



THE SUPREME COURT *of* OHIO

Ohio Courts STATISTICAL SUMMARY



2008



# THE SUPREME COURT *of* OHIO

2008

OHIO COURTS STATISTICAL SUMMARY



**THOMAS J. MOYER**

CHIEF JUSTICE

**PAUL E. PFEIFER**

**EVELYN LUNDBERG STRATTON**

**MAUREEN O'CONNOR**

**TERRENCE O'DONNELL**

**JUDITH ANN LANZINGER**

**ROBERT R. CUPP**

JUSTICES

**STEVEN C. HOLLON**

ADMINISTRATIVE DIRECTOR

# JUDICIAL & COURT SERVICES DIVISION

**DOUGLAS R. STEPHENS**

DIRECTOR OF JUDICIAL & COURT SERVICES

## CASE MANAGEMENT SECTION

**STEPHANIE E. HESS**

MANAGER OF CASE MANAGEMENT SERVICES

## CONTENT DEVELOPMENT

**CHRISTINE BRATTON**

**BRIAN FARRINGTON**

## PRODUCTION AND GRAPHICS

**PHILLIP FARMER**

**KATIE RIEDEL**

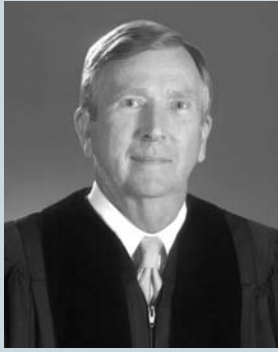
**JAMES R. SHROYER**

**CAROL TAYLOR**

## INFORMATION TECHNOLOGY SUPPORT

**MARK DUTTON**

**KRISTINA ROTACH**



## A MESSAGE

from the Chief Justice

Fellow Ohioans:

In 1957, the Supreme Court of Ohio began regularly collecting and reporting caseload statistics concerning the work of Ohio's courts. In 1961, the inaugural issue of the *Ohio Courts Summary*, an annual snapshot of caseload statistics for the prior year, was published. This year, we take a new approach.

In this, the *2008 Ohio Courts Statistical Summary*, we provide an overview of the structure and operations of Ohio's court system and analyses of notable trends and other aspects of the work of Ohio courts revealed through a closer inspection of the numbers. For the first time, the Supreme Court's performance data also is offered.

Further, our analysis of 10 years of court data discovered some interesting points, all of which can be found within this summary. For example:

- Beginning in 2007, foreclosure court cases outnumber criminal cases
- The rate of trials in civil cases declined from 1999-2008
- Divorces and dissolutions are down nearly 20 percent over the past 10 years
- Custody and visitation cases involving unmarried persons are up more than 25 percent.

In a companion electronic publication, the *2008 Ohio Courts Statistical Report*, we present detailed caseload statistics for the prior year, essentially mirroring the traditional core content of the *Ohio Courts Summary*. This can be accessed on the Supreme Court's Web site at [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov).

Transforming the mass of caseload statistics collected each year into useful and meaningful information is key to fulfilling our duty to maintain an effective and responsive judicial system. We hope this new approach serves that purpose well.

A handwritten signature in black ink that reads "Thomas J. Moyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas J. Moyer  
CHIEF JUSTICE  
THE SUPREME COURT OF OHIO



# Table of Contents

Overview of the Statistical Reporting Process .....	1
Ohio Judicial System Structure Diagram .....	5
All Courts New Filings .....	7
The Supreme Court of Ohio .....	9
Courts of Appeals .....	15
Court of Claims .....	19
Courts of Common Pleas .....	23
General Division .....	25
Domestic Relations Division .....	33
Juvenile Division .....	37
Probate Division .....	41
Municipal and County Courts .....	45
Mayor’s Courts .....	51
Spotlight On: Foreclosures .....	53
Glossary of Terms .....	57
Appendix .....	61

**NOTE:** A history of caseload statistical reporting in Ohio is displayed on pages 28-29 of this publication.





## An OVERVIEW of the Statistical Reporting Process

The obligation for Ohio trial and appellate courts to report caseload statistics to the Case Management Section of the Supreme Court of Ohio is established by Rule 37 of the Rules of Superintendence for the Courts of Ohio.

The requirement to submit regular caseload reports is fixed upon each individual judge for the cases assigned to him or her. An exception to this requirement exists in multi-judge municipal and county courts where certain activities are permitted to occur in particular sessions of court in which cases are not assigned to individual judges, but instead are grouped by subject category and presided over by a rotation among the several judges of the court.

The reporting obligations established under Sup. R. 37 are as follows:

### **Courts of Appeals**

The presiding judge of each court of appeals must submit quarterly a presiding judge report, which describes the status of all cases pending in his or her court. In addition, each individual court of appeals judge must submit quarterly an appellate judge report, which provides further details on case terminations, as well as the cases assigned to the judge for authoring the court's opinions.

### **Courts of Common Pleas**

Judges with responsibility over general, domestic relations and juvenile subject-matter jurisdiction must submit monthly a report describing the number of new cases assigned to them, the number pending at the beginning and end of the month, and the number of cases terminated for reporting purposes over the course of the month. If a judge is responsible for more than one category of subject-matter jurisdiction in his or her court, the judge must submit a report for each such category. For example, a judge with responsibility over domestic relations and juvenile cases must submit two reports: one for domestic relations cases and one for juvenile cases.

Judges with responsibility over probate matters must submit quarterly a report describing the number of cases filed and closed over the quarter, as well as additional statistics.

### **Municipal and County Courts**

As noted above, an exception to the ordinary requirement for judges to submit regular reports of the cases assigned to them exists for multi-judge municipal and county courts. Notwithstanding that exception, every municipal and county court judge must submit monthly an individual judge report describing the number of new cases assigned to them, the number pending at the beginning and end of the month, and the number of cases terminated for reporting purposes over the course of the month.

In addition to the individual judge report, each municipal and county court administrative judge must submit monthly an administrative judge report describing the work performed on felony and small claims cases (which are never individually assigned) and the work performed during particular sessions of court on all other case types.



---

## General Notes Concerning Caseload Statistics

The caseload statistics reported to the Supreme Court are summary in nature and consist only of counts of cases. The Supreme Court does not collect lists of individual cases that constitute the counts reported.

The actual report forms and instructions are available on the Supreme Court Web site. The instructions include detailed information concerning the proper manner of classifying cases by type, what counts as a “case” and how to properly code incoming cases and terminations.

Regarding terminations, it is essential to understand that not all termination categories are dispositive in nature. Some termination categories simply render a case inactive for reporting purposes until such time as a condition in the case changes. The classic example is a criminal defendant who fails to appear for trial. The court, as long as it reasonably believes the defendant will not be apprehended in the immediate future, may terminate the case for reporting purposes. The court reactivates the case for reporting purposes at such time when that fugitive defendant is arrested. This aspect of counting terminations is important to bear in mind when evaluating a court’s case management performance against a time standard for disposing of cases.

Occasionally, a court will discover errors in its case counts following a physical case inventory or during an update to its case management system. Courts may submit amended reports at any time, and the changed data is entered into the Supreme Court’s caseload statistics system immediately. Accordingly, the caseload statistics reported in a particular static report, such as this document, may change in the future following such amendments.

In order to promote accurate and uniform statewide reporting, the staff of the Case Management Section of the Supreme Court conducts regular training for court staff responsible for preparing the monthly and quarterly reports.

## Describing Data Using Median and Mean

In this document, data is sometimes described using means and medians. Mean and median are both measures of central tendency, a term that refers to the “middle” value of a set of data. The mean is calculated by dividing the sum of a data set by the number of items in the set. This is often referred to as the “average.” Median is determined by sorting the data set from lowest to highest value and identifying the data point in the middle of the range. It is the midpoint of the data at which half the items are higher and half are lower. Median, unlike mean, is not subject to the skewing effect of outliers — that is, data points at an extreme margin on the range of values.

## Statewide Statistics and Population Data

Except where noted in the body of this summary, all data shown are statewide figures. All population data is from the 2000 U.S. Census.

---

## General Notes Concerning Performance Measures

When analyzing the work of Ohio courts and judges, the Case Management Section of the Supreme Court regularly evaluates two key performance measures readily available using caseload statistics reported by the courts: clearance rates and overage rates. Both measures can be applied to a court's overall docket, individual case types or groups of case types.

### Clearance Rate

This measure identifies how well a court keeps up with its incoming caseload. It is calculated as follows:

$$\text{Clearance Rate} = \frac{\text{Total number of outgoing cases}}{\text{Total number of incoming cases}}$$

Clearance rates can be calculated over any time period, as long as the incoming and outgoing values apply to that same time period. However, calculating clearance rates on a monthly basis is less valuable due to the ordinary swings that are seen when this data is viewed over a short time span.

Using monthly caseload statistical reports submitted by judges, the total number of outgoing cases is determined using the reported "Total Terminations" values. The total number of incoming cases is determined using the sum of the reported "New Cases Filed" and "Cases Transferred in, Reactivated, or Redesignated" values. The ratio of outgoing cases to incoming cases (produced using the above formula) is ordinarily multiplied by 100 and expressed as percentage. The target is a clearance rate of 100 percent.

A clearance rate of 100 percent means a court terminated over a given time period exactly as many cases as it took in during that same time period. If a court's clearance rate is regularly less than 100 percent over an extended period of time, the court will develop a backlog because the pace of incoming cases exceeds the pace of outgoing cases.

While valuable, clearance rates alone do not accurately depict a court's success in moving its entire docket forward in a timely fashion. A court may regularly demonstrate a 100 percent or greater clearance rate while simultaneously keeping a sizable number of cases from being disposed of within applicable time standards. Accordingly, clearance rates should, where practicable, be viewed alongside a measure that gauges the extent to which a court's caseload is pending beyond time standards, such as the overage rate.

---

## Overage Rate

This measure identifies the extent to which a court's pending caseload lags past applicable time standards, or, overage. To put it another way, it measures the size of a court's backlog. It is calculated as follows:

$$\text{Overage Rate} = \frac{\text{Number of cases pending beyond time guidelines}}{\text{Total number of cases pending}}$$

Using the monthly caseload statistical reports submitted by judges, the total number of cases pending beyond the time guideline is determined using the reported "Cases Pending Beyond Time Guideline" value, and the total number of cases pending is determined using the reported "Pending End of Period" value. The result is multiplied by 100 and expressed as a percentage.

In 2008, the Supreme Court, in *Disciplinary Counsel v. Sargeant*, 118 Ohio St.3d 322, 2008-Ohio-2330, identified an overage rate of 10 percent or greater as an indication of a case management problem.

While the application of these measures provides a reasonable view of a court's case management performance, it does not provide for evaluation of other aspects of a court's performance. The National Center for State Courts developed a set of 10 core court performance measures, packaged into a set of practical tools named CourTools, that provide a balanced perspective on a court's overall performance. Developed through the input of a wide range of court professionals, they are designed to assist courts in laying a solid foundation for self-evaluation and in charting a course for future improvement. The Case Management Section provides CourTools training for court personnel.

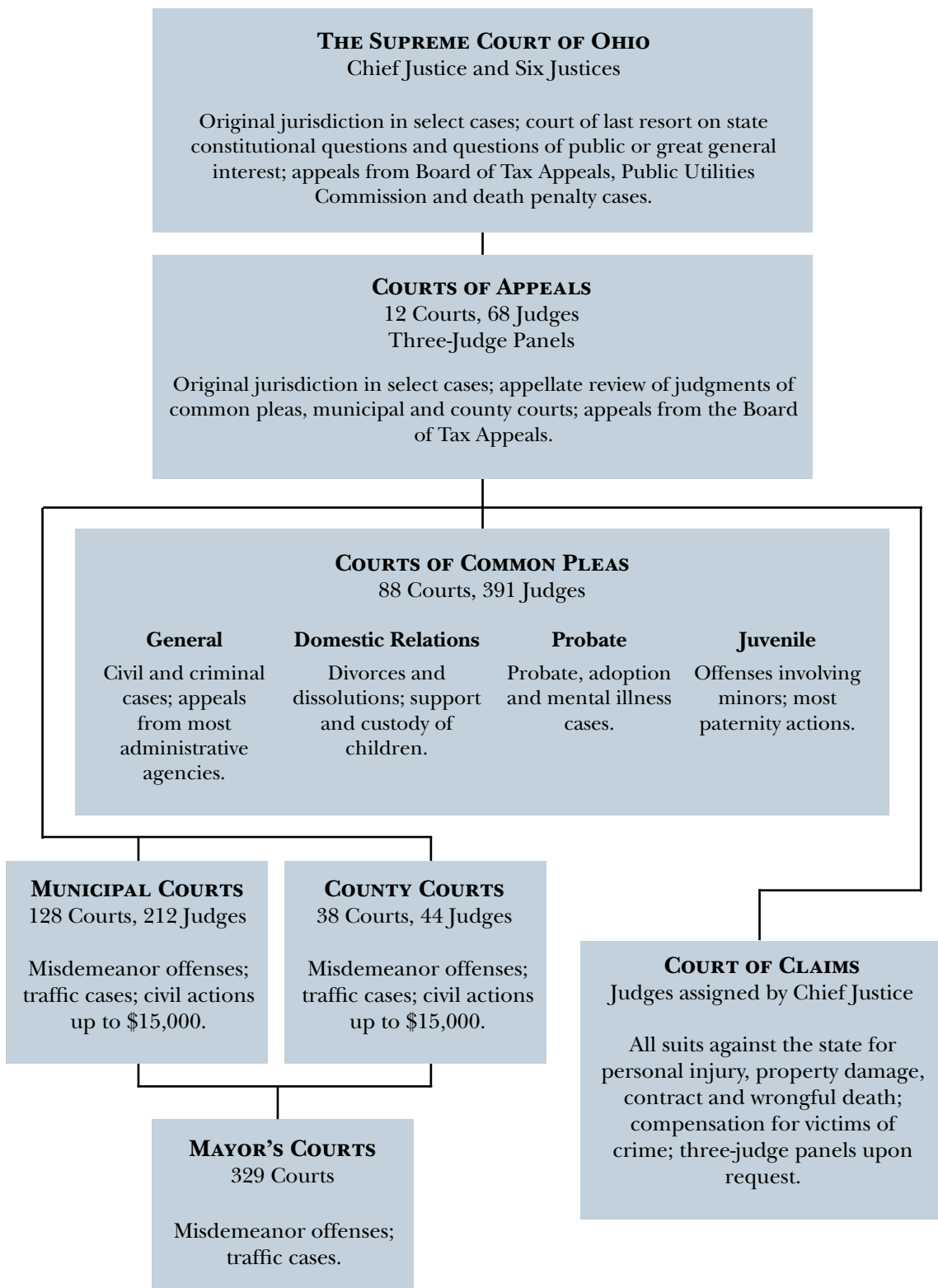
## Future Plans

The current configuration of case types and termination categories has remained largely unchanged for more than 15 years. Changes in the law, changes in society, and changes in the Supreme Court's capacity to collect, analyze, evaluate and report caseload statistics present an opportunity for a careful re-evaluation of the overall caseload statistics reporting process. In addition, technological advancements among the courts, such as the ongoing development of the Ohio Courts Network and improvements in the design and deployment of case management software applications, point toward potential alternative means for the Supreme Court to continue its function of gathering and reporting caseload statistics.

In 2008, the Supreme Court acquired and implemented business intelligence software to greatly enhance its ability to manage the wealth of caseload data currently available. New ways of analyzing and evaluating the data are being developed, and aspects of the reporting process that can be enhanced are being identified.

As the Supreme Court continues to move forward in these areas, it will tap into the depth of knowledge and experience shared by the Ohio judiciary, court professionals and justice system partners to fully explore the best means for advancing Ohio's state-of-the-art caseload statistical reporting.

# 2008 STRUCTURE OF THE OHIO JUDICIAL SYSTEM







Shown below is the total number of new cases filed over each of the past 10 years in Ohio's courts. Detailed information concerning the variety of cases constituting these figures is contained in the various court sections of this summary.

**New Cases Filed**

All Courts, 1999 to 2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Supreme Court</b>	2,327	2,355	2,284	2,249	2,237	2,178	2,444	2,407	2,459	2,506
<b>Courts of Appeals</b>	10,762	10,394	10,480	10,404	10,905	10,713	11,437	11,208	10,512	11,115
<b>Court of Claims</b>	1,420	1,225	1,159	1,051	1,134	1,024	1,138	734	896	1,094
<b>Courts of Common Pleas</b>	621,045	607,103	646,358	664,637	651,139	646,384	654,193	675,225	671,168	663,246
General Division	161,088	167,982	185,948	206,933	211,376	216,094	229,352	247,434	261,677	266,547
Domestic Relations Division	75,489	78,259	79,830	80,775	79,527	80,389	77,888	76,844	74,157	73,055
Probate Division	99,898	99,207	99,455	96,357	95,338	94,998	93,708	91,621	88,021	89,397
Juvenile Divivison	284,570	261,655	281,125	280,572	264,898	254,903	253,245	259,326	247,313	234,247
<b>Municipal and County Courts</b>	2,592,130	2,613,708	2,692,083	2,740,639	2,700,538	2,417,551	2,469,942	2,525,373	2,518,204	2,534,408
Municipal Courts	2,285,417	2,340,130	2,420,212	2,459,268	2,444,493	2,211,094	2,259,479	2,311,044	2,309,559	2,338,119
County Courts	306,713	273,578	271,871	281,371	256,045	206,457	210,463	214,329	208,645	196,289
<b>All Courts Combined</b>	3,227,684	3,234,785	3,352,364	3,418,980	3,365,953	3,077,850	3,139,154	3,214,947	3,203,239	3,212,369





## The Supreme Court OF OHIO

The Supreme Court of Ohio is established by Article IV, Section 1, of the Ohio Constitution, which provides that “the judicial power of the state is vested in a Supreme Court, Courts of Appeals, Courts of Common Pleas and divisions thereof, and such other courts inferior to the Supreme Court as may from time to time be established by law.” Article IV, Section 2, of the Constitution sets the size of the court at seven — a Chief Justice and six Justices — and outlines the jurisdiction of the Court.

The Supreme Court is the court of last resort in Ohio. The Court may grant leave to appeal criminal cases from the courts of appeals and may direct any court of appeals to certify its record on civil cases found to be “cases of public or great interest.”

The Court must accept appeals of cases that originated in the courts of appeals, cases involving the death penalty, cases involving questions arising under the U.S. Constitution or the Ohio Constitution and cases in which there are conflicting opinions from two or more courts of appeals. The Court also must accept appeals from such administrative bodies as the Board of Tax Appeals and the Public Utilities Commission.

The Court has original jurisdiction for certain special remedies that permit a person to file an action in the Supreme Court. These extraordinary remedies include writs of habeas corpus (involving the release of persons allegedly unlawfully imprisoned or committed), writs of mandamus and procedendo (ordering a public official to do a required act), writs of prohibition (ordering a lower court to cease an unlawful act) and writs of quo warranto (against a person or corporation for usurpation, misuse or abuse of public office or corporate office or franchise).

The Supreme Court makes rules governing practice and procedure in Ohio’s courts. Procedural rules adopted by the Supreme Court become effective unless both houses of the General Assembly adopt a concurrent resolution of disapproval. The Supreme Court also exercises general superintendence over all state courts through its rule-making authority. The rules of superintendence set minimum standards for court administration. Unlike procedural rules, rules of superintendence do not require General Assembly review or approval to become effective.

The Chief Justice assigns judges to trial and appellate courts for temporary duty in cases of a court overload, when a judge is removed from a case because of an affidavit of disqualification and when judges recuse themselves from a particular case.

The Court has authority over the admission of attorneys to the practice of law in Ohio and may discipline admitted attorneys who violate the rules governing the practice of law.

The Chief Justice and six Justices are elected to six-year terms on a nonpartisan ballot. Two Justices are chosen at the general election in even-numbered years. In the year when the Chief Justice runs, voters pick three members of the Court. A person must be an attorney with at least six years of experience in the practice of law to be elected or appointed to the Court. The governor makes appointments for vacancies occurring between elections.



## Caseloads

The Supreme Court reports detailed caseload statistics each year in its annual report. Readers are encouraged to review those reports to gain further insight into the work of the Court. In the 2008 Annual Report, and here, the Court presents for the first time performance-related statistics concerning the time to dispose of various case types.

For purposes of this analysis, the Court's overall case filings are presented under four categories: All Case Types Combined, Jurisdictional Appeals, Merit Cases and Practice of Law Cases.

### All Case Types Combined

For all case types combined, the Court saw the filing of 2,506 new cases in 2008, representing a 15 percent increase over the 2,178 cases filed five years earlier in 2004. (See **Table 1**). However, the number of total cases filed over the past four years remained largely stable. (See **Figure 1**).

### Jurisdictional Appeals

In 2008, 2,004 new jurisdictional appeals were filed, representing a 21 percent increase over the 1,650 cases filed in 2004. During the last five years, the Court experienced a general upward trend in the number of jurisdictional appeals filed. (See **Figure 2**).

**TABLE 1**

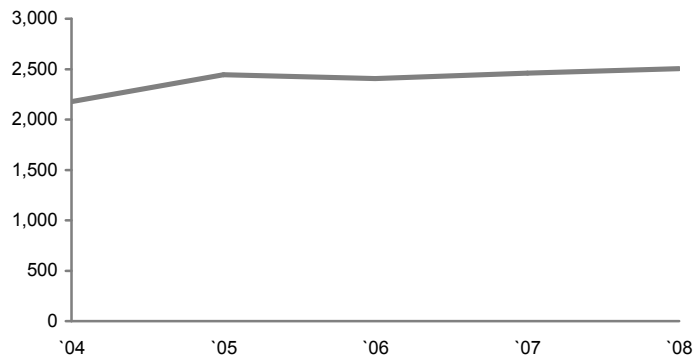
### All Case Types

New Filings	2004	2005	2006	2007	2008
Jurisdictional Appeals	1,650	1,922	1,789	1,927	2,004
Merit Cases	382	404	479	410	369
Practice of Law Cases	146	118	139	122	133
Disciplinary Cases	127	111	128	107	121
All Other Practice of Law Cases	19	7	11	15	12
<b>All Case Types Combined</b>	<b>2,178</b>	<b>2,444</b>	<b>2,407</b>	<b>2,459</b>	<b>2,506</b>

**FIGURE 1**

### All Case Types Combined

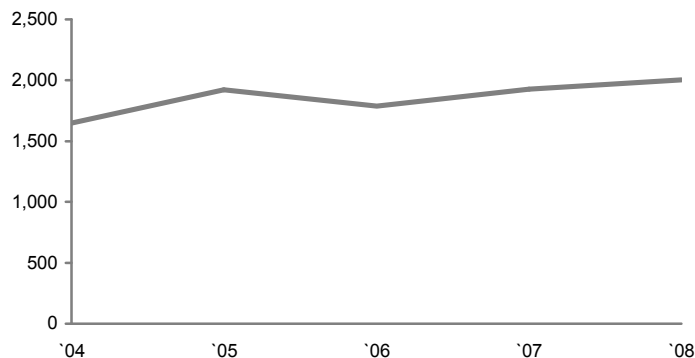
New Filings



**FIGURE 2**

### Jurisdictional Appeals

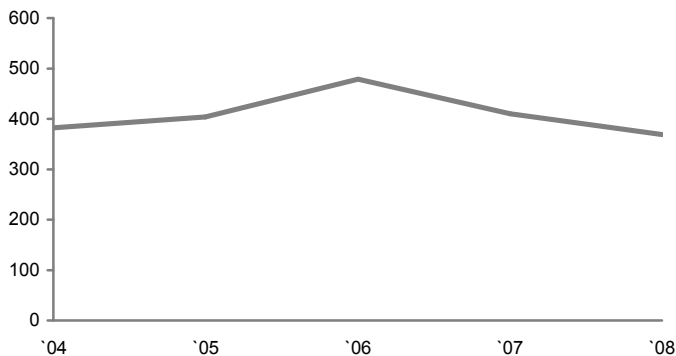
New Filings



**FIGURE 3**

**Merit Cases**

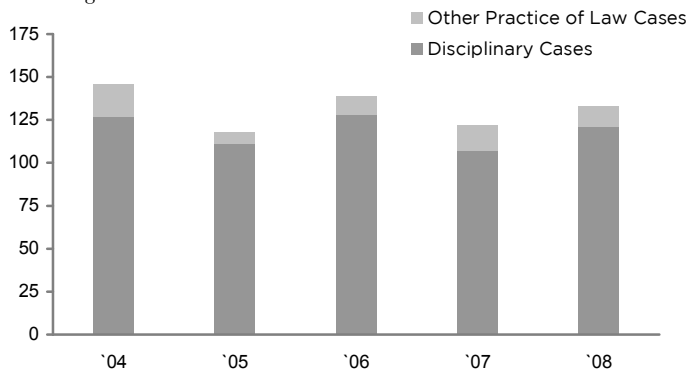
New Filings



**FIGURE 4**

**Practice of Law Cases**

New Filings



**Merit Cases**

These are cases the Court must hear and render a decision on the merits. The general categories of merit cases consist of the following:

- Original actions
- Habeas corpus cases
- Direct appeals (cases originating in courts of appeals)
- Appeals involving certified conflicts
- Appeals from Board of Tax Appeals
- Appeals from Public Utilities Commission
- Death penalty cases
- Cases involving certified questions of state law
- Appeals of elections contests under R.C. 3515.15

In 2008, the Court saw the filing of 369 merit cases. This represents 3 percent fewer than the 382 cases filed in 2004 and a 23 percent drop from the five-year high of 479 cases filed in 2006. (See **Figure 3**).

**Practice of Law Cases**

These cases arise from the Court's responsibility to govern the practice of law in Ohio. Included in this category are disciplinary cases involving allegations of ethical misconduct on the part of attorneys and judges, bar admissions cases involving applications from people seeking admission to the Ohio bar, and cases alleging the unauthorized practice of law. The vast majority of practice of law cases involve attorney discipline. In 2008, 133 practice of law cases were filed. Of those 133 cases, 121 (91 percent), were disciplinary cases. The Court's docket of disciplinary cases has remained largely stable, with periods of regular fluctuations, between 2004 and 2008. (See **Figure 4**).

## Time to Disposition Analyses

Shown in **Table 2** is the number of cases disposed over each of the past five years, grouped in several different ways, including by case-type and by manner-of-disposition. Included in this data are the mean and median numbers of days for the Court to dispose of the various cases. Median values are included here to address instances where certain outliers (cases taking an unusually long period of time to be disposed) cause the mean to become skewed.

**TABLE 2**

### Supreme Court of Ohio Time to Disposition

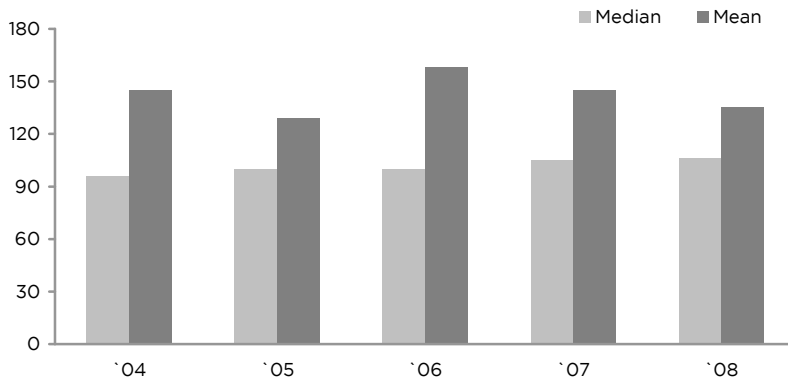
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>All Cases</b>					
Number of Cases Disposed	<b>2,134</b>	<b>2,126</b>	<b>2,593</b>	<b>2,384</b>	<b>2,542</b>
Median Number of Days to Disposition	96	100	100	105	106
Mean Number of Days to Disposition	145	129	158	145	135
<b>Jurisdictional Appeals Accepted for Full Merit Review</b>					
Number of Cases Disposed	<b>141</b>	<b>69</b>	<b>382</b>	<b>191</b>	<b>157</b>
Median Number of Days to Disposition	469	374	322	462	421
Mean Number of Days to Disposition	442	387	342	433	401
<b>Jurisdictional Appeals Not Accepted for Full Merit Review</b>					
Number of Cases Disposed	<b>1,463</b>	<b>1,555</b>	<b>1,568</b>	<b>1,649</b>	<b>1,868</b>
Median Number of Days to Disposition	93	99	96	100	104
Mean Number of Days to Disposition	91	96	93	100	101
<b>Original Actions</b>					
Number of Cases Disposed	<b>148</b>	<b>175</b>	<b>217</b>	<b>194</b>	<b>199</b>
Median Number of Days to Disposition	62	65	58	68	68
Mean Number of Days to Disposition	73	73	73	85	74
<b>All Cases Decided with an Opinion</b>					
Number of Cases Disposed	<b>342</b>	<b>191</b>	<b>391</b>	<b>335</b>	<b>340</b>
Median Number of Days to Disposition	100	121	140	106	100
Mean Number of Days to Disposition	120	135	155	112	104
<b>Disciplinary Cases</b>					
Number of Cases Disposed	<b>73</b>	<b>52</b>	<b>105</b>	<b>71</b>	<b>70</b>
Median Number of Days to Disposition	174	223	190	159	175
Mean Number of Days to Disposition	198	240	213	174	182

Note: The counting of the number of Days to Disposition for All Cases Decided with an Opinion begins upon submission of the cases to the Court. For all other categories shown in this table, the counting begins upon filing of the cases.

**FIGURE 5**

**All Cases**

Days from Filing to Final Disposition



**All Cases**

In 2008, the Court disposed of 2,542 cases. The mean number of days those cases were pending before the Court was 135. The mean steadily declined over the last three years. (See Figure 5).

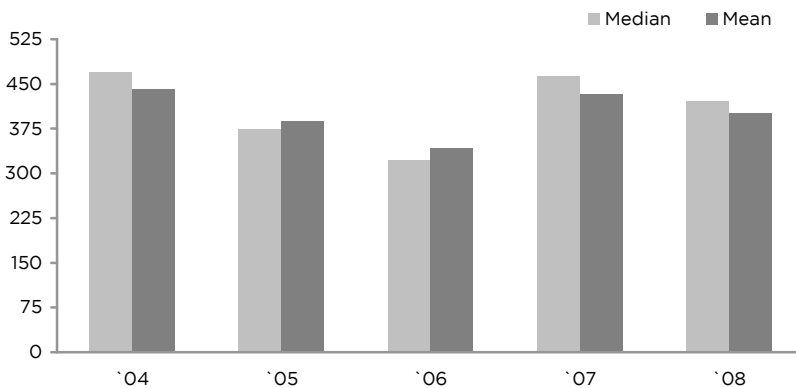
**Jurisdictional Appeals Accepted for Full Merit Review**

In 2008, the Court disposed of 157 jurisdictional appeals following a full merit review. The mean number of days to consider these appeals was 401, down 7 percent from 433 in 2007. (See Figure 6).

**FIGURE 6**

**Jurisdictional Appeals Accepted for Full Merit Review**

Days from Filing to Final Disposition



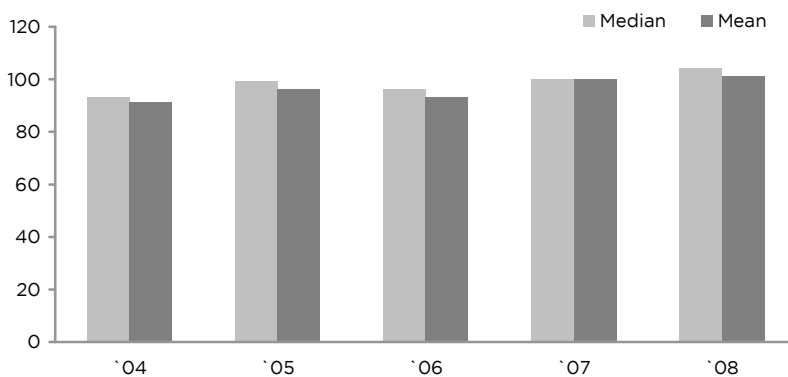
**Jurisdictional Appeals Not Accepted for Full Merit Review**

Of the 2,542 cases disposed by the Court in 2008, 1,868 (73 percent), were jurisdictional appeals not accepted for full merit review. The mean number of days to consider these appeals was 101. The mean remained fairly constant over the past five years, ranging from 91 to 101 days. (See Figure 7).

**FIGURE 7**

**Jurisdictional Appeals Not Accepted for Full Merit Review**

Days from Filing to Final Disposition



### Original Actions

The mean disposition time for original actions in 2008 was 74 days. The median number of days remained steady over the past five years, ranging from 58 to 68 days. (See **Figure 8**).

### All Cases Decided with an Opinion

In 2008, the Court decided 340 cases with an opinion. The mean number of days to decide these cases following submission was 104 days. Since 2006, the mean declined from 155 to 104 days in 2008. The electronic release of opinions contributed to this reduction. (See **Figure 9**).

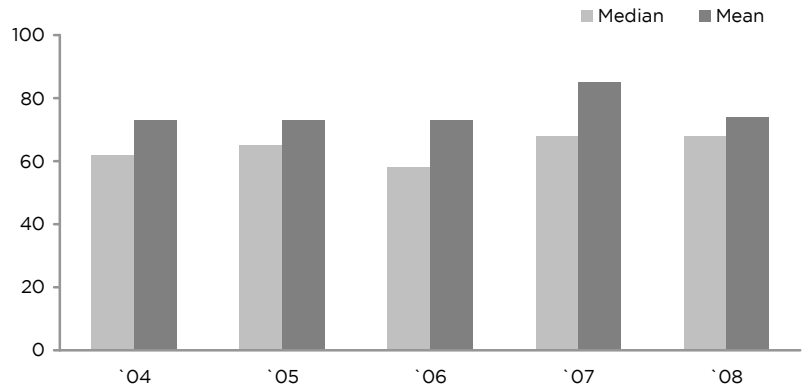
### Disciplinary Cases

In 2008, the Court decided 70 disciplinary cases. The mean number of days to decide these cases was 182 days, representing a 24 percent decrease from the five-year high of 240 days in 2005. (See **Figure 10**).

**FIGURE 8**

### Original Actions

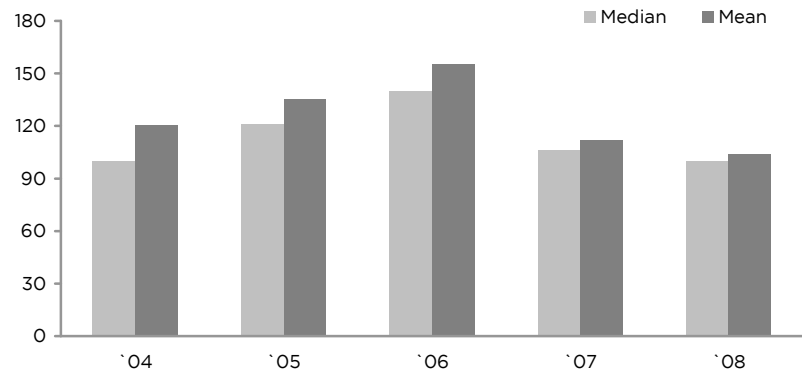
Days from Filing to Final Disposition



**FIGURE 9**

### All Cases Decided with an Opinion

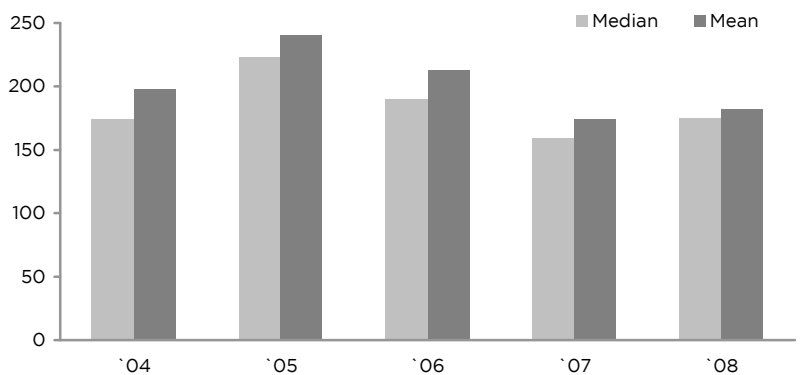
Days from Submission to Final Disposition



**FIGURE 10**

### Disciplinary Cases

Days from Filing to Final Disposition





## Courts of APPEALS

Ohio courts of appeals are established by Article IV, Section 1, of the Ohio Constitution and their jurisdiction is outlined in Article IV, Section 3. As intermediate-level appellate courts, their primary function is to hear appeals from common pleas, municipal and county courts. Each case is heard and decided by a three-judge panel.

In addition to their appellate jurisdiction, the courts of appeals have original jurisdiction, as does the Supreme Court, to hear applications for writs of habeas corpus, mandamus, procedendo, prohibition and quo warranto. The 10<sup>th</sup> District Court of Appeals in Franklin County also hears appeals from the Court of Claims.

The state is divided into 12 appellate districts, each of which is served by a court of appeals located in each of the counties in the district. The number of judges in each district depends on a variety of factors, including the district's population and the court's caseload. Appeals court judges are elected to six-year terms in even-numbered years. They must be admitted to the practice of law in Ohio six years prior to the commencement of the term.

## Changes in 2009

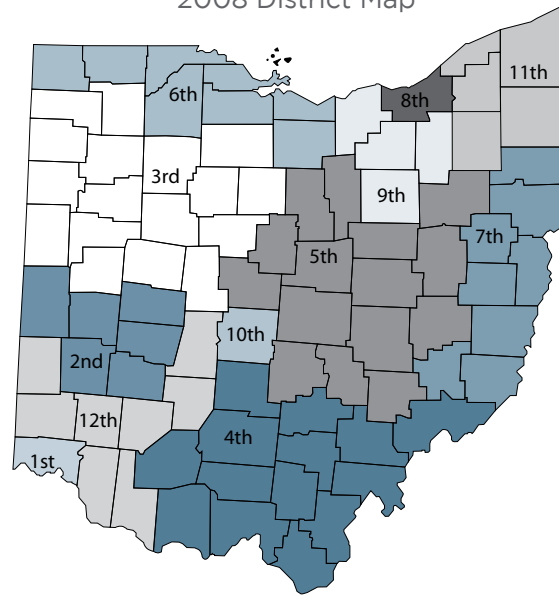
In 2008, there were 68 courts of appeals judges. Effective Jan. 1, 2009, one seat was added to the 12<sup>th</sup> District Court of Appeals, bringing the statewide total of courts of appeals judges to 69.

## Caseloads

The cases heard in Ohio courts of appeals are classified into four broad types:

- Criminal appeals arising from criminal cases heard in the general divisions of the common pleas courts and in municipal and county courts.
- Civil appeals arising from civil cases heard in the general divisions of the common pleas courts and municipal and county courts.
- Family law appeals arising from cases heard in the domestic relations, juvenile and probate divisions of Ohio common pleas courts.
- Miscellaneous appeals include original actions filed in the courts of appeals, habeas corpus cases and appeals from administrative agencies and the Court of Claims.

**COURTS OF APPEALS**  
2008 District Map



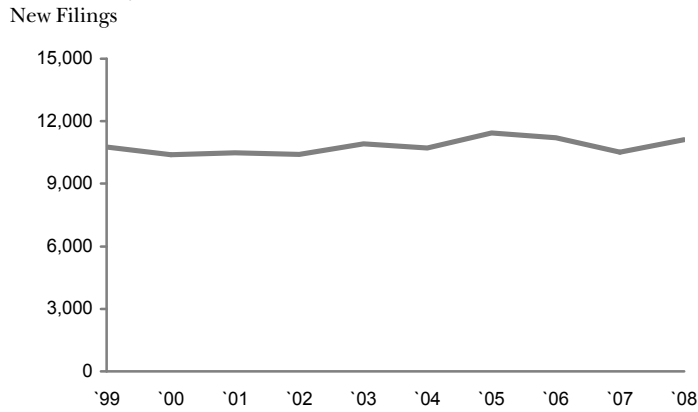
District	Number of Judges	Number of Counties
1 <sup>st</sup>	6	1
2 <sup>nd</sup>	5	6
3 <sup>rd</sup>	4	17
4 <sup>th</sup>	4	14
5 <sup>th</sup>	6	15
6 <sup>th</sup>	5	8
7 <sup>th</sup>	4	8
8 <sup>th</sup>	12	1
9 <sup>th</sup>	5	4
10 <sup>th</sup>	8	1
11 <sup>th</sup>	5	5
12 <sup>th</sup>	4 *	8

\* In 2009, a seat was added, bringing the total to five.

District	Total Population	Population Per Judge
1 <sup>st</sup>	845,303	140,884
2 <sup>nd</sup>	1,042,757	208,551
3 <sup>rd</sup>	782,234	195,559
4 <sup>th</sup>	616,789	154,197
5 <sup>th</sup>	1,364,704	227,451
6 <sup>th</sup>	899,206	179,841
7 <sup>th</sup>	587,680	146,920
8 <sup>th</sup>	1,393,978	116,165
9 <sup>th</sup>	1,090,222	218,044
10 <sup>th</sup>	1,068,978	133,622
11 <sup>th</sup>	798,311	159,662
12 <sup>th</sup>	862,978	215,745

**FIGURE 1**

**All Case Types Combined**

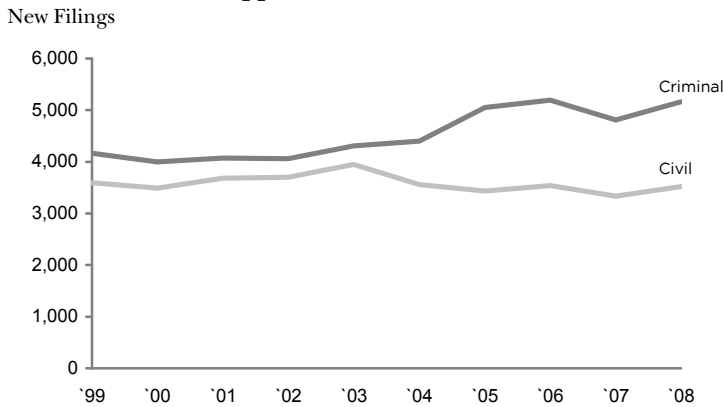


The overall number of cases heard in Ohio’s courts of appeals remained steady from 1999 through 2008. In 1999, a total of 10,762 new cases were filed. In 2008, 11,115 new cases were filed. (See **Figure 1**).

As shown in **Figure 2**, trends in the number of new filings over the years are seen within the civil and criminal appeals categories. Criminal appeals exhibit an upward trend with some notable volatility over the past five years in particular. Throughout the 10 years shown, criminal appeals rose nearly 24 percent from 4,162 in 1999 to 5,157 in 2008. Civil appeals remained remarkably even.

**FIGURE 2**

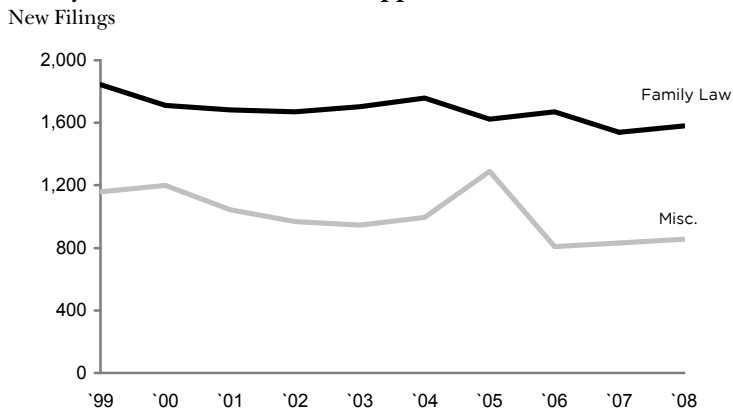
**Civil and Criminal Appeals**



In regard to family law appeals, a slight downward trend in the number of new filings is seen. In 1999, a total of 1,844 family law-related appeals were filed. In 2008, the total number of new filings was 1,580, constituting a 14-percent decrease. Miscellaneous appeals also demonstrate a downward trend over the 10 years shown, despite a sizable spike in 2005. (See **Figure 3**).

**FIGURE 3**

**Family Law and Miscellaneous Appeals**









## Court of CLAIMS

The Court of Claims has statewide original jurisdiction over all civil actions filed against the state of Ohio. Created pursuant to the Court of Claims Act in 1976, the Court of Claims sits in Franklin County. Appeals from the Court of Claims are heard by the 10<sup>th</sup> District Court of Appeals in Columbus.

Civil actions in the Court of Claims are determined in one of two ways, depending on the amount of monetary damages claimed.

Civil cases involving \$2,500 or less are determined administratively by the clerk or deputy clerk of the court. Cases involving more than \$2,500 are heard by a judge. A judge of the court also may review and enter final judgment in a civil action determined administratively. Judges on the Court of Claims are assigned by the Chief Justice.

In addition to civil actions against the state of Ohio, the Court of Claims hears appeals from decisions of the Attorney General regarding claims for reparations by victims of crime. These appeals are heard by panel commissioners of the Court of Claims, who are appointed by the Supreme Court. If the claimant wishes to further appeal, a Court of Claims judge reviews the claim and issues a final decision. No further appeals are permitted.

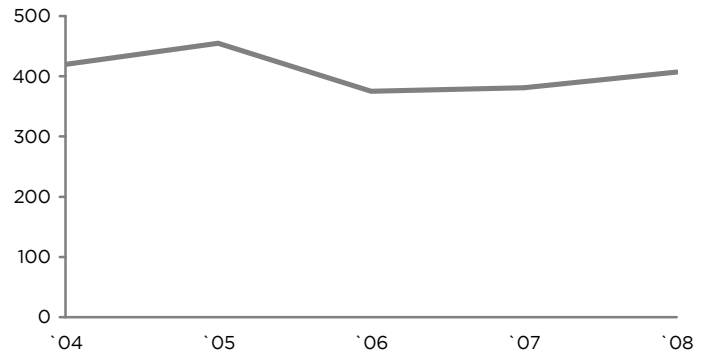
From 2004 through 2007, the number of new judicial cases filed each year exhibited relative stability with the number of filings varying only moderately above and below the median of 407. (See **Figure 1**).

Of note regarding the processing of judicial cases is the number of conferences and pretrials held each year. As shown in **Figure 2**, a steadily rising trend is seen. In 2008, the Court of Claims held 1,632 conferences and pretrials, constituting a 54 percent increase over the 1,062 conferences and pretrials held in 2004.

**FIGURE 1**

**Judicial Cases**

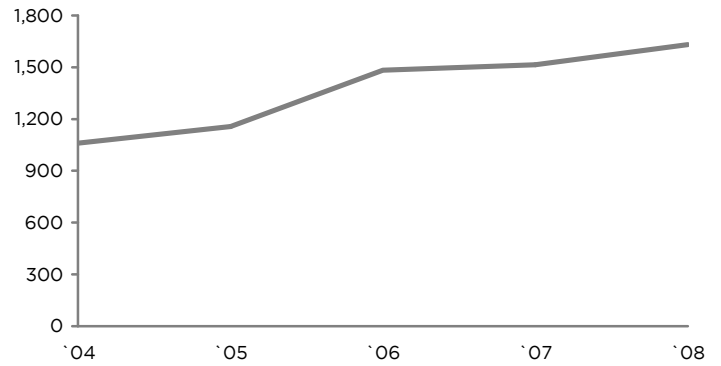
Cases Filed



**FIGURE 2**

**Judicial Cases**

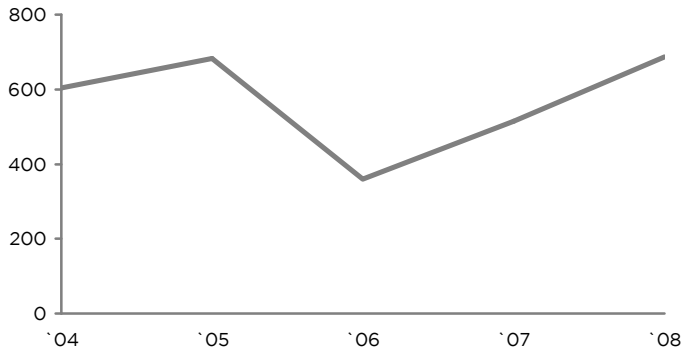
Conferences/Pretrials Held



**FIGURE 3**

**Administrative Determinations**

Cases Filed



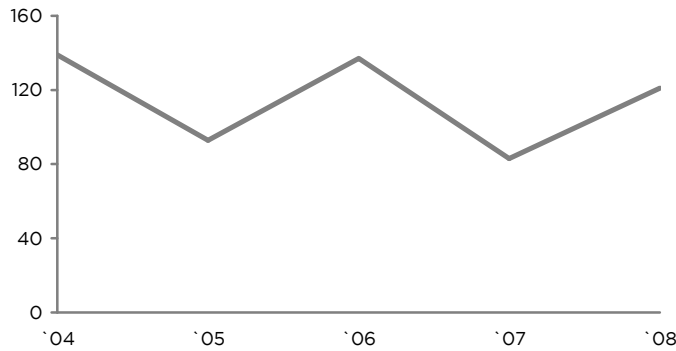
The number of administrative determination cases filed each year varies widely with no clear trend across the five years shown in **Figure 3**. Although the number of cases filed in 2007 and 2008 is suggestive of an upward trend, the number filed in 2008 (687 cases) is only slightly greater than the number filed in 2005 (683 cases).

The volume of appeals from victims of crime decisions exhibits significant fluctuations over the five years shown in **Figure 4** with no discernable trend. The 121 appeals filed in 2008 is slightly greater than the five-year mean of 115 appeals.

**FIGURE 4**

**Victims of Crime Appeals**

Appeals Filed







## Courts of COMMON PLEAS

The court of common pleas, the only trial court created by the Ohio Constitution, is established by Article IV, Section 1, of the Constitution and its duties are outlined in Article IV, Section 4.

There is a court of common pleas in each of Ohio's 88 counties. The courts of common pleas have original jurisdiction in all criminal felony cases and original jurisdiction in all civil cases in which the amount in controversy is more than \$500. Courts of common pleas have appellate jurisdiction over the decisions of some state administrative agencies.

Common pleas judges are elected to six-year terms on a nonpartisan ballot. A person must be an attorney with at least six years of experience in the practice of law to be elected or appointed to the court.

Most courts of common pleas have specialized divisions created by statute to decide cases involving juveniles, domestic relations matters, and probate matters. The use of the term "division" when describing the jurisdictional structure of the common pleas courts sometimes is at odds with how that term is applied when describing caseload statistics. For ease of description, it is common to group cases by type — that is, by division. For example, when describing caseloads of cases generally grouped together as "domestic relations cases," they may be referred to as "domestic relations division" cases, even though a particular county may not technically have a domestic relations division. Five courts of common pleas have no divisions: the courts in Adams, Morgan, Morrow, Noble and Wyandot counties.

## Changes in 2008

There were no changes to the jurisdictional structure or number of judgeships in Ohio's common pleas courts.

## Changes in 2009

In 2009, several changes were made to the jurisdictional structure and number of judges in Ohio common pleas courts.

**Champaign County:** Effective Feb. 9, 2009, the previously combined probate and juvenile division converted to a combined domestic relations, juvenile and probate division following the severance of domestic relations jurisdiction from the previously combined general and domestic relations division. Simultaneously, one seat was added to the newly formed combined domestic relations, juvenile and probate division.

**Erie County:** Effective Feb. 9, 2009, the stand-alone probate division was phased out. Probate jurisdiction remains within the combined general, domestic relations and probate division, to which one seat was added.

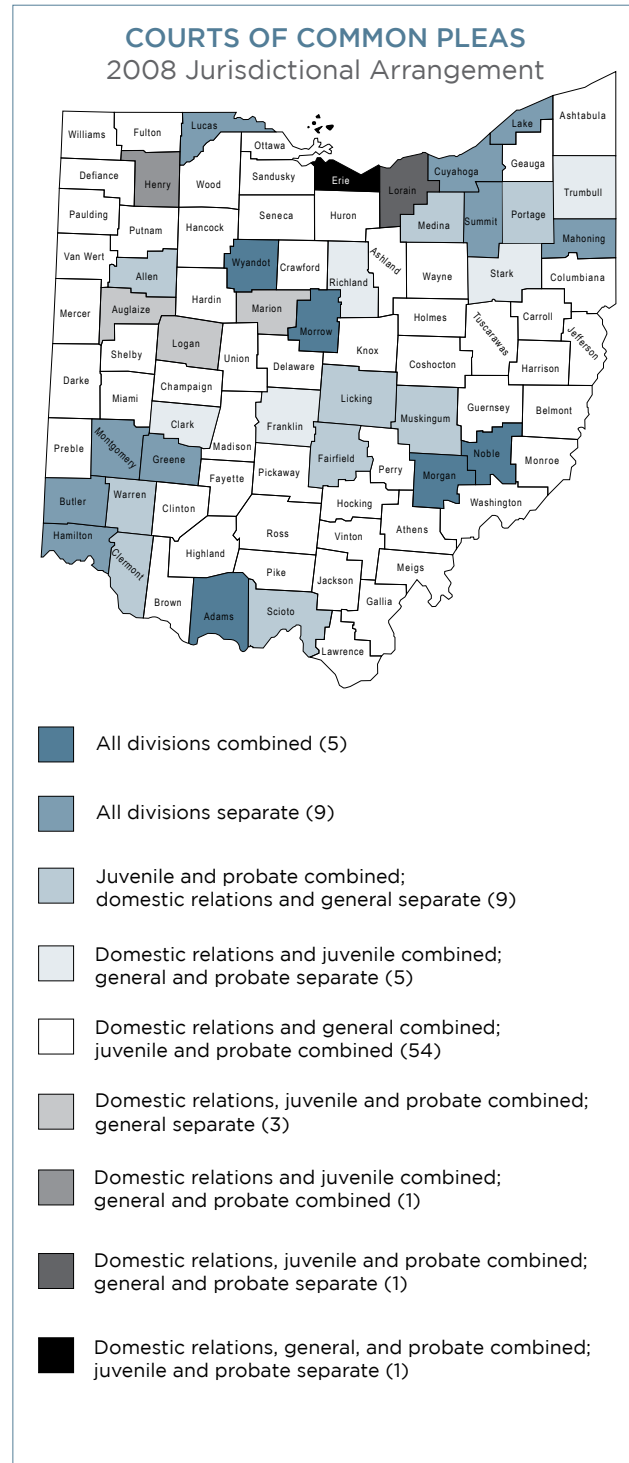
**Lorain County:** Effective Feb. 8, 2009, the stand-alone probate division was phased out. Probate jurisdiction remains in the combined domestic relations, juvenile and probate division, to which one seat was added.

**Summit County:** Two seats were added to the general division with start dates of Jan. 5 and Jan. 6, 2009.

### Courts of Common Pleas Jurisdictional Distribution in 2008

Jurisdictional Structure	Number of Counties	Number of Judges
Stand-alone General Division	27	159
Stand-alone Domestic Relations Division	19	30
Stand-alone Probate Division*	15	16
Stand-alone Juvenile Division	10	19
Combined General and Domestic Relations Division	54	73
Combined Domestic Relations and Juvenile Division	5	12
Combined Domestic Relations, Probate and Juvenile Division*	4	8
Combined Probate and Juvenile Division	64	64
Combined General, Domestic Relations and Probate Division*	1	2
Combined General and Probate Division	1	1
Combined General, Domestic Relations, Probate and Juvenile Division	5	6

\*In 2008, the courts of common pleas of Erie and Lorain counties had unique jurisdictional structures. In Erie County, three divisions existed: the first division had jurisdiction over general division, domestic relations and probate cases; the second division had jurisdiction over juvenile cases; and the third division had jurisdiction over probate cases only. In Lorain County, three divisions existed: the first division had general jurisdiction only; the second division had jurisdiction over domestic relations, juvenile and probate cases; and the third division had jurisdiction over probate cases only.





## Courts of COMMON PLEAS General Division

The general divisions of the courts of common pleas have original jurisdiction over all criminal felony cases, all civil actions in which the amount in controversy is greater than \$500 and jurisdiction over the appeals of decisions of certain state administrative agencies.

For statistical reporting purposes, all criminal cases are counted together with no distinction based on specific charges. Civil cases are reported under a number of different case-type categories.

Cases involving tort claims are classified as either:

- Professional Tort – Such as medical and legal malpractice
- Product Liability
- Other Torts – Tort cases not otherwise classifiable as professional tort or product liability cases.

The non-tort case-type categories are:

- Workers Compensation – Typically involving appeals from a decision of the Industrial Commission
- Foreclosures
- Administrative Appeals
- Complex Litigation – A special case type discussed further below
- Other Civil – Civil cases not otherwise classifiable in the other case type categories.

The complex litigation case type is a special category reserved for civil cases involving novel or complicated issues of law and fact, that are not likely to be resolved within the time guidelines established for other cases. A judge assigned to a civil case that meets the criteria prescribed under Sup. R. 42 may reclassify a civil case as a complex litigation case. Accordingly, no cases are filed with the courts as complex litigation cases. Instead, civil cases are first classified under their appropriate case types and then, if applicable, are reclassified as complex litigation cases. Complex litigation cases are rare. In 2008, only 106 cases were designated as complex litigation cases. From 1999 to 2008, the average number designated as such each year was 109.



## Caseloads

**Figure 1** shows the breakdown of new case filings in 2008 among common pleas, general division courts. Criminal cases, Foreclosures and Other Civil cases constitute 89 percent of all new filings in 2008.

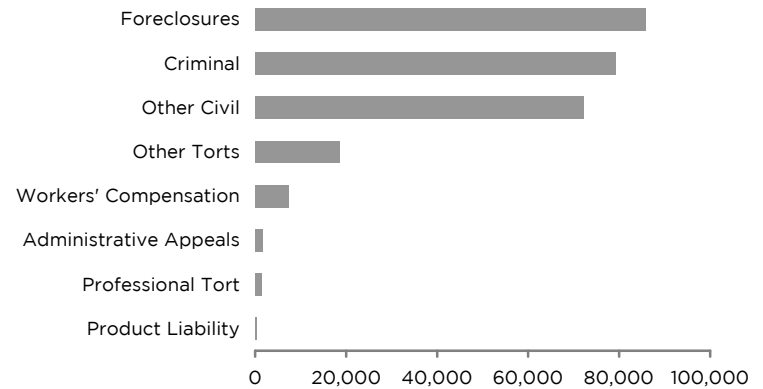
The state has seen tremendous growth in the number of new filings since 1999. Shown in **Figure 2** is each case type represented by two vertical bars: one bar represents the number of new filings in 1999, the second bar represents the number of new filings in 2008. Of particular note is the considerable increase in not only Foreclosures (a 175 percent increase over 1999), but also in Other Civil cases (a 113 percent increase). Criminal cases, while also demonstrating a sizable increase (33 percent), did not experience the same rate of expansion as Foreclosures and Other Civil cases.

See *Appendix* for a table displaying the number of new filings for each individual case type from 1999 through 2008.

**FIGURE 1**

### All Case Types

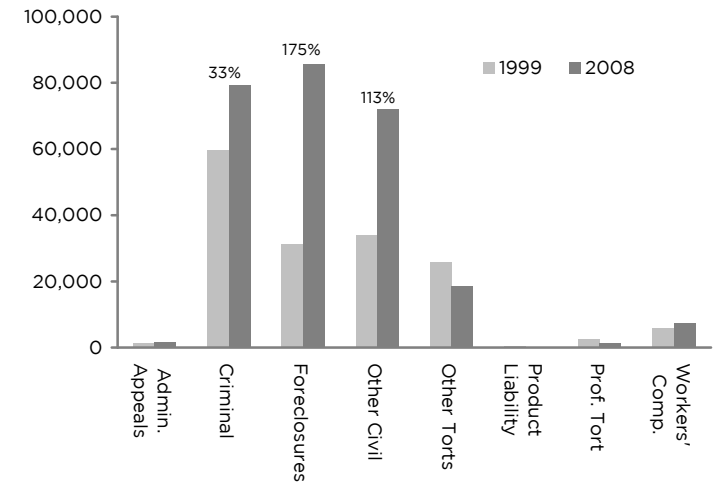
New Filings, 2008



**FIGURE 2**

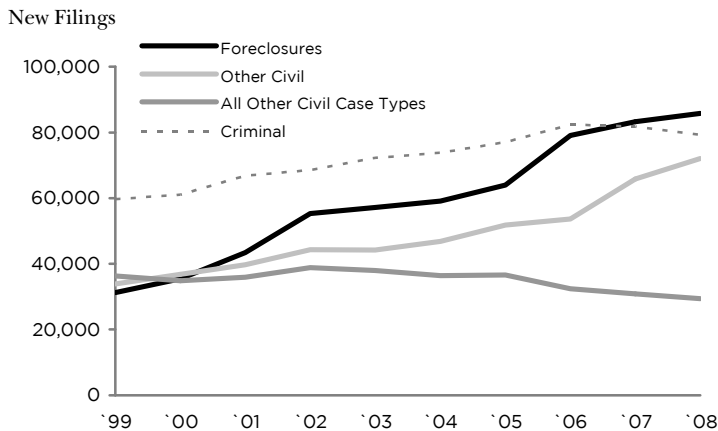
### All Case Types

Growth in New Filings, 2008 Compared with 1999



**FIGURE 3**

**Civil and Criminal Cases**



Shown in **Figure 3** is the number of new filings of Criminal, Foreclosure, Other Civil and All Other Civil Case Types combined. While the “all other civil cases types” grouping shows a slight downward trend, Foreclosures and Other Civil cases display significant and continuing growth. Criminal cases exhibited an upward trend until 2006, at which time the trend reversed with continuing decreases in 2007 and 2008. Notably, 2007 was the first year on record in which the number of Foreclosure case filings eclipsed the number of Criminal case filings.

**TABLE 1**

**Courts of Common Pleas, General Division**

Performance Measures, by Case Type, 2008

	Clearance Rate	Overage Rate
Administrative Appeals	104%	28%
Complex Litigation	74%	7%
Criminal	101%	16%
Foreclosures	101%	4%
Other Civil	101%	3%
Other Torts	109%	4%
Product Liability	113%	6%
Professional Tort	107%	9%
Workers' Compensation	111%	12%

**Performance Measures**

For a description of court performance measures used by the Supreme Court, see *page 3*.

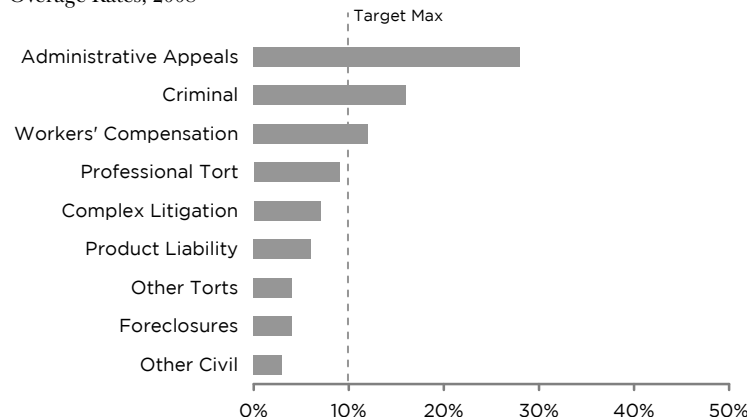
As shown in **Table 1**, the clearance rates for each case type in 2008 are all above 100 percent, with the exception of Complex Litigation.

The overage rates, also shown in **Table 1**, are displayed graphically in **Figure 4**. Administrative Appeals, Criminal, and Workers' Compensation case-type categories each exceed the 10-percent threshold.

**FIGURE 4**

**All Case Types**

Overage Rates, 2008





## A HISTORY

of Court Caseload  
Statistical Reporting in Ohio

**1931**

In its first report to the General Assembly, the Judicial Council, under the leadership of Chief Justice Carrington T. Marshall, describes the status of an ongoing research study of judicial administration in Ohio including the collection of judicial statistics. Included in the scope of the study is the consideration of designing a standardized routine caseload reporting process.

**1923**

The Ohio General Assembly establishes the Judicial Council of Ohio. The council is charged with undertaking the “continuous study of the organization, rules and method of procedure and practice of the judicial system in the state of Ohio, the work accomplished and the results produced by that system and its various parts.”

**1934**

In its third report to the General Assembly, the Judicial Council describes a lack of adequate funding to support its ongoing work. Subsequent council reports suggest the judicial administration study and efforts to standardize caseload reporting are largely abandoned.

**1957**

Under the direction of Chief Justice Carl V. Weygandt and Administrative Assistant John W. McMillan, the Supreme Court begins publishing *Ohio Courts*, a monthly report containing caseload statistics of the Supreme Court, the courts of appeals and the common pleas courts (limited to general and domestic relations cases). Although submission of data is voluntary, by year’s end all 88 county courts of common pleas are submitting regular monthly statistics to the Court.

**1961**

In addition to regular monthly issues of *Ohio Courts*, the Supreme Court begins publishing an annual compilation of the caseload statistics reported in the prior year’s issues of *Ohio Courts* entitled *Ohio Courts, 1960 Summary*.

1971

The Supreme Court, under the leadership of Chief Justice C. William O'Neill, adopts the Rules of Superintendence for the Courts of Ohio which, among other things, fixes upon individual judges the responsibility for case disposition and mandates the regular reporting of caseload statistics for appellate courts and courts of common pleas.

2007

The final issue of the *Ohio Courts Summary* is published. From this point onward, two statistical compilations are published: the *Ohio Courts Statistical Summary* and the *Ohio Courts Statistical Report*.

1980

The quarterly publication of *Ohio Courts* ends. From this point onward, only the annual summary report is published.

1976

*Ohio Courts* ceases as a monthly publication and instead is published quarterly along with the annual summary report.

1999

The practice of including a section concerning administrative and other activities of the Supreme Court within the *Ohio Courts Summary* ends. Instead, the Supreme Court annual report becomes a stand-alone document.

1989

The Supreme Court, under the leadership of Chief Justice Thomas J. Moyer, begins publishing a report on administrative and other activities of the Supreme Court as a section within the *Ohio Courts Summary*.

2004

The Supreme Court begins collecting caseload statistics from Ohio's mayor's courts and reporting their caseloads each year in the *Mayor's Courts Summary*.

1975

The Supreme Court adopts amendments to the Rules of Superintendence for the Courts of Ohio, which require municipal and county courts to report caseload statistics.

1977

The *Ohio Courts, 1976 Summary* is published and contains for the first time municipal and county court caseload statistics. It also contains caseload statistics for the newly created Ohio Court of Claims.

2008

The Supreme Court implements business intelligence software providing significant enhancements to the Court's ability to analyze and report on the work of Ohio's courts.

## Trial Rates

The rate of trials occurring in a court is a useful statistic when assisting courts in understanding the fundamentals of effective caseload management. Although it is not a measure of a court's performance, per se, this statistic routinely is used by the Case Management Section of the Supreme Court as part of its caseload management training curriculum.

In order to calculate trial rates, the various termination categories reported by the courts first are separated into termination categories that are truly dispositive of the case and categories that instead simply render the case no longer active for reporting purposes. The number of dispositive terminations then are summed. The resulting sum is divided into the number of trials (either by jury, by court, or both) in order to produce the trial rate, expressed as a percentage.

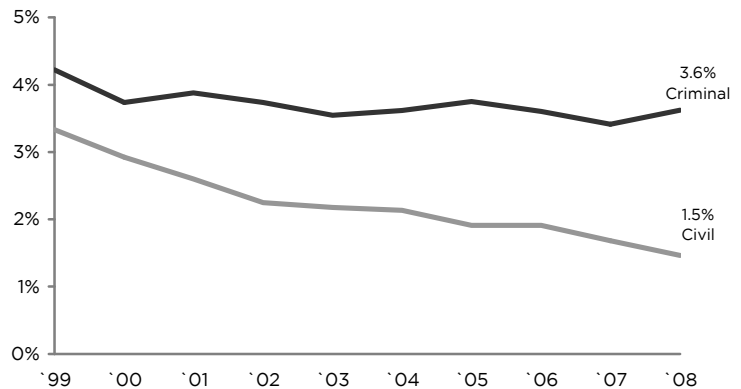
It is conventionally understood that approximately 2 percent of civil cases and 5 percent of criminal cases ultimately will go to trial.

Ohio's trial rates fall below those figures. As shown in **Figure 5**, the trial rate for civil cases heard in the common pleas, general division courts in 2008 was 1.5 percent and 3.6 percent for criminal cases. Although the criminal case trial rate remained largely stable since 1999, the rate for civil trials dropped by more than half from the high in 1999 of 3.3 percent.

FIGURE 5

### Trial Rates (Jury and Court Trials Combined)

Percentage of Total Dispositional Terminations



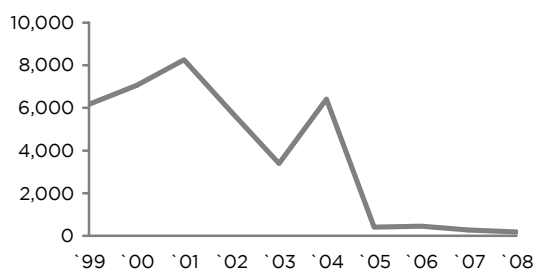
**TABLE 2**

**Cuyahoga County Asbestos Docket**  
Overall Caseloads

Year	New Filings	Pending at End of Year	Cases Terminated
2008	176	10,112	34,813
2007	266	44,744	279
2006	444	44,755	1,180
2005	404	45,486	1,303
2004	6,416	46,384	1,906
2003	3,396	41,865	1,347
2002	5,811	39,791	386
2001	8,251	34,365	1
2000	7,058	26,114	3
1999	6,171	19,054	10

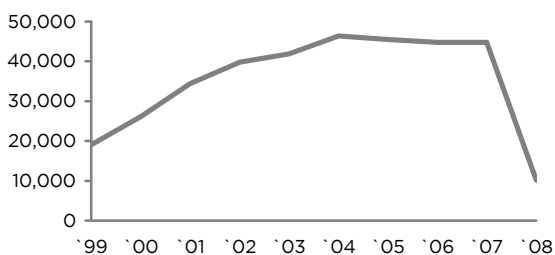
**FIGURE 6**

**Cuyahoga County Asbestos Docket**  
New Filings



**FIGURE 7**

**Cuyahoga County Asbestos Docket**  
Cases Pending at End of Year



## Cuyahoga County's Asbestos Docket

Not reflected in the caseload statistics shown in this report is a special group of asbestos-related cases pending in the Cuyahoga County Court of Common Pleas. This docket chiefly consists of product liability cases involving alleged exposure to products containing asbestos and, to a smaller extent, silica. Also included in this docket are premises liability cases against owners or possessors of property on which plaintiffs allege injury from exposure to asbestos-containing products.

The volume of these cases filed over the years in Cuyahoga County necessitated certain extraordinary means for managing it. The cases are heard by retired assigned judges with special designated staff and are not counted among Cuyahoga County's traditional caseload statistics.

The number of new cases filed each year over the past 10 years varied widely from a high in 2004 of 6,416 new cases to a low of 176 new cases in 2008. In 2005, the court saw a precipitous drop in the number of new cases filed and the incoming volume of new filings has remained low each year since. (See **Table 2** and **Figure 6**).

The number of cases pending at the end of each year over the past 10 years reached a peak in 2004 when there were 46,384 cases pending. That number stayed relatively stable until 2008 when more than 34,800 cases were terminated. (See **Table 2** and **Figure 7**). The majority (about 31,000) of those terminations were "administrative dismissals" rendering the cases inactive pursuant to the passage of special asbestos-related tort reform legislation. The court found those cases did not contain the requisite medical evidence to warrant keeping the cases in active status. It should be noted that a given case, which can contain dozens of defendants, cannot be counted as being terminated until every defendant in the case was subject to a condition causing a reportable termination. Consequently, the number of cases terminated each year does not align as typically expected against the number of cases filed.





**Courts of  
COMMON PLEAS**  
Domestic Relations Division

Domestic relations divisions of the courts of common pleas have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support and allocation of parental rights and responsibilities for the care of children. The domestic relations divisions of the courts of common pleas exist in most counties together with another division. The following counties have stand-alone domestic relations divisions:

Allen	Lake	Muskingum
Butler	Licking	Portage
Clermont	Lucas	Richland
Cuyahoga	Mahoning	Scioto
Fairfield	Medina	Summit
Greene	Montgomery	Warren
Hamilton		

Domestic relations cases are grouped into three general categories of cases.

**Marriage Terminations and Dissolutions**

Marriage Terminations (divorces) and Marriage Dissolutions involve the cessation of a marriage relationship. Both of these case categories are further broken down for caseload reporting purposes depending on whether the married couple seeking a divorce or dissolution has any children.

**Post-Decree Case Types**

Following the cessation of a marriage, further activities can occur and are classified under either the change of custody, Visitation Enforcement or Modification, or Support Enforcement or Modification categories. In some instances, a person may file a motion under more than one of these categories. For statistical reporting purposes, such matters are counted only under the category of the earliest filed motion. When that motion is resolved, the matter is reclassified under the case type for the motion filed after the first, and so on.

**Miscellaneous Case Types**

The remaining domestic relations case types are:

- Domestic Violence – Petitions for civil protection orders
- Uniform Interstate Family Support Act (U.I.F.S.A.) cases
- Parentage
- All Others – Cases not otherwise classifiable in the other case-type categories.



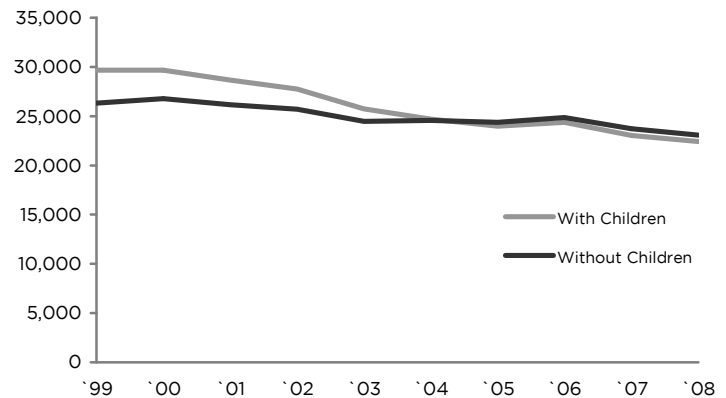
## Caseloads

The core work performed in domestic relations courts involves divorces and dissolutions. From 1999 through 2008, the total number of divorces and dissolutions decreased by 19 percent. New Filings across the state in all case types over the period of 1999 through 2008 are shown in a table contained within the *Appendix*.

While divorces and dissolutions both trended downward, of particular note is the difference in the rate of decline depending on whether the married couple had children. As displayed in **Figure 1**, the rate of the decrease is greater for divorces and dissolutions involving children. Until 2005, more cases were filed involving children than not. Since 2005, this relationship in the data reversed. More cases now are filed in which children are not involved.

**FIGURE 1**

**Marriage Terminations and Dissolutions Combined Case Types**  
New Filings



**TABLE 1**

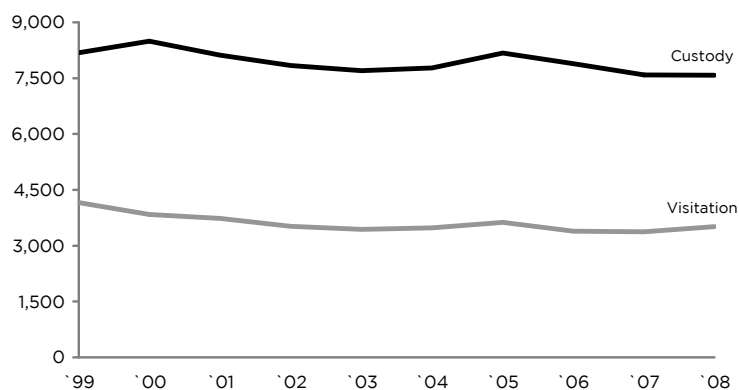
### Post-Decree Case Types

New Filings and Reactivations

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Change from 1999
<b>New Filings</b>											
Change of Custody	1,096	1,027	1,217	1,078	1,067	991	939	661	611	582	-47%
Support - Enforce or Modify	3,970	4,417	5,062	5,479	5,194	5,134	5,130	3,731	3,444	3,271	-18%
Visitation - Enforce or Modify	532	418	522	436	368	312	284	313	259	157	-70%
<b>Reactivations</b>											
Change of Custody	7,085	7,469	6,904	6,761	6,635	6,785	7,240	7,234	6,980	6,996	-1%
Support - Enforce or Modify	32,704	33,063	32,477	32,185	32,407	35,859	35,581	33,730	33,410	34,635	6%
Visitation - Enforce or Modify	3,626	3,423	3,211	3,088	3,075	3,171	3,341	3,079	3,120	3,356	-7%
<b>Total New Filings and Reactivations</b>											
Change of Custody	8,181	8,496	8,121	7,839	7,702	7,776	8,179	7,895	7,591	7,578	-7%
Support - Enforce or Modify	36,674	37,480	37,539	37,664	37,601	40,993	40,711	37,461	36,854	37,906	3%
Visitation - Enforce or Modify	4,158	3,841	3,733	3,524	3,443	3,483	3,625	3,392	3,379	3,513	-16%

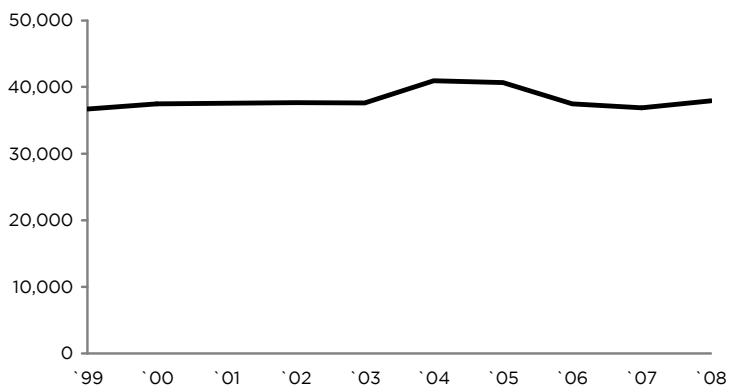
**FIGURE 2**

**Custody and Visitation Cases**  
New Filings and Reactivations



**FIGURE 3**

**Support Cases**  
New Filings and Reactivations



Under the Supreme Court’s statistical reporting scheme for domestic relations cases, post-decree cases generally are reported as “reactivations,” rather than “new filings.” If a divorce case is heard in another state or county, then any post-decree filing is reported as a new filing. In 2008, 92 percent of all post-decree matters were reported as “reactivations.” Accordingly, for purposes of analyzing long-term trends in these caseloads, both sets of data (new filings and reactivations) are presented.

Similar to the downward trend seen in marriage terminations and marriage dissolutions, a corresponding downward trend in the number of custody and visitation matters is seen. This follows logically because post-decree motions are filed after a marriage is terminated. Notable is the contrast in the number of post-decree case types filed involving children (custody and visitation) and the number of support matters. It follows that because fewer marriage terminations involving children are filed, fewer custody and visitation matters are presented. Support matters, not strictly involving the presence of children, is expected to demonstrate less of a decline. These relationships in the reported caseloads are seen in **Table 1** and **Figures 2** and **3**.

## Performance Measures

For a description of court performance measures used by the Supreme Court, see *page 3*.

**Table 2** shows the clearance rates and overage rates for each case type in 2008. The overage rates are displayed graphically in **Figure 4**. While the overage rates for Marriage Terminations and Marriage Dissolutions along with several other case types in 2008 are below 10 percent, the overage rates for Domestic Violence, Custody, U.I.F.S.A., Visitation and All Others are above 10 percent.

The basis for the high overage rate for Domestic Violence cases is under close scrutiny by the Case Management Section and the Supreme Court of Ohio Advisory Committee on Domestic Violence. The time guideline for Domestic Violence cases is one month. Based on the particular practices used by many courts to report terminations of these cases, the number of overage cases is erroneously inflated. Efforts to address this statistical anomaly are underway.

**TABLE 2**

### Courts of Common Pleas, Domestic Relations Division

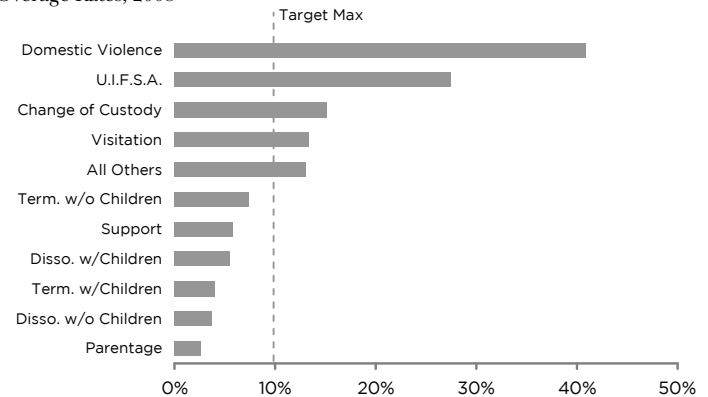
Performance Measures, by Case Type, 2008

	Clearance Rate	Overage Rate
All Others	97%	13%
Change of Custody	100%	15%
Domestic Violence	101%	41%
Marriage Dissolutions w/Children	100%	6%
Marriage Dissolutions w/o Children	101%	4%
Marriage Terminations w/Children	104%	4%
Marriage Terminations w/o Children	102%	7%
Parentage	95%	3%
Support - Enforce or Modify	100%	6%
U.I.F.S.A.	105%	27%
Visitation - Enforce or Modify	99%	13%

**FIGURE 4**

### All Case Types

Overage Rates, 2008





**Courts of  
COMMON PLEAS**  
Juvenile Division

Juvenile divisions of courts of common pleas hear cases involving delinquent, unruly and neglected and dependent children and have jurisdiction in adult cases involving paternity, child abuse, non-support, contributing to the delinquency of minors and the failure to send children to school.

Juvenile divisions exist in most counties together with another division. However, the following counties have stand-alone juvenile divisions:

Butler	Hamilton	Montgomery
Cuyahoga	Lake	Richland
Erie	Lucas	Summit
Greene	Mahoning	

## Caseloads

The *Appendix* contains a table showing the number of statewide new filings, by type of case, from 1999 to 2008. A variety of sizable changes in the number of new filings is seen. Overall, the state saw an 18-percent decline in the total number of new filings of juvenile cases during the 10 years shown. A large portion of that overall decline is attributed to traffic cases, which exhibited a fairly steady decline from a high in 1999 of more than 103,000 cases to slightly less than 59,000 cases in 2008 (a 43 percent decrease).

Notable in this data is the upward trend seen in those case types involving child support (Support Enforcement or Modification), Custody and Visitation issues (Custody/Visitation). In 2008, 24,015 support matters were filed representing a 62 percent increase over the 14,805 filed in 1999. **Figure 1** displays graphically the increasing trend in new support filings. Although the upward trend is not as sharp, there also exists an ongoing increase in the caseload presented to the courts involving Custody/Visitation matters. Over the 10 years shown, Custody/Visitation cases rose 26 percent.

These upward trends in custody, visitation and support matters align with the downward trends in related case types heard in Ohio's domestic relations divisions. The critical difference here is the matters heard in juvenile divisions involve unmarried persons, whereas the related case types heard in domestic relations divisions necessarily are an outgrowth of a divorce or dissolution. Because divorces and dissolutions are trending down, it is perhaps not surprising to see an increase in the volume of child support, custody and visitation litigation involving unmarried persons.

FIGURE 1

**Custody/Visitation and Support Case Types**  
New Filings

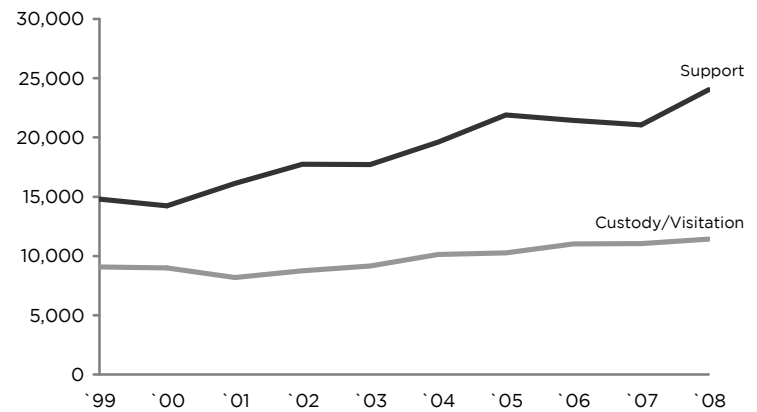
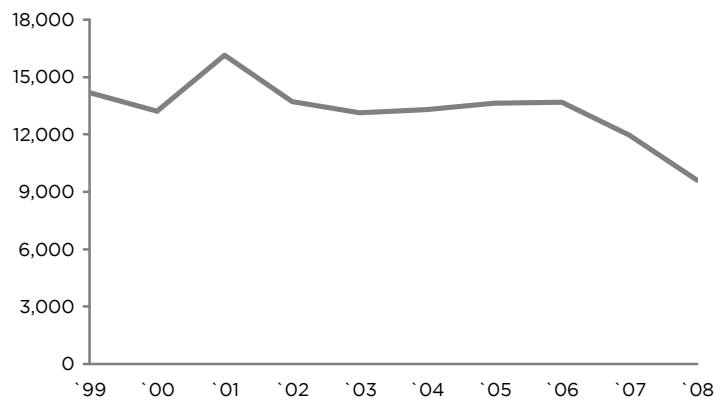


FIGURE 2

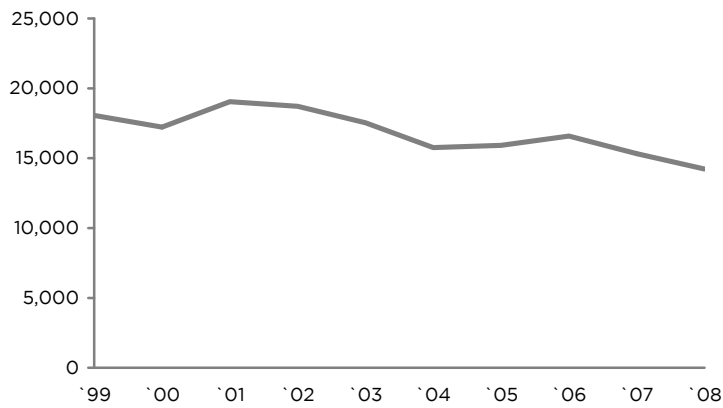
**Parentage Case Type**  
New Filings



**FIGURE 3**

**Abuse, Neglect and Dependency and Motions for Permanent Custody (Combined)**

New Filings



Parentage cases, where the establishment of paternity is at issue, show a slight overall downward trend over the 10 years shown with a notable sharpening of that trend over the past two years. (See **Figure 2**).

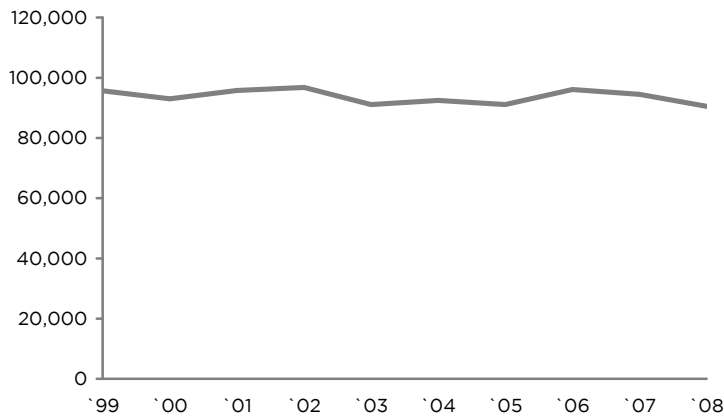
New filings of Abuse, Neglect and Dependency cases, combined with new filings of Motions for Permanent Custody, are shown in **Figure 3**. The downward trend shown in this data mirrors the general decline seen nationally in the number of new filings of these case types.

The filing of new Delinquency cases, constituting the single largest case type by volume heard in juvenile divisions, remained steady over the 10 years shown. (See **Figure 4**).

**FIGURE 4**

**Delinquency Case Type**

New Filings



## Performance Measures

For a description of court performance measures used by the Supreme Court, see *page 3*.

**Table 1** shows the clearance rates and overage rates for each case type in 2008. As shown in **Figure 5**, overage rates among several juvenile division cases exceed the 10-percent threshold. Clearance rates, with one exception, exceed 100 percent.

**TABLE 1**

### Courts of Common Pleas, Juvenile Division

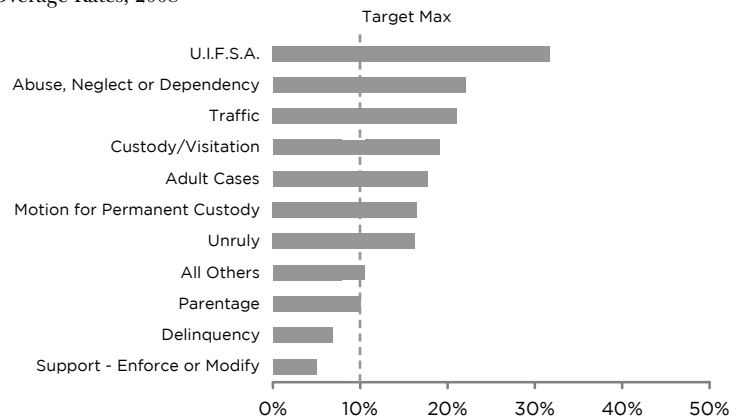
Performance Measures, by Case Type, 2008

	Clearance Rate	Overage Rate
Abuse, Neglect or Dependency	106%	22%
Adult Cases	104%	18%
All Others	111%	11%
Custody/Visitation	100%	19%
Delinquency	102%	7%
Motion for Permanent Custody	109%	17%
Parentage	111%	10%
Support - Enforce or Modify	98%	5%
Traffic	102%	21%
U.I.F.S.A.	103%	32%
Unruly	102%	16%

**FIGURE 5**

### All Case Types

Overage Rates, 2008





## Courts of COMMON PLEAS

Probate Division

The Ohio Constitution of 1851 provides that probate courts are established as separate independent courts with jurisdiction over the probate of wills and supervision of the administration of estates and guardianships. In 1968, under the Modern Courts Amendment to the Ohio Constitution, probate courts became divisions of the courts of common pleas. In addition to jurisdiction over wills, estate matters and guardianships, probate divisions have jurisdiction over the issuance of marriage licenses, adoption proceedings, determination of sanity or mental competency, and certain eminent domain proceedings. Probate judges also can solemnize marriages.

The probate divisions of the courts of common pleas exist in most counties together with another division. However, the following counties have stand-alone probate divisions:

Butler	Hamilton	Richland
Clark	Lake	Stark
Cuyahoga	Lucas	Summit
Franklin	Mahoning	Trumbull
Greene	Montgomery	



## Caseloads

Across the state, probate caseloads declined over the 10 years between 1999 and 2008. As shown in a table in the *Appendix*, 89,397 new probate cases were filed in 2008, representing 11 percent fewer than the 99,898 cases filed in 1999. However, certain case types experienced growth.

New filings of Guardianships of Incompetents, displayed in **Figure 1**, demonstrate a slight, but fairly steady upward trend. On the other hand, Guardianships of Minors, also shown in Figure 1, trend downward, with 2,896 filings in 2008 compared with the 4,076 new filings in 1999 (a 29 percent decrease).

Although not as numerous when compared with other case types, Wrongful Death cases rose dramatically — more than double from a low of 244 cases in 2000 to a high of 572 cases in 2008 (a 124 percent increase). (See **Figure 2**).

Decedents' Estates cases, shown in **Figure 3**, exhibited a steady downward trend from 1999 to 2008. The 57,534 cases filed in 2008 are 15 percent fewer than the 67,629 cases filed in 1999.

FIGURE 1

### Guardianships

New Filings

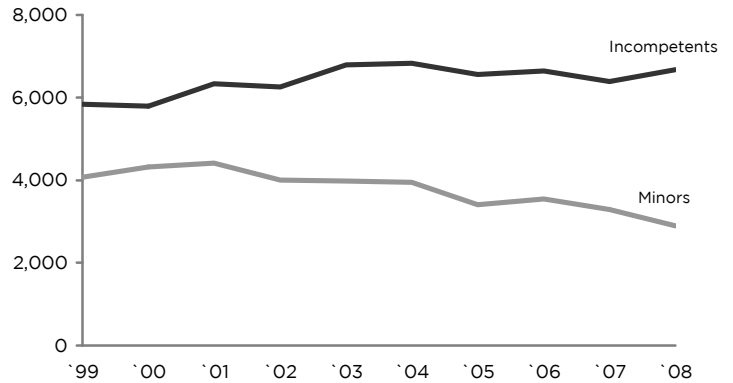


FIGURE 2

### Wrongful Death Cases

New Filings

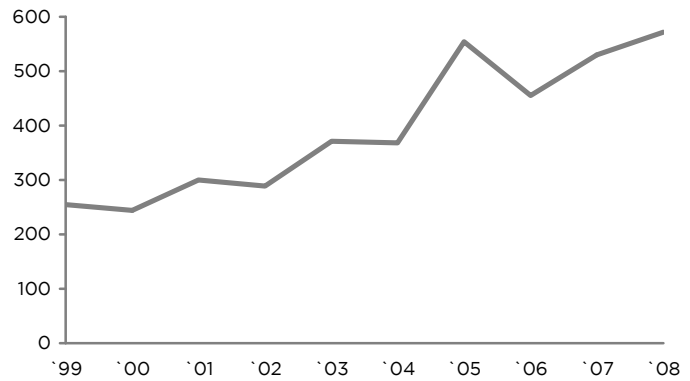
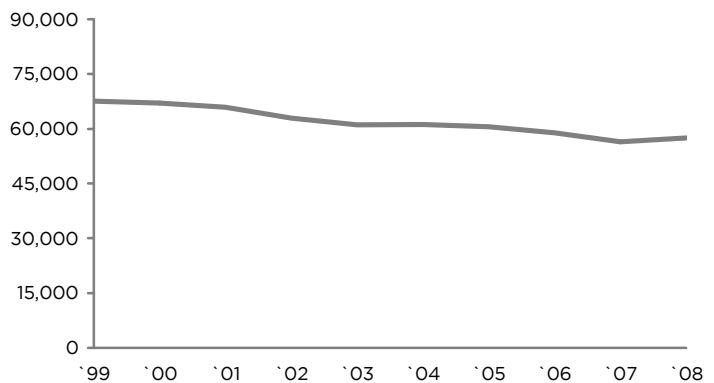


FIGURE 3

### Decedents' Estates

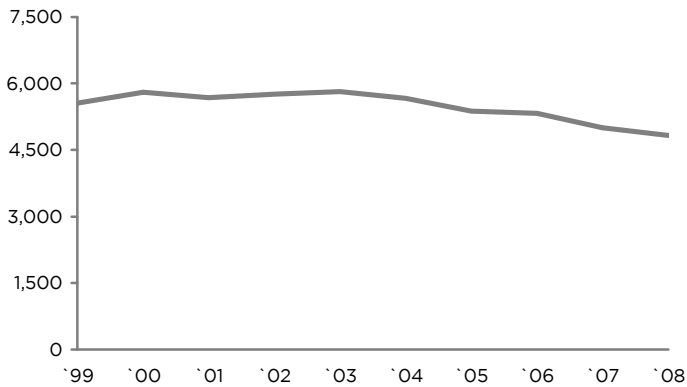
New Filings



**FIGURE 4**

**Adoptions**

New Filings



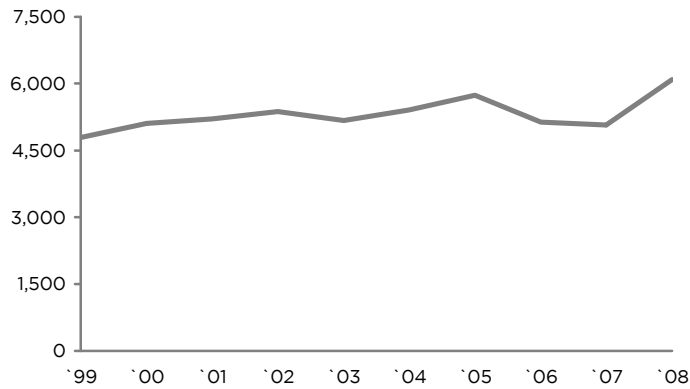
Adoption cases also demonstrated a fairly steady decrease with 4,824 cases filed in 2008 representing a 13-percent decline from the 5,553 cases filed in 1999. (See **Figure 4**).

Constituting a significant segment of the probate division workload are Mental Illness and Mental Retardation matters, which grew steadily since 1999. In 2008, 6,092 cases were filed, representing a 27-percent increase over the 4,794 cases filed in 1999. (See **Figure 5**).

**FIGURE 5**

**Mental Illness and Mental Retardation Cases**

New Filings



## Performance Measures

For a description of court performance measures used by the Supreme Court, see *page 3*.

As shown in **Table 1** and **Figure 6**, probate divisions statewide in 2008 exhibited clearance rates exceeding 100 percent in the majority of those case types amenable to this measurement. Wrongful death cases show the lowest clearance rate at 87 percent, which is suggestive of the risk of growth in a backlog of this type of case.

**TABLE 1**

### Courts of Common Pleas, Probate Division

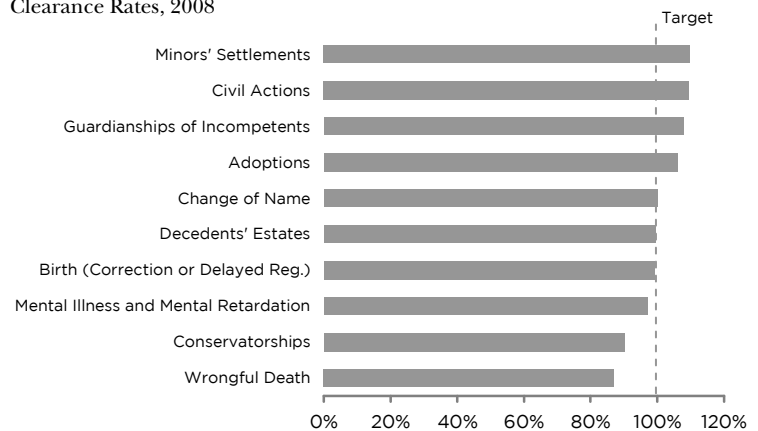
Clearance Rates, by Case Type, 2008

	<b>Clearance Rate</b>
Adoptions	106%
Birth (Correction or Delayed Registration)	99%
Change of Name	100%
Civil Actions	109%
Conservatorships	90%
Decedents' Estates	100%
Guardianships of Incompetents	108%
Mental Illness and Mental Retardation	97%
Minors' Settlements	110%
Wrongful Death	87%

**FIGURE 6**

### All Case Types

Clearance Rates, 2008





## Municipal & County COURTS

The Ohio Constitution of 1851 established the Supreme Court and four types of lower courts: district courts of appeals, courts of common pleas, probate courts and justice courts. In 1910, the General Assembly established the first municipal court in Cleveland. In 1957, the General Assembly replaced justice courts with county courts. Each county court was established to have under its territorial jurisdiction those regions of a county not otherwise served by a municipal court. The General Assembly, over the ensuing years, reduced the number of county courts and expanded the territorial jurisdiction and number of municipal courts.

The subject-matter jurisdiction of municipal and county courts is identical. Municipal and county courts have the authority to conduct preliminary hearings in felony cases, and both have jurisdiction over traffic and non-traffic misdemeanors. These courts also have limited civil jurisdiction. They hear civil cases in which the amount of money in dispute does not exceed \$15,000. Judges of municipal and county courts also have statewide authority to solemnize marriage ceremonies.

In 2008, there were 128 municipal courts with a total of 212 judges, and 38 county courts with a total of 44 judges. Three municipal courts have specialized divisions: Cleveland Municipal Court – Housing Division, Toledo Municipal Court – Housing Division, and Franklin County Municipal Court – Environmental Division.

Municipal court judges and county court judges must be attorneys with at least six years of experience in the practice of law. They are elected on a non-partisan judicial ballot. Municipal court judges serve on either a full-time or part-time basis, depending on the specific municipal court to which they are elected. All county court judges serve on a part-time basis. A municipal court judge has jurisdiction in one or more municipalities, in adjacent townships, or throughout an entire county. In 2008, statutes provided for the following 16 part-time municipal courts:

Avon Lake	Lebanon
Bellevue	Lyndhurst
Campbell	Mason
Chardon	Miamisburg
Franklin	Oakwood
Hardin County	Shelby
Huron	Struthers
Lawrence County	Vermilion

## Changes in 2008

In 2008, several changes were made to the number of judges and structure of Ohio's municipal and county courts.

**Delaware Municipal Court:** Effective Jan. 1, 2008, a new seat was added to the Delaware Municipal Court, bringing the total number of seats in that court to two.

**Erie County Court:** Effective Jan. 1, 2008, the Erie County Court converted to full-time status and became the Erie County Municipal Court.

**Hillsboro Municipal Court:** Effective Dec. 30, 2008, the judgeship in the Hillsboro Municipal Court converted from part-time to full-time status.

**Upper Sandusky Municipal Court:** Effective Jan. 1, 2008, the judgeship in the Upper Sandusky Municipal Court converted from part-time to full-time status.

## Changes in 2009

In 2009, one change was made concerning the existence of Ohio's municipal and county courts.

**Cuyahoga Falls Municipal Court:** Effective Jan. 1, 2009, the Cuyahoga Falls Municipal Court was abolished and the Stow Municipal Court was established in its place. The two sitting judges in Cuyahoga Falls Municipal Court automatically became judges of the Stow Municipal Court.

The case types heard in municipal and county courts are grouped into three general categories:

### Civil Cases

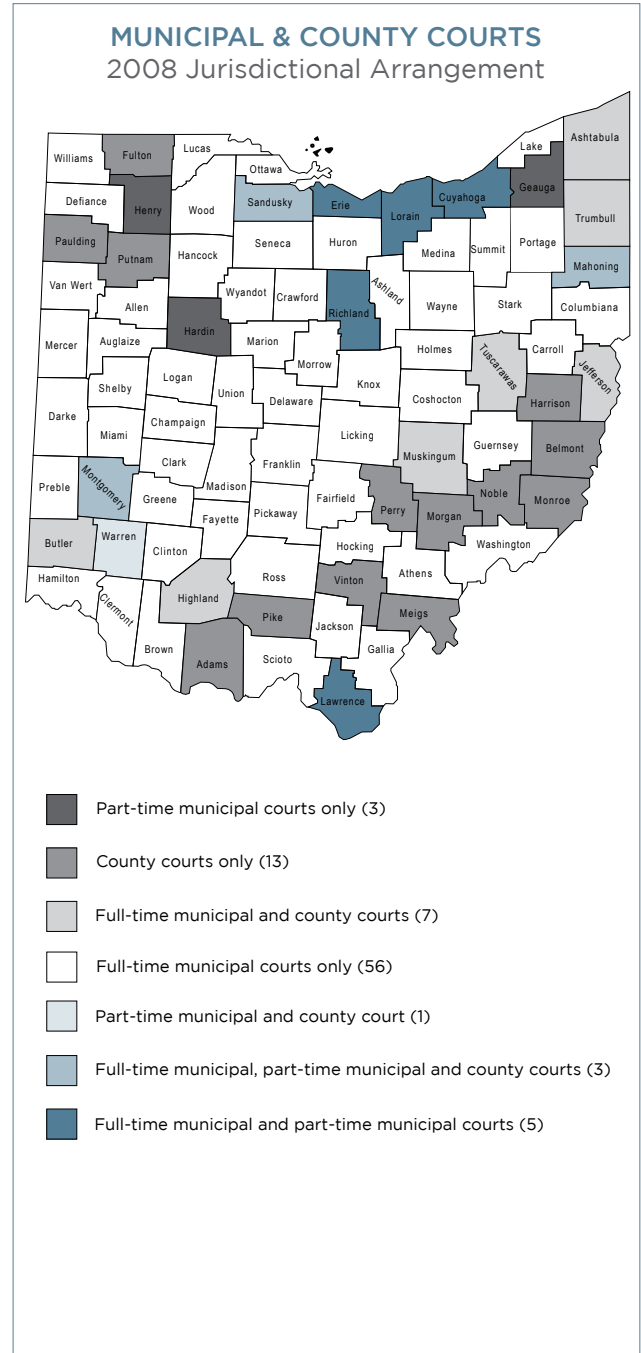
Civil cases heard in municipal and county courts are Personal Injury and Property Damage (PI/PD), Contracts, Forcible Entry and Detainer (F.E.D) (filed by landlords for eviction and possible recovery of money), Other Civil (a catchall for civil cases not otherwise classifiable in the other case type categories), and Small Claims cases (involving recovery of small debts and accounts not exceeding \$3,000).

### Criminal Cases

This category includes Felonies (preliminary hearings only) and Misdemeanors.

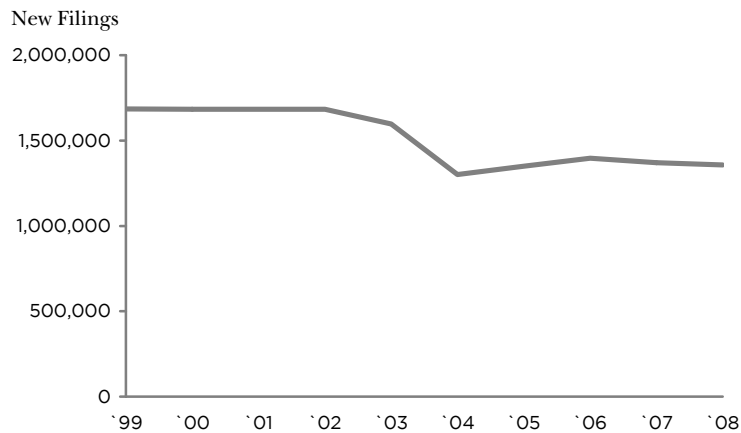
### Traffic Cases

This category includes Operating a Vehicle While Under the Influence (O.V.I.) and Other Traffic (all other crimes involving the use of motor vehicles). Caseload statistics concerning parking violations and other vehicle-related infractions are not reported to the Supreme Court.



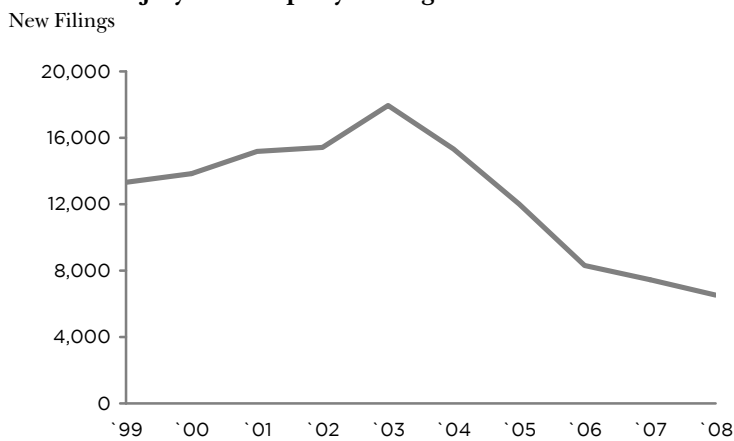
**FIGURE 1**

**Other Traffic Cases**



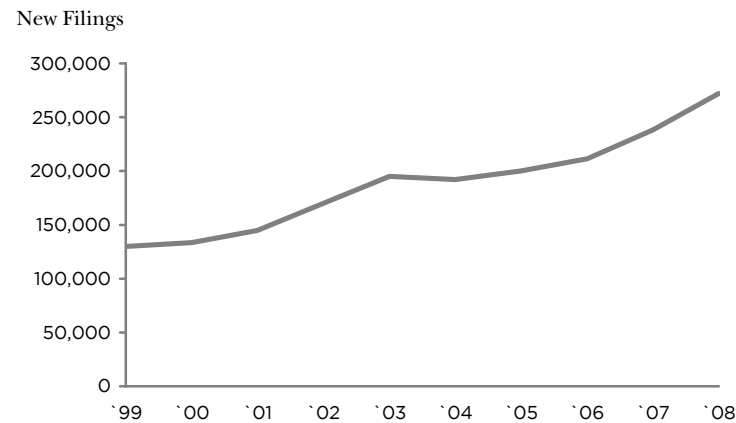
**FIGURE 2**

**Personal Injury and Property Damage Cases**



**FIGURE 3**

**Contracts Cases**



**Caseloads**

For purposes of presenting 10-year trend data concerning caseloads heard in Ohio’s municipal and county courts, the data reported by municipal courts and county courts is combined here in order to present a single unified perspective over the caseloads heard in Ohio’s limited jurisdiction trial courts.

As shown in a table in the *Appendix*, the total caseloads filed in Ohio’s municipal and county courts remained relatively stable. However, there was substantial growth in certain case types. That growth was offset by a corresponding decline in the number of Other Traffic new case filings.

Other Traffic cases, constituting 54 percent of the municipal and county courts’ total caseload filed in 2008, trended steadily downward from 1999 through 2008, with a particularly sharp decline between 2002 and 2004. (See **Figure 1**).

An overall 10-year decline also can be seen in Personal Injury and Property Damage cases. In 2008, 6,521 new cases were filed compared with the 10-year high seen in 2003, when nearly 18,000 cases were filed. The growth seen over the 1999 to 2003 time period is notable as well. (See **Figure 2**).

Contracts cases saw dramatic growth. In 2008, 271,982 cases were filed, constituting a 109-percent increase over the 130,038 cases filed in 1999. (See **Figure 3**).

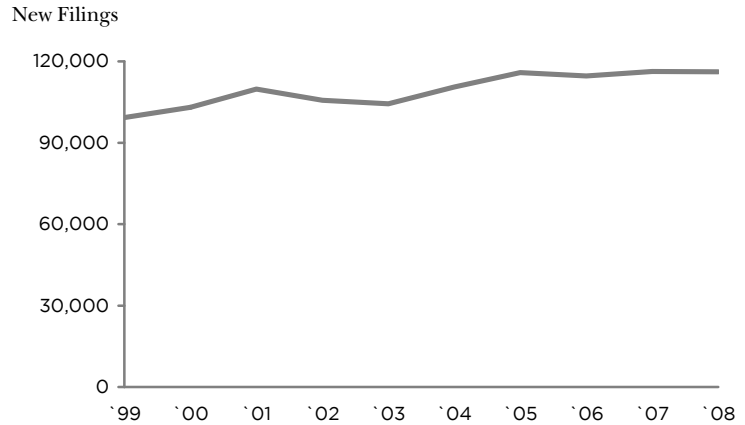
Forcible Entry and Detainer cases exhibited an upward trend with the filing of 116,173 cases in 2008, compared with 99,246 in 1999, which represents a 17-percent increase. (See **Figure 4**).

Unlike Contracts and Other Civil cases, Small Claims cases have not demonstrated an upward trend. In fact, they remained notably stable as shown in **Figure 5**. Viewed over the entire 10-year period, a slight downward trend is seen.

Felony cases, in which municipal and county courts conduct preliminary hearings only, increased as well over the 10-year period shown in **Figure 6**. From 1999 to 2006, the rate of increase was fairly sharp. Beginning in 2006, however, that trend reversed. The number of Felony cases filed in 2008 (77,859) is roughly equal to the volume filed in the 2002 and 2003 time frame. Some reduction may be accounted for by an increase in the rate of direct indictments of criminal defendants into common pleas court, thus bypassing municipal and county courts altogether. The criminal caseloads reported to the Supreme Court by the common pleas courts do not identify whether the cases were presented to the courts via direct indictment or via bindover from municipal or county court.

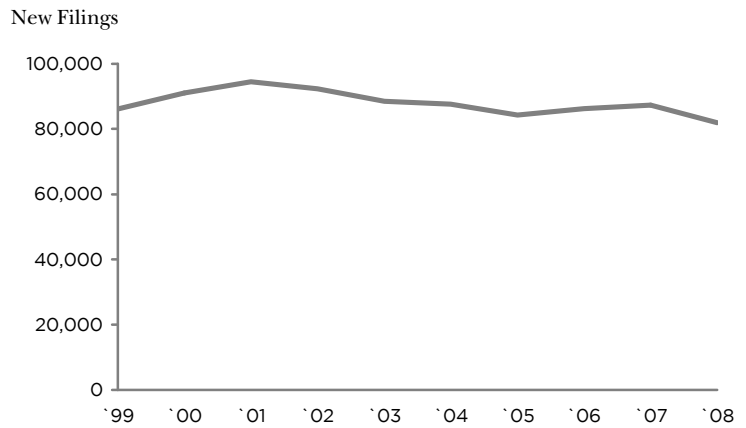
**FIGURE 4**

**Forcible Entry and Detainer Cases**



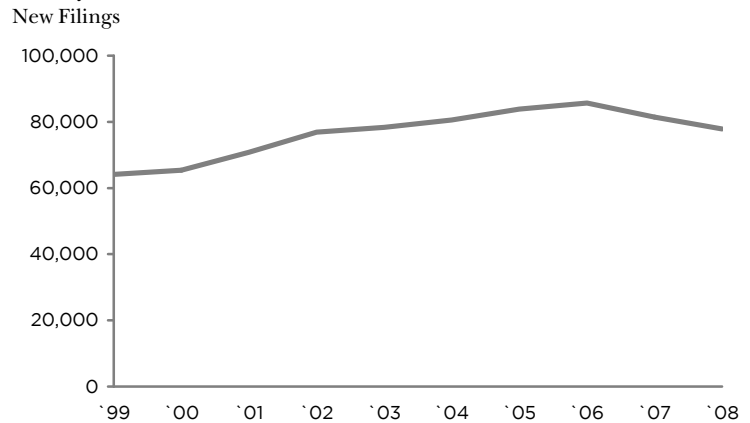
**FIGURE 5**

**Small Claims Cases**



**FIGURE 6**

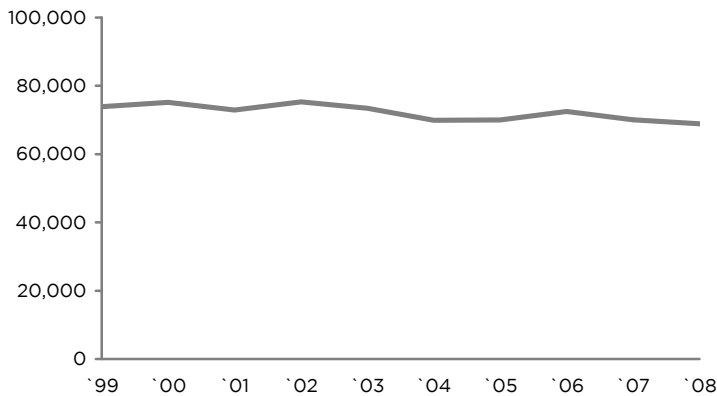
**Felony Cases**



**FIGURE 7**

**O.V.I. Cases**

New Filings



Not unlike the general downward trend in Other Traffic cases, O.V.I. cases also exhibited a downward trend, although very slight. (See **Figure 7**).

**Performance Measures**

For a description of court performance measures used by the Supreme Court, see *page 3*.

As shown in **Table 1**, the clearance rates for each case type in 2008 are all above 100 percent, with the exception of Contracts and Other Civil. The overage rates, shown in **Table 1** are displayed graphically in **Figure 8**. Felonies, showing an overage rate of 14 percent, is the only case type exceeding the 10-percent threshold.

**TABLE 1**

**Municipal and County Courts**

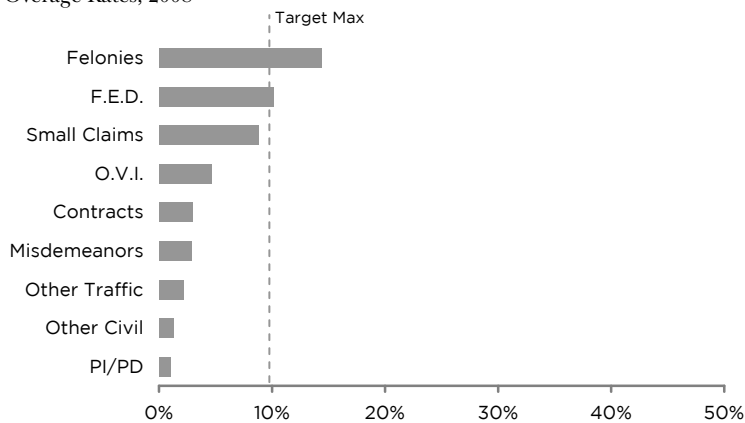
Performance Measures, by Case Type, 2008

	Clearance Rate	Overage Rate
Contracts	99%	3%
F.E.D.	109%	10%
Other Civil	99%	1%
PI/PD	111%	1%
Small Claims	104%	9%
Felonies	101%	14%
Misdemeanors	101%	3%
O.V.I.	100%	5%
Other Traffic	100%	2%

**FIGURE 8**

**All Case Types**

Overage Rates, 2008





## Trial Rates

The rate of trials occurring in a court is a useful statistic when assisting courts in understanding the fundamentals of effective caseload management. Although it is not a measure of a court's performance, per se, this statistic routinely is used by the Supreme Court of Ohio Case Management Section as part of its caseload management training curriculum.

In order to calculate trial rates, the various termination categories reported by the courts first are separated into termination categories that truly are dispositive of the case and categories that instead simply render the case no longer active for reporting purposes. The number of dispositive terminations are then summed. The resulting sum is divided into the number of trials (either by jury, by court, or both) in order to produce the trial rate, expressed as a percentage.

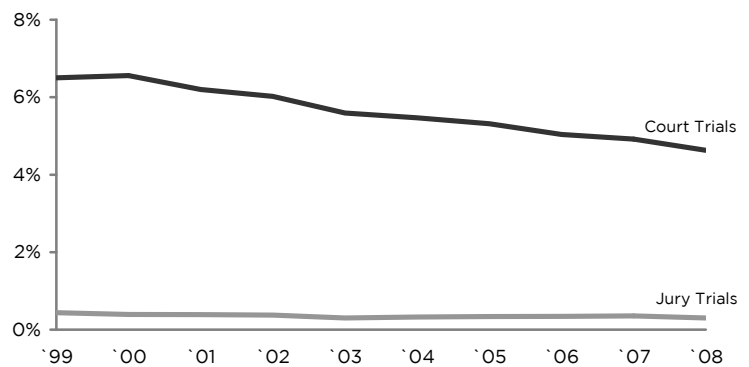
**Figure 9** displays the trial rate for court trials (cases where the judge hears the evidence and renders a determination of the facts in the case) and jury trials for all case types combined.

The trial rate for court trials in 2008 was 4.6 percent, representing a sizable decrease from the 1999 trial rate for court trials of 6.5 percent. Over the 10 years shown, a steady decrease is seen. The rate of jury trials remained flat.

**FIGURE 9**

### Trial Rates in All Case Types Combined

Percentage of Total Dispositional Terminations Reported by Individually Assigned Judges





## Mayor's COURTS

In general, Ohio law allows mayors of municipal corporations populated by more than 100 people to conduct mayor's court where there are no municipal courts. These courts, which are not courts of record, only hear cases involving violations of local ordinances and state traffic laws. A person convicted in a mayor's court may appeal his or her conviction to the municipal or county court having jurisdiction within the municipal corporation.

Mayor's courts are required by law to register annually with, and submit caseload statistical reports quarterly to, the Supreme Court. At the request of the General Assembly, the Supreme Court adopted rules providing court procedures and basic legal education for mayors. Mayors whose courts hear alcohol- and drug-related traffic offenses have additional educational requirements. A mayor is not required to be a lawyer, but may appoint an attorney who has practiced law for at least three years to hear cases in mayor's court.

For the reporting year 2008, 329 mayor's courts registered with the Supreme Court. Mayor's court caseload statistics are published annually in a separate report.





# SPOTLIGHT on FORECLOSURES

The caseload statistics collected monthly by the Supreme Court from each of Ohio’s courts of common pleas, general divisions, include statistics concerning Foreclosure cases. Included in the Foreclosure data are all types of Foreclosures combined. That is, no distinction is made between residential, commercial, tax or any other specific foreclosure category.

Foreclosure case filings, in general, are discussed in the section of this report concerning the general divisions of Ohio’s courts of common pleas. This special section expands that information and presents in-depth analyses of how Ohio’s courts manage Foreclosure caseloads.

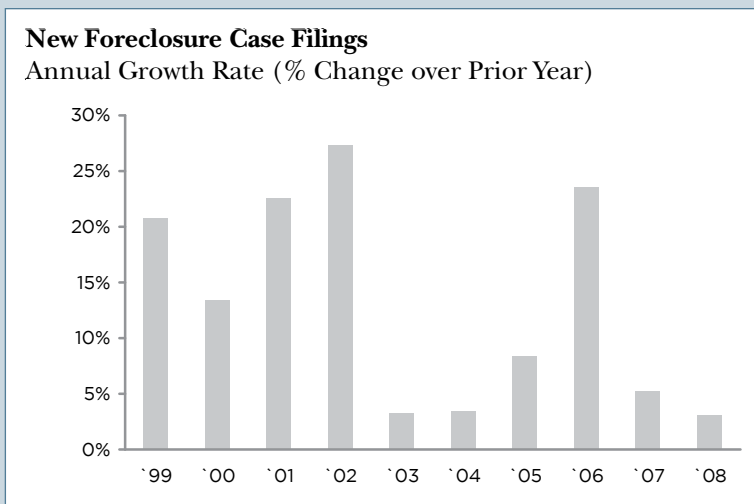
TABLE 1

Foreclosure Cases New Filings		
Year	New Filings	Annual Growth Rate
2008	85,773	3%
2007	83,230	5%
2006	79,059	24%
2005	63,996	8%
2004	59,041	3%
2003	57,083	3%
2002	55,274	27%
2001	43,419	23%
2000	35,422	13%
1999	31,229	21%

### Caseloads

In 2008, 85,773 new Foreclosure cases were filed across the state, representing a 175 percent increase over the 31,229 cases filed in 1999. (See **Table 1**). Also shown in Table F1 is the annual growth rate (the percentage change in new filings over the prior year) for this same 10-year period. **Figure 1** graphically displays the annual growth rate. From 1999 to 2002, the annual growth rate ranged from 13 to 27 percent. Beginning in 2003, there was a sharp lessening in the annual growth, and low growth rates continued over the next two years until 2005 and 2006, when the state experienced a sharp increase in the annual growth rate. Following the spike in 2006, the rate once again slowed considerably, with the growth in 2008 over 2007 at 3 percent.

FIGURE 1



**TABLE 2**

**New Foreclosure Case Filings in Top 10 Counties with Highest 10-Year Growth**  
Sorted by 10-Year Growth

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Growth Over 1999
Delaware	143	198	215	290	402	410	481	720	897	909	536%
Union	66	95	129	151	189	223	237	266	292	320	385%
Sandusky	69	113	130	181	193	218	232	303	341	321	365%
Warren	286	328	458	660	723	778	938	1,029	1,231	1,306	357%
Ottawa	61	80	96	145	139	127	145	185	211	273	348%
Ashland	66	96	104	149	176	189	238	235	266	282	327%
Fulton	52	68	89	129	135	97	141	176	192	216	315%
Darke	75	84	148	189	203	176	212	259	273	310	313%
Van Wert	49	63	99	122	120	139	147	149	162	201	310%
Pickaway	78	101	130	169	188	221	219	308	307	318	308%

**TABLE 3**

**New Foreclosure Case Filings in Counties with at Least 2,000 Cases Filed in 2008**  
Sorted by 2008 New Filings

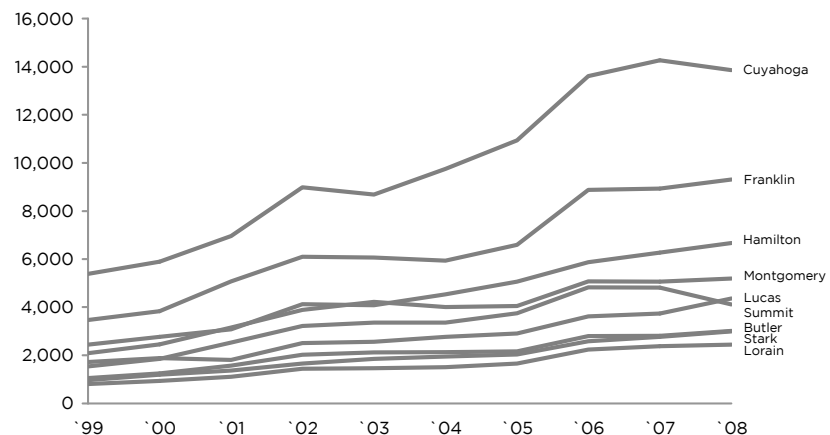
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Growth Over 1999
Cuyahoga	5,387	5,900	6,959	8,987	8,686	9,751	10,935	13,610	14,267	13,858	157%
Franklin	3,468	3,832	5,077	6,104	6,072	5,940	6,596	8,875	8,928	9,305	168%
Hamilton	2,447	2,770	3,080	4,117	4,076	4,528	5,066	5,876	6,277	6,673	173%
Montgomery	2,092	2,457	3,152	3,881	4,220	4,002	4,050	5,076	5,063	5,194	148%
Lucas	1,718	1,883	1,807	2,509	2,561	2,766	2,903	3,618	3,735	4,359	154%
Summit	1,539	1,851	2,525	3,214	3,352	3,358	3,744	4,833	4,808	4,113	167%
Stark	1,059	1,247	1,570	2,021	2,119	2,129	2,167	2,799	2,808	3,017	185%
Butler	967	1,193	1,370	1,654	1,853	1,952	2,032	2,580	2,766	2,987	209%
Lorain	811	938	1,111	1,442	1,465	1,510	1,656	2,237	2,376	2,442	201%

**Table 2** shows the 10-year new filing figures for the top 10 counties experiencing the highest growth. None of these counties saw less than 300 percent growth over the past 10 years.

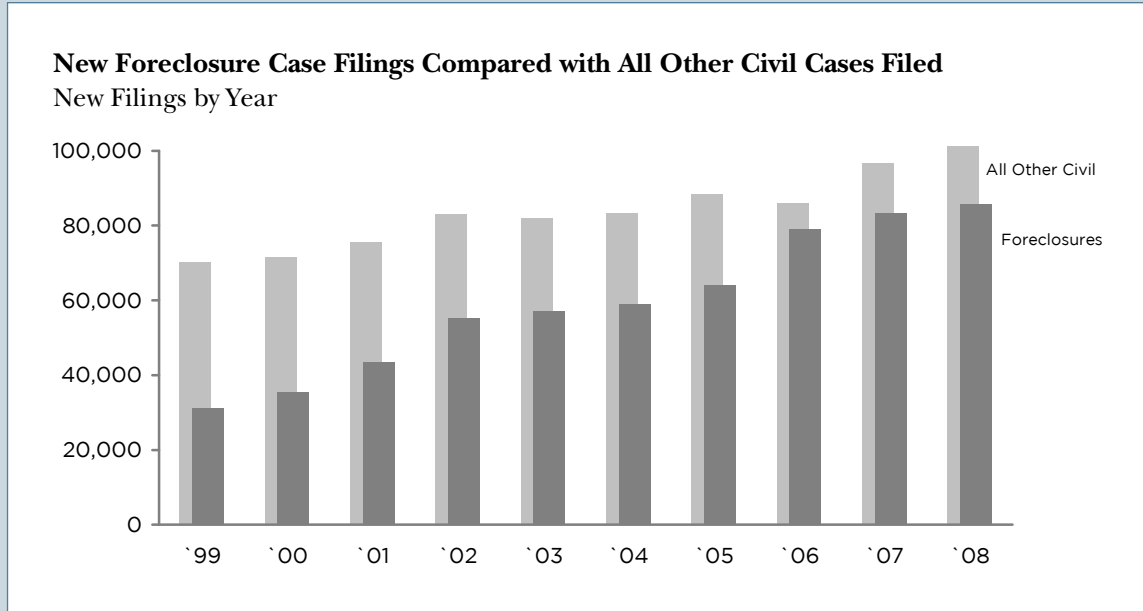
In 2008, nine counties saw the filing of 2,000 or more Foreclosure cases. In addition to **Table 3**, which shows the number of filings in those nine counties over the past 10 years, **Figure 3** displays the information graphically. Notable in this data are the caseloads in Cuyahoga and Summit counties, where each reported a drop in 2008 from 2007.

**FIGURE 3**

**New Foreclosure Case Filings in Counties with at Least 2,000 Cases Filed in 2008**  
New Filings, by Year



**FIGURE 4**



**TABLE 4**

Foreclosure Cases Performance Measures		
Year	Clearance Rate	Overage Rate
2008	101%	4%
2007	103%	6%
2006	84%	7%
2005	100%	4%
2004	101%	5%
2003	100%	6%
2002	94%	4%
2001	91%	3%
2000	98%	5%
1999	91%	4%

As a share of all new civil cases filed each year in Ohio’s courts of common pleas, general divisions, Foreclosures reached a peak of 48 percent in 2006. That figure edged down slightly to 46 percent in each of the past two years. (See **Figure 4**).

**Performance Measurement**

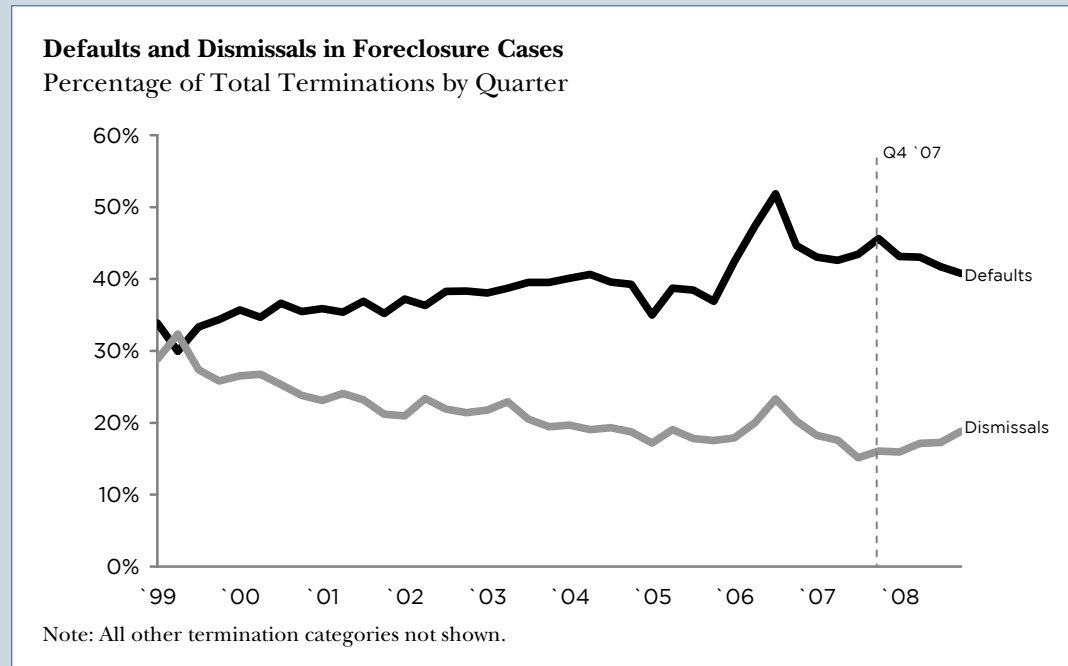
For descriptions of court performance measures used by the Supreme Court, see *page 3*. Despite the significant growth in new foreclosure filings, courts of common pleas across the state reported positive case management performance data. Shown in **Table 4** are clearance rates and overage rates for each of the past 10 years. The clearance rate of 84 percent in 2006 may be a reflection of the spike in new filings that year, rather than an indication of the development of a possible backlog. Notable, as well, are the continued positive overage rates where the measurement only exceeded 6 percent once in the past 10 years.

**Terminations**

Under the Supreme Court’s caseload reporting process, a court may report Foreclosure cases as terminated under a number of different categories. Two categories (which are combined here and referred to as “dismissals”) indicate the case was dismissed, by either the court or the plaintiff, for reasons other than failure of the plaintiff to prosecute the claim. Another termination category is “default,” in which the court enters a default judgment against the defendant.

**Figure 5** (see *page 56*) displays the rate of dismissals and defaults as percentages of the total number of Foreclosure terminations reported during each quarter over the past 10 years.

**FIGURE 5**



Clearly visible in this data is the general upward trend in the rate of defaults exhibited from 1999 to the end of 2007 and a general downward trend during the same period in the rate of dismissals — suggesting that borrowers were increasingly unable to effect a negotiated outcome of their cases. Beginning with the fourth quarter of 2007, the direction of both trends reversed.

**Foreclosure Mediation Model**

In December 2007, Chief Justice Thomas J. Moyer issued a statement calling on Ohio attorneys to offer their services pro bono (without charge) to assist courts, homeowners and lenders in addressing the increasing number of Foreclosure cases filling Ohio court dockets. Shortly thereafter, in February 2008, Chief Justice Moyer introduced the Foreclosure Mediation Model. The model, the first of its kind in the nation, was developed through the efforts of the Supreme Court of Ohio Dispute Resolution Section and Advisory Committee on Dispute Resolution, which created a Foreclosure Working Group including judges, magistrates, mediators, attorneys, legal aid representatives, educators, mortgage bankers and representatives of homeowners. The Foreclosure Legal Assistance Group of Ohio (FLAG-Ohio), a coalition of governmental and nonprofit partners, worked in an advisory capacity to support this effort.

The model includes best practices, related documents, forms and other resources and is designed for courts to modify. Because not every Foreclosure case is appropriate for mediation, the model is designed to assist courts in determining which cases are appropriate through the assessment of information provided by the homeowner and the lender.

Less than one year after Chief Justice Moyer introduced the model, all 88 counties were offering mediation as an option in Foreclosure cases. Individual counties currently are reporting an approximately 75 percent settlement rate for Foreclosures with additional cases settling before and after mediation sessions.



## A

**Abuse, Neglect and Dependency:** Juvenile cases concerning the neglected child, as defined by R.C. 2151.03; the dependent child, as defined by R.C. 2151.04; or the abused child, as defined by R.C. 2151.031.

**Adult Cases:** Juvenile court cases brought against an adult who is the defendant accused of contributing to the neglect, unruliness, or delinquency of a minor.

**All Others:** Any case that cannot appropriately be recorded in a listed category.

## C

**Change of Custody:** Post-decree domestic relations cases in which the court must adjudicate a motion for change of custody, including requests for change of custody based upon an election by the child and cases where custody is contested. Juvenile cases are included where there is an application for writ of habeas corpus involving the custody of a child or where a motion for change of custody is filed pursuant to Juv. R. 10(A).

**Clearance Rate:** Clearance rates are a statistical calculation measuring a court's performance in keeping up with its incoming caseload. A clearance rate of 100 percent indicates the court is terminating an equal number of cases as it takes in. It is determined by dividing the total number of terminations by the total number of new filings, reactivations and transfers. It is expressed as a percentage. For example, if 90 terminations and 100 total incoming cases are reported, the clearance rate is 90 percent.

**Court Trial:** A case is considered terminated by trial to the court (i.e. judge) if judgment is rendered after the first witness is sworn.

**Criminal:** Cases in which a person is charged with violation of a state law or local ordinance other than a traffic law or ordinance. For purposes of tracking the age of the case for these reports, the case begins at arraignment.

## D

**Delinquency:** Juvenile cases filed concerning a delinquent child, as defined by R.C. 2152.02.

**Domestic Violence:** Domestic violence actions filed as separate cases pursuant to R.C. 3113.31. This does not include miscellaneous matters filed in pending cases, such as motions to evict.

## F

**Felony:** A felony is defined by R.C. 2901.02 and Crim. R. 2 as an offense specifically classified as a felony, regardless of penalty, or an offense in which imprisonment for more than one year can be imposed. When transferred to the common pleas court, these cases are reported as criminal cases by the receiving court.



---

**Forcible Entry and Detainer (F.E.D.):** A summary proceeding initiated under R.C. 1923. or 5321. for restoring possession of real property to one who is wrongfully kept out or wrongfully deprived of possession.

## J

**Jury Trial:** A case is considered terminated by jury trial if judgment is rendered after the jury is sworn, regardless of the outcome of the trial.

## M

**Marriage Dissolutions:** Domestic relations cases in which a petition for dissolution of marriage is filed pursuant to R.C. 3105.63.

**Marriage Terminations:** Domestic relations cases in which a complaint for divorce is filed pursuant to R.C. 3105.01.

**Misdemeanors:** A misdemeanor is defined by R.C. 2901.02 and Crim. R. 2 as an offense specifically classified as a misdemeanor, or an offense in which imprisonment for not more than one year can be imposed. While traffic offenses fall within this definition, they are reported as operating a vehicle while under the influence or other traffic offenses and not as misdemeanors.

**Motion for Permanent Custody:** Juvenile cases in which a complaint or motion for permanent custody is filed when custody is contested. This does not include voluntary placements.

## O

**Operating a Vehicle While Under the Influence (O.V.I.):** Cases that include violating R.C. 4511.19 or any local ordinance that prohibits operating a motor vehicle while under the influence of alcohol or any drug of abuse.

**Other Civil:** Civil cases not included within any of the other categories. Ancillary proceedings are not reported as cases.

**Other Traffic:** Cases dealing with matters involving traffic offenders. Juveniles, as defined by R.C. 2152.02 (N), and adult traffic cases include any violation of state law or local ordinance arising out of the use of a motor vehicle, except those involving operating a vehicle while under the influence charges.

**Overage Rates:** Overage rates are a measure of the court's backlog. At any point in time, a court will have some number of active pending cases. Of those, some percentage may be pending beyond the time guidelines prescribed by the Supreme Court pursuant to Sup. R. 39. That percentage of overage cases is referred to as the overage rate. In 2008, the Supreme Court, in *Disciplinary Counsel v. Sergeant*, 118 Ohio St.3d 322, 2008-Ohio-2330, identified an overage rate of 10 percent or greater as an indication of a case management problem.

---

## P

**Parentage:** Cases brought pursuant to R.C. Chapter 3111., the Uniform Parentage Act. Once paternity is established, the parentage case is considered terminated for reporting purposes.

**Personal Injury and Property Damage:** Civil cases in which the principal issue is liability for, or the amount of damages to be received for, allegedly tortious conduct resulting in personal injury.

## S

**Small Claims:** Civil actions brought under R.C. 1925. for the recovery of small debts and accounts, not exceeding \$3,000, exclusive of interest and costs.

**Support Enforcement/Modification:** Post-decree domestic relations cases in which it is alleged there is disobedience of, or resistance to, a lawful judgment of the court requiring the payment of support. A case is reported only once, regardless of the number of pending motions.

## T

**Trial Rate:** Trial rates are a statistical calculation describing the rate at which trials occur compared against all other termination categories that are dispositive of a case.

## U

**Uniform Interstate Family Support Act (U.I.F.S.A.):** Cases brought pursuant to R.C. Chapter 3115, the Uniform Interstate Family Support Act, handled by the domestic relations or juvenile divisions, including cases initiated in Ohio and cases in which Ohio is the responding state.

**Unruly:** Juvenile cases concerning unruly children, as defined by R.C. 2151.022.

## V

**Visitation Enforcement/Modification:** Post-decree domestic relations cases in which it is alleged there is disobedience of, or resistance to, lawful judgment of the court relative to child-visitation rights. A case is listed only once, regardless of the number of pending motions.

## W

**Workers' Compensation:** Appeals filed under R.C. 4123.512, including noncompliance actions by the state, for recovery of benefits or of premiums, and mandamus actions arising from claims or awards.



**Courts of Common Pleas, General Division**

## New Filings, by Case Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Administrative Appeals	1,278	1,264	1,191	1,379	1,238	1,219	1,054	1,166	1,192	1,600
Criminal	59,683	61,055	66,871	68,544	72,261	73,822	77,042	82,370	81,785	79,240
Foreclosures	31,229	35,422	43,419	55,274	57,083	59,041	63,996	79,059	83,230	85,773
Other Civil	33,859	36,727	39,718	44,265	44,138	46,813	51,780	53,635	65,822	72,121
Other Torts	25,940	24,370	25,446	26,104	25,314	23,890	23,830	21,289	19,480	18,663
Product Liability	551	485	580	500	396	436	928	348	320	290
Professional Tort	2,707	2,704	2,650	2,972	2,683	2,250	1,908	1,502	1,483	1,411
Workers' Compensation	5,841	5,955	6,073	7,895	8,263	8,623	8,814	8,065	8,365	7,449
<b>Total</b>	<b>161,088</b>	<b>167,982</b>	<b>185,948</b>	<b>206,933</b>	<b>211,376</b>	<b>216,094</b>	<b>229,352</b>	<b>247,434</b>	<b>261,677</b>	<b>266,547</b>

**Courts of Common Pleas, Domestic Relations Division**

## New Filings, by Case Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
All Others	1,222	1,157	1,142	1,541	2,763	2,868	1,443	1,258	996	833
Change of Custody	1,096	1,027	1,217	1,078	1,067	991	939	661	611	582
Domestic Violence	10,580	12,609	13,970	15,497	16,219	17,447	18,255	18,219	18,862	19,386
Marriage Dissolutions w/Children	9,910	10,051	9,517	9,434	8,870	8,451	8,213	8,171	7,905	7,789
Marriage Dissolutions w/o Children	11,909	12,125	11,796	11,462	11,148	11,170	10,891	10,886	10,274	10,027
Marriage Terminations w/Children	19,758	19,623	19,147	18,321	16,857	16,239	15,767	16,195	15,125	14,627
Marriage Terminations w/o Children	14,425	14,649	14,375	14,254	13,339	13,407	13,493	13,961	13,457	13,047
Parentage	641	713	967	990	1,653	1,676	1,570	1,530	1,747	2,045
Support - Enforce or Modify	3,970	4,417	5,062	5,479	5,194	5,134	5,130	3,731	3,444	3,271
U.I.F.S.A.	1,446	1,470	2,115	2,283	2,049	2,694	1,903	1,919	1,477	1,291
Visitation - Enforce or Modify	532	418	522	436	368	312	284	313	259	157
<b>Total</b>	<b>75,489</b>	<b>78,259</b>	<b>79,830</b>	<b>80,775</b>	<b>79,527</b>	<b>80,389</b>	<b>77,888</b>	<b>76,844</b>	<b>74,157</b>	<b>73,055</b>

**Courts of Common Pleas, Juvenile Division**

## New Filings, by Case Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Abuse, Neglect or Dependency	17,346	16,601	18,212	17,462	16,669	15,132	14,827	15,423	14,934	13,846
Adult Cases	4,886	5,297	7,093	5,661	6,111	5,659	5,972	6,111	6,454	5,914
All Others	1,517	1,490	2,324	2,274	2,068	1,854	1,881	2,179	2,395	2,090
Custody/Visitation	9,083	9,007	8,199	8,745	9,161	10,128	10,269	11,021	11,064	11,423
Delinquency	95,716	92,993	95,807	96,791	91,112	92,458	91,065	96,127	94,466	90,506
Motion for Permanent Custody	715	620	844	1,253	863	623	1,094	1,165	394	378
Parentage	14,174	13,212	16,144	13,707	13,127	13,289	13,623	13,674	11,949	9,601
Support - Enforce or Modify	14,805	14,234	16,142	17,758	17,720	19,603	21,890	21,436	21,044	24,015
Traffic	103,519	86,259	94,435	97,177	89,499	77,377	73,613	73,208	66,411	58,495
U.I.F.S.A.	1,047	876	975	955	1,275	1,033	876	898	1,003	1,008
Unruly	21,762	21,066	20,950	18,789	17,293	17,747	18,135	18,084	17,199	16,971
<b>Total</b>	<b>284,570</b>	<b>261,655</b>	<b>281,125</b>	<b>280,572</b>	<b>264,898</b>	<b>254,903</b>	<b>253,245</b>	<b>259,326</b>	<b>247,313</b>	<b>234,247</b>

# APPENDIX

## Courts of Common Pleas, Probate Division

### New Filings, by Case Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Adoptions	5,553	5,800	5,674	5,756	5,817	5,663	5,375	5,323	4,999	4,824
Birth (Correction or Delayed Reg.)	1,147	995	992	1,129	1,050	1,017	1,143	1,217	1,374	1,158
Change of Name	4,478	4,507	4,681	5,051	5,130	4,939	5,031	5,151	5,154	5,144
Civil Actions	2,831	2,704	2,806	2,649	2,722	2,841	2,721	2,704	2,437	2,327
Conservatorships	94	84	106	98	121	84	85	96	86	111
Decedents' Estates	67,629	67,036	65,937	62,938	61,115	61,196	60,596	58,932	56,487	57,534
Guardianships of Incompetents	5,838	5,789	6,327	6,252	6,797	6,832	6,562	6,646	6,386	6,681
Guardianships of Minors	4,076	4,318	4,413	4,001	3,980	3,950	3,407	3,551	3,291	2,896
Mental Illness and Mental Retardation	4,794	5,111	5,206	5,375	5,173	5,409	5,741	5,139	5,072	6,092
Minors' Settlements	2,155	1,881	2,054	2,076	2,082	1,917	1,916	1,836	1,706	1,531
Testamentary Trusts	1,048	738	959	743	980	782	577	571	499	527
Wrongful Death	255	244	300	289	371	368	554	455	530	572
<b>Total</b>	<b>99,898</b>	<b>99,207</b>	<b>99,455</b>	<b>96,357</b>	<b>95,338</b>	<b>94,998</b>	<b>93,708</b>	<b>91,621</b>	<b>88,021</b>	<b>89,397</b>

## Municipal and County Courts

### New Filings, by Case Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Contracts	130,038	133,591	144,881	169,983	194,958	192,119	200,173	211,390	238,246	271,982
F.E.D.	99,246	103,030	109,733	105,645	104,365	110,579	115,854	114,642	116,284	116,173
Other Civil	21,906	21,698	80,995	108,496	142,221	153,727	144,153	131,895	127,615	138,415
PI/PD	13,317	13,844	15,184	15,420	17,947	15,330	12,013	8,307	7,454	6,521
Small Claims	86,070	90,992	94,442	92,252	88,430	87,538	84,205	86,164	87,269	81,901
Felonies	64,151	65,341	70,783	76,884	78,379	80,583	83,864	85,695	81,434	77,859
Misdemeanors	418,606	427,773	420,415	412,753	403,434	406,311	410,236	418,691	419,601	415,287
O.V.I.	73,898	75,148	72,901	75,281	73,442	69,927	70,015	72,475	70,062	68,874
Other Traffic	1,684,898	1,682,291	1,682,749	1,683,925	1,597,362	1,301,437	1,349,429	1,396,114	1,370,239	1,357,396
<b>Total</b>	<b>2,592,130</b>	<b>2,613,708</b>	<b>2,692,083</b>	<b>2,740,639</b>	<b>2,700,538</b>	<b>2,417,551</b>	<b>2,469,942</b>	<b>2,525,373</b>	<b>2,518,204</b>	<b>2,534,408</b>





# THE SUPREME COURT *of* OHIO

Judicial & Court Services Division  
Case Management Section  
65 South Front Street  
Columbus, Ohio 43215-3431  
614.387.9410

