

# 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

August 10, 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  
Laurie Endly  
Judge Sheila Farmer  
Judge Judith French, Vice Chair

Judge Richard Frye  
Judge Laura Gallagher  
Judge Kathleen Giesler  
Lisa Gorrasi, Esq.  
Judge Michael Hall  
Judge Jerome Metz  
Judge Diane Palos  
Judge John Pickrel  
Judge Tom Pokorny

#### Committee Members Absent:

Russell Brown, Esq.  
Judge Robert Douglas

Judge Alan Goldsberry  
Judge Jack Puffenberger

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

Steve Hollon  
Brian Farrington  
Diane Hayes

Stephanie Hess  
Tasha Ruth

#### Summary of the Subcommittee Meeting:

Meeting of the Time Guidelines and Statistical Reporting Subcommittee Chairpersons (*refer to attachment Statistical Measures – Current and Potential for additional information*)

Judge Timothy Cannon called the meeting of the Time Guidelines and Statistical Reporting Subcommittee Chairpersons to order at which time staff reviewed a document which summarized the current statistical reporting measures and potential modifications to those measures. Judge Cannon then asked the subcommittee to discuss a number of those pending issues, as outlined below:

### Pending Caseloads

- (1) Should courts reactivate criminal cases upon the filing of a motion for probation revocation?
- (2) Should courts distinguish between inactive and stayed cases?
- (3) Should courts report case specific information for any case that is placed on inactive status?
- (4) Should the Advisory Committee recommend caseload statistics that should be reported to the Supreme Court of Ohio as well as recommend caseload statistics which each lower court should track internally?
- (5) Is there value to collecting the number of inactive cases for each court?
- (6) Subcommittee agreed that it does not need the categories of pending beginning of period (inactive) and pending end of period (inactive).

### Transfers, Reactivations, Reopenings, Redesignations

- (1) Should the category of “reopened” be added?
- (2) Is there a need to track transfers within a court versus a transfer from a different court?

### Placement on Inactive or Stayed Status

- (1) Should a *capias* be delineated from inactive status due to hospitalization, pending restoration to competency, etc.?
- (2) Should placement in a specialized docket trigger the placement of the case on inactive status (which would toll the time in calculating compliance with the time standard)?
- (3) Subcommittee recommends a case be stayed when it is placed into a specialized docket.

### Treatment of Felonies and Misdemeanors

- (1) Should felony cases that are reduced to a misdemeanor be reported?
- (2) Should felony and companion misdemeanor cases be tried or pled together?
- (3) Subcommittee will consider referring the issue of treatment of companion felony and misdemeanor cases to the Rules of Criminal Practice and Procedure for its consideration.

### Domestic Relations Treatment of Cases in Mediation or Conciliation

- (1) Domestic Relations cases are currently stayed when placed in mediation.
- (2) No need to “unbundle” mediation and conciliation on the report.
- (3) Subcommittee will consider the feasibility of creating a window by which mediation should be completed.
- (4) Consider adding collaborative law process.

### Reporting of Jury and Court Trial Dispositions

- (1) Tracking the work of the court when a trial begins but the case is ultimately resolved via settlement instead of via a jury verdict.

### Treatment of Summary Judgment Dispositions

- (1) Consider moving summary judgment dispositions out of the “other” category.
- (2) Consider renaming “summary judgment” to “summary disposition.”

### Appellate Courts use of Decision or Opinion

- (1) Subcommittee recommends that the category “decision/opinion” remains intact due to variances among the districts.

#### Trial by Judge or Trial by Magistrate – Treatment of Objections

- (1) Consider the impact of objection time on the time standards.

Subcommittees are asked to continue to review the summary document and make recommendations to the full Advisory Committee on issues relevant to each jurisdiction.

### **Summary of the Meeting of the full Advisory Committee on Case Management:**

#### Meeting Minutes

Advisory Committee Chairperson Judge Timothy Cannon called the meeting to order. The minutes from the May 18, 2012 meeting were reviewed and approved unanimously.

#### Probate Time Standards Subcommittee Report

Judge Gallagher presented proposed probate time standards to the Advisory Committee for its consideration. The recommendations included standards for the case categories of decedents’ estates, guardianships of minors, guardianships of incompetents, and civil actions. Judge Gallagher indicated that this recommendation represents the first iteration and additional case types’ time standards will be added in the future. Discussion followed.

Judge Gallagher and Judge Giesler agreed to approach the Probate Judges’ Association Executive Committee and request time standards for additional case categories; Judge Cannon agreed to attend the meeting as well.

#### Juvenile Time Standards Subcommittee Report

The Ohio Department of Job and Family Services (ODJFS) contacted the Case Management Section regarding time standards which impact permanency placement. ODJFS receives federal dollars based on permanency placement timelines. The proposed time standard of 6 months for Abuse, Neglect, and Dependency cases may impact that federal funding provided to ODJFS. Discussion followed.

It was agreed that the subcommittee will schedule a conference call with representatives from ODJFS to obtain additional information about the issue at hand and defer the decision until the October Advisory Committee meeting.

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

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

#### Appellate Courts – Statistical Reporting Subcommittee

Judge Hall provided the report back for the subcommittee. The subcommittee revised the Presiding Judge Report and the Appellate Judge report as well as the instructions for each report. The subcommittee will schedule a conference call before the next Advisory Committee meeting to discuss the issue of “decision” versus “opinion.” It was noted that the instructions should be very clear about

when cases get assigned and when the time standards clock begins and the subcommittee should consider a recommendation regarding stays for mediation.

#### Joint Subcommittee for CP, General Division & Municipal/County Courts – Statistical Reporting

The joint subcommittee continues to meet via conference call. Judge Coss reported that a number of issues are being discussed such as the count of new filings, reactivated and reopened cases, the tracking of stayed and/or inactive cases, reporting of criminal cases by Ohio Revised Code section number, tracking of case counts, etc. The subcommittee also discussed disposition types for pleas (plea to a lesser charge, etc.); the recommendation will likely be that those dispositions be coded as a plea without a distinction for a plea to a lesser charge or a plea to the indictment. The subcommittee will soon begin to draft instructions to accompany the revised reporting elements.

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

Judge Dezso was not in attendance; as a result, Lisa Gorrasi provided the report for the 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. The subcommittee is reviewing case types and considering ways to account for magistrate objections and will likely recommend a change to Superintendence Rule 42 as it relates to the development of a complex litigation case type in the domestic relations division.

#### 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. The bulk of the committee's work has centered on creating the new time standards and it will begin work on the statistical reporting data elements following the approval of the time standards.

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

Judge Capizzi indicated that the juvenile subcommittee continues to work in conjunction with the domestic relations subcommittee. It will begin to focus on the report form instructions before the next Advisory Committee meeting.

### **Old Business:**

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

The subcommittee met in person prior to the Advisory Committee meeting and began discussions on the work of the subcommittee. Practitioners were identified to participate in the subcommittee's work and those individuals will be invited to join the subcommittee. Discussion followed. It was noted that the subcommittee might consider adding language regarding counsel being "actively engaged" in trial.

### Multi-District Litigation

Judge Frye indicated that he has spoken with a number of attorneys who have written articles on the topic of multi-district litigation. Discussion followed. Judge Pokorny, Judge Metz, and Judge Hall volunteered to join Judge Frye in review of the issue of multi-district litigation.

### **Action Items:**

- (1) A subcommittee will be formed to consider referring the issue of treatment of companion felony and misdemeanor cases to the Rules of Criminal Practice and Procedure for its consideration.
- (2) Subcommittees are asked to continue to review the summary document and make recommendations to the full Advisory Committee on issues relevant to each jurisdiction.
- (3) Judge Gallagher and Judge Giesler agreed to approach the Probate Judges' Association Executive Committee and request time standards for additional case categories; Judge Cannon agreed to attend the meeting as well.

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

- (1) Mark Combs moved to approve the May 18, 2012 meeting minutes; Judge Capizzi seconded that motion. The May 18, 2012 meeting minutes were unanimously approved.

### **2013 Meeting Dates:**

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