



THE SUPREME COURT *of* OHIO

# case statistics

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Prepared by  
Office of the Clerk







THE SUPREME COURT *of* OHIO

# case statistics

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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

Prepared by  
Office of the Clerk  
Kristina D. Frost ■ Clerk



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# section 1 caseload activities

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The following tables provide a summary of 2009 caseload activity for the Court, including cases filed, final dispositions and cases pending on Dec. 31, 2009.





In 2009, Supreme Court of Ohio case filings decreased by 6 percent from 2008. The total number of cases filed in 2009 was 2,363, compared with 2,506 in 2008. This decline in case filings represents the first decline since 2006.

The Court disposed of 2,485 cases in 2009, down 2 percent from 2008 when 2,541 cases were disposed. The number of cases pending on Dec. 31, 2009 was 771, down from 893 cases pending at the end of 2008. The 2009 clearance rate was 105 percent, compared to 101 percent in 2008.

The percent of pro se filings ranged from a low of 31 percent in 2005 to a high of 41 percent in the past year. In 2009, 969 cases were filed by pro se litigants.

CASES PENDING 01/01/09	893 <sup>1</sup>
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#### CASES FILED

Jurisdictional Appeals	1,817
Merit Cases	418
Practice of Law Cases	128

<b>TOTAL CASES FILED</b>	<b>2,363</b>
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#### CASE DISPOSITIONS

Jurisdictional Appeals	1,823
Merit Cases	529
Practice of Law Cases	133

<b>TOTAL CASE DISPOSITIONS</b>	<b>2,485</b>
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CASES PENDING 12/31/09	771
------------------------	-----

CLEARANCE RATE	105%
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# 2009 case statistics

## cases filed

### JURISDICTIONAL APPEALS

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Claimed Appeals of Right	16
Discretionary Appeals (Non-felony) <sup>2</sup>	871
Discretionary Appeals (Felony)	780
Death Penalty Postconviction Appeals	11
Appeals Involving Termination of Parental Rights/Adoption	25
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	114
<b>TOTAL</b>	<b>1,817</b>

### MERIT CASES

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Original Actions	186
Habeas Corpus Cases	38
Direct Appeals (Cases Originating in Court of Appeals)	110
Certified Conflicts	25
Certified Conflicts Involving Termination of Parental Rights/Adoption	2
Appeals from Board of Tax Appeals	32
Appeals from Public Utilities Commission	13
Appeals from Power Siting Board	2
Death Penalty Cases <sup>3</sup>	1
Certified Questions of State Law	5
Appeals of Election Contests under R.C. 3515.15	2
Other Merit Cases	2
<b>TOTAL</b>	<b>418</b>

### PRACTICE OF LAW CASES<sup>4</sup>

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Disciplinary Cases	117
Bar Admissions Cases	4
Unauthorized Practice of Law Cases	7
<b>TOTAL</b>	<b>128</b>

## TOTAL CASES FILED

**2,363**

## JURISDICTIONAL APPEALS<sup>5</sup>

Claimed Appeals of Right	18
Discretionary Appeals (Non-felony) <sup>6</sup>	878
Discretionary Appeals (Felony)	781
Death Penalty Postconviction Appeals	12
Appeals Involving Termination of Parental Rights/Adoption	19
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	115
<b>TOTAL</b>	<b>1,823</b>

## MERIT CASES

Original Actions	162
Habeas Corpus Cases	41
Direct Appeals (Cases Originating in Court of Appeals)	114
Certified Conflicts	28
Certified Conflicts Involving Termination of Parental Rights/ Adoption	1
Appeals from Board of Tax Appeals	35
Appeals from Public Utilities Commission	5
Death Penalty Cases <sup>7</sup>	3
Jurisdictional Appeals Accepted for Review	131
Certified Questions of State Law	4
Appeal of Contest of Election under R.C. 3515.15	3
Other Merit Cases	2
<b>TOTAL</b>	<b>529</b>

## PRACTICE OF LAW CASES<sup>8</sup>

Disciplinary Cases	119
Bar Admissions Cases	4
Unauthorized Practice of Law Cases	10
<b>TOTAL</b>	<b>133</b>

## TOTAL FINAL DISPOSITIONS

**2,485**

# 2009 case statistics

cases pending dec. 31, 2009

## JURISDICTIONAL APPEALS

Claimed Appeals of Right	2
Discretionary Appeals (non-felony) <sup>9</sup>	207
Discretionary Appeals (felony)	199
Death Penalty Postconviction Appeals	4
Appeals Involving Termination of Parental Rights/Adoption	5
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	13
<b>TOTAL</b>	<b>430</b>

## MERIT CASES

Original Actions	47
Habeas Corpus Cases	5
Direct Appeals (Cases Originating in Court of Appeals)	57
Certified Conflicts	22
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	31
Appeals from Public Utilities Commission	13
Appeals from Power Siting Board	2
Death Penalty Cases <sup>10</sup>	14
Certified Questions of State Law	5
Appeals of Election Contests under R.C. 3515.15	0
Other Merit Cases	0
Jurisdictional Appeals Accepted for Review	83
<b>TOTAL</b>	<b>280</b>

## PRACTICE OF LAW CASES

Disciplinary Cases	55
Bar Admission Cases	2
Unauthorized Practice of Law Cases	4
<b>TOTAL</b>	<b>61</b>

## TOTAL CASES PENDING

**771**

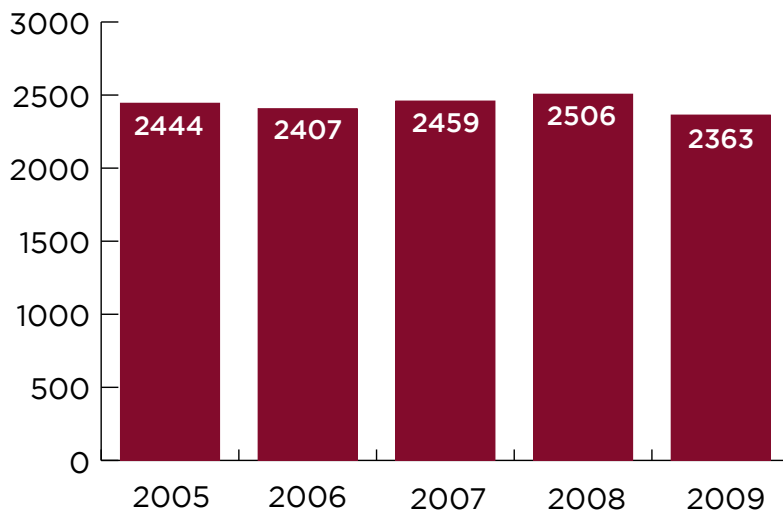
# section 2 caseload 2005-2009

The following charts show the caseload activity of the Court, including total cases filed, total case dispositions, total cases pending, and appeals filed by pro se litigants for the years 2005 through 2009 for purposes of comparison.

Also included in this section is a chart reflecting the number and percent of jurisdictional appeals filed and accepted for review. These charts compare the years 2004 through 2008 because this data is measured by the year in which the appeal was filed. The most recent year for which the data is complete is 2008.

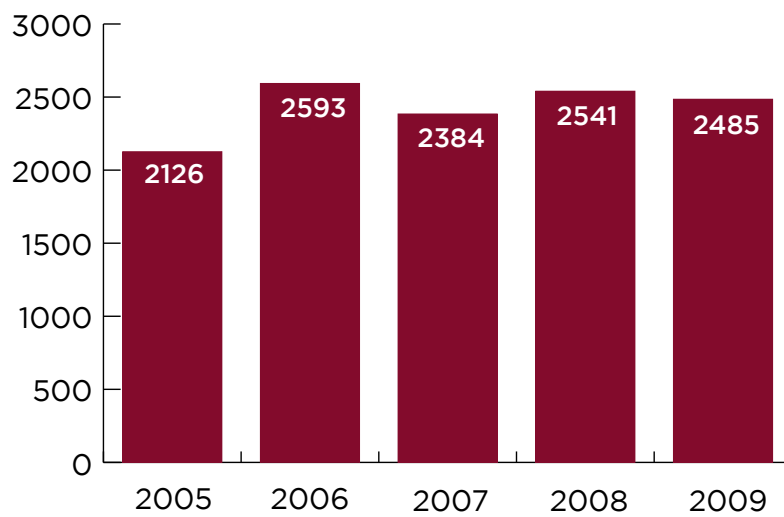
### CASES FILED 2005-2009

In 2009, the Supreme Court of Ohio case filings declined by 6 percent from 2008. The total number of cases filed in 2009 was 2,363 compared with 2,506 filed in 2008. This decline in case filings represents the first decline since 2006.



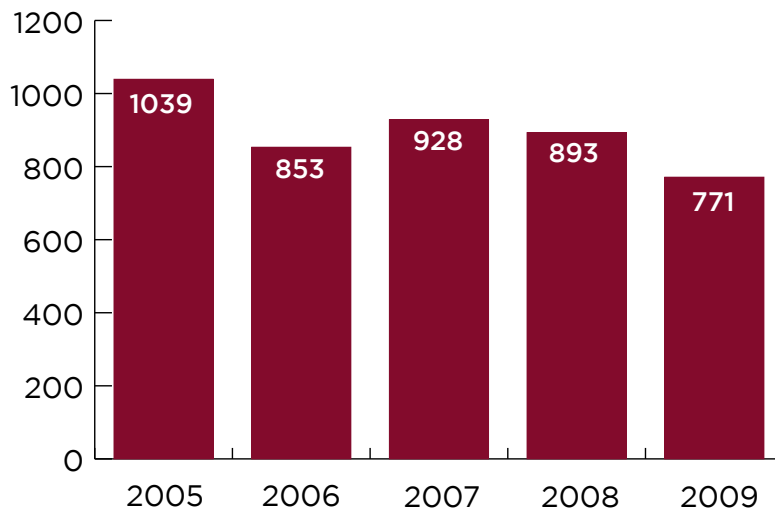
## CASE DISPOSITIONS 2005-2009

The Court disposed of 2,485 cases in 2009, down 2 percent from 2008, when 2,541 cases were disposed.



### CASES PENDING 2005-2009

The number of cases pending on Dec. 31, 2009, was 771, down from 893 cases pending at the end of 2008. The 2009 clearance rate was 105 percent compared with 101percent in 2008.

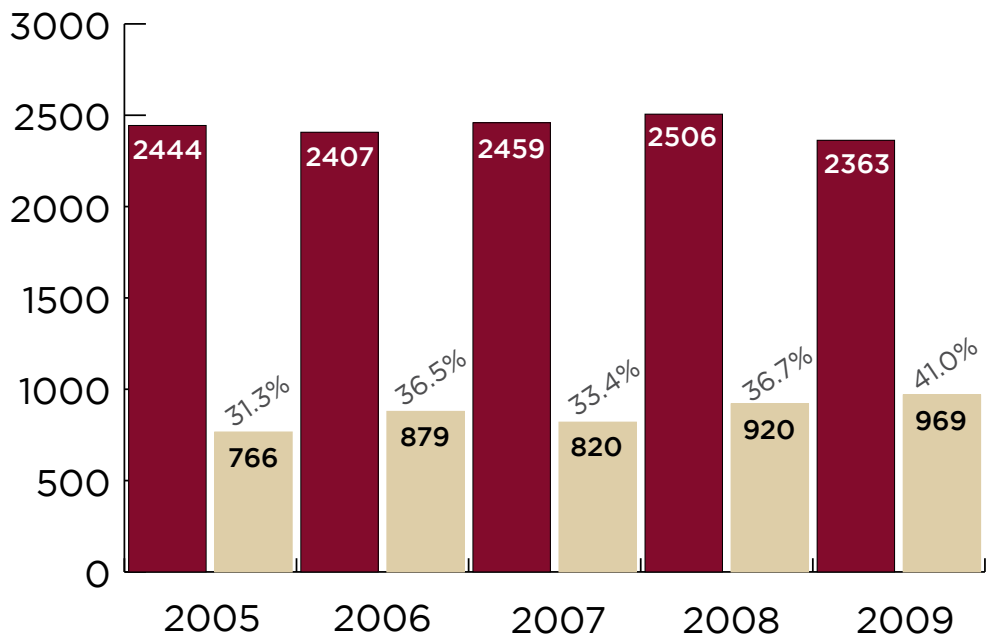




## APPEALS BY PRO SE LITIGANTS 2005-2009

During the past year, the percent of pro se filings increased to 41 percent of the appeals filed. In 2009, 969 cases were filed by pro se litigants. This number represents a 5 percent increase over 2008, and is the largest number of pro se filings since we began tracking the data in 2004.

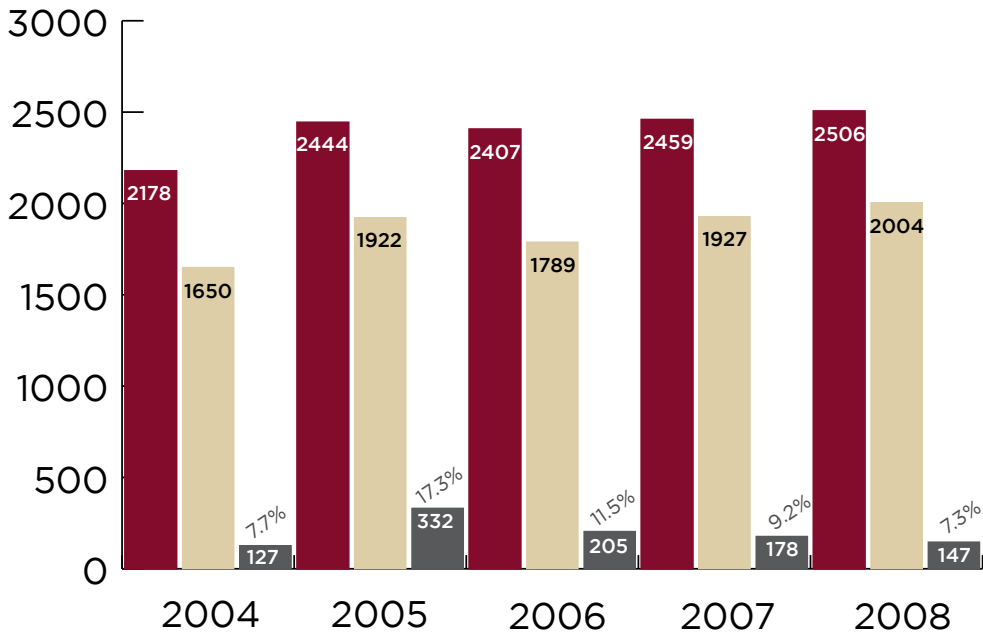
	2005	2006	2007	2008	2009
<b>General cases</b>	<b>2444</b>	<b>2407</b>	<b>2459</b>	<b>2506</b>	<b>2363</b>
<b>Pro se cases</b>	<b>766</b>	<b>879</b>	<b>820</b>	<b>920</b>	<b>969</b>
<b>Percent pro se</b>	<b>31.3</b>	<b>36.5</b>	<b>33.4</b>	<b>36.7</b>	<b>41.0</b>



### JURISDICTIONAL APPEALS FILED 2004-2008 AND ACCEPTED FOR MERIT REVIEW

The percent of jurisdictional appeals accepted in any given year is calculated for the year in which the appeal was filed and not the year in which the appeal is accepted. In 2008, the number of jurisdictional appeals filed was 2,004 and, of these, 147 appeals, or 7.3 percent, were accepted by the Court for full consideration on the merits. The number of jurisdictional appeals filed with the Court in 2009 was 1,817 and, as of Dec. 31, 2009, 513 jurisdictional appeals were pending the Court's consideration.

	2004	2005	2006	2007	2008
<b>Cases filed</b>	2178	2444	2407	2459	2506
<b>Appeals filed</b>	1650	1922	1789	1927	2004
<b>Appeals accepted</b>	127	332	205	178	147
<b>Percent accepted</b>	7.7	17.3	11.5	9.2	7.3



# section 3 time to disposition 2005-2009

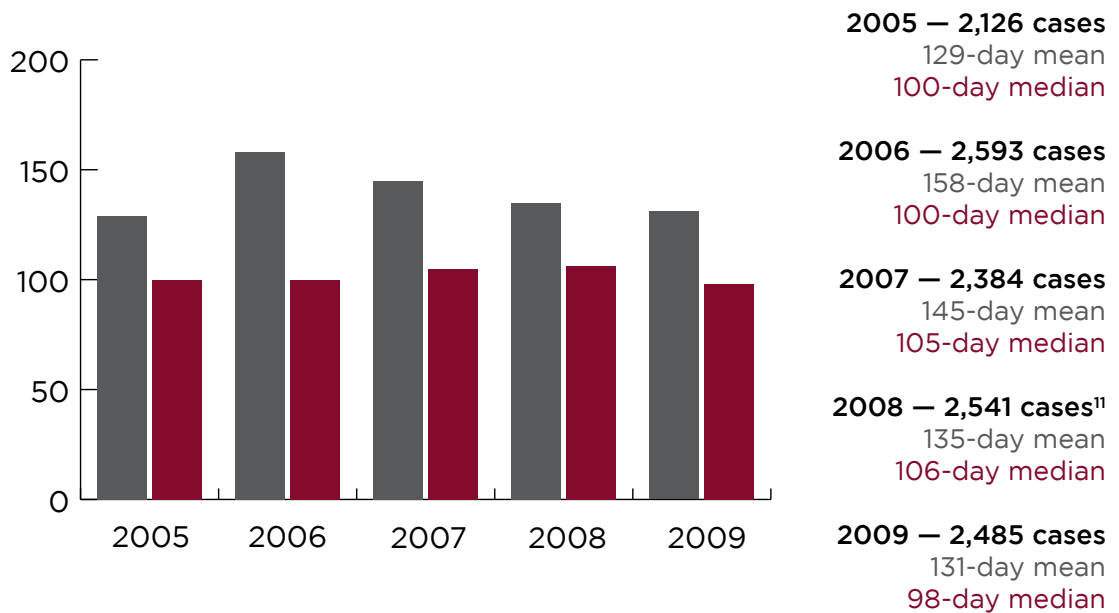
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The following charts reflect the length of time from the origination of an action to final disposition in broad categories of case types, including all cases, jurisdictional appeals accepted for merit review, original actions, disciplinary cases, unauthorized practice of law cases, character and fitness cases and all cases decided with an opinion. The charts provide data for the years 2005 through 2009 for purposes of comparison.



## ALL CASES From Case Filing to Final Disposition

In 2009, the Court disposed of 2,485 cases. The mean\* number of days a case was pending before the Court continued to decline for the third consecutive year, from a high of 158 days in 2006 to 131 days in 2009.



\*Mean and median are both measures of central tendency, a term that refers to the "middle" value of a set of data. Arithmetic mean is calculated by dividing the sum of a data set by the number of items in the set. 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 arithmetic mean, is not subject to the skewing effect of outliers; that is, data points at an extreme margin on the range of values.

### JURISDICTIONAL APPEALS ACCEPTED FOR MERIT REVIEW From Filing of Notice of Appeal to Final Disposition

The Court disposed of 128 jurisdictional appeals following a full merit review in 2009. From the date of initiation to the date of disposition, it took an average of 435 days for these cases to make their way through the Court.

Time for consideration increased by 32 days because three of the 128 jurisdictional appeals were pending for more than 800 days. Two of the three cases, *Stewart v. Lake Cty. Historical Soc., Inc.*, Case No. 2006-2029, and *Kirchner v. Shooters on the Water, Inc.*, Case No. 2006-1682, were pending for more than 1,000 days. The third case, *State v. Bankhead*, Case No. 2007-0818, was first held for *State v. Simpkins* and then later held for *State v. Mossmeyer*. All three cases were accepted in 2007 and held for the decision in another case before final disposition in 2009.

#### 2005 — 69 cases

387-day mean  
378-day median

#### 2006 — 382 cases

342-day mean  
321-day median

#### 2007 — 191 cases

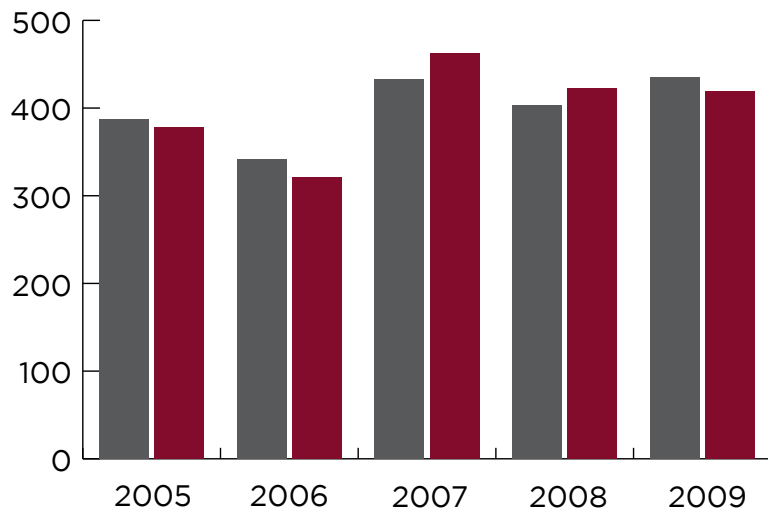
433-day mean  
462-day median

#### 2008 — 156 cases

403-day mean  
423-day median

#### 2009 — 128 cases

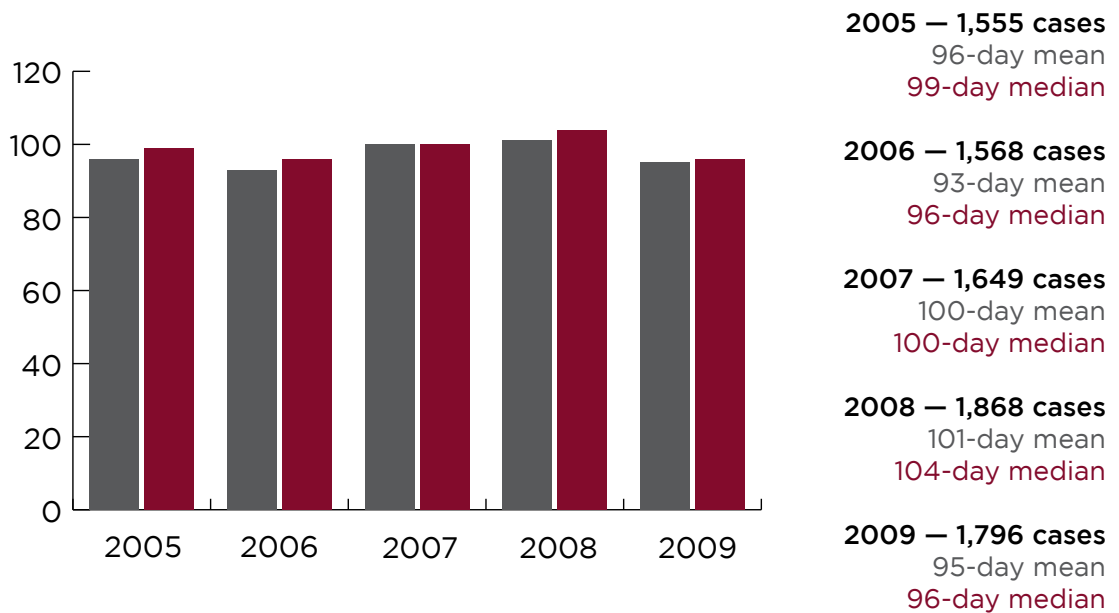
435-day mean  
419-day median



## JURISDICTIONAL APPEALS NOT ACCEPTED FOR MERIT REVIEW

### From Filing of Notice of Appeal to Final Disposition

The decision to accept a jurisdictional appeal was made more rapidly in 2009. The average time to consider acceptance decreased to 95 days from 101 days in 2008. Of the total number of cases disposed of by the Court in 2009, 1,796 cases were jurisdictional appeals not accepted for full consideration on the merits, a drop of 71 cases from 2008. The 1,796 jurisdictional appeals considered represented 76 percent of the cases filed in 2009.



### ORIGINAL ACTIONS From Filing to Final Disposition

The median reveals that original actions during 2009 were disposed of in 61 days. The average number of days for original action consideration over the past five years is much higher, varying from 73 to 85 days. In 2009, the average number of days to consider and dispose of an original action was 74 days, the same number of days taken in 2008. In general, the median measurement is more reflective of the Court's timelines with regard to original actions because it is not subject to the skewing effect of outliers.

#### 2005 — 175 cases

73-day mean  
65-day median

#### 2006 — 217 cases

73-day mean  
58-day median

#### 2007 — 194 cases

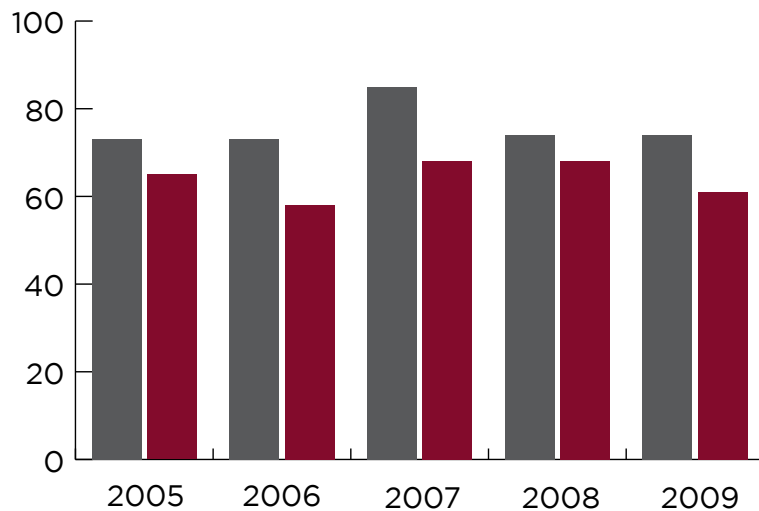
85-day mean  
68-day median

#### 2008 — 199 cases

74-day mean  
68-day median

#### 2009 — 203 cases

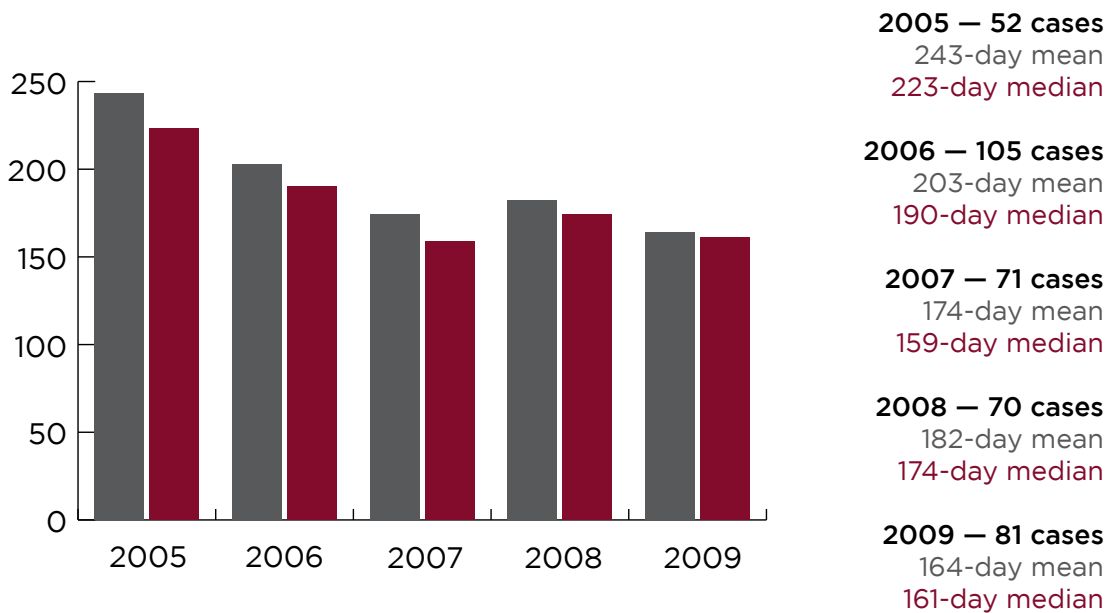
74-day mean  
61-day median





## DISCIPLINARY CASES ON REPORT OF BOARD From Filing of Board Report to Final Disposition

The length of time to dispose of disciplinary cases dropped significantly in 2009 to 164 days, down from 182 days in 2008. The number of cases considered increased by 11 cases to a total of 81 cases considered in 2009.



# 2009 case statistics

time to disposition 2005-2009

## UNAUTHORIZED PRACTICE OF LAW CASES From Filing of Board Report to Final Disposition

The average time to disposition in UPL cases decreased in 2009 to 177 days, yet the number of cases rose from two in 2008 to 10 in 2009.

**2005 — 13 cases**

262-day mean  
244-day median

**2006 — 8 cases**

285-day mean  
243-day median

**2007 — 4 cases**

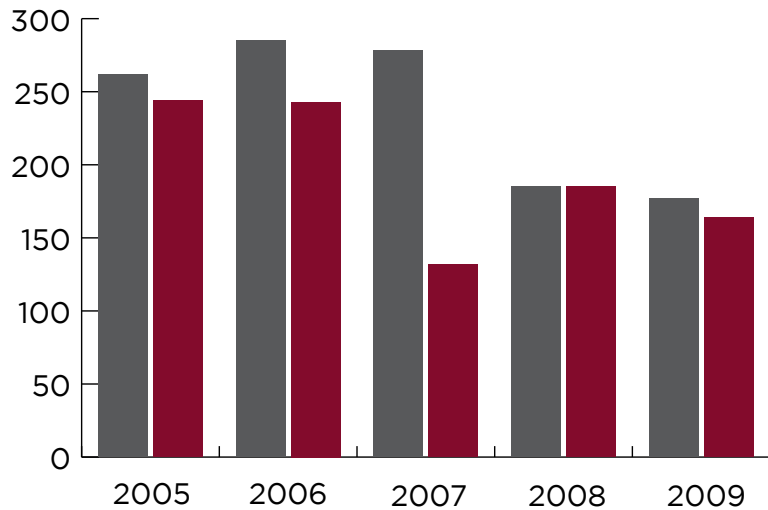
278-day mean  
132-day median

**2008 — 2 cases**

185-day mean  
185-day median

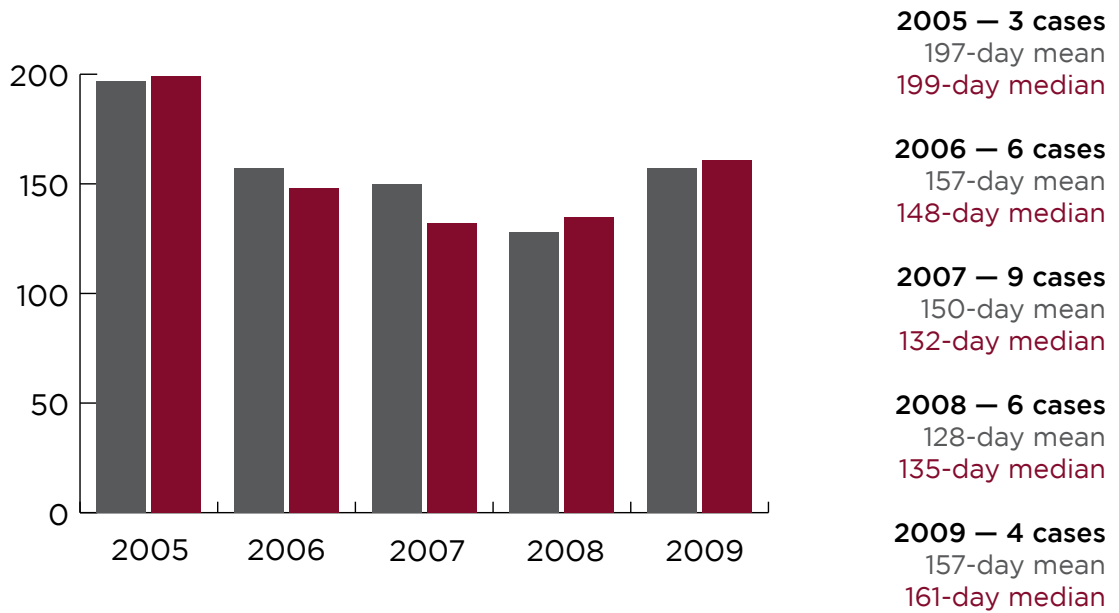
**2009 — 10 cases**

177-day mean  
164-day median



## CHARACTER AND FITNESS CASES From Filing of Board Report to Final Disposition

The average number of days pending before the Court increased in 2009 to 157 days from a low of 128 days during 2008.



### CASES DECIDED WITH AN OPINION From Submission to Court until Issuance of Opinion

The number of cases decided with an opinion increased by six cases, while the time to decision decreased by nine days, from 104 days in 2008 to 95 days in 2009. The case numbers do not include cases held for decisions in other cases.

**2005 — 194 cases**

134-day mean  
121-day median

**2006 — 390 cases**

156-day mean  
140-day median

**2007 — 336 cases**

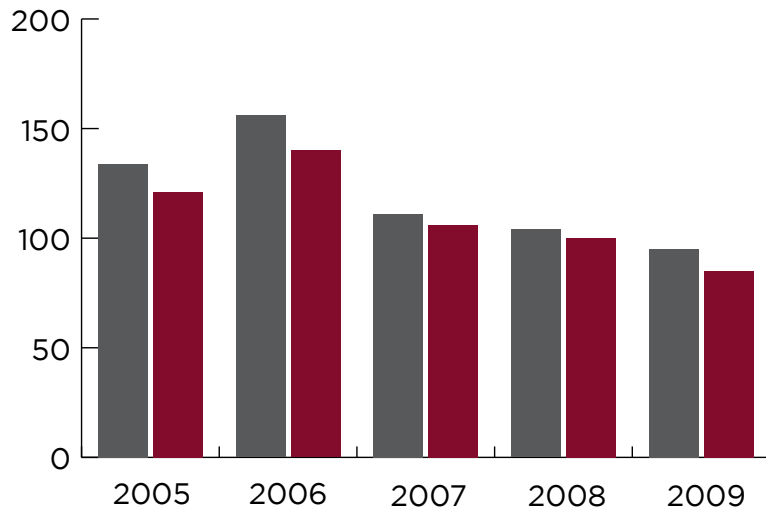
111-day mean  
106-day median

**2008 — 340 cases**

104-day mean  
100-day median

**2009 — 346 cases**

95-day mean  
85-day median



# section 4

## briefing to oral argument

### 2005-2009

The following charts show the time from the completion of briefing on a matter until oral argument is held. The time measured includes the six-week advance notice provided to parties scheduled to participate in oral argument. Charts are provided on:

- all cases argued
- accepted appeals, certified conflicts and certified questions of state law
- practice of law cases (including disciplinary cases, bar admission cases, and unauthorized practice of law cases)
- master commissioner cases
- jurisdictional appeals.

### ALL CASES ARGUED

#### From Completion of Briefing to Oral Argument

In 2009, the average number of days from completion of briefing until oral argument decreased by 21 days. The number of cases orally argued decreased from 185 cases in 2008 to 157 cases.

**2005 — 89 cases**

207-day mean

134-day median

**2006 — 202 cases**

112-day mean

84-day median

**2007 — 181 cases**

106-day mean

126-day median

**2008 — 185 cases**

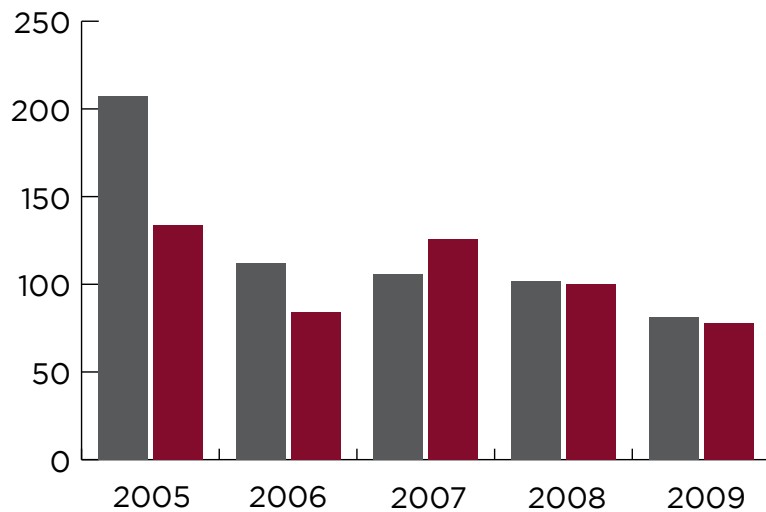
102-day mean

100-day median

**2009 — 157 cases**

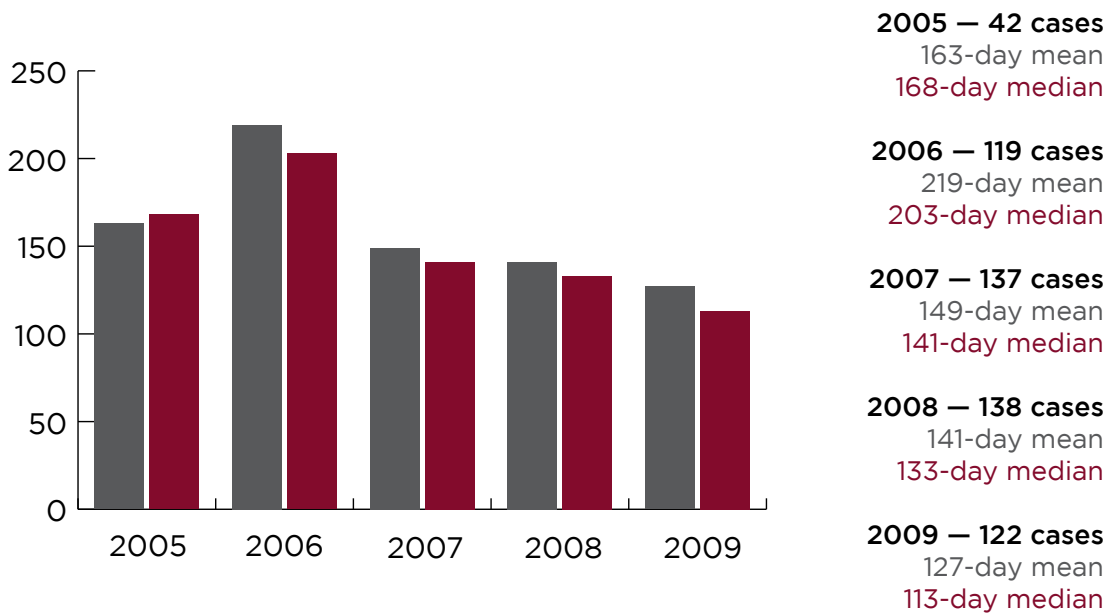
81-day mean

78-day median



## ACCEPTED APPEALS, CERTIFIED CONFLICTS AND CERTIFIED QUESTIONS OF STATE LAW

The chart shows that the average number of days taken to schedule cases decreased by 14 days. In addition, the number of cases decreased to 122 in 2009, from 138 in 2008.



### PRACTICE OF LAW CASES Including Disciplinary, Bar Admissions and Unauthorized Practice of Law Cases

The average time from briefing to oral argument was reduced by three days and the median dropped by eight days. The number of practice of law related cases increased by three.

**2005 — 14 cases**

78-day mean  
71-day median

**2006 — 29 cases**

59-day mean  
57-day median

**2007 — 16 cases**

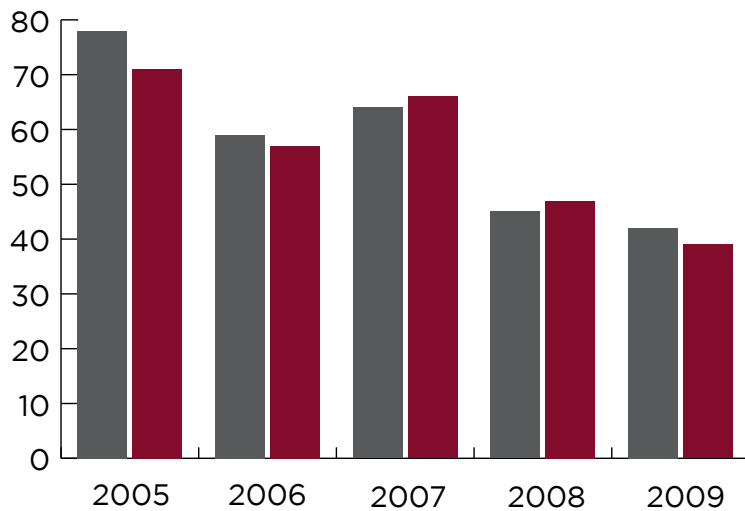
64-day mean  
66-day median

**2008 — 17 cases**

45-day mean  
47-day median

**2009 — 20 cases**

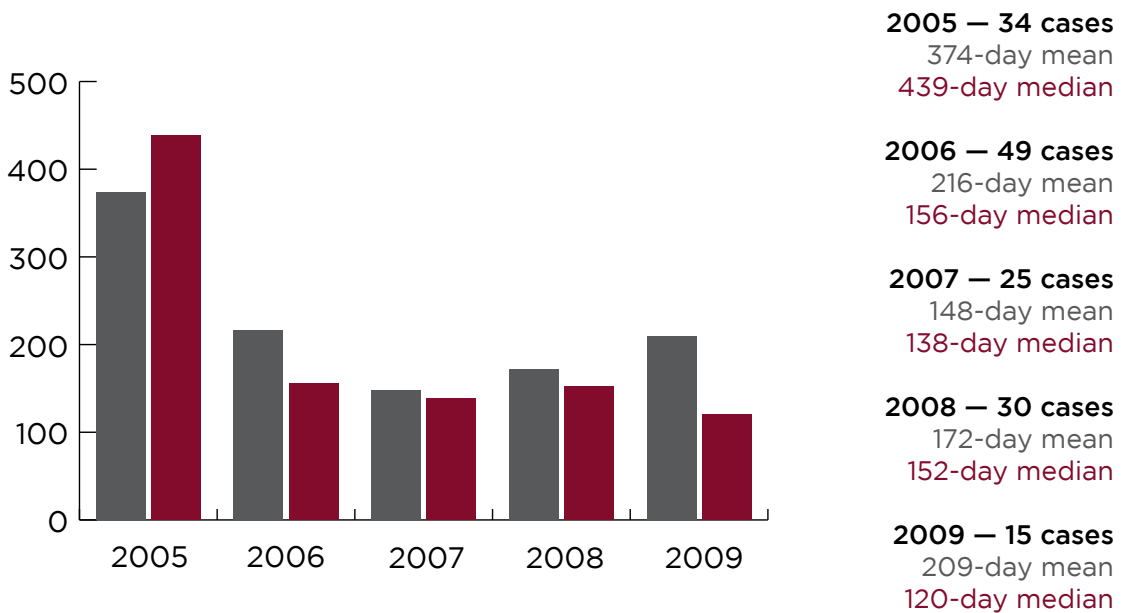
42-day mean  
39-day median





## MASTER COMMISSIONER CASES SCHEDULED FOR ORAL ARGUMENT

The average number of days from completion of briefing to oral argument for master commissioner cases increased from 172 to 209 days. Three death penalty cases skewed the average by taking more than 400 days from completion of briefing to oral argument. The median number of days in 2009 was 120 days down from 152 in 2008. The number of cases scheduled in 2009 dropped to 15 cases, down from 30 in 2008.



### JURISDICTIONAL APPEALS

#### From Date Filed until Case is Ready for Conference Scheduling

The number of days until a case is ready for conference scheduling is calculated by totaling the number of days from the date a notice of appeal is filed until the date that either a waiver or memorandum in response is filed. In 2009, the average number of days remained the same as in the prior year.

**2005 — 1508 cases**

25-day mean  
29-day median

**2006 — 1819 cases**

24-day mean  
29-day median

**2007 — 1707 cases**

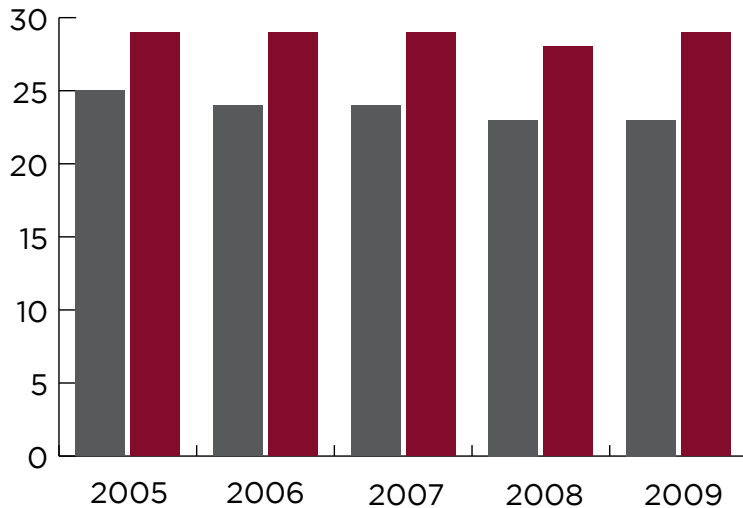
24-day mean  
29-day median

**2008 — 1866 cases**

23-day mean  
28-day median

**2009 — 1807 cases**

23-day mean  
29-day median



# section 5 appendices



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**DISCIPLINARY CASES**

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Cases on Report of Board	72
Consent to Discipline Cases	8
Attorney Resignation Cases	14
Reciprocal Discipline Cases	5
Cases upon Default of Child Support	1
Cases upon Felony Conviction	12
Cases on Motion for Interim Remedial Suspension	3
Judge Disciplinary Cases	2
<b>TOTAL</b>	<b>117</b>

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**BAR ADMISSIONS CASES**

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Character and Fitness Cases	4
<b>TOTAL</b>	<b>4</b>

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**UNAUTHORIZED PRACTICE OF LAW CASES**

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Cases on Report of Board	3
Consent Decree Cases	4
<b>TOTAL</b>	<b>7</b>

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**TOTAL PRACTICE OF LAW CASES FILED**

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**128**

# 2009 case statistics

## practice of law cases - final dispositions

### DISCIPLINARY CASES

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#### On Report of Board

Public reprimand	6 <sup>12</sup>
Definite suspension	37
Indefinite suspension	19
Disbarment	8
Mental illness suspension	2
Dismissed	4

**TOTAL** **76**

#### Consent to Discipline Cases

Public reprimand	3
Definite suspension	2 <sup>13</sup>

**TOTAL** **5**

#### Attorney Resignation Cases

Resignation accepted — disciplinary action pending	17
--	----

#### Reciprocal Discipline Cases

Public reprimand	1
Definite suspension	4

#### Cases Upon Felony Conviction

Interim suspension	11
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#### Cases Upon Default of Child Support

Interim suspension	1
--------------------	---

#### Cases Upon Motion for Interim Remedial Suspension

Interim suspension	3
--------------------	---

#### Judge Disciplinary Cases

Code violation found and fine assessed	1
--	---

**TOTAL** **38**

**TOTAL DISCIPLINARY CASE DISPOSITIONS** **119**

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**BAR ADMISSIONS CASES**


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**Character and Fitness Cases**

Applicant disapproved, may reapply	4
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<b>TOTAL</b>	<b>4</b>
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**UNAUTHORIZED PRACTICE OF LAW CASES**


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**Cases on Report of the Board**

Respondent enjoined from actions constituting the unauthorized practice of law	1
--	---

Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed	7
--	---

**Cases on Consent Decree**

Respondent enjoined from actions constituting the unauthorized practice of law	1
--	---

Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed	1
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<b>TOTAL</b>	<b>10</b>
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**TOTAL PRACTICE OF LAW DISPOSITIONS**
**133**

### NOTES

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1. The 2008 annual report lists the total pending cases on Dec. 31, 2008, as 892. The total should have been 893 cases, as Case No. 2008-1942 mistakenly was not included in the count of pending cases.
2. This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right. A discretionary appeal is an appeal that involves a felony or a question of public or great general interest and invokes the discretionary jurisdiction of the Supreme Court. A claimed appeal of right is an appeal that claims a substantial constitutional question, including an appeal from a decision of a court of appeals under App. R. 26(B) in a noncapital case.
3. One death penalty case was filed in 2009. It was an appeal from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995.
4. See p. 29 for details of cases relating to the practice of law filed in 2009.
5. This category includes cases in which the Court declined jurisdiction, denied leave to appeal or dismissed the appeal.
6. See note 2.
7. Included in this category are three cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995.
8. See pp. 30 and 31 for the final dispositions entered in cases relating to the practice of law.
9. See note 2.
10. See note 7.
11. The 2008 annual report lists this number as 2,541, but one case — which was not disposed of until 2009 — mistakenly was included in the 2008 dispositions. The case therefore has been included in the disposition count for 2009.
12. One case involved two attorneys and one judge. One attorney was dismissed from the case without discipline; the judge and the other attorney received public reprimands.
13. One case involved two attorneys, one of whom received a definite suspension, and the other of whom received a public reprimand.



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## THE SUPREME COURT *of* OHIO

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