

**AMENDMENTS TO THE SUPREME COURT
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (amended Sup.R. 38) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

January 18, 2016	Published for public comment
August 16, 2016	Final adoption by conference
January 1, 2017	Effective date of amendments

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 38. Annual Case Inventory; New Judge Inventory.

(A) Definitions

As used in this rule:

- (1) “Case inventory” means the review of the physical or electronic case files, as applicable, to ensure an accurate count and to evaluate the accuracy of the court’s case management practice.
- (2) “Case file” means the compendium of documents and information in documents submitted to a court or filed with a clerk of court in a judicial action or proceeding.

(B) Requirement

Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court and thereafter annually on or before October 1st, the judge shall be responsible for the completion of a case inventory of all cases reported as pending on the applicable statistical report forms filed by the judge in accordance with the instructions prescribed by the Case Management Section of the Supreme Court. If determined necessary by the judge, the judge may include in the case inventory all cases reported as closed or inactive on the applicable statistical report forms filed by the judge.

(C) Documentation of inventory

A judge shall document completion of a case inventory performed pursuant to division (B) of this rule in the appropriate space on the applicable statistical report forms.

(D) Reporting of discrepancies

A judge shall report corrections of discrepancies found during a case inventory performed pursuant to division (B) of this rule on the next statistical report form filed after the inventory is completed.

RULE 99. EFFECTIVE DATE.

[Existing language unaffected by the amendments is omitted to conserve space]

(XXX) The amendments to Sup.R. 38, adopted by the Supreme Court of Ohio on August 16, 2016, shall take effect on January 1, 2017.

INSTRUCTIONS FOR COMPLETION OF CASE INVENTORY

New Judge Inventory.

1. Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court, the judge shall be responsible for the completion of a physical or electronic case inventory, as applicable, of all pending cases.
2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.
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 in which a conflict of interest exists and therefore must be reassigned to another judge of the court or assigned to a visiting judge;
 - b. Identify cases that lack a next scheduled event date;
 - c. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;
 - d. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;
 - e. 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.

Annual Case Inventory.

1. The judge shall be responsible for annually completing a physical or electronic case inventory, as applicable, of all pending cases.
2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.

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.