Ohio | Court of Claims

2014 ANNUAL REPORT

Williams
Fulton
Lucas
Ottawa
Lake
Ashtabula
Defiance
Henry
Wood
Sandusky
Erie
Cuyahoga
Geauga
Trumbull
Paulding
Putnam
Hancock
Seneca
Huron
Lorain
Medina
Summit
Portage
Mahoning
Van Wert
Allen
Wyandot
Crawford
Richland
Ashland
Wayne
Stark
Columbiana
Mercer
Auglaize
Hardin
Marion
Morrow
Holmes
Carroll
Jefferson
Shelby
Logan
Union
Delaware
Knox
Tuscarawas
Coshocton
Harrison
Darke
Miami
Champaign
Licking
Guernsey
Belmont
Clark
Franklin
Muskingum
Preble
Montgomery
Greene
Madison
Fairfield
Perry
Noble
Monroe
Pickaway
Fayette
Morgan
Butler
Warren
Clinton
Hocking
Washington
Ross
Athens
Hamilton
Clermont
Highland
Vinton
Pike
Jackson
Meigs
Brown
Adams
Scioto
Gallia
Lawrence

Dear Chief Justice O'Connor and Justices of the Supreme Court:

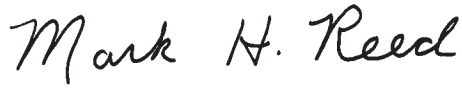
On behalf of our entire staff, I am once again happy and proud to submit this annual report for the Ohio Court of Claims for the year 2014. The 2014 annual report includes a broad overview of the court's activities during the year, including adjudicatory functions, as well as administrative matters.

In 2014, the court received 1,007 new or reactivated cases and closed 1,084 cases for a clearance rate of 108 percent. This past year also saw the successful implementation of efforts to streamline the hearing process related to crime victims' compensation awards.

In 2014, the court was pleased to again receive the appointment of retired assigned judges Patrick M. McGrath and Dale A. Crawford to the bench of the Court of Claims. Judge McGrath and Judge Crawford previously served together in the Franklin County Court of Common Pleas.

Continuing efforts to reconfigure the organization of the court have resulted in more staff being deployed to provide direct services to the public, as well as leading to the creation of a leaner and more responsive management structure. As part of this new emphasis on better serving the public the court is now beginning to implement the E-Courts model, using technology to improve access to the court for both attorneys and pro se litigants.

While much good work was done in 2014, much remains to be done. However, the Court of Claims has many significant assets. The court remains well funded and is well situated. Most importantly, the court has more than adequate staffing, including a core of dedicated and hardworking employees who have made a career commitment to the organization. These abundant assets are in fact sufficient to provide the foundation for the building of a truly outstanding trial court.



Mark H. Reed
Clerk of Court

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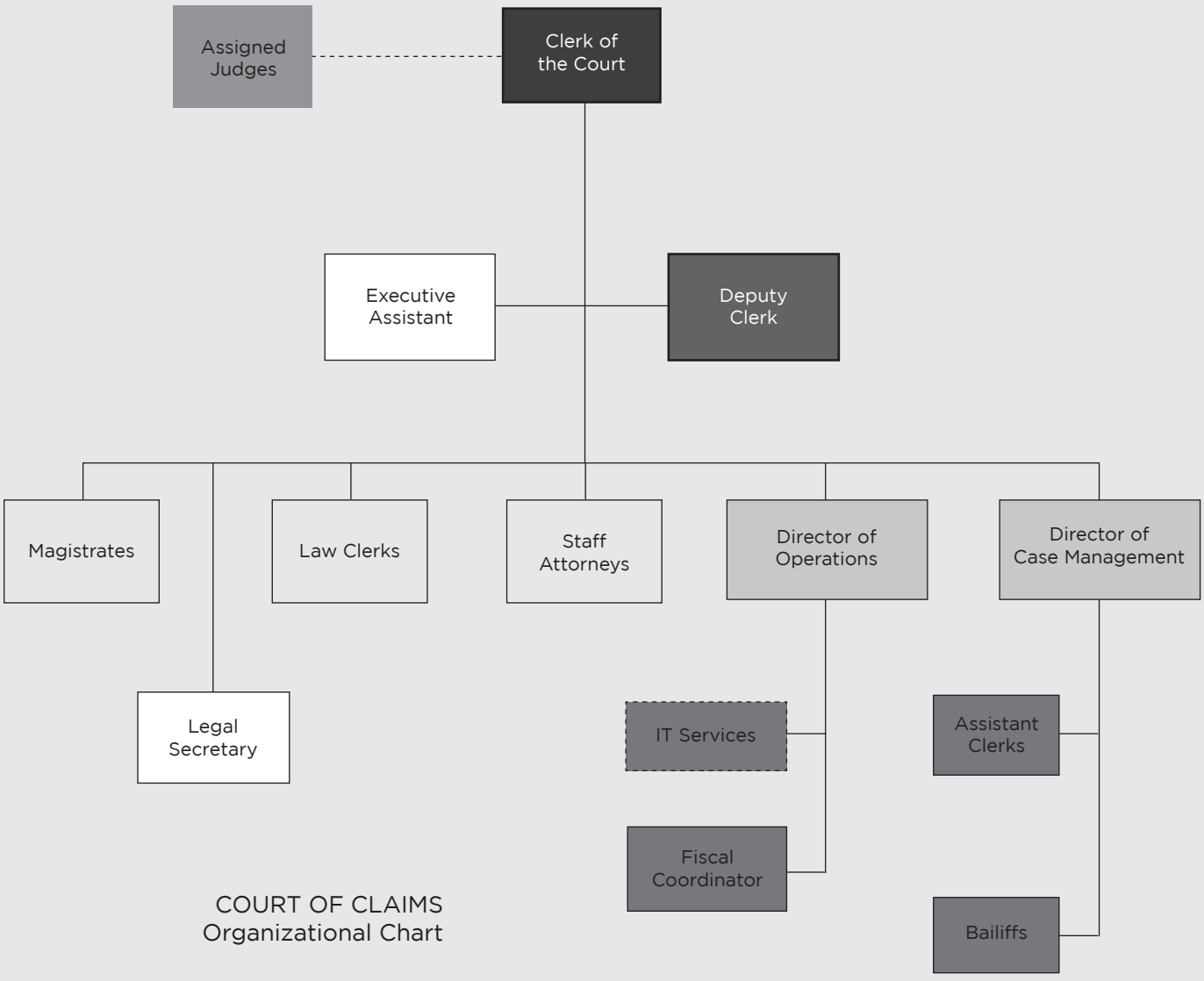


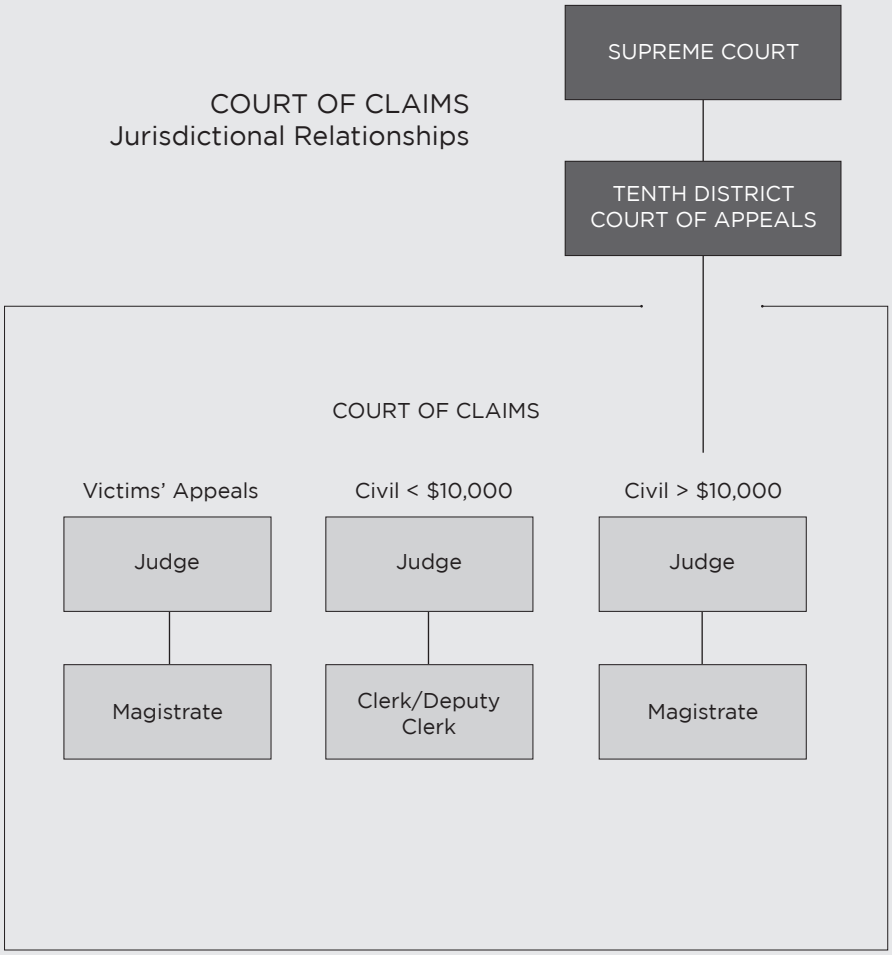
COURT OF CLAIMS
Organizational Chart

WHO WE ARE

The Court of Claims was established in 1975 by act of the General Assembly. At that time, the General Assembly enacted a limited waiver of sovereign immunity and established the Court of Claims as the court in which all civil actions against the state would be tried. The Court of Claims operates under statutory authority in Chapter 2743 of the Revised Code, Rules of the Court of Claims adopted by the Supreme Court pursuant to Article IV, Section 5(B) of the Ohio Constitution, Local Rules of the Court of Claims adopted by the Court of Claims pursuant to Article IV, Section 5(B) of the Ohio Constitution, and Rules of the Court of Claims, Crime Victims Compensation Section established pursuant to R.C. 2743.09(H).

The Court of Claims employs 21 individuals, including the clerk, one deputy clerk, two managers, four magistrates, three staff attorneys, one fiscal coordinator, two executive assistants, five assistant clerks, and two bailiffs. The clerk of the court is the chief executive officer of the Court of Claims, pursuant to 2743.09. The chief justice traditionally has appointed retired judges to serve on the Court of Claims, and in recent years the assignments have been renewed every three months.

COURT OF CLAIMS
Jurisdictional Relationships



WHAT WE DO

Civil actions filed in the Court of Claims are classified as either judicial cases or administrative determinations. Judicial cases are assigned to a Court of Claims judge or magistrate and resolved through a judicial hearing process. Parties have a right to appeal Court of Claims determinations to the Tenth District Court of Appeals and may file a discretionary appeal with the Supreme Court. Administrative determinations involve claims against the state that are valued at $10,000 or less. In most instances, these cases are resolved by the clerk without a hearing. A party may file a motion to have the clerk's determination reviewed by a judge of the court, whose decision is final. In the past 10 years, administrative determinations have made up approximately 60 percent of the court's civil docket. In 2014, administrative claims were 58 percent of the civil docket.

While the majority of the cases filed in the Court of Claims are disposed of via the administrative process, the bulk of the court's resources are devoted to the processing and adjudication of civil cases where the amount in controversy exceeds $10,000. These judicial cases are handled much the same as any civil case in a common pleas court.

The Court of Claims previously had responsibility for accepting claims filed by victims of crime who were seeking reparations from the Crime Victims' Compensation Program, adjudicating those matters following an investigation by the Attorney General's Office, and paying any court-ordered awards. In the late 1990s, the Crime Victims' Compensation Program was transformed from a judicial to an administrative program, and most of the Court of Claims' responsibilities for the program were transferred to the Attorney General's Office. Crime victim compensation claims are now filed with the Attorney General's Office, which then conducts an investigation and makes an administrative determination regarding the claimant's eligibility for an award and the amount of that award. The claimant may appeal the Attorney General's determination to the Court of Claims, where the appeal is heard by a Court of Claims magistrate. The magistrate's ruling may be objected to a judge of the court, and the judge's determination is final. Any awards are paid to the claimant by the Attorney General's Office. On average, the Court of Claims receives approximately 100 crime victim compensation appeals each year, although filings were down significantly in calendar year 2014, to only 63 appeals.

CASE MANAGEMENT

Case management may be defined as the supervision of the processes and events of all cases filed within a court. It includes management of the time and events necessary to move a case from the point of initiation through disposition, regardless of case type. Case management is an administrative process; therefore, it does not directly impact the adjudication of substantive legal or procedural issues.

Case management includes early court intervention, establishing meaningful events, establishing reasonable timeframes for events, establishing reasonable timeframes for disposition, and creating a judicial system that is predictable to all users of that system. In a predictable system, events occur on the first date scheduled by the court. This results in counsel being prepared, less need for continuances, and enhanced ability to effectively allocate staff and judicial resources.

One of the most fundamental ways that a court measures effective case management is by the determination of the clearance rate achieved by the court. Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed of in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/ reopened/ reactivated in a period by having a clearance rate of 100 percent or higher.

2014 FILINGS & CLOSURES

ALL CASES

ALL CASES	
Incoming Cases	1,007
Outgoing Cases	1,084
CLEARANCE RATE	**108%**

ADMINISTRATIVE CASES

Administrative determinations involve claims against the state that are valued at $10,000 or less. In most instances, these cases are resolved by the clerk without a hearing. A party may file a motion to have the clerk's determination reviewed by a judge of the court whose decision is final. In 2014, administrative determinations made up 58 percent of the court's docket. Many of these claims are filed by prison inmates, alleging property loss, or "pothole" claims filed by automobile owners against the Ohio Department of Transportation.

2014 FILINGS & CLOSURES

ADMINISTRATIVE DETERMINATIONS

ALL CASES

Incoming Cases	635
Outgoing Cases	702
CLEARANCE RATE	**111%**

CIVIL CASES

The Court of Claims is a trial court with statewide jurisdiction. The Ohio Rules of Civil Procedure apply, except where they are inconsistent with Chapter 2743 of the Revised Code. Court of Claims civil cases typically involve contract disputes, property damage, personal injury, wrongful death, medical malpractice, employment, defamation, and wrongful imprisonment.

The court has exclusive jurisdiction over all claims filed against the state of Ohio regardless of amount. However, claims of $10,000 or less are determined administratively by the clerk of the court pursuant to R.C. 2743.10(A).

In all civil cases, a case management conference will occur about 60 days after the complaint is filed and will set out the trial schedule and dates of discovery for the action. The court uses a differentiated case management system, which helps to minimize delays. Each case is assigned to the appropriate case track, which in turn allows for the performance of pretrial tasks and allocates the appropriate level of judicial and other system resources. The court also utilizes the dispute resolution services of the Ohio Supreme Court to mediate appropriate cases.

According to R.C. 2743.11 and R.C. 2743.03(C)(1), a party has no right to a jury trial in civil actions against the state. However, if a case is removed from the common pleas court to the Court of Claims, parties have the right to a jury trial for claims that are not against the state. In this case, jurors are drawn from the Franklin County Common Pleas list of jurors. The Tenth District Court of Appeals hears appeals of civil cases heard in the Court of Claims. Court of Claims decisions are available for viewing in a searchable database at the Office of the Reporter of the Ohio Supreme Court.

2014 FILINGS & CLOSURES

CIVIL CASES

ALL CASES	
Incoming Cases	309
Outgoing Cases	327
CLEARANCE RATE	**106%**

VICTIMS OF CRIME COMPENSATION APPEALS

The Ohio Crime Victims Compensation Program, which is administered by the Ohio Attorney General with court review provided by the Ohio Court of Claims, reimburses crime victims, their families, and others who may incur specific expenses resulting from a crime of violence. These expenses may include medical bills, lost wages, counseling and funeral expenses, hearing aids, dental aids, glasses, walkers, and wheelchairs. Reimbursement for these expenses is considered after all payments or adjustments from insurance providers or other available sources have been made.

Once the attorney general has rendered an administrative decision regarding a compensation claim, that decision may be appealed to the Court of Claims. Appeals may be made denying an award or modifying the amount of an award. Attorney fee awards may not be appealed to the court.

2014 FILINGS & CLOSURES

VICTIMS OF CRIME COMPENSATION APPEALS

ALL CASES	
Incoming Cases	63
Outgoing Cases	55
CLEARANCE RATE	**87%**

FINANCIALS

The Court of Claims takes very seriously the responsibility to be faithful stewards of public funds. This is most evidenced by the court's 2014 biennium budget, which was a 29 percent decrease from the FY 2013 appropriation.

The Court is funded through a separate appropriation in the biennial operating budget. The Court of Claims budget consists of a general fund line item that funds the bulk of the court's operations and an appropriation from the crime victims' compensation fund that pays for expenses associated with reviewing appeals in crime victims' compensation cases. Unlike many state agencies, the Court of Claims has in recent years remained sufficiently funded and has not exceeded its appropriation. See the chart below.

COURT OF CLAIMS BUDGET/EXPENDITURES

	FY 2013		FY 2014		FY 2015
FUND	**BUDGETED**	**ACTUAL**	**BUDGETED**	**ACTUAL**	**BUDGETED**
GRF	$2,501,052	$2,497,099	$2,501,052	$2,456,495	$2,501,052
5K20	$1,582,684	$681,858	$415,556	$290,949	$415,953
TOTAL	$4,083,736	**$3,178,957**	$2,916,608	**$2,747,444**	$2,917,005

CONCLUSION

The year 2014 was once again a year of continued, steady improvement for the Court of Claims. The court disposed of more cases than were filed, ensuring that no backlogs have the chance of developing. Legislation was passed that enabled the court to streamline the appeal process for victims compensation cases, assuring that these cases would be heard in an expedited manner consistent with the overall statutory scheme. Relations with the Bar and other courts continue to be fostered through open communication and collaboration. Court funding is stable and adequate. The staff of the court closes 2014 with a sense of accomplishment and looks forward to continued success in 2015.

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