

The Supreme Court of Ohio

OFFICE OF THE ADMINISTRATIVE DIRECTOR

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

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March 7, 2017

The Honorable Kim A. Browne
Franklin County Court of Common Pleas
Domestic Relations Division
373 South High Street
Columbus, Ohio 43215

Re: Proposal to Add Judgeships

Dear Judge Browne:

Thank you for your correspondence of February 23, 2017, requesting support for the addition of two judgeships to the Franklin County Court of Common Pleas, Domestic Relations and Juvenile Division. Pursuant to our process, we have reviewed your request in light of the most recent summary of case filings for calendar year 2016. Attached please find a supplemental report that updates the contents of my letter of February 12, 2016, which explained in some detail the court's need.

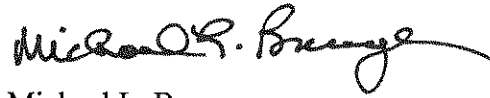
As I am sure you know, the state is facing a challenging fiscal environment. Nevertheless, based on our review we continue to express the support of the staff of the Supreme Court of Ohio for the request and offer our assistance in obtaining favorable legislative consideration. I would like to stress that the observations and conclusions stated in this letter reflect only the perspective of Supreme Court's staff and should not be construed as expressing the opinions or viewpoints of the Chief Justice or any other member of the Supreme Court on this matter.

Thank you again for your comprehensive proposal. We stand ready to assist in moving forward with legislation to add two judgeships to the Franklin County Court of Common Pleas, Domestic Relations and Juvenile Division.

Honorable Kim A. Browne
March 7, 2017
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Please feel free to contact me with any questions.

With highest regards,

A handwritten signature in black ink, appearing to read "Michael L. Buenger". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael L. Buenger
Administrative Director

cc. Rep. Jim Hughes

THE SUPREME COURT *of* OHIO

COURT SERVICES DIVISION CASE MANAGEMENT SECTION

Supplemental Report Concerning the Proposal to add Two Judgeships to the Franklin County Domestic Relations and Juvenile Court

The following report supplements the request for additional judgeships in the Franklin County Domestic Relations and Juvenile Court first proposed to the Supreme Court of Ohio in December 2015.

General Structure of the Court

In addition to having domestic relations jurisdiction, under R.C. 2301.03 the Franklin County Court of Common Pleas, Domestic Relations Division also has all powers relating to juvenile courts. Among Ohio's courts of common pleas containing major metropolitan areas, Franklin County is unique in that the same set of judges hears all domestic relations and juvenile cases. The courts of common pleas in Cuyahoga, Hamilton, Montgomery, and Summit counties each have fully divided divisional configurations, with their judges hearing exclusively either domestic relations or juvenile cases.

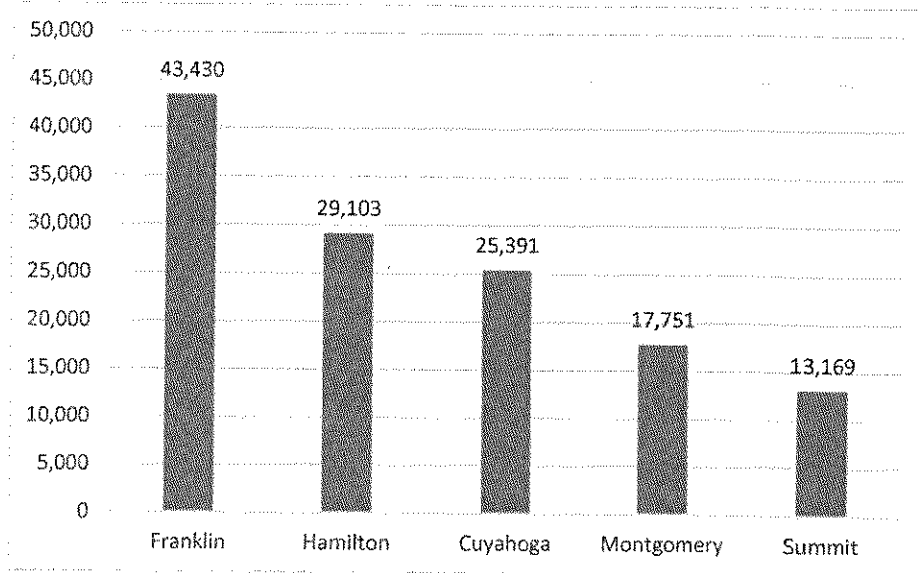
Because of the structural differences between Franklin County and the family law-related divisional configurations in the other major metropolitan courts of common pleas, there is not an ideal framework for drawing direct comparisons between Franklin County and other large counties.

Five other common pleas courts (in Clark, Henry, Lorain, Stark, and Trumbull counties) share a combined domestic relations and juvenile configuration. However, those counties are each distinctly smaller in population served and incoming caseload volume. On a per-judge basis, Franklin County's incoming caseload exceeds each of those counties by a substantial margin. The 2015 proposal and the Supreme Court of Ohio's independent analysis examined Franklin County's incoming caseloads in comparison with the other large counties, despite the structural differences in how the common pleas court divisions are configured. Updated analysis included in this supplement continues with this comparison.

Caseloads and Current Staffing Levels

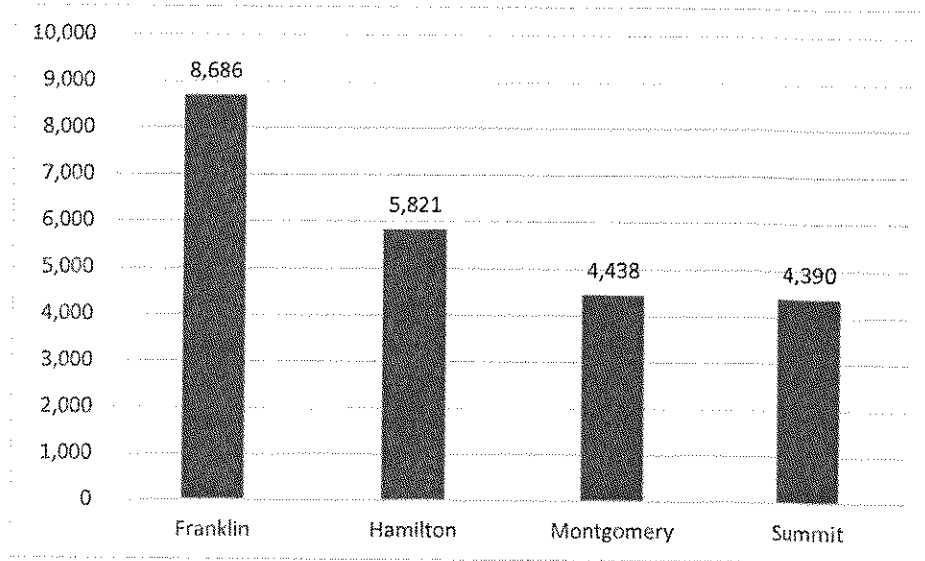
In order to accurately compare the caseload's for the five most populous Ohio counties, this analysis combines all of the new filings as well as transfers and reactivations in the Domestic Relations Division and Juvenile Division of each county. As show in Figure 1, Franklin County Domestic Relations and Juvenile Court has the greatest number of incoming cases for these divisions in 2016. The next largest caseload, Hamilton County, is 67 percent of Franklin County's caseload.

Figure 1. Incoming Cases in Domestic Relations and Juvenile Divisions, 2016.



Additionally, Franklin County's 2015 proposal noted that the entire domestic relations and juvenile incoming caseload *per judge* in 2014 was the largest among the five most populous counties (Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties). This remains true in 2016. Using the combined incoming caseload for Domestic Relations and Juvenile Divisions shown in Figure 1, Figure 2 displays the current number of incoming cases per judge in each county. As shown, Franklin County has a considerably higher per judge caseload than any of the comparison counties, with 8,686 incoming cases per judge. Adding two additional judgeships would lower the per judge incoming caseload to 6,204, closer (although still higher) to the per judge caseload of comparable counties.

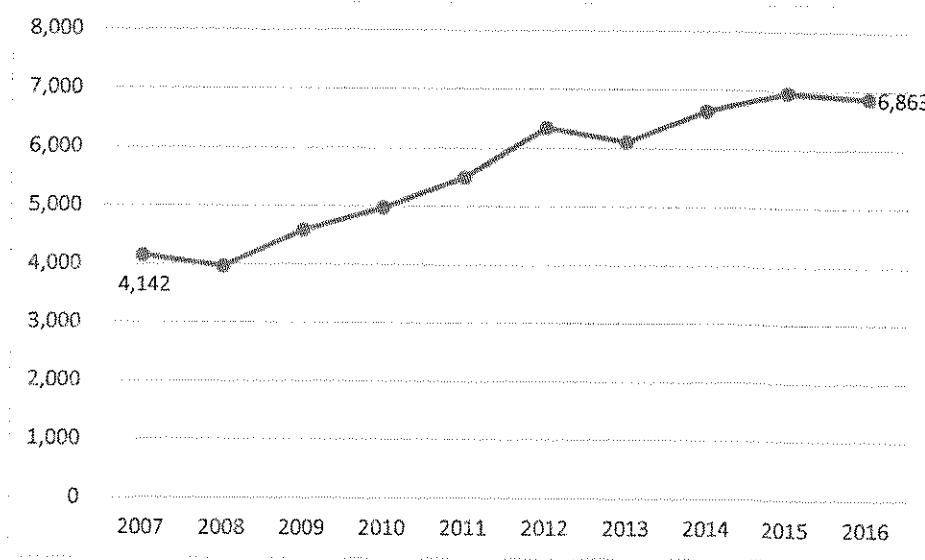
Figure 2. Incoming Cases in Domestic Relations and Juvenile Divisions per Judge, 2016.



In 2016, Franklin County Domestic Relations and Juvenile Court requested, and was granted, funding to hire one additional magistrate. This brought the number of full-time magistrates to 26. Including the new magistrate, there were 1,401 incoming cases per judicial officer (judges and full-time magistrates) in Franklin County in 2016. Montgomery County had the second highest per judicial officer incoming caseload, at 845. The addition of two judgeships would decrease the incoming caseload to 1,316 cases per judicial officer.

One area in which Franklin County is experiencing steady growth is with Custody, Change of Custody, and Visitation cases. Figure 3 displays the number of incoming custody and visitation cases into Franklin County over ten years. Since 2007, the county has seen a 66-percent increase in these types of cases.

Figure 3. Incoming Cases Custody, Change of Custody, and Visitation Cases, Franklin County.



In Franklin County’s 2015 proposal, the court paid special attention to these types of cases because a large number of Custody, Change of Custody, and Visitation cases “results in an ever increasing subsequent ‘post-decree’ filing of motions in these same cases.” These post-decree motions also require judicial resources.

Franklin County Population Growth Trend

Shown in Table 4, below, are Franklin County's last six decennial census population counts, and projections from the Ohio Development Services Agency for the county's continuing population growth over the next three decades. Franklin County's population growth since 1960 is unique among counties with major metropolitan centers, and is greater than the two percent average rate of growth for the state of Ohio. These trends support the addition of new judgeships for Franklin County, as caseload trends often parallel population trends.

Table 4. Franklin County Population Growth.

Year	Population	Percent Growth
1960	682,962	-
1970	833,249	22%
1980	869,126	4%
1990	961,437	11%
2000	1,068,978	11%
2010	1,163,414	9%
Projected 2020	1,237,960	6%
Projected 2030	1,302,110	5%
Projected 2040	1,366,200	5%

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February 12, 2016

The Honorable Kim A. Browne
Franklin County Court of Common Pleas
Domestic Relations Division
373 South High Street
Columbus, Ohio 43215

Re: Proposal to Add Judgeships

Dear Judge Browne:

Thank you for submitting your *Formal Request for Creation of Judgeships* requesting support for the addition of two judgeships to the Franklin County Court of Common Pleas, Domestic Relations Division. Thank you for preparing a thorough and thoughtful proposal.

I write to express the support of the staff of the Supreme Court of Ohio and to offer our assistance in obtaining favorable legislative consideration. I would like to stress that the observations and conclusions stated in this letter reflect only the perspective of Supreme Court's staff and should not be construed as expressing the opinions or viewpoints of the Chief Justice or any other member of the Supreme Court on this matter.

We have reviewed the information presented in your proposal and have taken into account additional data at our disposal. We believe the addition of two judgeships to your court is well supported. Described below are some of the salient elements that lead to this conclusion.

General Structure of the Court

In addition to having domestic relations jurisdiction, under R.C. 2301.03 the Franklin County Court of Common Pleas, Domestic Relations Division also has all powers relating to juvenile courts. Among Ohio's courts of common pleas containing major metropolitan areas, Franklin County is unique in that the same set of judges hears all domestic relations and juvenile cases. The courts of common pleas in Cuyahoga, Hamilton, Montgomery, and Summit counties each have fully divided divisional configurations, with their judges hearing exclusively either domestic relations or juvenile cases.

Having family law matters heard within a single division of a common pleas court fosters consistency and serves the important goal of achieving efficiency in the delivery of services. The case management processes and child-centered decision-making framework surrounding the goal of securing stable and effective outcomes for children are the same regardless of whether those children are at issue in a divorce case or subject to litigation between unmarried persons.

Current Staffing Levels

Your court currently consists of five judgeships. Also providing judicial officer resources are 25 full-time magistrates, seven of whom work on domestic relations matters, and 18 of whom work on juvenile matters. You provide in your proposal additional helpful detail on the precise allocation of your court's work between its judges and magistrates. You also indicated that you are actively working on securing funding to hire one additional magistrate.

Your proposal also includes a description of your court's use of retired assigned judges to manage Franklin County's sizable permanent custody docket. We agree with your assessment that relying on visiting judges in this manner is less than ideal. Permanent custody cases are among the most serious matters heard in juvenile courts and we appreciate your statement that having judges hear these cases serves the critical goal of expediency by eliminating delays that could otherwise result from the parties objecting to magistrate decisions.

We would note that the letters of support you obtained from Chip Spinning and Anne O'Leary of Franklin County Children Services and from Yuera Venters, the Franklin County Public Defender, both mention their preference that permanent custody cases be heard by sitting judges rather than visiting judges. We echo their preference while also recognizing the value that retired assigned judges can temporarily provide to courts experiencing overburdened dockets.

Caseloads and Population Growth

Because of the structural differences between your court and the family law-related divisional configurations in the other major metropolitan courts of common pleas, we do not have an ideal framework for drawing direct comparisons between Franklin County and other large counties.

Five other common pleas courts (in Clark, Henry, Lorain, Stark, and Trumbull counties) share a combined domestic relations and juvenile configuration. However, those counties are each distinctly smaller in population served and incoming caseload volume. Lorain County is the nearest in caseload volume, but even then smaller by 66 percent. On a per-judge basis, Franklin County's incoming caseload exceeds each of those counties by a substantial margin. We agree with your approach in analyzing your court's incoming caseloads in comparison with the other major metropolitan counties, despite the structural differences in how the common pleas court divisions are configured.

As you note in your proposal, Franklin County's entire domestic relations and juvenile incoming caseload per judge in 2014 was the largest among the five major metropolitan counties (Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties), with 7,825 incoming cases per judge. If two judgeships were added to your court, that would lower your calculated 2014 incoming cases per judge to 5,589 cases, still greater than Cuyahoga, Summit, and Montgomery counties' current figures, and generally on par with Hamilton County's 6,111 cases per judge.

An important aspect to understand when analyzing the level of staffing resources in any court, and in family law-related courts in particular, is the allocation of work between judges and magistrates. Historical caseload statistics provided by Ohio's major metropolitan counties reveal that among juvenile cases (with some exceptions, including permanent custody cases in Franklin County), the vast majority of dispositions requiring substantial judicial officer engagement (trials and hearings on uncontested matters) are rendered by magistrates. Among domestic relations cases, we see more variability in how the work is allocated from county to county.

The Supreme Court does not collect statistics concerning the rates in which objections to magistrate decisions are filed. Reviewing objections is work required of a judge that would not exist but for the use of magistrates. However, what is uncertain is the net difference between time spent reviewing objections to magistrate decisions and the time that would have been otherwise required for the judges to hear the cases in the first place.

Absent a more precise assessment across all counties of how their actual workload is managed between judges and magistrates, it is necessary to take a less granular view of caseloads when comparing counties and their judicial officer staffing levels. Many state judicial branches employ a formalized workload assessment framework in which caseload volumes are weighted in terms of how long each typical case, by type, requires in judicial officer time to reach final disposition. Those case weights allow for raw caseload number to be transformed into measures of actual workload. Ohio does not currently employ a weighted caseload framework.

Your description of Franklin County's historical and projected population growth, found beginning on page 5 of your proposal, clearly highlights the need to appropriately plan for accommodating an expected attendant growth in your incoming caseloads.

Programs Supporting Access to Justice

Providing citizens with assistance to access the courts and their services is vital to ensuring public trust and confidence in our judicial system. We appreciate your court's efforts to accommodate the increasing impact of litigants opting to represent themselves. Your work with Capital University's Law School in operating Franklin County's Self Represented Resource Center is to be applauded. The implementation of the Family Dependency Treatment Court specialized docket, the Safe Harbor Docket, the Child Support Compass Program, and your robust mediation department, are all excellent examples of programs designed to alleviate an overburdened docket and to improve stable case outcomes.

You note in your report Franklin County's large population for whom English is a second language and how that impacts the court's capacity to efficiently manage its caseloads. You also note how requests for interpreters have increased substantially in your court over the last ten years. A recent analysis of the use by Ohio's courts of LanguageLine—the telephonic interpretation service provided to the courts by the Supreme Court geared to providing assistance when in-person interpreters are unavailable—revealed how extensive your court's use has been. Seventeen percent of Ohio's overall common pleas court use in 2015 of LanguageLine occurred in the Franklin County Court of Common Pleas, Domestic Relations Division. All the courts in Franklin County constituted a combined 31 percent of the total statewide use in 2015. Franklin County also led the state in the number of unique languages called upon for interpretation, with a striking 43 individual languages, indicative of widely diverse population. Cuyahoga County was second in the number of unique languages requiring telephonic interpretation, at 22.

Justice and Community Partner Support

Attached to your proposal are letters of support from the following justice partners:

- Chip Spinning and Anne O'Leary, Franklin County Children Services
- Susan Brown, Franklin County Child Support Enforcement Agency
- Ron O'Brien, Franklin County Prosecuting Attorney
- Yeura R. Venters, Franklin County Public Defender
- Jay Michael, Columbus Bar Association
- Danny Bank and Lorie McLaughlin, Capital University Law School

In addition, you provided a letter of support from the members of your court's funding authority, the Franklin County Board of Commissioners.

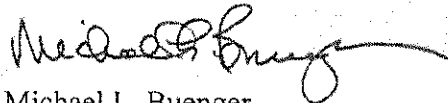
We appreciate your work in securing the unequivocal support of these individuals. They and their organizations are necessary partners in ensuring that the citizens of Franklin County have a well-functioning court to hear cases which result in significant impacts on the lives and futures of Franklin County's families and children.

Honorable Kim A. Browne
February 12, 2016
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Thank you again for your comprehensive proposal. We stand ready to assist in moving forward with legislation to add two judgeships to the Franklin County Court of Common Pleas, Domestic Relations Division.

Please feel free to contact me with any questions.

With highest regards,

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Michael L. Buenger
Administrative Director