

**INSTRUCTIONS FOR PREPARATION
COURT OF APPEALS REPORT FORMS**

I. MATHEMATICAL ACCURACY AND CONSISTENCY

A. Mathematical Accuracy. Reports will be considered mathematically accurate if the tests set forth in divisions (A)(1) through (A)(3) are met.

1. The sum of cases pending on the first day of the period, new cases filed, and cases transferred in, reactivated, or redesignated, minus the total cases terminated, **must** equal the cases pending at the end of the period.

2. The sum of cases in every column on a given line **must** equal the cases in the Total column for that line.

3. Where a Total column intersects a Total line, the entry **must** be the same, whether arrived at by adding horizontally or vertically.

B. Quarter-to-Quarter Consistency. The number of cases reported to be pending at the end of any reporting period **must** equal the number of cases reported as pending at the beginning of the next reporting period.

C. Correction of Reporting Errors. When errors are discovered on any report that has been submitted to the Court Statistical Reporting Section, the preparer shall submit a corrected report for the same reporting period and clearly indicate on the face of the report that it is corrected. The preparer shall explain in writing the nature of the error or errors being corrected and shall specifically refer to the line number and column letter designations of the erroneous entry or entries.

Generally, errors shall be corrected by submitting amended reports to the Court Statistical Reporting Section. However, where an error can not be traced to a specific report period, adjustments shall be made on the current report form. Erroneously unreported cases will be shown as reactivated in the proper column. Time guidelines shall be computed based on the original filing date. Cases erroneously reported as pending shall be terminated as "Other Terminations". Thus in accordance with I.B. above, the number of cases reported as pending at the end of any reporting period will **always** equal the number of cases reported as pending at the beginning of the next report period even when adjustments are necessary.

II. COMPREHENSIVENESS AND COHERENCE: PREPARATION OF THE REPORTS

While mathematical accuracy and internal consistency may be controlled by thorough auditing, comprehensiveness (reporting the filing and termination of all cases) and coherence (all courts consistently defining and reporting cases with similar fact patterns in a similar way) can be accomplished only by carefully observing the definitions applicable to each column and line.

III. PRESIDING JUDGE REPORT

A. The presiding or administrative judge of each court of appeals is required to complete the Presiding Judge Report.

B. The Presiding Judge Report shall be completed quarterly and sent to the Court Statistical Reporting Section by the 15th day following the end of the quarter. Computer generated Presiding Judge Reports are permissible if pre-approved by the Court Statistical Reporting Section. Facsimile transmissions are acceptable and do not need to be accompanied by originals.

C. Cases appealed from a final judgment, and cases that are the subject of an interlocutory appeal, should be reported on this form.

D. Report Columns - Definitions

Each column on the reports is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, may be used to identify any entry.

The following definitions describe the types of cases that should be reported in each column. In columns reporting the activity of criminal cases (Columns A, B, C, and F).

1. Criminal Appeals, Common Pleas - Column A. This column is used to report criminal cases appealed to the court of appeals from a judgment of a common pleas court. Cases should be included whether the appeal is filed by the prosecution or the defendant.

2. Criminal Appeals with Death Penalty, Common Pleas - Column B. This column is used to report appeals in which the death penalty is at issue. Cases should be included whether the appeal is filed by the prosecution or the defendant.

Cases should not be included in this category where the indictment contained death penalty specifications, but the death penalty was not imposed as part of the sentence and is not at issue on appeal.

3. Criminal Appeals, Municipal and County Courts - Column C. This column is used to report criminal cases appealed to the court of appeals from a judgment of a municipal or county court. Cases should be included whether the appeal is filed by the prosecution or the defendant.

4. Original Actions - Column D. This column is used to report cases in which the court of appeals has original jurisdiction, whether that original jurisdiction is exclusive or concurrent.

5. Civil Appeals, Common Pleas - Column E. This column is used to report civil cases appealed from the General Division of Courts of Common Pleas.

6. Domestic Relations/Juvenile/Probate, Common Pleas - Column F. This column is used to report cases appealed from the Domestic Relations, Juvenile, and Probate Divisions of Courts of Common Pleas.

7. Civil Appeals, Municipal and County Courts - Column G. This column is used to report civil cases appealed from a municipal or county court.

8. Administrative Appeals - Column H. This column is used to report appeals arising from decisions of local or state administrative agencies.

Cases that have been considered by a common pleas court, but originally arose from decisions of local or state administrative agencies, should be reported in this column.

9. Court of Claims - Column I. This column is used to report appeals arising from decisions of the Court of Claims of Ohio. Section 2743.20 of the Revised Code provides that appeals from the Court of Claims shall be heard in the same court as appeals from the Court of Common Pleas of Franklin County. Thus, this column is applicable only to the Tenth District Court of Appeals (Franklin County) and the entry for all other courts of appeals must be zero.

10. Total - Column T. This column shows the sum of cases in columns A through I that are on any horizontal line of the form. An entry should appear on each line

of this column. If no activity is reported in any column on a line, a zero should appear in the Total column for that line.

E. Report Lines - Definitions

Each line on the Presiding Judge Report is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry.

The following definitions describe the types of case activity that should be reported on each line.

DISTRICT TOTALS

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the reporting period must be reported in the appropriate column on this line. Line 1 **must** be the same as Line 10 (Pending End of Period) of the Presiding Judge Report filed for the preceding quarter.

2. New Cases Filed - Line 2. All new cases filed during the quarter must be reported in the appropriate column on this line. Cases should be reported when the Notice of Appeal has been docketed in the Court of Appeals.

3. Cases Transferred In, Reactivated, or Redesignated - Line 3.

(A) A case that previously has been assigned to another court and transferred to the reporting court is reported in the appropriate column on this line. The indicated time period for disposition begins when the reporting court receives the case.

(B) All cases that previously have been reported as terminated are to be reported in the appropriate column on Line 3 during any quarter in which they are reactivated for further proceedings.

A case that previously has been terminated because of a bankruptcy stay and in which the stay is lifted is reactivated and reported in the appropriate column on this line. The indicated time period for disposition (time guideline) is suspended for the period of time that the stay is effective.

(C) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 8 and reported as a redesignated case in the appropriate column on this line. The indicated time period for termination is computed based on the date the case was originally reported on the Administrative Judge Report.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through I **must** equal the sum of Lines 1, 2, and 3 in Column T.

TERMINATIONS

For reporting purposes, a case is considered terminated when a journal entry of judgment is filed with the clerk of court for journalization.

5. Decisions or Opinions - Line 5. This line is used to report all cases terminated by a full opinion, decision, or per curiam opinion of the court and may include dismissals.

6. Dismissal - Line 6. This line is used to report cases terminated by a dismissal, whether by the parties to the appeal or the court.

7. Bankruptcy Stay - Line 7. All cases in which a bankruptcy stay has been issued are reported in the appropriate column on Line 7.

In these limited situations, final disposition of a particular case is beyond the control of the appellate court. If a bankruptcy stay is removed, the case is reported as reactivated on line 3. The indicated time period (time guideline) for termination is suspended for the period of time in which the stay is effective.

8. Other Terminations - Line 8. This line is used to report cases terminated for reporting purposes by action other than those included above. Transfers to other districts, mediation terminations, and reporting corrections are examples of cases included on this line.

9. Total Terminations - Line 9. The sum of Lines 5 through 8 is reported on Line 9. When added horizontally, the sum reported on Line 9 for Columns A through I **must** equal the sum of Lines 5 through 8 in Column T.

10. Pending End of Period - Line 10. The number of cases pending at the close of business on the last day of the reporting period is reported in the appropriate column on Line 10. This figure is obtained by subtracting the number of total terminations (line 9) from the number of total cases (line 4).

11. Number Pending Beyond Time Guideline - Line 11. The number of cases pending beyond the applicable time guideline is reported on Line 11.

(a) The time guideline for each category of case is indicated on the line immediately above Line 10.

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case was filed in or transferred to the reporting court.

(c) The time period for cases that have been terminated and subsequently reactivated is the sum of the time elapsed from the date the case originally was filed until it initially was terminated, plus the time elapsed since the case was reactivated.

STATUS OF PENDING CASES

12. Number Pending With No Record Filed - Line 12. This line is used to report the number of pending cases in which the full record of trial court proceedings has not been filed. Since there is no record of proceedings in original actions, no entry is made in Column D for this line.

13. Number Pending Beyond Time Guideline - Line 13. All pending cases in which the record has not been filed (Line 12) within the applicable time period are reported on this line. The time guideline for each category of case is indicated on the line above line 13.

14. Number Pending With Transcript of Proceedings Not Filed Within 180 Days - Column 14. This line is used to report the number of pending cases in which a transcript of the proceedings has not been filed within 180 days of the date the appeal was filed.

15. Number Pending With Record Filed But All Briefs Not Received - Line 15. This line is used to report the number of pending cases in which the record has been filed, but all briefs have not been filed. Since there is no record filed in original actions, the entry for Column D should be the number of pending original actions in which all briefs have not been filed.

16. Number Pending Beyond Time Guideline - Line 16. This line is used to report the number of pending cases in which the record has been filed, but all briefs have not been filed within the applicable time period.

The time guideline for each category of case is indicated on the line above Line 16. The time period begins to run from the date the record was filed with the reporting court; see App. R. 11(B).

17. Number Pending With All Papers In But Not Argued - Line 17. This line is used to report the number of pending cases in which the record and all briefs have been filed, but the case has not been argued before the court. Cases in which all papers have been filed, oral argument will not be held, and the case has not been assigned, will also be included on this line.

18. Number Pending Beyond Time Guideline - Line 18. This line is used to report the number of pending cases in which all papers are in, but that have not been argued (Line 17) within the applicable time guideline.

The time guideline for each category of case is indicated on the line immediately above Line 18. The time period begins to run from the date on which all papers necessary for the determination of the appeal have been filed.

19. Number Assigned But No Opinion Released - Line 19. This line is used to report the number of cases that have been argued, if applicable, and assigned for an opinion or decision to be written, but the opinion or decision has not been released.

20. Opinions Released But Not Journalized - Line 20. This line is used to report those cases in which a written opinion or decision has been released, but not journalized.

21. Cases Pending Beyond Time Guideline - Line 21. This line is used to report the total number of cases from Lines 19 and 20 in which the action indicated on each line has not taken place within the applicable time guideline.

The time guideline for each category of case is indicated on the line above Line 21. The time period for Line 19 begins to run on the date the case is assigned for the writing of an opinion; the time period for Line 20 begins to run on the date an opinion is

released. If none of the cases reflected on Lines 19 and 20 have been pending beyond the indicated time guidelines, the entry for the applicable column should be zero.

F. The reporting judge must sign and date the report on the line marked "Presiding or Administrative Judge."

G. The preparer, if other than the judge, must sign, and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

H. Each presiding judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided at the top right hand corner of this form (See C.A. Sup. R. 2(E)).

IV. APPELLATE JUDGE REPORT

A. Each judge of a court of appeals is required to complete the Appellate Judge Report.

B. The Appellate Judge Report shall be completed quarterly and submitted to the presiding or administrative judge, who shall sign the report and send it to the Court Statistical Reporting Section by the 15th day following the end of the quarter. Computer generated Appellate Judge Reports are permissible if pre-approved by the Court Statistical Reporting Section. Facsimile transmissions are acceptable and do not need to be accompanied by originals.

C. The presiding or administrative judge of each district shall prepare and submit an Appellate Judge Report for a visiting judge assigned to the court by the Chief Justice of the Supreme Court. The top of the Appellate Judge Report contains a box that should be checked if the report is that of the activity performed by a visiting judge. It is the responsibility of the presiding or administrative judge to maintain records sufficient

to complete the Appellate Judge Report of the work performed by visiting judges. Activity performed by multiple visiting judges can be reported on a consolidated Appellate Judge Report; however, the visiting judge assigned to each case shall be indicated.

D. Cases appealed from a final judgment, and cases that are the subject of an interlocutory appeal, should be reported on this form.

E. Section I, Cases Pending End of Period

1. This section is used to report only those cases for which the reporting judge has the responsibility of writing an opinion and the opinion has not yet been released. If opinions have been released in all cases for which the reporting judge had writing responsibility, there should be no entries in this section.

2. Report Columns - Definitions

(a) Cases Assigned for Opinion and No Opinion Released - Columns 1-9. These columns are used to list each case assigned to the reporting judge for the writing of an opinion or decision and for which the opinion or decision has not been released. These columns indicate the type or category of the case. The case types correspond to those in Section II of this report, and to those on the Presiding Judge Report.

(b) Date Filed - Column 10. This column is used to record the date each case listed under Columns 1-9 was filed. For appeals, the entry should be the date the appeal was docketed in the court of appeals. For original actions, the entry should be the date the case was filed in the court of appeals.

(c) Date Assigned - Column 11. This column is used to report the date responsibility for the writing of an opinion for each case listed under Columns 1-9 was given to the reporting judge. An entry should be made whether a full opinion, decision, or per curium opinion is to be written.

(d) Number of Days since Assignment - Column 12. This line is used to report the number of days elapsed since responsibility for the writing of an opinion for each case listed under Columns 1-9 was given to the reporting judge. The time period begins to run from the date assigned in Column 11.

F. Section II, Cases Terminated During Period

1. This section is used to report on the cases terminated with a written opinion or decision for which the reporting judge had writing responsibility.

2. Report Columns - Definitions

Each column in this section of the report is marked with an alphabetic designator. These letters may be used to identify any entry.

The definition for each category is the same as those on the Presiding Judge Report.

(a) Criminal Appeals, Common Pleas - Column A. This column is used to report criminal cases appealed to the court of appeals from a judgment of the common pleas court. Cases should be included, whether the appeal is filed by the prosecution or the defendant.

(b) Criminal Appeals with Death Penalty, Common Pleas - Column B. This column is used to report appeals in which the death penalty is at issue. Cases should not be included in this category where the indictment contained death penalty specifications, but the death penalty was not imposed as part of the sentence and is not at issue on appeal. Cases should be included, whether the appeal is filed by the prosecution or the defendant.

(c) Criminal Appeals, Municipal and County Courts - Column C. This column is used to report criminal cases appealed to the court of appeals from a judgment of a municipal or county court. Cases should be included, whether the appeal is filed by the prosecution or the defendant.

(d) Original Actions - Column D. This column is used to report cases in which the court of appeals has original jurisdiction, whether that original jurisdiction is exclusive or concurrent.

(e) Civil Appeals, Common Pleas - Column E. This column is used to report civil cases appealed from the General Division of Courts of Common Pleas.

(f) Domestic Relations/Juvenile/Probate, Common Pleas - Column F. This column is used to report cases appealed from the Domestic Relations, Juvenile, and Probate Divisions of Courts of Common Pleas.

(g) Civil Appeals, Municipal and County Courts - Column G. This column is used to report civil cases appealed from a municipal or county court.

(h) Administrative Appeals - Column H. This column is used to report the number of appeals arising from decisions of local or state administrative agencies.

Cases that have been considered by a common pleas court, but originally arose from decisions of local or state administrative agencies will be reported in this column.

(i) Court of Claims - Column I. This column is used to report the number of appeals arising from decisions of the Court of Claims of Ohio. Section 2743.20 of the Revised Code provides that appeals from the Court of Claims shall be heard in the same court as appeals from the Franklin County Court of Common Pleas. Thus, this column is applicable only to the Tenth District Court of Appeals (Franklin County) and the entry for all other courts of appeals must be zero.

(j) Total - Column T. This column shows the sum of cases in columns A through I. If no activity is reported in any column, a zero should appear in that column.

Termination Line

For reporting purposes, a case is considered terminated when a journal entry of judgment is filed with the clerk of court for journalization.

1. Decision or Opinion - All cases terminated by the reporting judge by a full opinion, decision, or per curium opinion will be reported in the proper column of this line.

2. Other Terminations - All cases terminated for reporting purposes by action other than those reported above will be reported in the proper column on this line. Transfers to other judges are examples of cases reported on this line.

G. The reporting judge must sign and date the report on the line marked "Appellate Judge". A report of the activity of a visiting judge, submitted by the presiding or administrative judge, may be signed by the visiting judge, or by the presiding or administrative judge.

H. The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

I. The presiding or administrative judge must sign and date the Appellate Judge Report submitted by each judge of the court, and the Appellate Judge Report for each visiting judge for whom a report is submitted.

J. Each reporting judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided at the top right hand corner of this form (See Sup. R. 38).