

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until February 18, 2016, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Tasha Ruth, Manager of Case Management Section, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or Tasha.Ruth@sc.ohio.gov not later than February 18, 2016. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1 **RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**
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4 **RULE 38. Annual ~~Physical~~ Case Inventory; New Judge Inventory.**
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6 **(A) Definitions**
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8 As used in this rule:
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10 (1) “Case inventory” means the review of the physical or electronic case files,
11 as applicable, to ensure an accurate count and to evaluate the accuracy of the court’s
12 case management practice.

13
14 (2) “Case file” means the compendium of documents and information in
15 documents submitted to a court or filed with a clerk of court in a judicial action or
16 proceeding.
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18 ~~Except as provided in division (B) of this rule, each judge~~
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20 **(B) Requirement**
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22 Within three months of the date of initial election or appointment to the court of appeals,
23 court of common pleas, municipal court, or county court and thereafter annually on or
24 before ~~the first day of~~ October 1st, a judge shall complete an annual physical a case
25 inventory of all cases reported as pending on the applicable statistical report forms filed by
26 the judge in accordance with the instructions prescribed by the Case Management Section
27 of the Supreme Court. If determined necessary by the judge, the judge may include in the
28 case inventory all cases reported as closed or inactive on the applicable statistical report
29 forms filed by the judge.
30

31 ~~(B) A judge, when initially elected or appointed to the court of appeals, court of~~
32 ~~common pleas, municipal court, or county court, shall complete a physical case inventory within~~
33 ~~three months of the date on which the judge first takes office. Subsequent annual physical~~
34 ~~inventories shall be completed on or before the first day of October of each ensuing year.~~
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36 **(C) ~~Completion~~ Documentation of inventory**
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38 A judge shall document completion of the physical a case inventory required by performed
39 pursuant to division (B) of this rule shall be documented in the appropriate space on the
40 applicable statistical report forms.
41

42 **(D) Reporting of discrepancies**
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44 A judge shall report corrections of discrepancies found during a case inventory performed
45 pursuant to division (B) of this rule on the next statistical report form filed after the
46 inventory is completed.
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48 **Commentary (July 1, 1997)**

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50 Rule 38 is identical to the provisions of former C.A. Sup. R. 2(E), C.P. Sup. R. 5(E), and M.C. Sup.
51 R. 12(E), except that the date by which the inventory must be completed is changed from September 1 to
52 October 1.

53
54 Each judge is required annually to physically verify the case statistics he or she is reporting.
55 Additionally, a judge recently appointed or elected is required to conduct a physical inventory within three
56 months of taking office.

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58 A physical inventory involves actually reviewing case files to ensure an accurate count of pending
59 cases. A judge decides whether physically checking closed or inactive cases is necessary; however,
60 pending cases must be reviewed.

61
62 A computer-generated list of pending cases or other case lists may be used to begin the process
63 of verifying pending cases; however, a physical review of case files must be conducted.

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65 Documentation of the physical inventory require reporting the date of the most recent physical
66 inventory in the box provided on the statistical report forms.

67
68 For discussion on how to make corrections necessary as a result of a physical inventory, refer to
69 the instructions for the preparation of the report forms.

70 **INSTRUCTIONS FOR COMPLETION OF CASE INVENTORY**

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72 **New Judge Inventory.**

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74 1. Within three months of the date of initial election or appointment to the court of appeals,
75 court of common pleas, municipal court, or county court, a judge shall complete a physical
76 or electronic case inventory, as applicable, of all pending cases.
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78 2. A case inventory involves actually reviewing the physical case files, if the court maintains
79 paper files, or the electronic case files, if the court maintains electric files through a case
80 management system. A judge decides whether reviewing closed or inactive cases is
81 necessary; however, pending cases must be reviewed. A computer-generated list of
82 pending cases may be used to identify the pending cases which must be physically or
83 electronically retrieved and reviewed.
84
85 3. Once the physical or electronic case files, as applicable, are retrieved, a judge should
86 review each file and do the following:
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88 a. Identify cases in which a conflict of interest exists and therefore must be
89 reassigned to another judge of the court or assigned to a visiting judge;
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91 b. Identify cases that lack a next scheduled event date;
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93 c. Identify cases that should be terminated or closed for purposes of
94 reporting on the Supreme Court of Ohio Statistical Report Form;
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96 d. Identify cases that are ripe for settlement or resolution prior to the
97 scheduled trial date;
98
99 e. Identify cases that have been incorrectly classified on a previous report.
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101 4. A judge shall document completion of the case inventory in the space provided on the
102 applicable statistical report form by indicating the date the most recent case inventory was
103 completed.
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105 5. A judge may amend any report the judge's predecessors previously submitted. For
106 example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are
107 pending that were not previously being reported as such or cases that had been previously
108 reported as pending which in fact have been terminated. In these and similar instances,
109 the report preparer (if other than the judge) should confer with the reporting judge to
110 determine the best solution for resolving the discrepant pending case counts or contact the
111 Case Management Section for assistance. The most important goal is to ensure good
112 quality data going forward.

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114 **Annual Case Inventory.**

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116 1. On or before October 1st each year, a judge shall complete a physical or electronic case
117 inventory, as applicable, of all pending cases.
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119 2. A case inventory involves actually reviewing the physical case files, if the court maintains
120 paper files, or the electronic case files, if the court maintains electric files through a case
121 management system. A judge decides whether reviewing closed or inactive cases is
122 necessary; however, pending cases must be reviewed. A computer-generated list of
123 pending cases may be used to identify the pending cases which must be physically or
124 electronically retrieved and reviewed.
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3. Once the physical or electronic case files, as applicable, are retrieved, a judge should review each file and do the following:
 - a. Identify cases that lack a next scheduled event date;
 - b. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;
 - c. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;
 - d. Identify cases that have been incorrectly classified on a previous report.
4. A judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.
5. A judge may amend any report the judge's predecessors previously submitted. For example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are pending that were not previously being reported as such or cases that had been previously reported as pending which in fact have been terminated. In these and similar instances, the report preparer (if other than the judge) should confer with the reporting judge to determine the best solution for resolving the discrepant pending case counts or contact the Case Management Section for assistance. The most important goal is to ensure good quality data going forward.