

## INSTRUCTIONS FOR PREPARATION OF STATISTICAL REPORT FORMS

### MUNICIPAL AND COUNTY COURTS — ADMINISTRATIVE JUDGE REPORT

#### I. MATHEMATICAL ACCURACY AND CONSISTENCY

1. **Month to Month Consistency.** The number of cases reported as pending at the end of any reporting period must equal the number of cases reported as pending at the beginning of the next reporting period.
2. **Correction of Reporting Errors.** Errors may be corrected using the eStats process but only for the most recently-submitted report. To submit an amendment to a previously-submitted report, email the completed Excel template to the Case Management Section at [casemgmt@sc.ohio.gov](mailto:casemgmt@sc.ohio.gov).

Where an error cannot be traced to a specific report period, adjustments shall be made on the current report form.

#### II. USE OF ADMINISTRATIVE JUDGE REPORT

Each administrative judge of the municipal or county court is required to complete the Administrative Judge Report (Form AJ). Form AJ shall be completed monthly and submitted via eStats to the Case Management Section. The form must be received by the fifteenth day of the next month.

All new cases are reported on Form AJ. Pursuant to Sup.R. 36.014(A), Assignment of Individual Judge or Particular Session, cases in a multi-judge municipal or county court may be assigned to a particular session. A particular session of court is one in which cases are assigned by subject category rather than by the individual assignment system. Cases assigned to a particular session must be reported on Form AJ. See Line 7, Transfers, for more information about when to transfer a case from Form AJ to Form IJ.

The following subject categories may be disposed of by particular session and reported on Form AJ only:

1. Civil cases in which a motion for default judgment is made;
2. Criminal cases in which a plea of guilty or no contest is entered;
3. Initial appearance in criminal cases;
4. Preliminary hearings in criminal cases;
5. Criminal cases in which an immediate trial is conducted upon initial appearance;
6. Small claims cases;
7. Forcible entry and detainer cases in which the right to trial by jury is waived or not demanded.

### III. CALCULATION OF TIME

For purposes of calculating the time a case has been pending use the chart below. Refer to Form AJ or IJ for each case type's time standard. The time standard is located on Form AJ above Line 16 and on Form IJ above Line 19.

If a case is placed on inactive status (using Unavailability of Party or Bankruptcy Stay or Interlocutory Appeal) the time will stop until the tolling event is concluded. Upon the conclusion of the tolling event, the case is reactivated on Line 3 and time resumes again.

**For purposes of calculating the time a case has been pending when a case is transferred from Form AJ to Form IJ, the starting date remains unchanged and time continues to toll.** For example, a misdemeanor case arraigned on July 1 begins to toll from that date. If the defendant enters a not guilty plea at arraignment causing the case to be transferred from Form AJ to Form IJ, the starting date for calculating time remains July 1.

| Form AJ/IJ Case Type                    | Time Starts  | Time Ends   |
|---|--|---|
| Felony                                  | Upon initial appearance in municipal or county court       | Upon the bindover by preliminary hearing or transfer (including waiver of preliminary hearing) to another court or dismissal at preliminary hearing |
| Misdemeanors, O.V.I., and Other Traffic | Not later than upon arraignment or waiver of arraignment   | Upon the journalization of sentencing entry or transfer to another court  |
| Civil                                   | Upon the filing of the complaint or other initial pleading | Upon the journalization of the judgment entry or transfer to another court or referral to private judge   |

### IV. EXPLANATIONS AND DEFINITIONS

#### A. Case Type Categories – Definitions

When a civil case may be reported in more than one category, it shall be reported only in the category that represents the principal issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once. Court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

If subsequent pleadings or case activity indicate that an incorrect classification initially was made, the case should be terminated on Line 13, Other Terminations, and redesignated on Line 3 in the proper column.

1. **Felonies – Column A.** This category is used to report felony cases defined by R.C. 2901.02 and Crim.R. 2 as an offense specifically classified as a felony, regardless of penalty, or any offense for which imprisonment of more than one year can be imposed.

2. **Misdemeanors – Column B.** This category is used to report misdemeanor cases defined by R.C. 2901.02 and Crim.R. 2 as an offense specifically classified as a misdemeanor, or an unclassified offense for which imprisonment of not more than one year can be imposed. Violations of state law as well as local ordinances satisfying this definition, except those that should be reported in Columns C and D, should be reported in Column B.

O.V.I. and Other Traffic cases are never reported in Column B, Misdemeanors.

Misdemeanor cases that are disposed of by a Violations Bureau established by Crim.R. 4.1 and Sup.R. 18 shall be reported in Column B, Misdemeanors.

3. **O.V.I. – Column C.** This category is used to report O.V.I. (Operating a Vehicle Under the Influence of Alcohol or Drugs) cases defined by R.C. 4511.19, 4511.194 or any local ordinance that similarly prohibits operating a vehicle while under the influence of alcohol or any drug of abuse.

Felony O.V.I. cases shall be reported in Column A, Felonies.

4. **Other Traffic – Column D.** This category is used to report Other Traffic cases defined as any violation of state law or local ordinance arising out of the use of any type of vehicle that generally is used on the roads of the state, except an offense that charges a violation of R.C. 4511.19 (O.V.I.) or any local ordinance that prohibits the operation of a vehicle while under the influence of alcohol or any drug of abuse.

When an accused is charged with an offense classified as a misdemeanor by R.C. Chapter 29 and the use of a motor vehicle is a critical element of that case, that case will receive a TR-D case number and will be reported in Column D. Vehicular homicide is an example of this situation.

Traffic cases that are disposed of by a Violations Bureau shall be reported in Column D, Other Traffic.

Parking violations of any type, even if contested, are not reported on this report form.

5. **Multiple Cases Arising from the Same Act or Transactions or Series of Acts or Transactions.**<sup>1</sup>

**Criminal Cases and O.V.I. Cases:** When an accused is charged with offenses arising from the same act or transaction or series of acts or transactions classifiable under both Column B, Misdemeanors, and Column C, O.V.I., the offenses shall be reported as separate cases with separate case numbers under each column.

**Criminal Cases and Traffic Cases:** When an accused is charged with offenses arising from the same act or transaction or series of acts or transactions classifiable under both Column B, Misdemeanors, and Column D, Traffic, the offenses shall be reported as separate cases with separate case numbers under each column.

**O.V.I. Cases and Traffic Cases:** When an accused is charged with offenses arising from the same act or series of acts or transactions classifiable under both Column C, O.V.I., and Column D, Traffic, the offenses shall be reported as a single case only in Column C.

6. **Personal Injury and Property Damage – Column E.** This category is used to report cases where the principal issue is liability or damages for allegedly tortious conduct resulting in personal injury, property damage, or both.

7. **Contracts – Column F.** This category is used to report cases where the principal issue is liability or damages for breach of a contract. Contracts include cases that involve liability on promissory notes or cognovit notes or collection of accounts due.

8. **F.E.D. – Column G.** This category is used to report Forcible Entry and Detainer cases initiated under R.C. Chapter 1923. or 5321.

Where the court exercises its option under R.C. 1923.081 to separate the action for eviction from the action for damages to the leased property, the case must be reported as one case and terminated at the conclusion of both actions. The termination category shall be that which reflects the prominent action taken by the court. For example, if the first cause of action results in a trial but the second cause of action is dismissed, the case is to be reported terminated as a trial.

Concerning **rent escrow**, the deposit of rental payments with the clerk of court pursuant to R.C. 5321.07(B)(1) is not reported in Column G or anywhere else on the report form. The application for release of deposited rent pursuant to R.C. 5321.09(A)(1) should be reported in Column G.

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<sup>1</sup> For further information see Sup.R. 43 and its Comment for a discussion of the case numbering system used when an accused is charged with two or more offenses that fall into different classifications, and therefore could be reported in different columns.

9. **Other Civil – Column H.** This category is used to report all other cases that are not appropriately reported in the specific civil categories of Columns E, F, and G. Cases reported in this column would include, but are not limited to, Applications for Appointment of Trustee pursuant to R.C. 2329.70 and Transfers of Judgment.

The majority of these cases will be terminated within a relatively short period of time and reported on Line 13, Other Terminations.

Requests for driving privileges shall not initiate a new separate case if a related case can be found in the court. If the related case has been terminated, the case does not need to be reopened for reporting purposes.

10. **Small Claims – Column I.** This category is used to report any civil case initiated under the provisions of R.C. 1925. Refer to the report line definition for Line 7, Transfer, where Small Claims cases are assigned to an individual judge.
11. **Total – Column T.** This column shows the sum of cases in Columns A through I that are on any horizontal line of the form. An entry should appear on each line of this column except line 17, Number of Months Oldest Case is Beyond Time Guideline. If no activity is reported in any column on a line, a zero should appear in the Total column for that line.

## B. Report Lines – Definitions

Each line on Form AJ is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry. The following definitions describe the types of case activity that should be reported on each line.

1. **Pending Beginning of Period – Line 1.** All cases pending at the beginning of the reporting period must be reported in the appropriate column on this line. Line 1 must be the same as Line 15, Pending End of Period, of the Form AJ filed for the preceding month.
2. **New Cases Filed – Line 2.** All new cases filed in the court during the month must be reported in the appropriate column on this line.

Special Provisions for New Cases Filed with the Court:

- a. **Mayor’s Court Transfers:** A Misdemeanor, O.V.I., or Other Traffic case transferred to a municipal court from a mayor’s court shall be reported as a New Case Filed, Line 2. To calculate the length of time a case transferred from a mayor’s court to the municipal court has been pending, the starting date is the date the case was filed in the municipal court as a New Case Filed.
- b. **Felony to Misdemeanor:** Where a Felony case is filed and the court, at the preliminary hearing, finds probable cause exists to believe that *only* a misdemeanor was committed, the felony case is reported as terminated on Line 9, Other Dismissals, and a new misdemeanor case is created and reported on Line 2, New Cases Filed. The misdemeanor shall receive a new

case designator with a CR-B designation, TR-C designation, or TR-D designation as applicable. See example in the commentary to Sup.R. 43.

If misdemeanor charges already existed as a result of the same act or series of acts, the misdemeanor charges will be consolidated.

**3. Cases Transferred In, Reactivated, or Redesignated – Line 3.**

- a. **Transferred in:** A case previously assigned to another court and transferred to the reporting court is reported in the appropriate column on Line 3. Judgments transferred from another court are reported on Line 3 and may receive a new case number.

If a case is transferred in from another court, the calculation of time begins upon that transfer in the same manner as an ordinary new filing in the transferee court.

- b. **Misdemeanors Transferred from Common Pleas Court:** A misdemeanor case, previously transferred as part of a bindover with an accompanying felony case, is reported in the appropriate column on Line 3. The case should retain its original case number. For purposes of calculating the time a case has been pending, time begins upon arraignment or waiver of arraignment.

- c. **Reactivated:** All cases previously terminated other than on the merits of the case (i.e., place on inactive reporting status) are reported in the appropriate column on Line 3 during any month in which they are reactivated for further proceedings.

Parole violations, judicial release, probation violations, or other post-dispositional actions in criminal cases *are not counted* as new or reactivated cases for reporting purposes.

See below for special instructions concerning the calculation of case age.

- i. **Reactivation (following remand):** If a case previously disposed is reactivated because the Supreme Court or a court of appeals has remanded the case back to the trial court for further proceedings, the calculation of time following that remand starts over as if the case was a new filing in that court.

- ii. **Previous Unavailability of Party:** A case previously terminated on Line 11, Unavailability of Party, is reactivated on Line 3 if the person subsequently becomes available. The indicated time period for termination is suspended for the period of time in which a person is unavailable for a hearing.

For example, the court may terminate a case on Line 11, Unavailability of Party, when the court receives notice that a criminal defendant has failed to appear for a hearing and issues a

capias. That case is reactivated on Line 3 when the court receives notice that the accused is available to appear.

- iii. **Bankruptcy Stay or Interlocutory Appeal:** A case previously placed on inactive reporting status on Line 12 after the filing of an interlocutory appeal or after a bankruptcy stay is issued is reactivated on Line 3 when the case is remanded or the stay is removed. The indicated time period for termination is suspended for the period of time in which the appeal or bankruptcy stay is pending.

For example, the court may terminate a case on Line 12, Bankruptcy Stay or Interlocutory Appeal, when the court receives notice of the filing of the interlocutory appeal. The case is reactivated on Line 3 when the court receives notice that the case is remanded.

- d. **Redesignated:** A case may initially be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 16, Other Terminations, and reported as a redesignated case in the appropriate column on Line 3.

To calculate the length of time the redesignated case has been pending, the starting date should be the date the case was originally filed (civil) or the defendant was arraigned (criminal).

For example, a case may be filed and reported in Column H, Other Civil. Subsequently, it may become apparent that the case meets the criteria of a contract case. In that situation, the case would be reported as terminated on Line 16, Other Terminations, Column H, and entered as a redesignated case in Column F, Contracts, on Line 3.

- 4. **Total – Line 4.** The sum of Lines 1, 2, and 3 in each column is reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through I must equal the sum of Lines 1, 2, and 3 in Column T.
- 5. **Trial/Hearing by Judge – Line 5.** This line is used to report cases terminated as the result of a trial or hearing before a judge.
  - a. **Felony** cases in which the accused is bound over to a grand jury as a result of a preliminary hearing are reported on Line 5.
  - b. Any **Misdemeanor, O.V.I., or Other Traffic** case in which the accused enters a guilty or no contest plea and is sentenced is reported on Line 5.
  - c. **Default judgments** on any Personal Injury & Property Damage, Contracts, F.E.D., Other Civil or Small Claims cases are reported on Line 5.

6. **Hearing by Magistrate – Line 6.** This line is used to report any case terminated by a magistrate. These cases are considered terminated when the judgment entry adopting the decision of the magistrate is journalized.

Although Civ.R. 53 and Crim.R. 19 permit a judge to immediately adopt a magistrate's decision, the case shall not be reported as disposed on Line 6 until either the 14-day objection period has elapsed or the parties have waived their right to object. If an objection is timely filed, the case remains open until a final judgment entry is journalized.

- a. Any **Misdemeanor, O.V.I., or Other Traffic** case in which the accused enters a guilty or no contest plea and is sentenced is reported on Line 6.
  - b. **Default judgments** on any Personal Injury & Property Damage, Contracts, F.E.D., Other Civil or Small Claims cases are reported on Line 6.
7. **Transfer – Line 7.** This line is used to report any case that is transferred to another court, including another the court of another county or the federal court system, or individually assigned to a judge in accordance with Sup.R. 36.011.
- a. **Felony** cases in which the accused is bound over to a grand jury because of a waiver of a preliminary hearing are reported on Line 7.
  - b. **Misdemeanor, O.V.I., and Other Traffic** cases in which the accused has entered a plea of not guilty and that must be individually assigned pursuant to Sup.R. 36.011 are reported on Line 7.
  - c. **Personal Injury & Property Damage, Contracts, F.E.D., and Other Civil** cases individually assigned to a judge in accordance with Sup.R. 36.011 are reported on Line 7.
  - d. **Small Claims** cases transferred to an individual judge pursuant to R.C. 1925.10 are reported on Line 7.
  - e. **Misdemeanor** cases, other than a minor misdemeanor, arising from the same act or transaction involving a felony which is being bound over to a grand jury, pursuant to Crim.R. 5(B)(1) are reported on Line 7.
8. **Dismissal for Lack of Speedy Trial (Criminal) or Want of Prosecution (Civil) – Line 8.** This line is used to report criminal cases that are dismissed for failure of the accused to receive a speedy trial pursuant to R.C. 2945.73 and civil cases dismissed for want of prosecution pursuant to Civ.R. 41(B)(1).
9. **Other Dismissals – Line 9.** This line is used to report any case that is dismissed with or without prejudice and not appropriately reported on another line. Felony cases dismissed for future indictment or direct indictment are included on this line.
10. **Violations Bureau – Line 10.** This line is used to report Misdemeanor and Other Traffic cases that are disposed of by payment to a violations bureau.



- 11. Unavailability of Party – Line 11.** This line is used to report cases that are terminated for reporting purposes because of the unavailability of a party for a hearing. For example, a party may be unavailable because of mental status, incarceration on other charges, or flight from prosecution or custody. The failure of the accused to appear at the time the case is set for trial or hearing does not, in itself, warrant termination by reason of unavailability. A case is placed on inactive status on Line 11 only when the judge, in the exercise of discretion, determines that there is little likelihood that a party will be available for a hearing within a reasonable period of time.

The case is reactivated on Line 3 when the court receives notice that the party is available to appear. The indicated time period for termination is suspended for the time the party is unavailable.

Further examples of situations or conditions permitting the placement of a case on inactive status on Line 11 include the following:

- a. **Capias or Warrant Issued:** Cases in which a capias or warrant has been issued for failure to appear.
- b. **Case Transferred to Certified Specialized Docket:** Cases which have been transferred to a certified specialized docket may be terminated for reporting purposes on Line 11, Unavailability of Party, during the completion of the specialized docket program if the person has not been sentenced. Upon the completion or termination of such program, the case is reactivated on Line 3 and time calculation resumes until the final disposition is reported.

To calculate the length of time a case has been pending where a defendant enters a specialized docket program, the starting date should be the date the defendant was arraigned, less the time the case was placed on inactive status for completion of such program.

- c. **Cases Referred to Diversion or Granted Intervention in Lieu of Conviction (ILC):** Cases in which the defendant enters a diversion program or is granted intervention in lieu of conviction may be reported on Line 11, Unavailability of Party for Trial, while diversion or treatment is taking place. Upon the completion or termination of such program, the case is reactivated on Line 3 and time calculation resumes until the final disposition is reported.

To calculate the length of time a case has been pending where a defendant enters a diversion program or treatment program in lieu of conviction, the starting date is the date the defendant was arraigned, less the time the case was placed on inactive status for completion of such program.

- d. **Military Service:** Cases in which a person has been called to active military service in the uniformed services, as defined in R.C. 3119.77, may be

placed on inactive status during the time of active duty. Cases are reactivated upon the court's receipt of notice of the conclusion of active service.

- e. **Cases Referred to Dispute Resolution:** Cases in which the parties are court ordered to engage in a dispute resolution process, or upon notice that the parties are voluntarily mediating their dispute pursuant to the Uniform Mediation Act and Sup.R. 16, may be placed on inactive status on Line 11, Unavailability of Party.

For purposes of calculating the time standard, time is permitted to toll for no more than 60 days during the life of the case. Cases are to be reactivated on Line 3 immediately upon the court receiving notice of the conclusion of the dispute resolution process or at the conclusion of the 60-day period, whichever comes first. Upon the conclusion of the tolling event, time calculation resumes.

Courts are strongly encouraged to utilize a tickler system in their case management system to monitor the 60-day period and should receive regular status reports to monitor cases in the dispute resolution process.

**Note:** The parties may continue to engage in the dispute resolution process after the 60-day tolling period has passed, however the case must be returned to active status at the conclusion of this time period and time will continue to be counted with regard to the time standard.

**Example:** Parties have a case that is 1 month old. At a status conference, the court orders the parties to engage in mediation. The case is placed on inactive status on Line 11, Unavailability of a Party, and time begins to toll. After 60 days, the parties indicate to the court they may be close to a resolution but need more time. The case is reactivated on Line 3 because the 60-day tolling period has concluded however the court may allow the parties to continue mediation after the case is returned to the active docket. For purposes of calculating the age of this case, the time begins where the case left off at 1 month old until the case is resolved.

- f. **Outcome of Current Case Dependent on Another Case:** Cases that cannot be resolved due to a related pending case or cases may be placed on inactive status on Line 11, Unavailability of Party. The inactivated case must be directly affected by the other pending case(s). Upon the conclusion of the tolling event, the case is reactivated on Line 3 and time calculation resumes.

**Examples:**

- i. **Co-Defendants.** A case may be placed on inactive status when a co-defendant has agreed to testify in a pending trial of another case.

Upon the conclusion of the tolling event, the case is reactivated on Line 3 and time calculation resumes.

- ii. **Multiple Cases.** Where a defendant has both a criminal and civil case arising out of the same incident and both are pending in a trial court, the court may place the civil case on inactive status until the criminal case is resolved. Upon the conclusion of the tolling event, the case is reactivated on Line 3 and time calculation resumes.

**Note:** Cases shall not be placed on inactive status pending the outcome of an unrelated case in a court of appeals.

The placement of a case on inactive status on Line 11 is **not** permitted for **Failure of Service**. Cases in which service has failed are not reported on Line 11 or otherwise placed on inactive status.

- 12. **Bankruptcy Stay or Interlocutory Appeal – Line 12.** This line is used to report cases in which a bankruptcy stay has been issued or an interlocutory appeal taken. If the bankruptcy stay is removed or the case is remanded, the case is reactivated on Line 3. The indicated time period for termination is suspended for the period the stay is effective or the appeal is pending.

- 13. **Other Terminations – Line 13.** This line is used to report cases terminated in any manner not specifically required to be reported on Lines 5 through 12.

The use of this termination line is rare, however it is permitted in the following instances:

- a. **Clerical Adjustment:** This line is used as a means to decrease, as needed, the court's count of active cases going forward.
- b. **Consolidation:** When the court consolidates two or more cases for inclusion of compulsory counterclaims or compulsory joinder of parties or other proceedings common to consolidated cases, the surviving case shall be the earliest filed case unless otherwise required by law and the other case(s) shall be terminated for statistical reporting purposes only. The terminated case is reported on Line 13.
- c. **Summary Judgment:** A summary judgment disposing of all claims in the case shall be reported on Line 13.
- d. Cases listed under **Column, H, Other Civil** where applicable.
- e. **Agreed Judgment Entries or Consent Agreements:** Agreed entries disposing of all claims in the case shall be reported on Line 13.

- 14. **Total – Line 14.** The sum of Lines 5 through 13 is reported on Line 14. When added horizontally, the sum of Columns A through I reported in Column T on this line must equal the sum of Lines 5 through 13 in Column T.

- 15. Pending End of Period – Line 15.** This line is used to report the number of cases pending at the close of business on the last day of the reporting period. This figure is obtained by subtracting Line 14, Total terminations from Line 4, Total cases.
- 16. Cases Pending Beyond Time Guideline – Line 16.** This line is used to report the number of cases pending for a period of time in excess of the applicable time standard. If at least one case is reported on Line 16 as pending beyond the time standard, a number indicating the length of time the oldest case has been pending must be reported on Line 17, Number of Months Oldest Case is Beyond Time Guideline. The time standard for each category of case is indicated on the line immediately above Line 16. To calculate the length of time a case has been pending, the starting date is the date the case was originally filed (civil) or the defendant was arraigned (criminal).
- 17. Number of Months Oldest Case is Beyond Time Guideline – Line 17.** This line is used to report the number of months that the oldest case reported on Line 16, Cases Pending Beyond Time Guideline, in each category is pending beyond the applicable time standard. This is the only line on the report that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time standard. To calculate the length of time a case has been pending, the starting date is the date the case was originally filed (civil) or the defendant was arraigned (criminal).

For example, a misdemeanor case in which the defendant was arraigned on January 15, 2015 is 180 days old on July 14, 2015. On July 31, if the case remains pending, it shall be reported in the July report as pending beyond the six-month time standard. Thus, if this were the only case pending beyond the time standard at the close of the July reporting period, Line 17 would reflect a “1”, or one month, pending beyond the time standard.