

INSTRUCTIONS FOR PREPARATION OF STATISTICAL REPORT FORMS

MUNICIPAL AND COUNTY COURTS — INDIVIDUAL 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.

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

II. USE OF INDIVIDUAL JUDGE REPORT

Each judge of the municipal or county court responsible for the disposition of cases is required to complete the Individual Judge Report (Form IJ). Form IJ 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.

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
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 16, Other Terminations, and redesignated on Line 3 in the proper column.

- 1. 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.

- 2. 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.
- 3. 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.

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

4. Multiple Cases Arising from the Same Act or Transactions or Series of Acts or Transactions.¹

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, Misdemeanor, 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, Misdemeanor, 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 transaction 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.

5. 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.

6. 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.

7. F.E.D. – Column G. This category is used to report Forcible Entry and Detainer cases initiated under the provisions of 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

¹ 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.

the report form. The application for release of deposited rent pursuant to R.C. 5321.09(A)(1) should be reported in Column G.

8. **Other Civil Cases – 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 16, 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.

9. **Total – Column T.** This column shows the sum of cases in Columns B through H that are on any horizontal line of the form. An entry should appear on each line of this column except line 20, 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.

10. **Visiting Judge – Column V.** This column is used to report the activity of retired assigned judges, or judges assigned from another division of the court, or from another court, who have presided during the reporting period over cases originally assigned to the reporting judge.

a. **Visiting Judges Assigned by Chief Justice (Recusal):** Where the originally-assigned judge has recused from a case and the Chief Justice has assigned a visiting judge to preside over it, the case shall be terminated on Line 12, Transfer to Another Judge or Court, and redesignated on Line 3 in Column V. The case is disposed of in Column V, only. To calculate the length of time the redesignated case has been pending, the starting date is the date the case was originally filed (civil) or the defendant was arraigned (criminal).

b. **Visiting Judge Assisting:** When a judge, other than the originally-assigned judge has assisted in cases on the docket of the originally-assigned judge, those cases in which the visiting judge assisted shall be reported on the originally-assigned judge's statistical report both in the appropriate Columns B – H and in Column V. An example where cases would be reported in this manner is when a judge is on vacation and a visiting judge has been assigned for a period of time or where a court uses a visiting judge to assist with an overburdened docket.

The statistical report filed with the Case Management Section would thus include all of the activity of the originally-assigned judge, as well as all activity performed by the visiting judges who assisted the originally-assigned judge during the reporting period. In these situations, no related

entries may appear in Column V for Lines 1 through 4 and 18 through 21, because the cases were never assigned to the visiting judges. Therefore, the visiting judge's only reportable statistics would be counts of cases terminated by them during the time they provided assistance with management of the originally-assigned judge's docket.

B. Report Lines – Definitions

Each line on Form IJ 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 18, Pending End of Period, of the Form IJ filed for the preceding month.
- 2. New Cases Assigned – Line 2.** All cases assigned to the reporting judge during the month must be reported in the appropriate column on this line. 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, traffic, and O.V.I.).
- 3. Cases Transferred In, Reactivated, or Redesignated – Line 3.**
 - a. **Transferred in:** A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on Line 3. For example, Line 3 is used when the reporting judge receives a case because of the recusal or disqualification of the originally-assigned judge. **Line 3 is not used to record those cases transferred from Form AJ to the assigned judge.**

To calculate the length of time the transferred case has been pending see below:

- i. **Transfers in from Another Court:** 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.
 - ii. **Transfers in from Another Judge of the Court:** If a case is transferred from one judge to another within the same court the transfer does not impact the continued aging of that case. The starting date for the calculation of time is the date the case was originally filed (civil) or the defendant was arraigned (criminal, traffic, and O.V.I.).
 - b. **Reactivated:** All cases assigned to a judge that previously have been 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 14, 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 14, 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 15, Bankruptcy Stay or Interlocutory Appeal, 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 15, 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.

c. **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 is 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 B through H must equal the sum of Lines 1, 2, and 3 in Column T.
5. **Jury Trial – Line 5.** This line is used to report all cases in which a jury has been impaneled and judgment is entered whether or not a verdict is returned by the jury. Thus, a civil case that is settled or dismissed after the jury has been impaneled or a criminal case in which the defendant changes his or her plea or that is dismissed after the jury has been impaneled is reported on Line 5 at the conclusion of the proceedings.

In the event of a hung jury, the case shall remain pending for statistical reporting purposes until such time as a final disposition occurs. Such final disposition may be reported on Line 5, regardless of whether the case was retried.

6. **Court Trial – Line 6.** This line is used to report cases that are terminated as a result of a court trial. A case is considered terminated by court trial if judgment is rendered after the first witness has been sworn. Thus, a civil case that is settled or dismissed after the first witness has been sworn, or a criminal case in which the defendant changes his or her plea or that is dismissed after the first witness has been sworn, is reported on Line 6 at the conclusion of the proceedings.
7. **Default – Line 7.** This line is used to report the cases in each category that have been individually assigned pursuant to Sup.R. 36.011 and in which judgment by default has been rendered. This line applies only to civil cases.
8. **Guilty or No Contest Plea to Original Charge – Line 8.** This line is used to report cases in which the accused has entered a plea of guilty or no contest to all of the charges contained in the charging instrument.

If either a jury or witness is sworn prior to the entry of the plea, the case is reported in the appropriate column on Line 5, Jury Trial, or Line 6, Court Trial. Civil cases disposed by default judgment are reported on Line 7, Default.

9. **Guilty or No Contest Plea to Reduced Charge – Line 9.** This line is used to report cases in which the accused has entered a plea of guilty or no contest to a charge or charges with less than the total potential penalties contained in the original charging instrument.

If either a jury or witness is sworn prior to the entry of the plea, the case is reported in the appropriate column on Line 5, Jury Trial, or Line 6, Court Trial. Civil cases disposed by default judgment are reported on Line 7, Default.

- 10. Dismissal for Lack of Speedy Trial (Criminal) or Want of Prosecution (Civil) – Line 10.** 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.
- 11. Other Dismissals – Line 11.** This line is used to report any case that is dismissed with or without prejudice and not appropriately reported on another line.
- 12. Transfer to Another Judge or Court – Line 12.** This line is used to report cases transferred from the originally-assigned judge to another judge in the same or another court or to a judge in another division of the court or to a visiting judge.
- a. **Visiting Judge Assigned by Chief Justice:** Where a judge, other than the originally-assigned judge has been assigned by the Chief Justice to preside over an individual case, the case shall be terminated on Line 12, and redesignated on Line 3 in Column V. The case is disposed of in Column V only. To calculate the length of time the redesignated case has been pending, the starting date is the date the case was originally filed (civil) or the defendant was arraigned (criminal). A case where all the judges of a particular court have recused and a request has been made to the Chief Justice for a visiting judge is an example of case that would be reported in this manner.
- b. **Internal Transfer:** Where a case is reassigned to another judge of the court, the case shall be terminated on Line 12, on the originally-assigned judge’s statistical report. The case is then redesignated on Line 3 in the appropriate column on the newly assigned judge’s statistical report.
- To calculate the length of time the newly assigned case has been pending, the starting date is the date the case was originally filed (civil) or the defendant was arraigned (criminal).
- c. **External Transfer:** Where a case is transferred to another county or the federal court system, the case shall be terminated on Line 12, Transfer to Another Judge or Court.
- 13. Referral to Private Judge – Line 13.** This line is used to report cases transferred from the reporting judge to a private judge in accordance with the provisions of R.C. 2701.10 and Gov.Jud.R. VI. Cases transferred to a visiting judge are not reported on Line 13.
- 14. Unavailability of Party – Line 14.** 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 14 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 14 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 14, 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:** Cases in which the defendant enters a diversion program or is granted intervention in lieu of conviction may be reported on Line 14, 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. **Cases Pending Restoration to Competency:** Cases in which a person is found not competent but restorable pursuant to R.C. 2945.38 may be placed on inactive status on Line 14 upon the order for restoration. Upon the court's receipt of the determination that the defendant has been restored or has failed to be restored to competency, the case is reactivated on Line 3 and time calculation resumes until the final disposition is reported.
- e. **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.

- f. **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 14, 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.

- g. **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 14, 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 14 is **not** permitted for **Failure of Service**. Cases in which service has failed are not reported on Line 14 or otherwise placed on inactive status.

- 15. **Bankruptcy Stay or Interlocutory Appeal – Line 15.** 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.

- 16. **Other Terminations – Line 16.** This line is used to report cases terminated in any manner not specifically required to be reported on Lines 5 through 15.

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 16.
 - c. **Summary Judgment:** A summary judgment disposing of all claims in the case shall be reported on Line 16.
 - 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 16.
- 17. **Total – Line 17.** This line is used to report the sum of Lines 5 through 16. When added horizontally, the sum of Columns B through H reported in Column T on this line must equal the sum of Lines 5 through 16 in Column T.

- 18. Pending End of Period – Line 18.** This line is used to report the number of cases pending at the close of business on the last day of the reporting period is reported. This figure is obtained by subtracting Line 17, Total terminations from Line 4, Total cases.
- 19. Cases Pending Beyond Time Guideline – Line 19.** 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 19 as pending beyond the time standard, a number indicating the length of time the oldest case has been pending must be reported on Line 20, 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 19. 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).
- 20. Number of Months Oldest Case is Beyond Time Guideline – Line 20.** This line is used to report the number of months that the oldest case reported on Line 19, 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, category B, 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 20 would reflect a “1”, or one month, pending beyond the time standard.
- 21. Cases Submitted Awaiting Sentencing or Judgment Beyond Time Guideline – Line 21.** This line is used to report the number of cases pending beyond the applicable time standard, as reported on Line 19, Cases Pending Beyond Time Guideline, that have been submitted to the reporting judge and are awaiting the final judgment or sentencing. Cases pending beyond the applicable time standard for any other reason are not included on Line 21.