THE SUPREME COURT *of* OHIO

2010

case statistics

Prepared by
Office of the Clerk

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2010

case statistics

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section 1
caseload activities

The following tables provide a summary of 2010 caseload activities for the Court, including cases filed, final dispositions and cases pending on Dec. 31, 2010.

In 2010, the Supreme Court of Ohio had 2,293 new cases filed, a 3 percent decrease in new case filings from the 2,363 cases filed in 2009. It is the second consecutive year for a decline in new cases filed.

The Court disposed of 2,245 cases in 2010, a 9 percent decrease in case dispositions from 2009. The number of cases pending on Dec. 31, 2010 was 819. The Court's case clearance rate was 98 percent for 2010, down from 105 percent in 2009.

The percent of pro se filings dropped 3 percent to 38 percent, from 41 percent. In 2010, 875 cases were filed by pro se litigants.

CASES PENDING JAN. 1, 2010	771
CASES FILED	
Jurisdictional Appeals	1,714
Merit Cases	432
Practice of Law Cases	147
TOTAL CASES FILED	**2,293**
CASE DISPOSITIONS	
Jurisdictional Appeals	1,510
Merit Cases	577
Practice of Law Cases	158
TOTAL CASE DISPOSITIONS	**2,245**
CASES PENDING DEC. 31, 2010	819
CLEARANCE RATE	98%

JURISDICTIONAL APPEALS

Claimed Appeals of Right	19
Discretionary Appeals (Non-felony)[1]	915
Discretionary Appeals (Felony)	685
Death Penalty Postconviction Appeals	6
Appeals Involving Termination of Parental Rights/Adoption	13
Appeals from App.R. 26(B) Applications (*Murnahan* Appeals)	76
TOTAL	**1,714**

MERIT CASES

Original Actions	187
Habeas Corpus Cases	44
Direct Appeals (Cases Originating in Court of Appeals)	116
Direct Appeal Involving Termination of Parental Rights/Adoption	1
Certified Conflicts	17
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	42
Appeals from Public Utilities Commission	9
Appeals from Power Siting Board	1
Death Penalty Cases	8
Certified Questions of State Law	2
Appeals from App.R. 26(B) Application in Death Penalty Cases	1
Other Merit Cases	3
TOTAL	**432**

PRACTICE OF LAW CASES[2]

Disciplinary Cases	126
Bar Admissions Cases	13
Unauthorized Practice of Law Cases	8
TOTAL	**147**

TOTAL CASES FILED	**2,293**

For notes, see p. 35.

JURISDICTIONAL APPEALS[3]

Claimed Appeals of Right	13
Discretionary Appeals (Non-felony)[4]	772
Discretionary Appeals (Felony)	634
Death Penalty Postconviction Appeals	5
Appeals Involving Termination of Parental Rights/Adoption	14
Appeals from App.R. 26(B) Applications (*Murnahan* Appeals)	72
TOTAL	**1,510**

MERIT CASES

Original Actions	187
Habeas Corpus Cases	47
Direct Appeals (Cases Originating in Court of Appeals)	96
Certified Conflicts	24
Certified Conflicts Involving Termination of Parental Rights/ Adoption	1
Appeals from Board of Tax Appeals	39
Appeals from Public Utilities Commission	5
Appeals from Power Siting Board	2
Death Penalty Cases	5
Certified Questions of State Law	5
Other Merit Cases	2
Jurisdictional Appeals Accepted for Review	164
TOTAL	**577**

PRACTICE OF LAW CASES[5]

Disciplinary Cases	135
Bar Admissions Cases	12
Unauthorized Practice of Law Cases	11
TOTAL	**158**

TOTAL FINAL DISPOSITIONS	**2,245**

 For notes, see p. 35.

JURISDICTIONAL APPEALS

Claimed Appeals of Right	8
Discretionary Appeals (non-felony)[6]	247
Discretionary Appeals (felony)	222
Death Penalty Postconviction Appeals	5
Appeals Involving Termination of Parental Rights/Adoption	3
Appeals from App.R. 26(B) Applications (*Murnahan* Appeals)	17
TOTAL	**502**

MERIT CASES

Original Actions	47
Habeas Corpus Cases	2
Direct Appeals (Cases Originating in Court of Appeals)	77
Direct Appeal Involving Termination of Parental Rights/Adoption	1
Certified Conflicts	15
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	34
Appeals from Public Utilities Commission	17
Appeals from Power Siting Board	1
Death Penalty Cases	17
Certified Questions of State Law	2
Appeals from App.R. 26(B) in Death Penalty Case	1
Other Merit Cases	1
Jurisdictional Appeals Accepted for Review	52
TOTAL	**268**

PRACTICE OF LAW CASES

Disciplinary Cases	45
Bar Admission Cases	3
Unauthorized Practice of Law Cases	1
TOTAL	**49**

TOTAL CASES PENDING	**819**

For notes, see p. 35.

section 2
caseload
2006-2010

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 years 2006 through 2010.

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 2005 through 2009 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 2009.

CASES FILED BY CATEGORY 2006-2010

On January 1, 2010, the Clerk's Office began to categorize cases according to the following designations:

- Civil
- Criminal
- Practice of Law
- Domestic Relations, Probate & Juvenile
- Miscellaneous.

The use of categories allows for a better description of the types of cases considered by the Court. The categories correspond to those used by Ohio's Courts of Appeals. In time, use of the categories will permit an additional method for analyzing case dispositions and time to disposition.

CASES BY CATEGORY

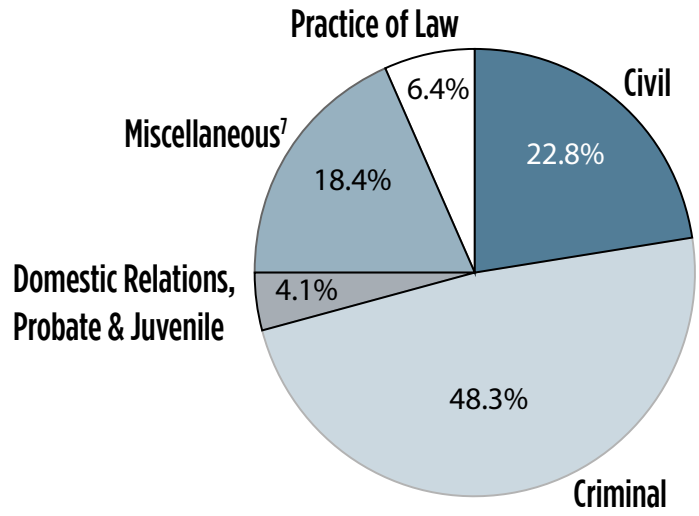
Criminal
1,108 cases (48.3%)

Civil
522 cases (22.8%)

Miscellaneous[7]
423 cases (18.4%)

Practice of Law
147 cases (6.4%)

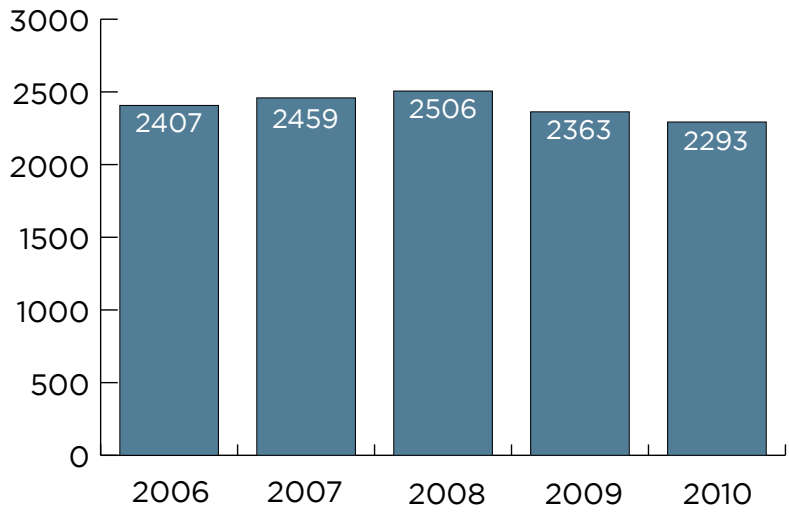
Domestic Relations, Probate & Juvenile
93 cases (4.1%)



 For notes, see p. 35.

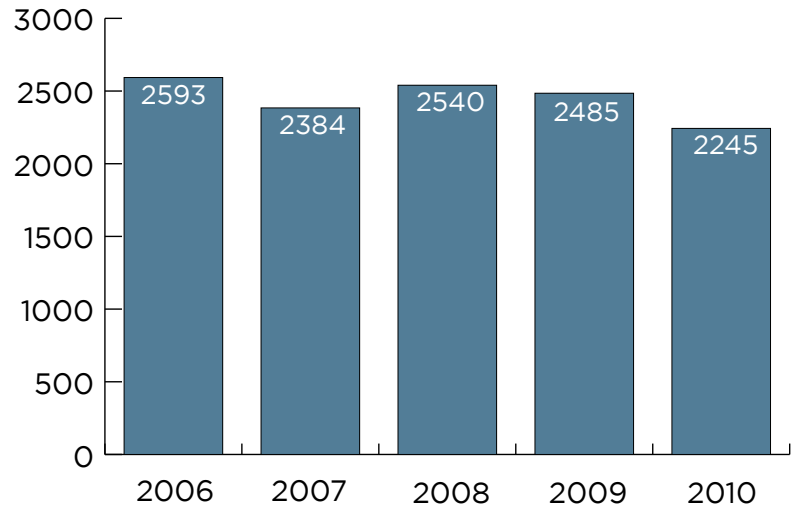
CASES FILED 2006-2010

In 2010, the Supreme Court of Ohio case filings declined by 3 percent from 2009. The total number of cases filed in 2010 was 2,293 compared with 2,363 filed in 2009. The decrease represents the second consecutive year of decline in case filings. Of the 2,293 cases filed, 75 percent of the cases, or 1,714 cases, were jurisdictional appeals.



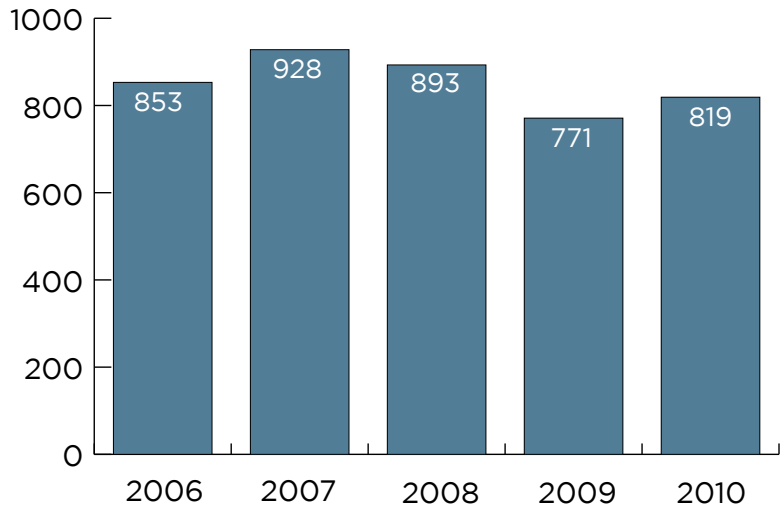
CASE DISPOSITIONS 2006-2010

The Court disposed of 2,245 cases in 2010, down 9 percent from 2009, when 2,485 cases were disposed.



CASES PENDING 2006-2010

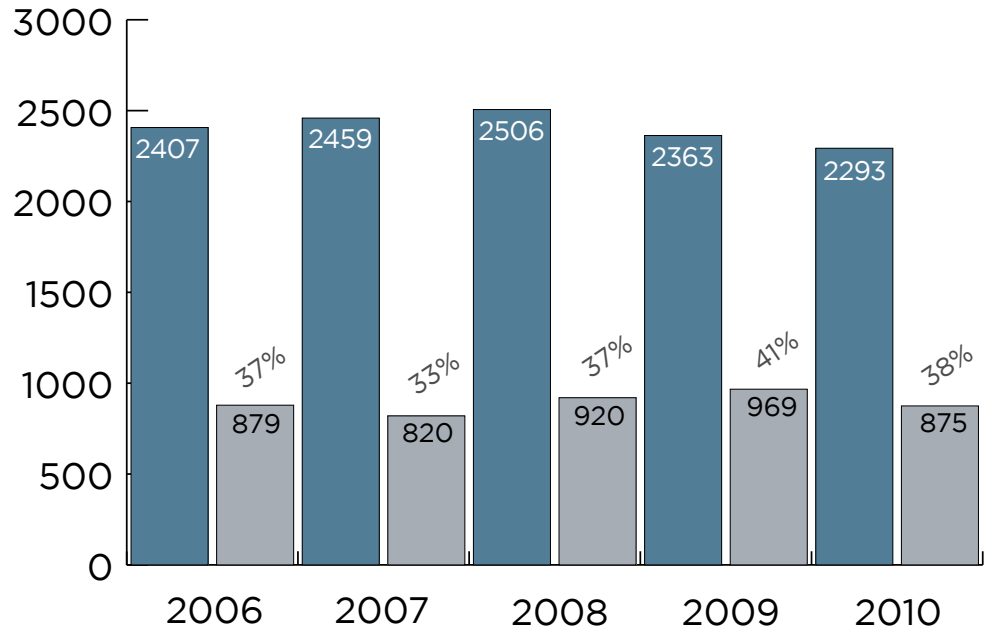
The number of cases pending on Dec. 31, 2010, was 819, up from 771 cases pending at the end of 2009. The 2010 clearance rate was 98 percent, compared to 105 percent in 2009.



APPEALS BY PRO SE LITIGANTS 2006-2010

In 2010, the percent of pro se filings decreased to 38 percent, from 41 percent in 2009.

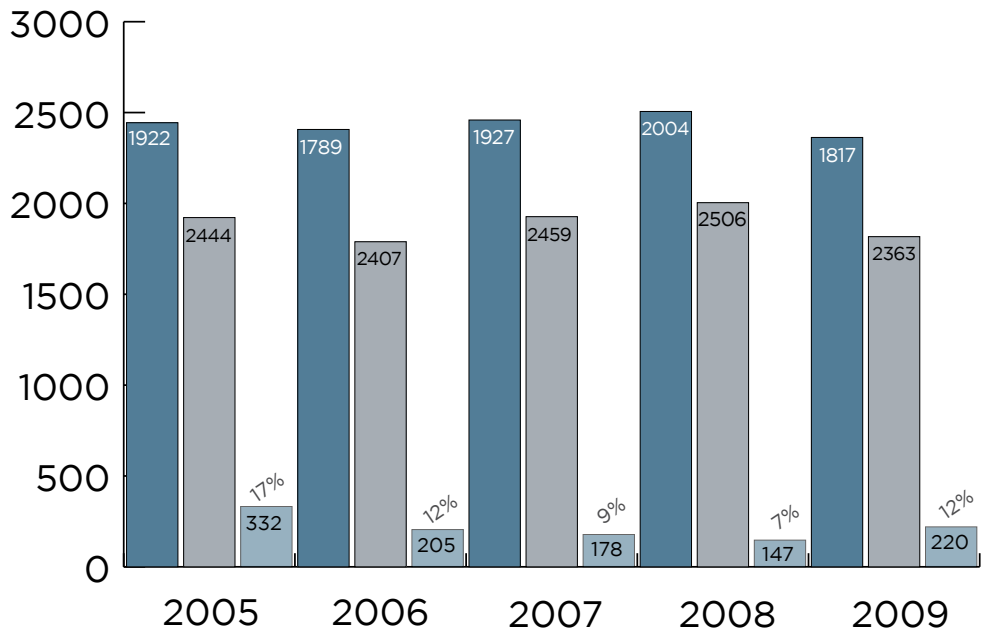
	2006	2007	2008	2009	2010
General cases	2407	2459	2506	2363	2293
Pro se cases	879	820	920	969	875
Percent pro se	37	33	37	41	38



JURISDICTIONAL APPEALS FILED 2005-2009 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 2009, for example, the number of jurisdictional appeals filed was 1,817 and, of these, 220 appeals, or 12 percent, were accepted by the Court for full consideration on the merits. The number of jurisdictional appeals filed with the Court in 2010 was 1,714 and, as of Dec. 31, 2010, 502 jurisdictional appeals were pending the Court's consideration.

	2005	2006	2007	2008	2009
Cases filed	2444	2407	2459	2506	2363
Appeals filed	1922	1789	1927	2004	1817
Appeals accepted	332	205	178	147	220
Percent accepted	17	12	9	7	12



section 3
time to disposition 2006-2010

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
- All cases decided with an opinion.

The charts provide data for the years 2006 through 2010 for purposes of comparison.

ALL CASES
From Case Filing to Final Disposition

In 2010, the Court disposed of 2,245 cases. The mean[8] number of days a case was pending before the Court increased by 3 days, from 131 days in 2009 to 134 days in 2010. The median dropped from 98 days in 2009 to 91 days in 2010.

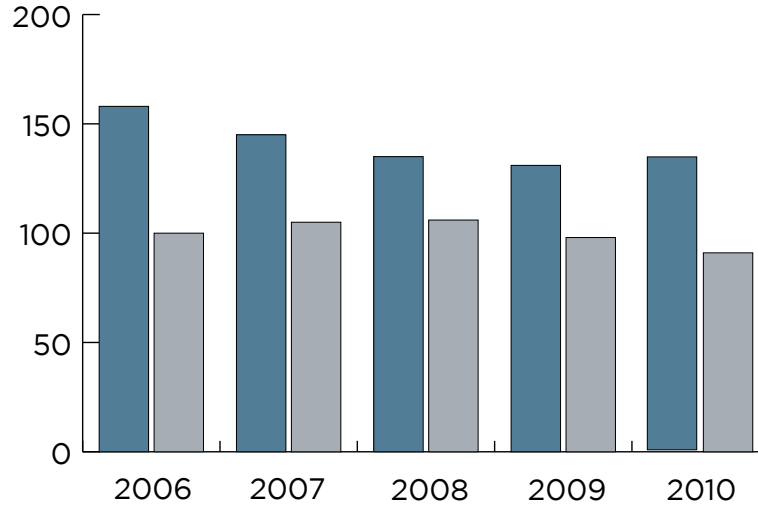
2006 — 2,593 cases
158-day mean
100-day median

2007 — 2,384 cases
145-day mean
105-day median

2008 — 2,541 cases
135-day mean
106-day median

2009 — 2,485 cases
131-day mean
98-day median

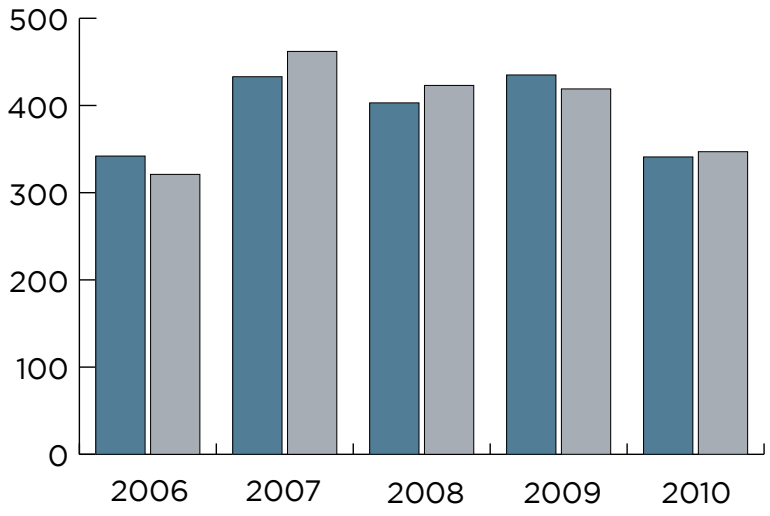
2010 — 2,245 cases
134-day mean
91-day median



 For notes, see p. 35

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

The Court disposed of 101 jurisdictional appeals following a full merit review[9] in 2010, a decrease of 27 cases over 2009. From the date of filing to the date of disposition, the cases averaged 455 days to flow through the Court. This average rose by 20 days in 2010.



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

2010 — 101 cases[10]
455-day mean
421-day median

JURISDICTIONAL APPEALS NOT ACCEPTED FOR MERIT REVIEW
From Filing of Notice of Appeal to Final Disposition

The number of days taken by the Court to decide whether to accept a jurisdictional appeal declined for the third consecutive year. The average time to consider acceptance in 2010 was 88 days, down from 95 days in 2009, and 101 days in 2008. Of the total number of cases disposed of by the Court in 2010, 1,396 cases were jurisdictional appeals not accepted for full consideration on the merits, a drop of 397 cases from 2009.

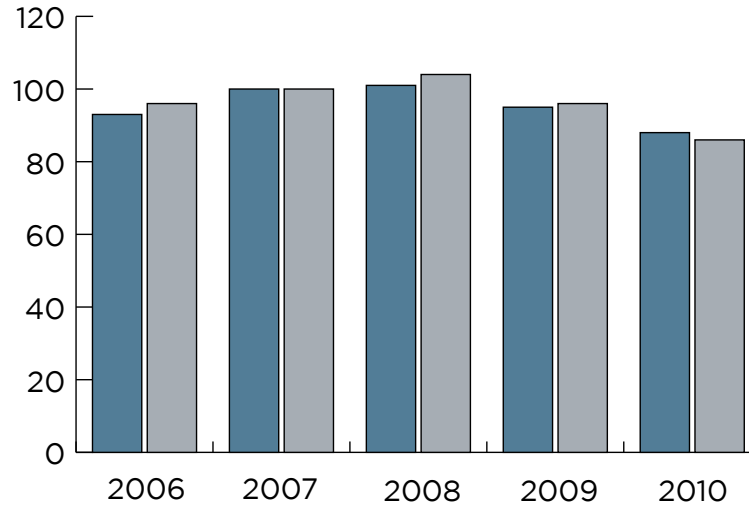
2006 — 1,568 cases
93-day mean
96-day median

2007 — 1,649 cases
100-day mean
100-day median

2008 — 1,868 cases
101-day mean
104-day median

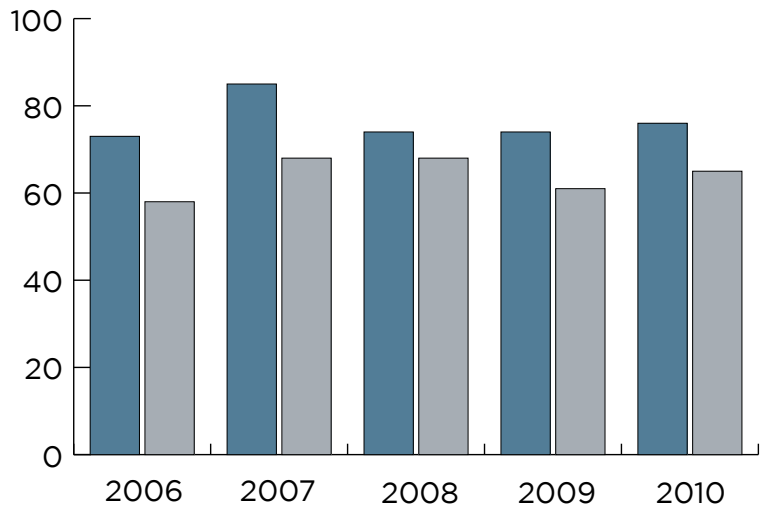
2009 — 1,793 cases
95-day mean
96-day median

2010 — 1,396 cases
88-day mean
86-day median



ORIGINAL ACTIONS
From Filing to Final Disposition

During 2010, the 233 original actions were disposed of in an average of 76 days. The median number of days for disposition was 65, with *State of Ohio ex rel. Cambridge Home Health Care, Inc./Private v. The Industrial Commission of Ohio and Laura Horvat*, Case no. 2008-1464 taking the longest at 586 days, and *State ex rel. Daniel L. Rittner, Sr. v. Jesse Williams, Warden*, Case no. 2010-0282 taking only 83 days.



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

2010 — 233 cases
76-day mean
65-day median

DISCIPLINARY CASES UPON REVIEW OF BOARD
From Filing of Board Report to Final Disposition

In 2010, the number of disciplinary cases disposed of and the average number of days to disposition increased from 2009. A total of 87 cases were disposed of in 2010, compared to 81 cases in 2009. The average number of days to disposition was 187 in 2010, compared to 164 in 2009.

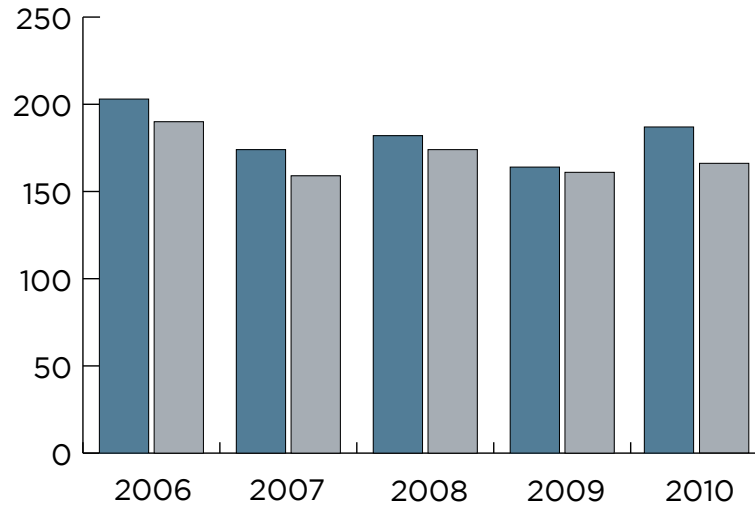
2006 — 105 cases
203-day mean
190-day median

2007 — 71 cases
174-day mean
159-day median

2008 — 70 cases
182-day mean
174-day median

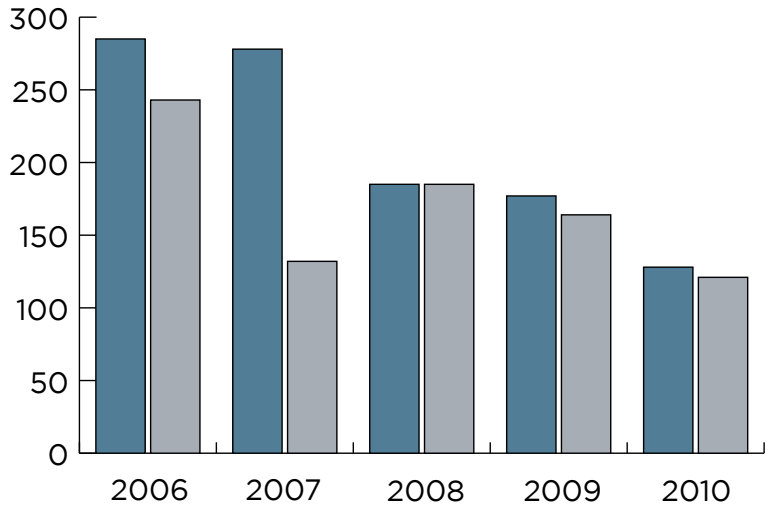
2009 — 81 cases
164-day mean
161-day median

2010 — 87 cases
187-day mean
166-day median



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

The number of days taken to dispose of an unauthorized practice of law case continued to decrease in 2010, from 177 days in 2009 to 128 days in 2010. The number of cases considered decreased from 10 cases to 9 cases.



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

2010 — 9 cases
128-day mean
121-day median

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

The number of character and fitness cases jumped from 4 cases in 2009 to 12 cases in 2010. Yet, the time to disposition dropped significantly from 157 days in 2009 to 97 days in 2010. In 2010, seven cases involving applicants who took the July 2009 bar examination on laptop computers and who violated examination rules by returning to questions after time was called were filed and disposed.

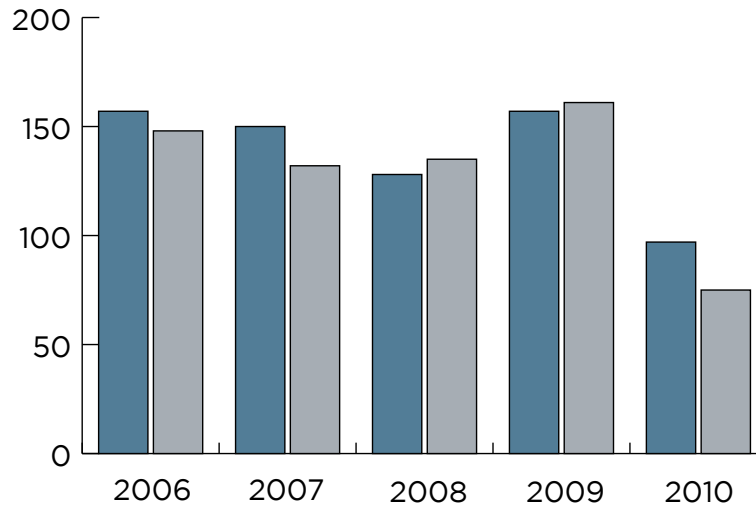
2006 — 6 cases
157-day mean
148-day median

2007 — 9 cases
150-day mean
132-day median

2008 — 6 cases
128-day mean
135-day median

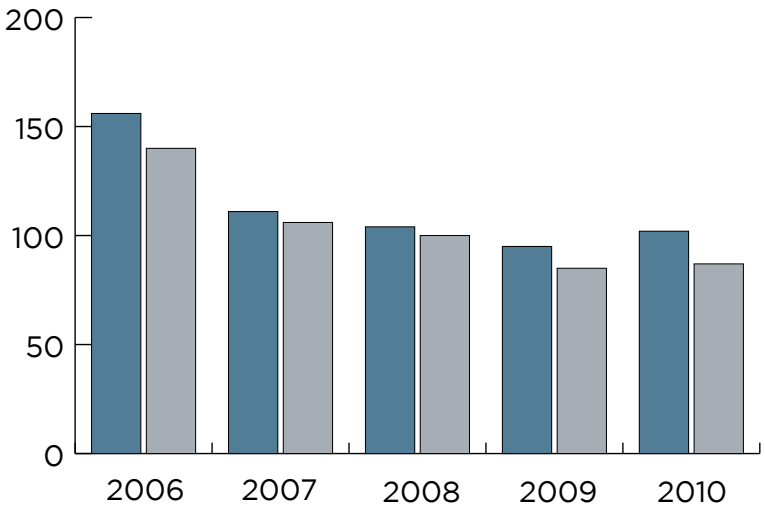
2009 — 4 cases
157-day mean
161-day median

2010 — 12 cases
97-day mean
75-day median



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

The number of cases decided with an opinion dropped from 346 in 2009 to 330 in 2010. The average number of days from submission of the case to the Court until issuance of the opinion was 102, up from 95 in 2009.



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

2010 — 330 cases
102-day mean
87-day median

section 4
briefing to oral argument 2006-2010

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. The charts provided include:

- 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.

ALL CASES ARGUED
From Completion of Briefing to Oral Argument

In 2010, 145 cases were argued and the average number of days from completion of briefing to oral argument was 84. The average is up slightly from 2009, when 159 cases were argued and the average number of days from completion of briefing to oral argument was 81.

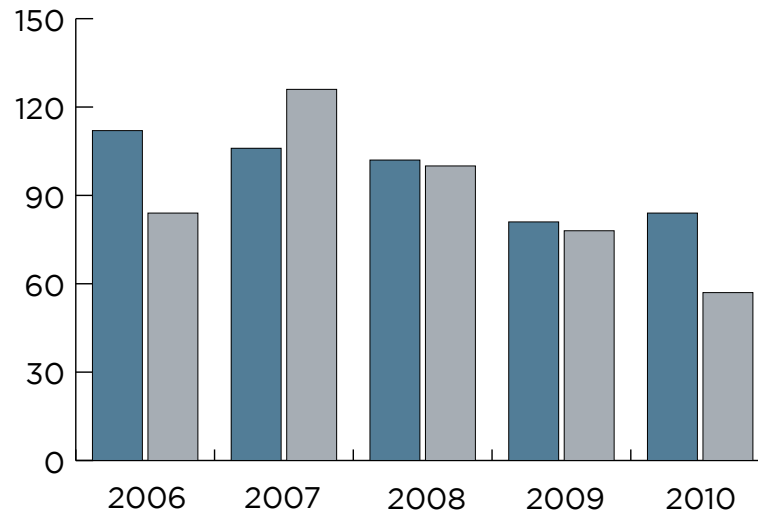
2006 — 202 cases
112-day mean
84-day median

2007 — 181 cases
106-day mean
126-day median

2008 — 185 cases
102-day mean
100-day median

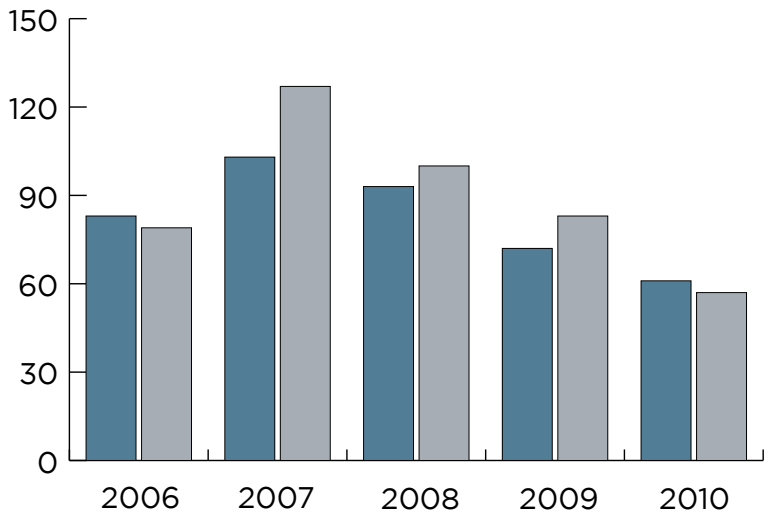
2009 — 159 cases
81-day mean
78-day median

2010 — 145 cases
84-day mean
57-day median



ACCEPTED APPEALS, CERTIFIED CONFLICTS AND CERTIFIED QUESTIONS OF STATE LAW

The average number of days from completion of briefing to oral argument for this group of 107 cases decreased by 11 days, from 72 days in 2009 to 61 days in 2010.



2006 — 124 cases
83-day mean
79-day median

2007 — 140 cases
103-day mean
127-day median

2008 — 138 cases
93-day mean
100-day median

2009 — 124 cases
72-day mean
83-day median

2010 — 107 cases
61-day mean
57-day median

PRACTICE OF LAW CASES

Including Disciplinary, Bar Admissions and Unauthorized Practice of Law Cases

A total of 18 practice of law cases were argued in 2010 and the average number of days from completion of briefing to oral argument continued to decline to 40 days, from 42 in 2009 and 45 in 2008.

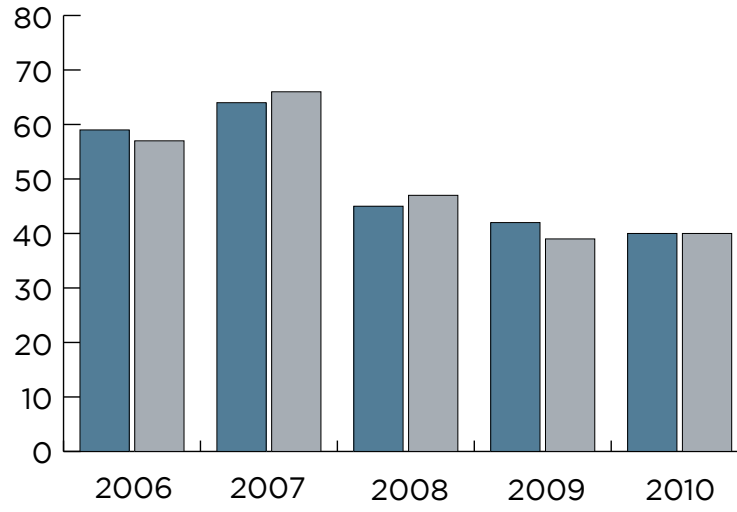
2006 — 29 cases
59-day mean
57-day median

2007 — 16 cases
64-day mean
66-day median

2008 — 17 cases
45-day mean
47-day median

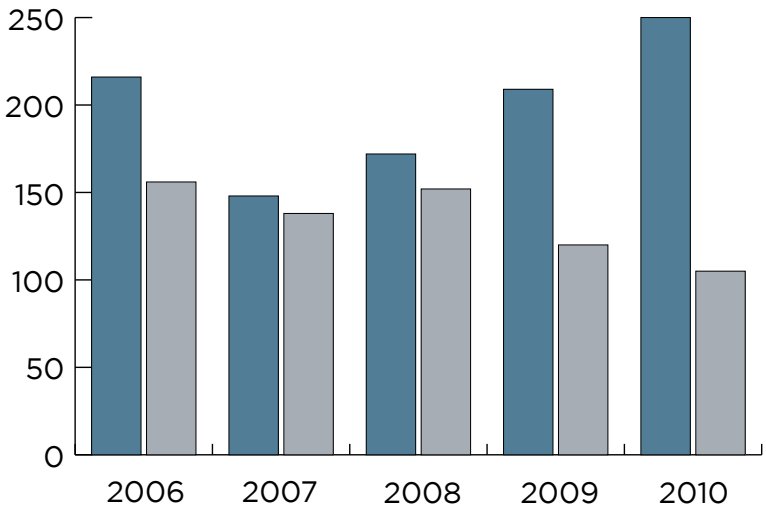
2009 — 20 cases
42-day mean
39-day median

2010 — 18 cases
40-day mean
40-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 in 2010 to 250 days, from an average of 209 days in 2009. The number of cases argued increased from 15 in 2009 to 20 in 2010.



2006 — 49 cases
216-day mean
156-day median

2007 — 25 cases
148-day mean
138-day median

2008 — 30 cases
172-day mean
152-day median

2009 — 15 cases
209-day mean
120-day median

2010 — 20 cases
250-day mean
105-day median

section 5
appendices

DISCIPLINARY CASES

Cases on Report of Board	71
Consent to Discipline Cases	6
Attorney Resignation Cases	17
Reciprocal Discipline Cases	9
Cases upon Felony Conviction	20
Cases on Motion for Interim Remedial Suspension	1
Judge Disciplinary Cases	2
TOTAL	**126**

BAR ADMISSIONS CASES

Character and Fitness Cases	13[11]
TOTAL	**13**

UNAUTHORIZED PRACTICE OF LAW CASES

Cases on Report of Board	2
Consent Decree Cases	4
Miscellaneous UPL Cases	2
TOTAL	**8**

TOTAL PRACTICE OF LAW CASES FILED	**147**

 For notes, see p. 35.

DISCIPLINARY CASES

On Report of Board	
Public reprimand	3
Definite suspension	35
Indefinite suspension	28
Disbarment	5
Dismissed	3
TOTAL	**74**
Consent to Discipline Cases	
Public reprimand	4
Definite suspension	4
TOTAL	**8**
Attorney Resignation Cases	
Resignation accepted — disciplinary action pending	17
Reciprocal Discipline Cases	
Public reprimand	3
Definite suspension	3
Indefinite suspension	3
Dismissed	1
Cases Upon Felony Conviction	
Interim suspension	21
Judge Disciplinary Cases	
On Report of Board	
Definite suspension	4
Consent to Discipline	
Public reprimand	1
TOTAL	**53**
TOTAL DISCIPLINARY CASE DISPOSITIONS	**135**

BAR ADMISSIONS CASES

Character and Fitness Cases	
Applicant disapproved, may reapply	10[12]
Applicant approved	1
Recommendation to disapprove applicant not accepted	1
TOTAL	**12**

UNAUTHORIZED PRACTICE OF LAW CASES

On Report of the Board	
Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed	3
Cases on Consent Decree	
Respondent enjoined from actions constituting the unauthorized practice of law	6
Miscellaneous Cases	
Respondent found in contempt	1
Ordered to comply with discovery request	1
TOTAL	**11**

TOTAL PRACTICE OF LAW DISPOSITIONS	**158**
PRACTICE OF LAW CLEARANCE RATE	**107%**

 For notes, see p. 35.

NOTES

1. This category includes cases in which the appellant sought jurisdiction as a discretionary appeal or as a discretionary appeal and a claimed appeal of right. Discretionary appeals are an appeal that involves a felony or a question of public or great general interest and invokes the discretionary jurisdiction of the Supreme Court. Claimed appeals of right are an appeal that claims a substantial constitutional question, including an appeal from the decision of a court of appeals under App. R. 26(B) in a noncapital case.
2. See Appendix A for a breakdown of cases relating to the practice of law that were filed in 2010.
3. This category includes cases in which the Court declined jurisdiction, denied leave to appeal, or dismissed the appeal.
4. See note 1.
5. See Appendix B for the final dispositions entered in cases relating to the practice of law.
6. See note 1.
7. Miscellaneous cases include Certified Conflict Cases, Certified Questions of State Law, Direct Appeals, Original Actions and Administrative Appeals.
8. 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.
9. Jurisdictional appeals that are accepted for full merit review are appeals in which the Court accepts jurisdiction and orders the case fully briefed and scheduled for oral argument. Full merit review does not include appeals that are accepted and held for the disposition of another case, or appeals that are accepted and summarily disposed, without briefing, based on the holding of another case.
10. This number does not include the 99 cases that were accepted and held for *State v. Bodyke*, and also does not include the 47 cases that were accepted and summarily disposed without briefing based on the holding of *State v. Bodyke*. It does include six cases that were accepted for briefing, but that were later dismissed, either for want of prosecution or on application of the appellant.
11. There was a significant increase in the number of Character and Fitness cases filed and disposed of by the Supreme Court in 2010 compared to the four cases that were filed and disposed of in 2009. In 2010, seven cases involving applicants who took the July 2009 bar examination on laptop computers and who violated examination rules by returning to questions after time was called were filed and disposed.
12. See note 11.

Published by
The Supreme Court *of* Ohio
Office of the Clerk
April 2011

The Supreme Court *of* Ohio

Office of the Clerk
65 South Front Street
Columbus, Ohio 43215-3431
www.supremecourt.ohio.gov