motion; the motion was unanimously approved.
- (6) Lisa Gorrasi moved to approve the Domestic Relations Time Standards recommended reporting tiers of 75% and 95%. Judge Dezso seconded the motion; the Domestic Relations Time Standards were unanimously approved.
- (7) Judge Giesler moved to approve the Juvenile Time Standards as recommended with reporting tiers of 75% and 95%. Judge Dezso seconded the motion; the Juvenile Time Standards were unanimously approved.
- (8) Judge Douglas moved to approve the Municipal and County Court Time Standards as recommended with a single reporting tier of 95%. Judge Frye seconded the motion; the Municipal and County Court Time Standards were unanimously approved.

**Future 2012 Meeting Dates:**

Friday, August 10 2012  
Friday, October 12, 2012

**Tentative 2013 Meeting Dates:**

Friday, March 15, 2013  
Friday, May 17, 2013  
Friday, August 9, 2013  
Friday, October 4, 2013