

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Maureen O'Connor

**CC:** Michael Buenger, Administrative Director

**FROM:** Judge Jerome Metz, Committee Chairperson  
Hamilton County Common Pleas Court  
Tasha Ruth, Manager, Case Management Section

**DATE:** December 20, 2016

**RE:** Advisory Committee on Case Management 2016 Annual Report

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In accordance with the Operating Guidelines for the Advisory Committee on Case Management, please accept this memo as the Advisory Committee's annual report of its work in 2016.

Created in 2011, the purpose of the Advisory Committee on Case Management (ACCM) is to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning case management and statistical reporting in Ohio courts; the development and delivery of case management services to Ohio courts, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding case management in Ohio courts.

In 2016, the Advisory Committee focused its efforts on the following subject areas:

- (1) Superintendence Rule 8, Court Appointments
- (2) Superintendence Rule 38, Annual Physical Case Inventory; New Judge Inventory
- (3) Superintendence Rule 36, Designation of Trial Attorney; Assignment System
- (4) Superintendence Rule 39, Case Time Limits
- (5) Implementation of the Task Force on the Funding of Ohio Courts Recommendations Five, Seven, and Eight

A subcommittee was created for each subject area. Each of the subcommittees is chaired by an Advisory Committee member and includes additional Advisory Committee members as well as members from the local court communities (court administrators, magistrates, court staff, and members of the bar). An update for each subject area is provided below.

### Superintendence Rule 8, Court Appointments

In 2015, the ACCM formed a subcommittee, chaired by Franklin County Common Pleas Judge Richard Frye, to review and recommend amendments to Sup.R. 8 (Court Appointments). The Court initially considered the proposed revisions at its conference on October 27, 2015. Subsequently, the rule was published for a public comment period ending December 24, 2015. The subcommittee originally recommended certain appointments by a court or judicial officer be excluded from the term “appointment”. In response to public comments, the subcommittee added two additional types of appointments to the list of exclusions – appointments of guardians ad litem (governed by Sup.R. 48) and appointments of guardians (governed by Sup.R. 66). Also in response to public comments, the subcommittee added language to allow the local court to set the manner of compensation and rate at which persons appointed will be compensated only if not already addressed by the Revised Code or Supreme Court rule. Additionally, the subcommittee recommended that at least once every five years, courts review the compensation to determine the compensation’s adequacy and effect upon the availability of court appointments. The final amendments to Sup.R. 8 were adopted December 13, 2016 and will be effective January 1, 2017.

### Superintendence Rule 38, Annual Physical Case Inventory; New Judge Inventory

In the interest of modernizing Superintendence Rule 38 to include instructions for the annual review of files that are electronic or digital case files, the Subcommittee on Superintendence Rule 38, chaired by Highland County Common Pleas Court Judge Rocky Coss, met to make necessary changes to the rule. Changes included language that considers courts that use electronic files as well as a detailed explanation, in the commentary of the rule, outlining the mechanics of a case inventory. The final amendments to Sup.R. 38 were adopted on August 16, 2016 and will be effective January 1, 2017.

### Superintendence Rule 36, Designation of Trial Attorney; Assignment System

The Subcommittee on Superintendence Rule 36, chaired by Franklin County Common Pleas Court Judge Richard Frye, specifically identified the section of the rule regarding Assignment System, Sup.R. 36(B)-(E) as the current focus area. Due to concern about the large scale impact of changes to this rule, the Subcommittee started its review by seeking input from local courts. The Court initially considered the proposed revisions at its conference on August 16, 2016. Subsequently, the rule was published for a public comment period ending October 12, 2016. The subcommittee is reviewing the public comments before making a final recommendation to the Court in 2017.

### Superintendence Rule 39, Case Time Limits

The Subcommittee on Superintendence Rule 39, chaired by Hamilton County Common Pleas Court Judge Jerome Metz, Jr., recommended changes to increase the time standards on all Court of Appeals case types; increase the time standard on two of the nine Common Pleas, General Division case types and leave the remaining seven unchanged; increase the Common Pleas, Domestic Relations Division time standard for five case types, decrease one (Parentage), and leave the remaining five unchanged; and created time standards for all case types except Wrongful Death in the Common Pleas, Probate Division. In Municipal and County courts, only one time standard was increased while the others remained the same. The Court initially considered the proposed revisions at its conference on January 26, 2016. Subsequently, the rule was published for a public comment period ending May 16, 2016. The subcommittee is reviewing the public comments before making a final recommendation to the Court in 2017.

Implementation of the Task Force on the Funding of Ohio Courts Recommendations Five, Seven, and Eight

In response to the November 2015 report and recommendations of the Supreme Court of Ohio's Taskforce on the Funding of Ohio Courts, the Advisory Committee on Case Management formed two subcommittees to review three of the recommendations. First, Recommendations Five and Seven recommend annual reporting from local courts regarding their financial and funding information in order to publish an annual statewide report of financial information. The ACCM is tasked with identifying a uniform reporting system that will provide the public and commissioners with information, with some precision, the cost of running a court. As a result, a subcommittee, chaired by Lucas County Common Pleas Court Judge Gene Zmuda, was formed in May 2016. Second, Recommendation Eight encourages courts to participate in resource-sharing partnerships. The ACCM is tasked with providing a specific mechanism to achieve the goal of this recommendation. A subcommittee, chaired by Retired Judge Tom Pokorny, was also formed in May 2016.

As you can see, the Advisory Committee has been working diligently on a number of projects. The members should be commended for their commitment and enthusiasm. Thank you for your support and the continued opportunity to improve the delivery of court services to the citizens of Ohio. We welcome your feedback and suggestions on the Advisory Committee's work.