**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE**

**FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until January 8, 2013, 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: Stephanie Hess, Manager of the Case Management Section, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or S.Hess@sc.ohio.gov not later than January 8, 2013. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.

2. Language to be deleted appears ~~thus~~.

3. Language to be added appears thus.

**RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

**RULE 37. Statistical Reports and Information.**

**(A) ~~Report~~ Submission of ~~forms; responsibility for submission.~~** ~~Judges~~ **reports in hard-copy format**

Except as provided in division (B) of this rule, the judges of the courts of appeals, courts of common pleas, municipal courts, and county courts shall submit to the Case Management Section of the Supreme Court ~~the following~~ in hard-copy format report forms ~~in the manner specified in this division~~ as required by Sup.R. 37.01 through 37.03. The report forms shall be as prescribed by the manager of the section and submitted no later than the fifteenth day after the close of the reporting period.

**~~(1)~~ ~~Courts of appeal.~~** ~~The following reports shall be prepared and submitted quarterly:~~

~~(a)~~

**(B) Submission of reports in electronic format**

(1)Upon receipt of written notification to a court of appeals, court of common pleas, municipal court, or county court from the manager of the section indicating the section is prepared to receive reports from the court in electronic format, the judges of the court shall submit to the section in electronic format via the Supreme Court website reports as required by Sup.R. 37.01 through 37.03. The reports shall be as prescribed by the manager and submitted no later than the fifteenth day after the close of the reporting period.

(2) The presiding or administrative judge of each court of appeals, court of common pleas, municipal court, or county court to which division (B)(1) of this rule applies shall take steps necessary to ensure the security of the Supreme Court website login credentials.

**RULE 37.01. Courts of Appeals Reports.**

**(A) Presiding judge reports**

The presiding or administrative judge ~~in each appellate district~~ of a court of appeals shall prepare and submit quarterly a completed “Presiding Judge Report,” which shall be a report of the status of all pending cases in the court. If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the presiding or administrative judge and the preparer, if other than the presiding or administrative judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the presiding or administrative judge shall be deemed to have attested to the accuracy of the report.

~~(b)~~

**(B) Judge reports**

Each judge of a court of appeals shall prepare and submit ~~an~~ quarterly a completed “Appellate Judge Report,” which shall be a report of the judge’s work. The report shall be submitted through the presiding or administrative judge ~~and~~ of the court. If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the reporting judge, the presiding or administrative judge, and the preparer, if other than the reporting judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the reporting judge and presiding or administrative judge shall be deemed to have attested to the accuracy of the report.

**~~(2)~~~~Courts of common pleas.~~** ~~The following reports shall be prepared and submitted monthly, except that Form C shall be prepared and submitted quarterly:~~

~~(a)~~

**RULE 37.02. Courts of Common Pleas Reports.**

**(A) Judge reports**

Each judge of a general, domestic relations, or juvenile division ~~and each judge temporarily assigned to~~ of a ~~division by the presiding judge is responsible for~~ court of common pleas shall prepare and submit monthly a completed report of the judge’s work in that division. Each judge of a probate division of a court of common pleas shall prepare and submit quarterly a completed report of the judge’s work in that division. ~~In a multi-judge general, domestic relations, or juvenile division, the reports shall be submitted through the administrative judge. In a multi-judge probate division, the judges shall sign and submit one report of the work in that division. The reports~~ If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the reporting judge and administrative judge shall be deemed to have attested to the accuracy of the report.

~~(b)~~

**(B) Assigned judge reports**

Each judge ~~sitting by assignment of~~ temporarily assigned to a court of common pleas by the Chief Justice of the Supreme Court and each judge of a court of common pleas temporarily assigned to another division of the court by the presiding judge of the court shall prepare and submit monthly a completed report of the judge’s work in the division to which the judge has been assigned. The reports shall be submitted ~~through the administrative judge of the division to which the judge is assigned and~~ to the judge for whom the assigned judge is sitting and included in that judge’s report when submitted to the Case Management Section of the Supreme Court pursuant to division (A) of this rule. If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the reporting judge and administrative judge shall be deemed to have attested to the accuracy of the report.

**~~(3)~~ ~~Municipal and county courts.~~** ~~The following reports shall be prepared and submitted monthly:~~

~~(a)~~

**RULE 37.03. Municipal and County Court Reports.**

**(A) Administrative judge reports**

Each administrative judge of a municipal or county court shall prepare and submit monthly a completed “Administrative Judge Report,” which shall be a report of all cases not individually assigned. If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the administrative judge and the preparer, if other than the administrative judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the administrative judge shall be deemed to have attested to the accuracy of the report.

~~(b)~~

**(B) Individual judge reports**

Each judge of a municipal or county court shall prepare and submit monthly a completed “Individual Judge Report,” which shall be a report of all cases assigned to the individual judge. ~~The report shall be submitted through the administrative judge and~~ If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the reporting judge and administrative judge shall be deemed to have attested to the accuracy of the report.

~~(c)~~

**(C) Assigned judge reports**

Each judge ~~sitting by assignment of~~ temporarily assigned to a municipal or county court by the Chief Justice of the Supreme Court and each judge of a municipal or county court temporarily assigned to another division of the court by the presiding judge of the court shall prepare and submit monthly a completed report of the judge’s work in the division to which the judge has been assigned. The report shall be submitted ~~through the administrative judge of the division to which the judge is assigned and~~ to the judge for whom the assigned judge is sitting and included in that judge’s report when submitted to the Case Management Section of the Supreme Court pursuant to division (B) of this rule. If submitted in hard-copy format pursuant to Sup.R. 37(A), the report form shall contain the signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, attesting to the accuracy of the report. If submitted in electronic format pursuant to Sup.R. 37(B)(1), the reporting judge and administrative judge shall be deemed to have attested to the accuracy of the report.

**~~(4)~~**

**RULE 37.04. Reporting Standards.** ~~The~~

The following standards shall apply in completing the statistical reports required by ~~these rules~~ Sup.R. 37.01 through 37.03:

~~(a)~~(A) In domestic relations cases, motions filed prior or subsequent to a final decree of divorce or dissolution shall be considered part of the original case and reported under the original case number;

~~(b)~~(B) A motion filed in delinquency and unruly cases shall be considered part of the case in which the motion is filed, unless the motion is considered a separate delinquency case under ~~division (B) of section~~ R.C. 2151.02(B) ~~of the Revised Code~~;

~~(c)~~(C) A criminal case and a traffic case arising from the same act, transaction, or series of acts or transactions shall be considered separate cases.

**~~(B)~~**

**RULE 37.05. Capital ~~case reporting~~ Case Reporting.** ~~Each~~

Each judge of a court of common pleas required to submit reports in hard-copy format to the Case Management Section of the Supreme Court pursuant to Sup.R. 37(A) and who is assigned a criminal case in which an indictment or a count in an indictment charges the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in ~~division (A) of section~~ R.C. 2929.04(A) ~~of the Revised Code~~ shall include with the report ~~submitted pursuant to division (A) of this rule~~ form notice, on a form prescribed by the ~~Supreme Court~~ manager of Case Management Section, of any of the following events that occur during the reporting period:

~~(1)~~(A) The assignment of the case to the judge;

~~(2)~~(B) The defendant pleading guilty or no contest to any offense in the case or the dismissal of the indictment or any count in the indictment;

~~(3)~~(C) The final disposition of the charges and specifications in the case. This shall include when the defendant is found guilty of capital charges and specifications, but does not receive the death penalty.

**~~(C)~~**

**RULE 37.06. Public Access to Submitted Reports ~~available for public access when filed~~ and Information.** ~~All~~

All reports ~~required by these rules~~ and information submitted to the Case Management Section of the Supreme Court pursuant to Sup.R. 37 shall be available for public access pursuant to Sup.R 44 through 47 ~~upon filing with the Case Management Section~~. ~~All judges and clerks shall cooperate with the Case Management Section to ensure the accuracy of the reports.~~

**~~(D)~~ ~~Chief Justice; requests for additional information.~~**

**RULE 37.07. Requests for Additional Information; Accuracy of Reports.**

**(A) Chief Justice requests**

The Chief Justice of the Supreme Court or the Chief Justice’s designee may require additional information concerning the disposition of cases and the management of the courts in order to discharge the Chief Justice’s constitutional and statutory duties. All judges, clerks, and other officers of all courts shall furnish ~~the Chief Justice with~~ any requested information ~~requested by the Chief Justice~~.

**(B) Accuracy of reports**

All judges, clerks, and other officers of all courts shall cooperate with the Case Management Section of the Supreme Court to ensure the accuracy of the reports submitted to the section pursuant to Sup.R. 37.

**~~Commentary (July 1, 1997)~~ Staff Notes**

~~The 1997 amendments consolidate in a single rule all requirements for completing and filing court statistical reports. These requirements formerly were contained in C.A. Sup.R. 2, C.P. Sup.R. 5, and M.C. Sup.R. 12. The requirements of an annual physical case inventory and a new judge case inventory have been placed in a new Rule 38.~~

**~~Rule 37(A)(1) Courts of appeal~~**

~~The presiding judge of each appellate district is required to prepare and submit a Presiding Judge Report of the status of all pending cases in his or her the court and is responsible for the completion of an Appellate Judge Report of the work of all assigned judges. The rule also requires each appellate judge to submit a report of the judge’s work. The Appellate Judge Report shall be submitted through the presiding judge. Presiding and Appellate Judge Reports are to be filed on a quarterly basis.~~

**~~Rule 37(A)(2) Courts of common pleas~~**

~~In the general division of the court of common pleas, each judge is required to submit a monthly report on Form A. In a domestic relations division, each judge is required to submit a monthly report on Form B. In a probate division, a quarterly report of all work of the division is required using Form C. In a juvenile division, each judge is required to submit a monthly report on Form D.~~

~~Judges sitting by assignment of the Chief Justice and judges temporarily assigned from another division of the court shall submit a report of their work in the division to which they have been assigned. The report shall be submitted only to the originally assigned judge and the information shall be included on the originally assigned judge’s report, which is sent to the Case Management Section by the administrative judge. An assigned judge may be an active or retired judge.~~

**~~Rule 37(A)(3) Municipal and county courts~~**

**Reports to administrative judge**

Under ~~Rule~~ Sup.R. 4(B)(3), the administrative judge may require reports from each judge as are necessary to discharge the overall responsibility for the administration, docket, and calendar of the court. ~~Rule~~ Sup.R. 38 sets out the duties of the administrative judge with respect to the preparation of reports.

**Municipal and county court reports**

The Administrative Judge Report pertains to cases pending on the docket of the court which have not been individually assigned pursuant to ~~Rule~~ Sup.R. 36. The preparation of this report and the review of cases required by ~~Rule~~ Sup.R. 40 are the principal tools that the administrative judge uses to discharge the responsibilities under ~~Rule~~ Sup.R. 4.

The timely and accurate preparation of the Individual Judge Report and the review of cases required by ~~Rule~~ Sup.R. 40 provide the information necessary for the individual judge to discharge the judge’s duties.

~~Rule 37(A)(3) applies to all judges in multi-judge courts. Each judge is responsible for preparing a report on those cases that have been individually assigned pursuant to Rule 36(C). The Individual Judge Report form is submitted through the administrative judge. The administrative judge checks the report for accuracy and signs it. The signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, attest to the accuracy of the report.~~

~~All judges of single judge courts must prepare and submit both the Administrative Judge Report and the Individual Judge Report. The Administrative Judge Report contains those cases that would not be subject to individual assignment pursuant to Rule 36(C) in a multi-judge court. The Individual Judge Report will contain cases that satisfy the individual assignment criteria of Rule 36(C).~~

~~In a single judge court, separation of the cases for report purposes is necessary to make the statistics reflect the nature of the court’s work. Without this separation the court could not effectively use the information generated by the report and decisions relating to the need for additional judicial resources could not be intelligently made.~~

~~Each assigned judge must submit a report of his or her work. The report is submitted through the administrative judge to assist the administrative judge in fulfilling the administrative judge’s responsibility for case and docket control.~~

For purposes of this reporting requirement, an assigned judge may be an active or retired judge. Additionally, assigned judges, as well as acting judges, report their work in accordance with the instructions regarding the Visiting Judge column.

**~~Rule 37(B) Reports public record when filed.~~**

~~All statistical report forms are public record and are compiled in the annual Ohio Court Summary published by the Supreme Court.~~

**~~Rule 37(C) Reports available for public access when filed.~~**

~~All statistical report forms specified under this rule are available for public access pursuant to Sup.R. 44 through 47 after filing with the Case Management Section and are compiled in the annual Ohio Court Summary published by the Supreme Court.~~

**~~Rule 37(D) Chief Justice; requests for additional information.~~**

~~Under Article IV, Section 5(A)(1) of the Ohio Constitution, the Chief Justice exercises general superintendence power over all courts of the state. In order to facilitate the exercise of this constitutional authority, each judge, clerk, and other court officers shall provide the Chief Justice with any information requested concerning the disposition of cases and the management of the courts.~~

**RULE 38. Annual ~~Physical~~ Case Inventory; New Judge Inventory.**

~~(A)~~

**(A) Annual case inventory**

Except as provided in division (B) of this rule, each judge of a court of appeals, court of common pleas, municipal court, and county court, on or before ~~the first day of~~ October 1st, shall complete an annual ~~physical~~ case inventory of all cases reported as pending on the applicable statistical report ~~forms filed~~ submitted by the judge to the Case Management Section of the Supreme Court pursuant to Sup.R. 37.

~~(B)~~

**(B) New judge inventory**

A judge, when initially elected or appointed to ~~the~~ a court of appeals, court of common pleas, municipal court, or county court, shall complete a ~~physical~~ case inventory within three months of the date on which the judge first takes office. Subsequent annual ~~physical~~ case inventories shall be completed on or before ~~the first day of~~ October 1st of each ensuing year.

~~(C)~~

**(C) Documentation of inventory**

~~Completion~~ A judge shall document completion of the ~~physical~~ case inventory required by divisions (A) and (B) of this rule ~~shall be documented in~~ on the ~~appropriate space on the~~ applicable statistical report ~~forms~~ submitted by the judge to the section pursuant to Sup.R. 37.

**~~Commentary (July 1, 1997)~~ Staff Notes**

~~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.R. 12(E), except that the date by which the inventory must be completed is changed from September 1 to October 1.~~

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

**Process for case inventory of hard-copy case files**

~~A physical~~ In jurisdictions where hard-copy case files exist, a case inventory involves ~~actually~~ physically reviewing case files to ensure an accurate count of pending cases. A judge decides whether physically checking closed or inactive cases is necessary; however, pending cases must be reviewed.

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

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

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

**Process for inventory of electronic case files**

In jurisdictions where hard-copy case files do not exist and the court solely uses electronic case files, a case inventory may be completed by using a computer-generated list of pending cases in comparison to each case’s electronic documents.

**RULE 42. Complex Litigation--Court of Common Pleas.**

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**(C) Time; reporting.** A designation of a case as complex litigation pursuant to division (A) or (B) of this rule shall be made within six months of the date on which the case was filed. If a case is designated as complex litigation, the judge shall submit to the Case Management Section of the Supreme Court a report specifying the reasons for the designation of the case as complex litigation. The judge shall include the case ~~shall be reported on Supreme Court Report Form A~~ in the statistical report submitted pursuant to Sup.R. 37.02(A) under the category of complex litigation ~~and given~~. The judge shall have thirty-six months from the date of filing to ~~be terminated~~ terminate the case.

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**~~Commentary (January 1, 1996 Amendment)~~**

~~Two significant changes have been made to this rule pertaining to complex litigation. First, counsel and the trial judge are in the best position to assess the factors set forth in division (A)(1) to (7) of the rule and determine whether the case merits designation as complex litigation. Accordingly, the process of designating a case as complex litigation is revised to allow an attorney, with the consent of his or her client, to make a request and to have the designation made by the trial judge. The trial judge also may designate a case as complex litigation without a request from counsel. Through Sup.R. 4 and by reviewing and signing Common Pleas Report Form A, the administrative judge of the general division will continue to monitor complex litigation determinations and ensure uniform application of the criteria throughout the division. If the trial judge is considering the designation of a case as complex litigation without a request from counsel, he or she should inform the parties of that fact and the significance of the designation. Once a determination has been made, the judge should notify the parties.~~