

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Maureen O'Connor

**FROM:** Judge Jerome Metz, Committee Chairperson  
Hamilton County Common Pleas Court, General Division  
Judge Laura Gallagher, Committee Vice Chairperson  
Cuyahoga County Common Pleas Court, Probate Division  
Tasha Ruth, Manager, Case Management Section

**CC:** Michael Buenger, Administrative Director  
Stephanie Hess, Deputy Administrative Director  
Stephanie Nelson, Director, Court Services Division

**DATE:** December 10, 2017

**RE:** Advisory Committee on Case Management 2017 Annual Report

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In accordance with the Operating Guidelines for the Advisory Committee on Case Management, please accept this memo as the Advisory Committee's annual report of its work in 2017.

Created in 2011, the purpose of the Advisory Committee on Case Management (ACCM) is to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning case management and statistical reporting in Ohio courts; the development and delivery of case management services to Ohio courts, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding case management in Ohio courts.

In 2017, the Advisory Committee focused its efforts on the following subject areas:

- (1) Superintendence Rule 36, Designation of Trial Attorney; Assignment System
- (2) Superintendence Rule 39, Case Time Limits
- (3) Implementation of the Task Force on the Funding of Ohio Courts Recommendation Eight
- (4) Appellate Rule 9(A)
- (5) Cases Referred to Dispute Resolution

A subcommittee was created for each subject area. Each of the subcommittees is chaired by an Advisory Committee member and includes additional Advisory Committee members as well as members from the local court communities (court administrators, magistrates, court staff, and members of the bar). An update for each subject area is provided below.

### Superintendence Rule 36, Designation of Trial Attorney; Assignment System

The Subcommittee on Superintendence Rule 36, chaired by Franklin County Common Pleas Court Judge Richard Frye, began its work in 2015 to examine the procedure for assigning individual cases to judges in multi-judge trial courts. The Court initially considered the proposed revisions at its conference on August 16, 2016. Subsequently, the rule was published for a public comment period ending October 12, 2016. One public comment was received from the Montgomery County Common Pleas Court, General Division. On April 21, 2017 the subcommittee invited representatives from Montgomery County to a meeting to discuss the court's concerns about the proposed amendments. As a result of this meeting, a revision was made to the proposed amendments to allow felony cases to be assigned to an individual judge in a common pleas court "no later than arraignment." The amendments were adopted by the Court on September 26, 2017 and are effective January 1, 2018.

### Superintendence Rule 36, Appellate Court Assignment System

The Subcommittee on Superintendence Rule 36 for Appellate Courts, chaired by Eleventh District Court of Appeals Judge Timothy Cannon, began its work in 2016 to examine the procedure for assigning individual cases to panels of judges in Ohio's appellate courts. The subcommittee plans to present the proposed rule to the Commission on the Rules of Superintendence on March 2, 2018 to request it be published for public comment.

### Superintendence Rule 39, Case Time Limits

The Subcommittee on Superintendence Rule 39, chaired by Hamilton County Common Pleas Court Judge Jerome Metz, Jr., recommended changes to increase the time standards on all Court of Appeals case types; increase the time standard on two of the nine Common Pleas, General Division case types and leave the remaining seven unchanged; increase the Common Pleas, Domestic Relations Division time standard for five case types, decrease one (Parentage), and leave the remaining five unchanged; and created time standards for all case types except Wrongful Death in the Common Pleas, Probate Division. In Municipal and County courts, only one time standard was increased (Felonies) while the others remained the same. The Court initially considered the proposed revisions at its conference on January 26, 2016. Subsequently, the rule was published for a public comment period ending May 16, 2016. The subcommittee carefully reviewed 53 public comments and made further amendments to the rule. The amendments were then referred to the Commission on the Rules of Superintendence for a second time in March 2017. A vote approving the amendments was made by the Commission in June 2017. The final amendments will be presented to the Court in 2018.

### Implementation of the Task Force on the Funding of Ohio Courts Recommendations Eight

In response to the November 2015 report and recommendations of the Supreme Court of Ohio's Taskforce on the Funding of Ohio Courts, the Advisory Committee on Case Management formed a subcommittee to review the report. Recommendation Eight encourages courts to participate in

resource-sharing partnerships. The ACCM was tasked with providing a specific mechanism to achieve the goal of this recommendation. A subcommittee, chaired by Retired Judge Tom Pokorny, was formed in May 2016. The culmination of the subcommittee's work was the creation of a webpage that highlights resource sharing projects and allows courts to be connected to new partners.

The webpage can be found at:

<http://www.supremecourt.ohio.gov/JCS/casemng/resourceShare/default.asp>

#### Appellate Rule 9(A), Composition of the Record on Appeal; Recording of Proceedings

The Subcommittee on Appellate Rule 9(A), chaired by the Ninth District Court of Appeals Court Administrator C. Michael Walsh, began its work in 2017. The issue concerning the current rule is that the transmission of confidential documents from the trial court to the appellate court is not consistent across districts and counties. After careful consideration by the subcommittee, this matter has been referred to the Commission on the Rules of Practice and Procedure as it appears the instruction on the transmission of documents should be made within the Rules of Civil and Criminal Procedure as a directive to trial courts.

#### Cases Referred to Dispute Resolution

In late 2017, the ACCM began discussing imposing time limits on how long a case may be placed on inactive status while engaged in a dispute resolution process. Currently, cases in domestic relations courts and select cases in juvenile courts may be placed on inactive status for purposes of calculating the time a case has been pending against the Sup.R. 39 time standards indefinitely. Setting time limits would not preclude parties from continuing to engage in the dispute resolution process, but would simply limit the amount of time the case was allowed to be placed on inactive status on the Supreme Court Report Form B and D. In 2018, the ACCM, in conjunction with the Commission on Dispute Resolution, will examine and make recommendations for appropriate limits for the amount of time a case may be placed on inactive status while engaging in a dispute resolution process.

As you can see, the Advisory Committee has been working diligently on a number of projects. The members should be commended for their commitment and enthusiasm. Thank you for your support and the continued opportunity to improve the delivery of court services to the citizens of Ohio. We welcome your feedback and suggestions on the Advisory Committee's work.