



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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Chief Justice

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section 1

caseload activities

The following tables provide a summary of the 2011 caseload for the court, including cases filed, final dispositions and cases pending on December 31, 2011.

2011 case statistics

summary of activity

In 2011, the Supreme Court of Ohio had 2,207 new cases filed, a 4 percent decrease in new case filings from the 2,293 cases filed in 2010. It is the third consecutive year for a decline in new cases filed.

The court disposed of 2,263 cases in 2011, an increase of 16 cases over the 2,247 cases disposed in 2010. The number of cases pending on December 31, 2011, was 761. The court's case clearance rate rose from 98 percent in 2010 to 103 percent in 2011.

CASES PENDING JAN. 1, 2011	817 ¹
<hr/>	
CASES FILED	
Jurisdictional Appeals	1,667
Merit Cases	408
Practice of Law Cases	132
TOTAL CASES FILED	2,207
<hr/>	
CASE DISPOSITIONS	
Jurisdictional Appeals	1,589
Merit Cases	566
Practice of Law Cases	108
TOTAL CASE DISPOSITIONS	2,263
<hr/>	
CASES PENDING DEC. 31, 2011	761
<hr/>	
CLEARANCE RATE	103%

JURISDICTIONAL APPEALS

Claimed Appeals of Right	16
Discretionary Appeals (Non-felony) ²	811
Discretionary Appeals (Felony)	731
Death Penalty Postconviction Appeals	8
Appeals Involving Termination of Parental Rights/Adoption	12
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	89
TOTAL	1,667

MERIT CASES

Original Actions	164
Habeas Corpus Cases	43
Direct Appeals (Cases Originating in Court of Appeals)	118
Direct Appeal Involving Termination of Parental Rights/Adoption	1
Certified Conflicts	29
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	21
Appeals from Public Utilities Commission	8
Appeals from Power Siting Board	8
Death Penalty Cases	8
Certified Questions of State Law	1
Appeals from App.R. 26(B) Application in Death Penalty Cases	1
Other Merit Cases	5
TOTAL	408

PRACTICE OF LAW CASES³

Disciplinary Cases	119
Bar Admissions Cases	7
Unauthorized Practice of Law Cases	4
Other Matters Relating to Practice of Law	2
TOTAL	132

TOTAL CASES FILED**2,207**

2011 case statistics

final dispositions

JURISDICTIONAL APPEALS⁴

Claimed Appeals of Right	19
Discretionary Appeals (Non-felony) ⁵	780
Discretionary Appeals (Felony)	685
Death Penalty Postconviction Appeals	3
Appeals Involving Termination of Parental Rights/Adoption	14
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	88
TOTAL	1,589

MERIT CASES

Original Actions	167
Habeas Corpus Cases	39
Direct Appeals (Cases Originating in Court of Appeals)	115
Direct Appeals Involving Termination of Parental Rights/Adoption	2
Certified Conflicts	19
Certified Conflicts Involving Termination of Parental Rights/ Adoption	1
Appeals from Board of Tax Appeals	34
Appeals from Public Utilities Commission	17
Death Penalty Cases	3
Certified Questions of State Law	4
Appeal from App.R. 26(B) Application in Death Penalty Case	1
Appeal of Contest of Election under R.C. 3515.15	1
Petition Challenges Pursuant to Article II, Section 1g	1
Other Merit Cases	5
Jurisdictional Appeals Accepted for Review	157 ⁶
TOTAL	566

PRACTICE OF LAW CASES⁷

Disciplinary Cases	97
Bar Admissions Cases	6
Unauthorized Practice of Law Cases	3
Other Matters Related to Practice of Law	2
TOTAL	108

TOTAL FINAL DISPOSITIONS

2,263

JURISDICTIONAL APPEALS

Claimed Appeals of Right	5
Discretionary Appeals (Non-felony) ⁸	213
Discretionary Appeals (Felony)	160
Death Penalty Postconviction Appeals	10
Appeals Involving Termination of Parental Rights/Adoption	2
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	19
TOTAL	409

MERIT CASES

Original Actions	44
Habeas Corpus Cases	6
Direct Appeals (Cases Originating in Court of Appeals)	80
Certified Conflicts	25
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	21
Appeals from Public Utilities Commission	8
Appeals from Power Siting Board	1
Death Penalty Cases ⁹	22
Certified Questions of State Law	6
Other Merit Cases	1
Jurisdictional Appeals Accepted for Review	65
TOTAL	280

PRACTICE OF LAW CASES

Disciplinary Cases	66
Bar Admission Cases	4
Unauthorized Practice of Law Cases	2
TOTAL	72

TOTAL CASES PENDING**761**



section 2

caseload

2007-2011

The following charts explain the categories of cases filed with the court in 2011 and compare the court's caseload during the past five years by showing the total number of:

- cases filed
- cases disposed
- cases pending
- cases filed by pro se litigants.

Also included in this section, is a chart reflecting the number and percent of jurisdictional appeals filed and accepted for full merit review. This chart compares years 2006-2011 because the data is measured by the year in which the appeal was filed. The most recent year for which data is complete is 2010.

CASES FILED BY CATEGORY – 2011

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

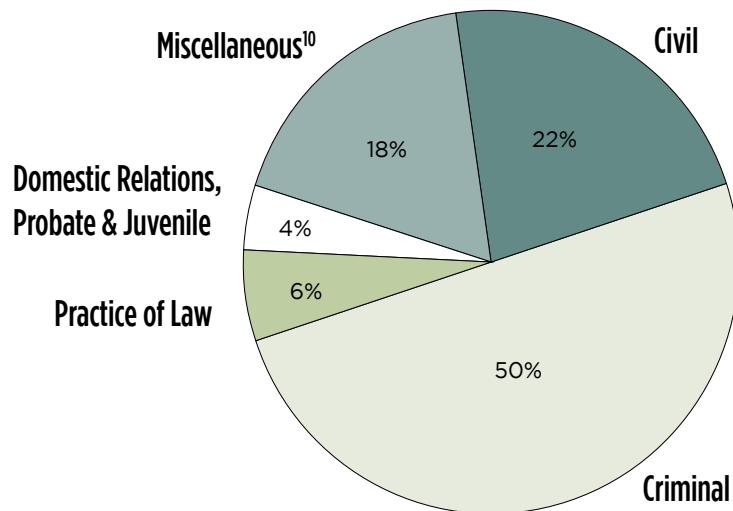
Civil
488 cases (22%)

Criminal
1,102 cases (50%)

Practice of Law
132 cases (6%)

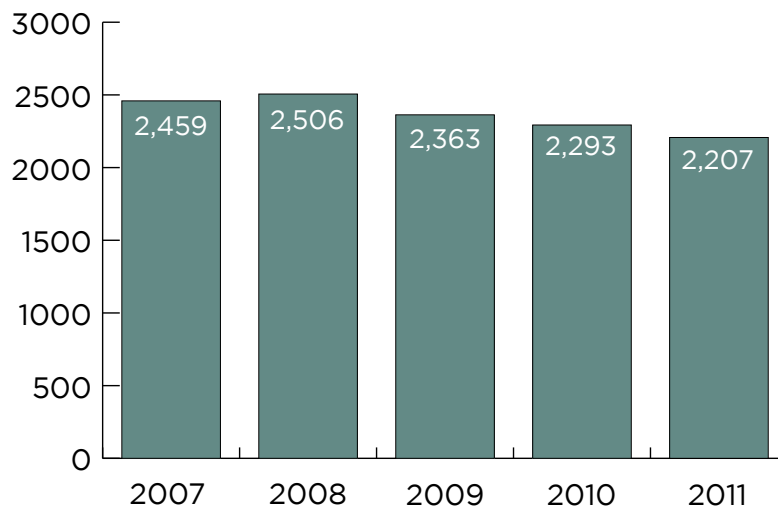
**Domestic Relations,
Probate & Juvenile**
87 cases (4%)

Miscellaneous¹⁰
398 cases (18%)



CASES FILED 2007-2011

In 2011, the Supreme Court of Ohio had 2,207 new cases filed, a 4 percent decrease in new case filings from the 2,293 cases filed in 2010. It is the third consecutive year for a decline in new cases filed. Of the 2,207 cases filed in 2011, 76 percent of the cases, or 1,667 cases were jurisdictional appeals.

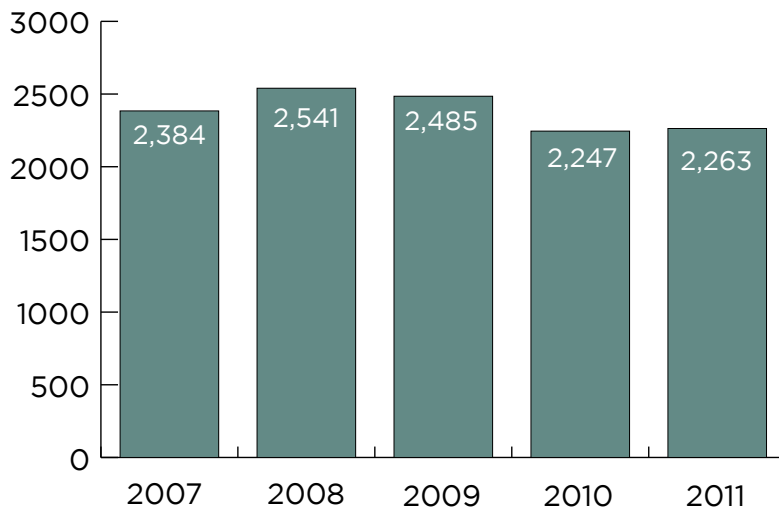


2011 case statistics

caseload 2007-2011

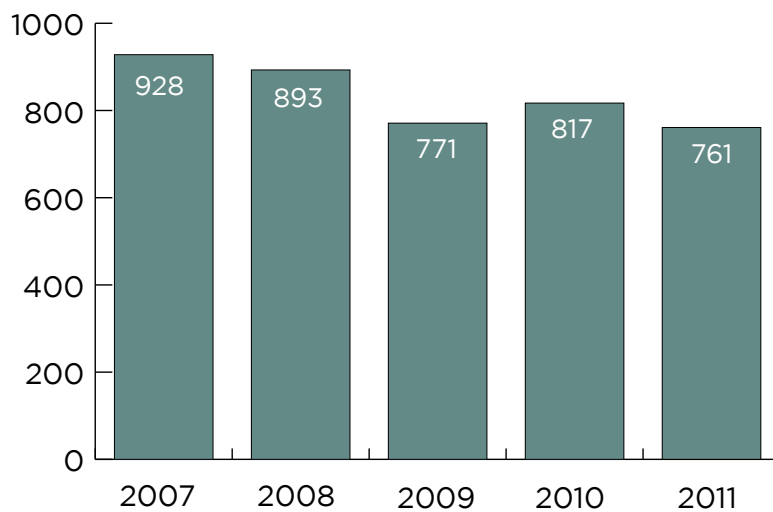
CASE DISPOSITIONS 2007-2011

The court disposed of 2,263¹¹ cases in 2011, an increase of 16 cases when compared to the 2,247¹² cases disposed in 2010.



CASES PENDING 2007-2011

The number of cases pending on December 31, 2011, was 761, a decrease of 56 cases from the 817 cases pending at the end of 2010. The 2011 case clearance rate was 103 percent.



2011 case statistics

caseload 2007-2011

APPEALS BY PRO SE LITIGANTS 2007-2011

The percentage of cases filed by pro se litigants remained fairly constant over the past three years, increasing in 2011 by 1 percent to 39 percent of cases.

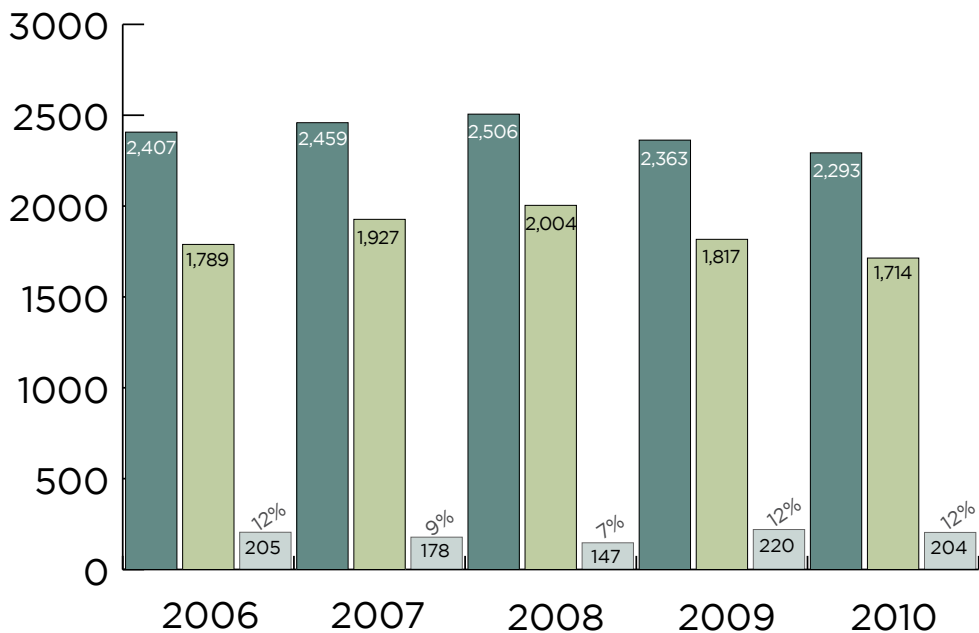
	2007	2008	2009	2010	2011
General cases	2,459	2,506	2,363	2,293	2,207
Pro se cases	820	920	969	875	870
Percent pro se	33	37	41	38	39



JURISDICTIONAL APPEALS FILED 2006-2010
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 2010, for example, the number of jurisdictional appeals filed was 1,714 and, of these, 204 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 2011 was 1,667, and as of December 31, 2011, 409 jurisdictional appeals were pending the court’s consideration.

	2006	2007	2008	2009	2010
Cases filed	2,407	2,459	2,506	2,363	2,293
Appeals filed	1,789	1,927	2,004	1,817	1,714
Appeals accepted	205	178	147	220	204
Percent accepted	12	9	7	12	12





section 3

time to disposition

2007-2011

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 2007 through 2011 for purposes of comparison.

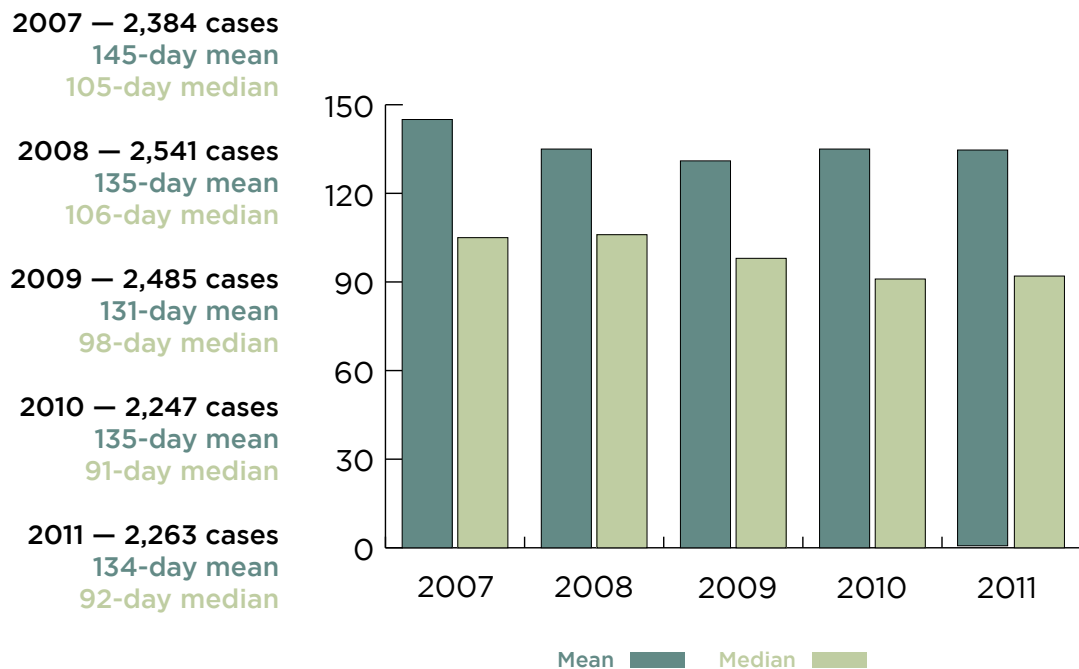
2011 case statistics

time to disposition 2007-2011

ALL CASES

From Case Filing to Final Disposition

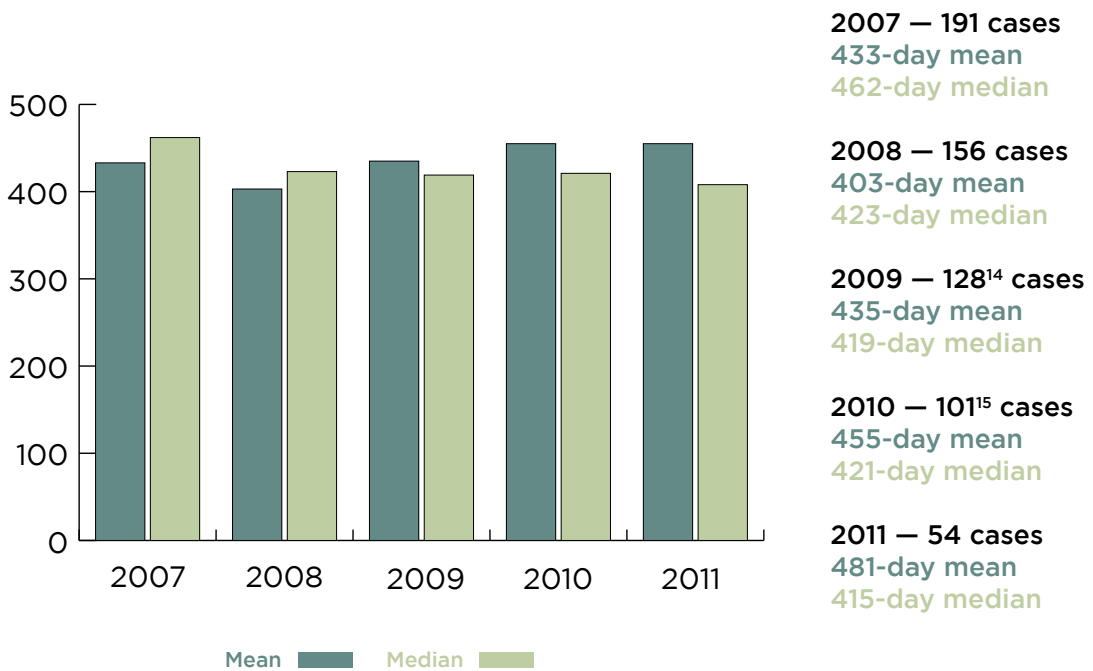
In 2011, the court disposed of 2,263 cases. The mean or average number of days a case was pending before the court decreased by 1 day in 2011.



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

Decisions in 54 jurisdictional appeals following full merit review were released in 2011. The 54 jurisdictional appeal decisions do not include 86 appeals that were accepted and held for decisions in other cases, or 17 cases that were accepted and summarily disposed, without briefing, based upon holdings in other cases. The time to disposition averaged 481¹³ days.

Of the five decisions released in 2011 that took the most number of days from filing to final disposition, three cases involved issues related to juvenile sexual offender classification and registration, one case involved the Lake Erie shoreline and one case was a death penalty issue involving an appeal of a trial court’s denial of a motion for new trial based upon newly discovered evidence.



2011 case statistics

time to disposition 2007-2011

JURISDICTIONAL APPEALS NOT ACCEPTED FOR MERIT REVIEW¹⁶ From Filing of Notice of Appeal to Final Disposition

The number of days taken by the court to consider and dispose of a jurisdictional appeal not accepted increased slightly by 2 days in 2011.

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 — 1,397¹⁷ cases

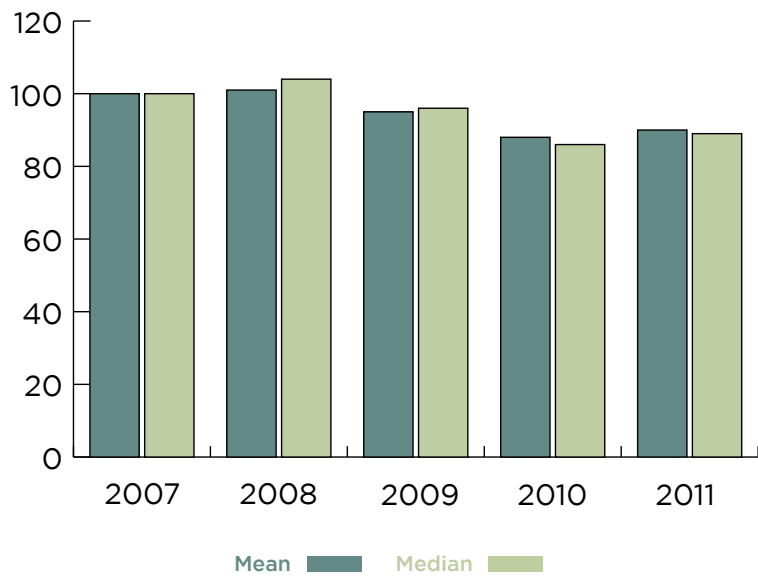
88-day mean

86-day median

2011 — 1,583 cases

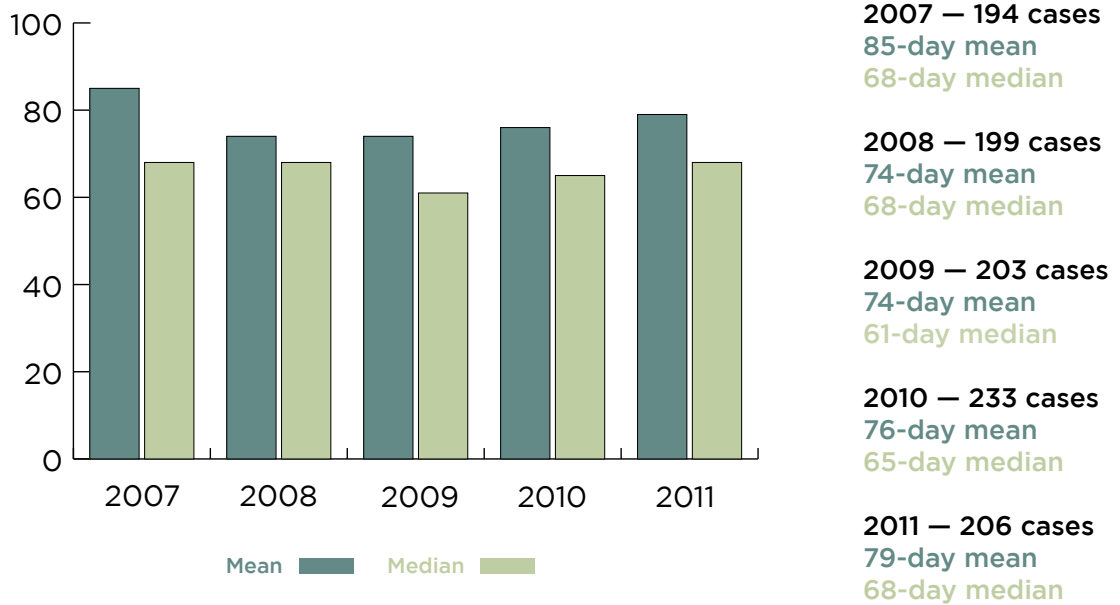
90-day mean

89-day median



ORIGINAL ACTIONS¹⁸
From Filing to Final Disposition

During 2011, 206 original actions, including 39 habeas corpus cases, were disposed of in an average of 79 days.



2011 case statistics

time to disposition 2007-2011

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

In 2011, the number of disciplinary cases disposed of decreased by 26 cases from 88 cases in 2010 to 62 cases in 2011. The average number of days to final disposition increased by 1 day. Despite a decrease in the number of disciplinary cases disposed of in 2011, the average time to disposition remained constant at 187 days.

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 — 88¹⁹ cases

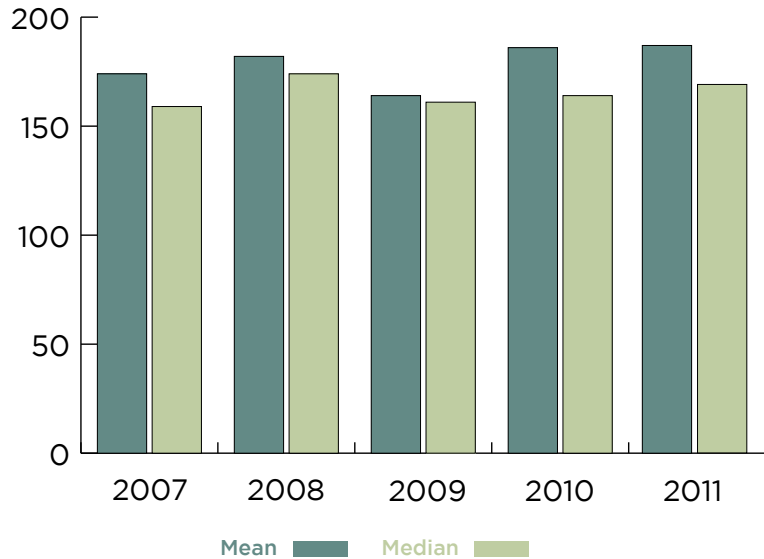
187-day mean

164-day median

2011 — 62 cases

187-day mean

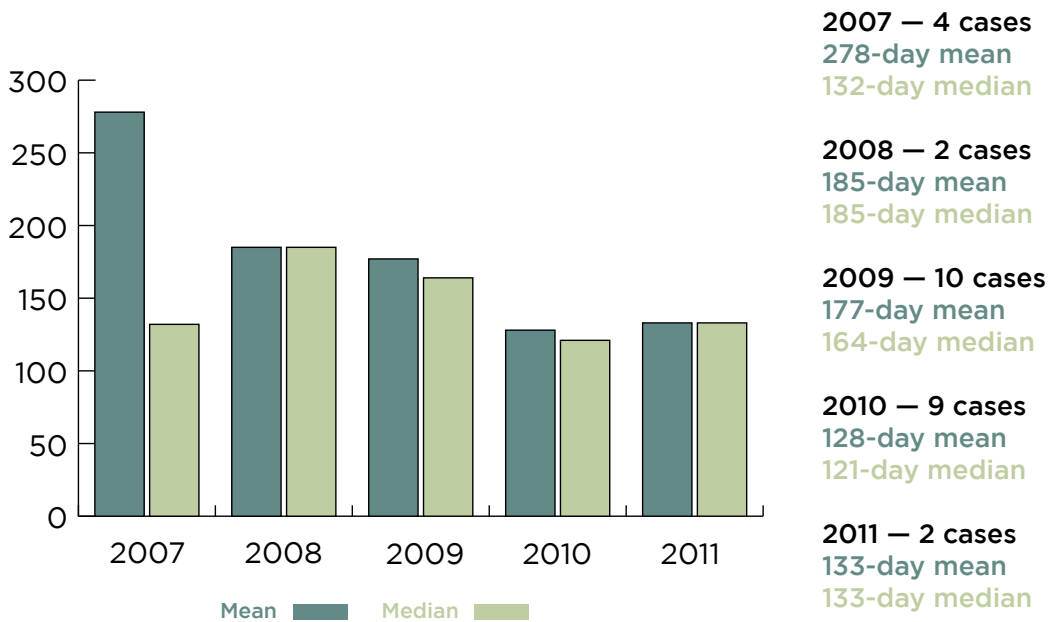
169-day median



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 increased by 5 days from 128 days in 2010, to 133 in 2011, but the number of cases disposed of decreased to 2 cases in 2011. The two cases disposed of in 2011 involved non-attorneys preparing bankruptcy petitions and foreclosure pleadings for clients.



2011 case statistics

time to disposition 2007-2011

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

The number of character and fitness cases disposed of in 2011 dropped from 12 cases in 2010, to 6 cases in 2011. In 2010, seven cases involved applicants who took the July 2009 bar exam and those cases were disposed of in 75 days, causing the time to disposition to drop significantly in 2010. The time to disposition increased by 30 days in 2011.

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

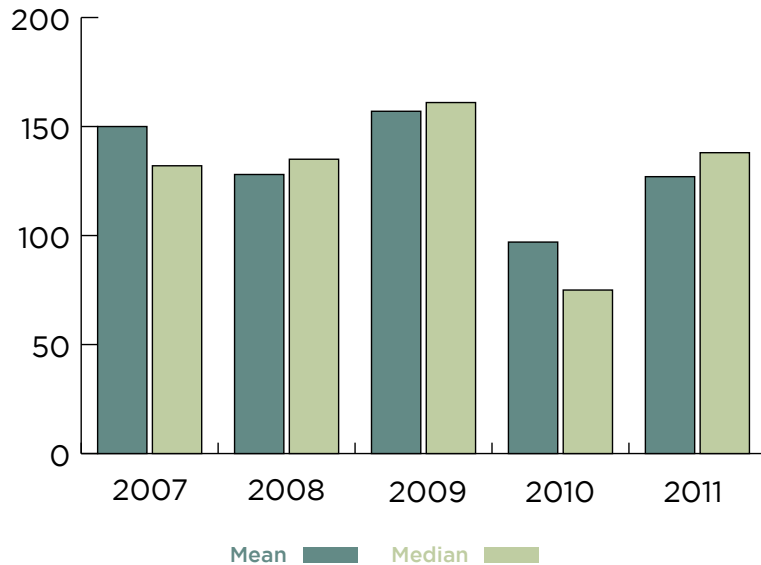
97-day mean

75-day median

2011 — 6 cases

127-day mean

138-day median

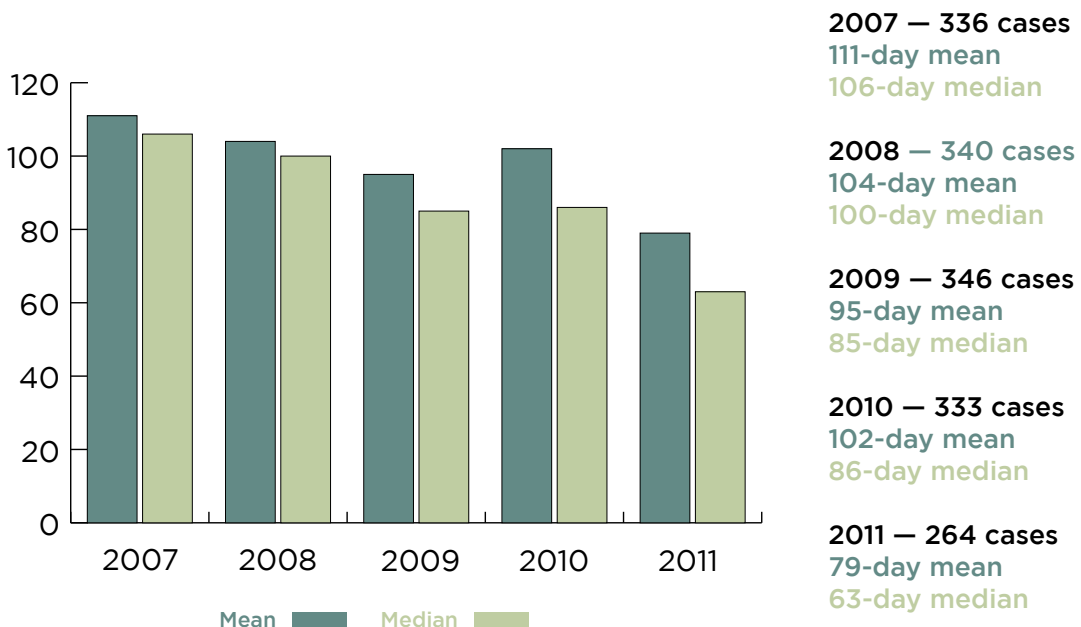


CASES DECIDED WITH AN OPINION

From Submission to Court Until Issuance of Opinion

The number of cases decided with an opinion dropped for the third straight year, from 333²⁰ cases to 264 cases. The average number of days to issue an opinion dropped by 23 days. The drop in the average number of days to issue an opinion in 2011 and the decrease in the number of opinions issued during 2011 can be attributed to the following factors:

- Traditionally, the court has the same 7-member panel hear a case, write the opinion and vote on the outcome. In late fall 2010, the court did not schedule oral arguments because of potential membership changes that could have resulted from the 2010 election. Consequently, there were fewer orally argued cases with opinions to decide between the end of 2010 and the first months of 2011.
- Cases that were decided in the early months of 2011 consisted mainly of direct appeals and original actions. Decisions and opinions issued in these cases do not require oral argument and are disposed of more quickly. As a result, the court began 2011 with a “fresh slate” of cases and was able to move efficiently through its workload during the year.





section 4

briefing to oral argument

2007-2011

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 and practice of law cases (including disciplinary cases, bar admission cases, and unauthorized practice of law cases).

2011 case statistics

briefing to oral argument

ALL CASES ARGUED

From Completion of Briefing to Oral Argument

The average number of days from completion of briefing to oral argument jumped by 71 days, from 85 days in 2010 to 156 days in 2011. The reason for the increase in the number of days from completion of briefing to oral argument is primarily attributable to the following cases:

- 3 cases, 2006-1366, 2007-2021 and 2007-1741 were death penalty cases
- 5 cases, 2009-1064, 2009-1065, 2009-1067, 2009-1071 and 2009-1072 were PUCO cases that were argued on the same day and the decision was released on the same day. These 5 cases took 593 days from completion of briefing to oral argument.

Of the cases disposed in 2011, 97 were orally argued. Three of those cases 2008-1624, 2009-0477 and 2009-0189 were argued in 2009 and decided in 2011.

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 — 150²¹ cases

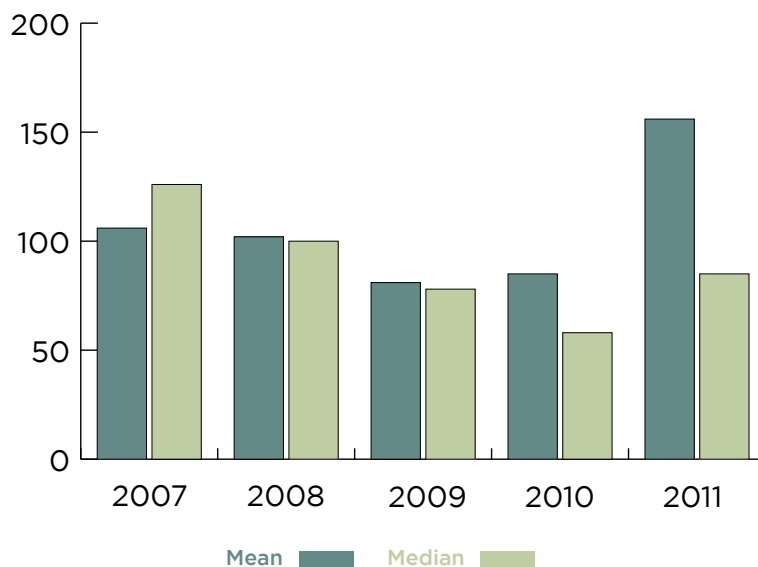
85-day mean

58-day median

2011 — 97 cases

156-day mean

85-day median



PRACTICE OF LAW CASES

From Completion of Briefing to Oral Argument

Including Disciplinary, Bar Admissions and Unauthorized Practice of Law Cases

Of the 29 practice of law cases argued in 2011, 16 were disposed of in 2011 and 13 were pending at the end of 2011. The time from completion of briefing to oral argument for the 16 cases disposed in 2011 increased by 23 days, to an average of 60 days.

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

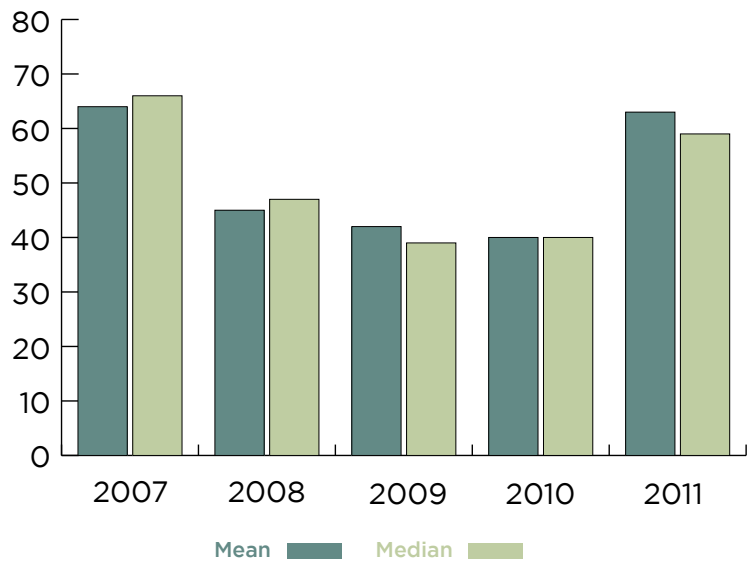
40-day mean

40-day median

2011 — 16 cases

63-day mean

59-day median





section 5 appendices

2011 case statistics

Appendix A: practice of law cases - cases filed

CASES PENDING JAN. 1, 2011	48
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DISCIPLINARY CASES

Cases on Report of Board	70
Consent to Discipline Cases	11
Case under Gov.Bar R. V(7)/Mental Illness	1
Attorney Resignation Cases	15
Reciprocal Discipline Cases	3
Cases upon Felony Conviction	14
Cases on Motion for Interim Remedial Suspension	3
Judge Disciplinary Cases	2
TOTAL	119

BAR ADMISSIONS CASES

Character and Fitness Cases	7
TOTAL	7

UNAUTHORIZED PRACTICE OF LAW CASES

Cases on Report of Board	2
Consent Decree Cases	1
Miscellaneous UPL Cases	1
TOTAL	4

OTHER MATTERS RELATING TO PRACTICE OF LAW ²²	2
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TOTAL	2
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TOTAL PRACTICE OF LAW CASES FILED	132
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DISCIPLINARY CASES

On Report of Board

Public reprimand	3
Definite suspension	26
Indefinite suspension	17
Disbarment	8
Dismissed	1

TOTAL 55

Consent to Discipline Cases

Public reprimand	2
Definite suspension	4

TOTAL 6

Attorney Resignation Cases

Resignation accepted — disciplinary action pending	12
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Reciprocal Discipline Cases

Public reprimand	1
Definite suspension	1
Indefinite suspension	1

Cases Upon Felony Conviction

Interim suspension	14
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Cases under Gov.Bar R. V(7)/Mental Illness

Mental illness suspension	1
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Cases on Motion for Interim Remedial Suspension

Interim suspension	4
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Judge Disciplinary Cases under Gov.Jud.R.II(5)**On Report of Board**

Dismissed	1
Public reprimand	1

TOTAL 36

TOTAL DISCIPLINARY CASE DISPOSITIONS

97

2011 case statistics

practice of law cases - final dispositions

BAR ADMISSIONS CASES

Character and Fitness Cases

Applicant disapproved, may reapply 5

Applicant approved 1

TOTAL 6

UNAUTHORIZED PRACTICE OF LAW CASES

On Report of the Board

Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed 1

Cases on Consent Decree

Respondent enjoined from actions constituting the unauthorized practice of law 1

Miscellaneous Cases

Respondent ordered to immediately cease and desist from unauthorized practice of law 1

TOTAL 3

OTHER MATTERS RELATED TO PRACTICE OF LAW

Motion to Quash Subpoena/Motion for Protective Order denied 1

Respondent found in contempt; ordered to comply with subpoena and board's orders 1

TOTAL 2

TOTAL PRACTICE OF LAW DISPOSITIONS 108

CASES PENDING DEC. 31, 2011 72

PRACTICE OF LAW CLEARANCE RATE 82%

NOTES

1. The 2010 Annual Report listed the pending caseload on December 31, 2010 as 819 cases. Two cases, 2009-2119 and 2009-2339, were incorrectly included and were not pending as of January 1, 2011.
2. Non-felony discretionary appeals include cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right. A claimed appeal of right is an appeal that claims a substantial constitutional question, including an appeal from the decision of a court of appeal under App. R. 26(B) in a noncapital case. A discretionary appeal is an appeal involving a felony or a question of public or great general interest and invokes the discretionary jurisdiction of the Supreme Court.
3. See Appendix A for a breakdown of cases relating to the practice of law filed in 2011.
4. Jurisdictional appeals include dispositions where the court's jurisdiction was declined, leave to appeal was denied, or the appeal was dismissed.
5. See Note 2.
6. Jurisdictional Appeals Accepted for Merit Review reflects cases disposed of in 2011 and includes cases accepted and held for a decision in another case. These appeals may have been filed in any preceding year. See page 13 for a chart that reflects the percent of jurisdictional appeals filed and accepted for merit review.
7. See Appendix B for the types of final dispositions entered in cases relating to the practice of law.
8. Under cases pending, non-felony discretionary appeals include cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right.
9. Included under death penalty cases pending on December 31, 2011 are two cases involving appeals from the courts of appeal in which the death penalty was imposed for an offense committed prior to January 1, 1995.
10. Miscellaneous cases include certified conflict cases, certified questions of state law, direct appeals, original actions and administrative appeals.
11. In 2011, the court disposed 2,263 cases, including 3 cases (2011-0833, 2011-1573 and 2011-1930) opened and closed on the same day.
12. The Annual Report in 2010 listed 2,245 final dispositions. After the report was published, it was discovered that two cases disposed of in 2010 were not listed as "disposed" in the case management system for 2010. The cases, 2008-2119 and 2009-2339, were incorrectly counted as pending in the 2010 Annual Report.
13. The time to disposition for jurisdictional appeals accepted for merit review includes the 29 days before which the court may consider whether to accept jurisdiction because the court must await the filing of a memorandum in response to jurisdiction or a waiver of the memorandum in response.
14. In years 2007, 2008 and 2009, the number of jurisdictional appeals accepted for merit review included cases that were accepted and held for decisions in other cases, as well as cases accepted and summarily disposed without briefing based upon the holding in another case.

NOTES - CONTINUED

15. In 2010, our data collection was refined and we were able to parse the number of cases that were accepted and held, from the number of cases accepted. As a result, 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.
16. The time to disposition for jurisdictional appeals not accepted for merit review includes the 29 days before which the court may consider whether to accept jurisdiction because the court must await the filing of a memorandum in response to jurisdiction or a waiver of the memorandum in response.
17. In the 2010 Annual Report, the number of jurisdictional appeals not accepted for merit review was reported as 1,396. Due to the change in disposition date of 2008-2119, the number of jurisdictional appeals not accepted for merit review was 1,397.
18. The category of original actions includes habeas corpus cases.
19. Disciplinary case 2009-2339 was incorrectly listed as pending as of January 1, 2011, even though it was disposed on May 20, 2010. Therefore, the number of disciplinary cases disposed of in 2010 stands at 88 cases.
20. The total number of cases decided with an opinion during 2010 was reported in the 2010 Annual Report at 330. Three cases were added to this total. The 3 cases added were initially disposed of by the court without an opinion, but upon motions for reconsideration, the court granted reconsideration, accepted these appeals and scheduled them for oral argument. The cases are accounted for in calendar year 2010, their official disposition year.
21. In the 2010 Annual Report, the total of all cases argued (from completion of briefing to oral argument) was listed as 145 cases. The number increased to 150 because there were 5 cases in which the court initially declined jurisdiction and disposed of the case in 2010, but later granted reconsideration, accepted the appeal and scheduled it for oral argument. The cases are listed in 2010, their official disposition year.
22. Disciplinary cases identified as “Other Matters Relating to Practice of Law” typically consist of cases pertaining to the enforcement of orders issued by the Board of Commissioners on Grievances and Discipline during the investigation of a disciplinary complaint.

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