



# *Tuscarawas County Clerk of Courts*

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## *2009 Legal Division Report for the Tuscarawas County Clerk of Courts Office*

As predicted, 2009 saw an increase in the number of Foreclosure actions filed. However the increase was higher than expected as 2009 saw a new record number of Foreclosure actions filed in Tuscarawas County. There were 454 new Foreclosure actions filed in 2009 surpassing the previous record high of 417 cases filed in 2007. This is an increase of 17% over 2008 and 9% over 2007. With tight money in the home mortgaging markets for refinancing and the continuing economic conditions around the nation, there is no relief in sight during the first quarter of 2010. However, with positive signs of recovery in the national economy, it is hoped that by the end of 2010, we will see some relief to this crisis.

2009 also saw a record number of civil cases being filed in the Common Pleas Courts. 2009 saw 1358 civil cases filed which is the first time in the history of Tuscarawas County that the number of new civil cases exceeded 1,000. The previous high was again in 2007 when 983 cases were filed. Besides Foreclosure actions, Money Judgment actions saw a huge increase in 2009 as the number of All Other Civil (Money Judgments) cases increased from 313 cases filed in 2008 to 609 cases filed in 2009, an increase of 95%. Over all, civil case filings were up over 43% in 2009.

Cases involving Domestic Violence (DV) and Civil Stalking Protection Orders (PO) have been increasing each and every year since the inception of the Civil Stalking laws in 2000. In 2009, a total of 237 DV/PO cases were filed which makes up for 12% of the courts non criminal case load. From 2001 thru 2006, between 6 to 8% of the courts non criminal case load had been attributed to either DV or PO cases. However, since 2007 the percentage has risen to between 11 to 14% of the non criminal case load. Under federal and state law, the court is forbidden from assessment of any court costs for filing and enforcing these actions. This means that the taxpayers pay 100% of the cost for these cases.

In addition, the last time the legislature enacted any increase in the fees that can be charged for court cost that offset the taxpayers responsibility for the cost to operate the courts was in 1992. Since the last fee adjustment, the Consumer Price Index has risen over 46% which adjusts to better than 54% through 2008. Without any modification to the fees that can be assessed as cost for a case, the taxpayer responsibility to subsidize the cost of every case filed will continue to rise.

Divorces, Dissolutions of Marriage and other Domestic Relations actions have not drastically changed over the years; however, the total number of actions filed for marriage termination, 427, was the lowest since 1990 when the Ohio Supreme Court adopted the current case reporting requirements. This decline is due to the trend of more couples having opted to cohabitate in lieu of marriage. This put a strain on another division of the court systems, namely Juvenile Court.

The number of cases being appealed to the Court of Appeals has declined with 2009 showing the fewer number of cases being appealed with 69 cases appealed in 2009. Since 1990, the court averages 78 cases being appealed. The number of criminal cases filed in 2009 increased slightly to 335 cases filed compared to 300 in 2008. However, the average number of criminal cases filed since 1990 is 376 per year.

Following is a chart showing the case filing activity since 1990 when the Ohio Supreme Court adopted the current case tracking and reporting standards.

Case Type	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
<b>Administrative Appeals</b>	5	5	10	7	6	3	3	5	4	1
<b>Foreclosures</b>	454	388	417	407	347	279	251	283	213	174
<b>Product Liability</b>	1	1	0	1	3	9	0	2	2	1
<b>Professional Tort</b>	11	4	4	10	10	10	15	12	13	9
<b>Other Tort</b>	101	79	96	102	90	110	110	125	133	108
<b>Other Civil (Money Judgments)</b>	609	313	302	238	243	295	280	287	278	336
<b>Worker's Compensation</b>	87	72	96	95	109	79	80	101	72	64
<b>Civil Stalking</b>	90	86	58	31	24	14	19	19	17	2
<b>Total Civil Cases</b>	1358	948	983	891	832	799	758	834	732	695
<b>Court of Appeals</b>	69	76	78	73	85	81	97	99	118	99
<b>Criminal</b>	335	300	456	379	366	380	319	392	315	319
<b>Sex Offender Reg. Petitions</b>	0	52	9							
<b>Dissolution with Children</b>	95	91	101	105	122	114	124	127	138	127
<b>Dissolution no children</b>	127	156	131	146	136	145	146	150	141	137
<b>UIFSA/URES</b>	8	4	9	10	4	15	15	4	11	2
<b>Divorce with Children</b>	126	129	118	136	144	114	162	140	132	174
<b>Divorce no Children</b>	79	62	105	116	91	84	77	92	103	89
<b>Domestic Violence</b>	144	139	114	86	93	72	96	63	65	74
<b>Other Domestic Actions</b>	0	2	0	1	5	2	7	4	10	4
<b>Total Domestic Cases</b>	579	583	578	600	595	546	627	580	600	607
<b>Total Marriage Terminations</b>	427	438	455	503	493	457	509	509	514	527
<b>Total Court Cases</b>	2341	1959	2104	1943	1878	1806	1801	1938	1765	1720

Case Type	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990
<b>Administrative Appeals</b>	3	6	5	10	10	17	15	5	11	14
<b>Foreclosures</b>	148	116	87	74	57	41	51	68	76	75
<b>Product Liability</b>	0	3	3	4	0	1	2	2	2	10
<b>Professional Tort</b>	8	6	10	12	15	8	5	4	11	2
<b>Other Tort</b>	88	88	162	110	94	83	101	98	117	82
<b>Other Civil (Money Judgments)</b>	240	257	282	282	253	264	285	316	333	253

<b>Worker's Compensation</b>	59	47	67	61	67	78	26	30	20	21
<b>Civil Stalking</b>	0	0	0	0	0	0	0	0	0	0
<b>Total Civil Cases</b>	546	523	616	553	496	492	485	523	570	457
<b>Court of Appeals</b>	77	127	86	100	119	96	87	92	100	72
<b>Criminal</b>	264	303	258	342	358	330	325	308	403	367
<b>Sex Offender Reg. Petitions</b>										
<b>Dissolution with Children</b>	135	117	115	123	120	108	146	171	140	104
<b>Dissolution no children</b>	138	171	146	119	128	133	123	132	157	114
<b>UIFSA/URESA</b>	6	8	25	18	31	22	26	29	20	17
<b>Divorce with Children</b>	145	194	180	170	172	154	176	165	178	142
<b>Divorce no Children</b>	97	98	112	98	92	93	83	79	68	75
<b>Domestic Violence</b>	33	23	16	5	18	20	13	19	21	32
<b>Other Domestic Actions</b>	10	11	22	67	120	132	110	141	177	161
<b>Total Domestic Cases</b>	564	622	616	600	681	662	677	736	761	645
<b>Total Marriage Terminations</b>	515	580	553	510	512	488	528	547	543	435
<b>Total Court Cases</b>	1451	1575	1576	1595	1654	1580	1574	1659	1834	1541

You can also see the average over the last five years, the average since 1990 and a chart showing percentage of change.

Prior 5 year Average	Average since 1990	Case Type	YTD % change of 2009 from prior 5 YR Average	YTD % change from Avg. since 1990	YTD% change of 2009 from 2008
6.2	7.3	<b>Administrative Appeals</b>	-19.4%	-31.0%	0.0%
367.6	200.3	<b>Foreclosures</b>	23.5%	126.7%	17.0%
2.8	2.4	<b>Product Liability</b>	-64.3%	-57.4%	0.0%
7.6	9.0	<b>Professional Tort</b>	44.7%	22.9%	175.0%
95.4	103.9	<b>Other Tort</b>	5.9%	-2.7%	27.8%
278.2	297.3	<b>Other Civil(Money Judgments)</b>	118.9%	104.8%	94.6%
90.2	66.6	<b>Worker's Compensation</b>	-3.5%	30.7%	20.8%
42.6	18.0	<b>Civil Stalking</b>	111.3%	400.0%	4.7%
890.6	704.6	<b>Total Civil Cases</b>	52.5%	92.7%	43.2%
78.6	91.6	<b>Court of Appeals</b>	-12.2%	-24.6%	-9.2%
376.2	341.0	<b>Criminal</b>	-11.0%	-1.7%	11.7%
106.6	121.2	<b>Dissolution with Children</b>	-10.9%	-21.6%	4.4%

142.8	138.8	<b>Dissolution no children</b>	-11.1%	-8.5%	-18.6%
8.4	14.2	<b>UIFSA/URESA</b>	-4.8%	-43.7%	100.0%
128.2	152.6	<b>Divorce with Children</b>	-1.7%	-17.4%	-2.3%
91.6	89.7	<b>Divorce no Children</b>	-13.8%	-11.9%	27.4%
100.8	57.3	<b>Domestic Violence</b>	42.9%	151.3%	3.6%
2	49.3	<b>Other Domestic Actions</b>	-100.0%	-100.0%	-100.0%
580.4	623.0	<b>Total Domestic Cases</b>	-0.2%	-7.1%	-0.7%
469.2	502.2	<b>Total Marriage terminations</b>	-9.0%	-15.0%	-2.5%
1938	1764.7	<b>Total Court Cases</b>	20.8%	32.7%	19.5%

In addition to new cases, the court is required to report the number of post decree domestic actions filed. These are actions that come back into the court after the original divorce or dissolution of marriage has been granted, seeking modifications or enforcement of the prior orders. Following is a chart that shows the post decree filing activity. More administrative hearings by the Child Support Enforcement Agency are being done today which means that enforcement action is only necessary when administrative hearings fail to resolve the issues. Therefore less of the courts time is tied up doing administrative matters.

	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
<b>Post Decree Domestic Actions</b>										
<b>Change of Custody</b>	81	96	120	76	94	79	104	88	96	100
<b>Visitation</b>	42	66	62	57	66	82	71	55	43	45
<b>Support Enforcement</b>	254	255	192	280	317	321	261	283	362	319
<b>Others</b>	26	67	92	125	138	133	120	173	196	204
<b>Total Post Decree Cases</b>	403	484	466	538	615	615	556	599	697	668

	1999	1998	1997	1996	1995	1994		
<b>Post Decree Domestic Actions</b>							<b>Prior 5 year Average</b>	<b>Average since 1994</b>
<b>Change of Custody</b>	100	93	95	81	107	107	93	94.8
<b>Visitation</b>	38	41	34	23	51	46	66.6	51.4
<b>Support Enforcement</b>	414	571	460	493	567	433	273	361.4
<b>Others</b>	222	275	139	88	127	125	111	140.6
<b>Total Post Decree Cases</b>	774	980	728	685	852	711	543.6	648.2

Post Decree Domestic Actions	YTD % change of 2009 from prior 5 YR Average	% change since 1994	YTD% change of 2009 from 2008
Change of Custody	-12.9%	-14.6%	-15.6%
Visitation	-36.9%	-18.2%	-36.4%
Support Enforcement	-7.0%	-29.7%	-0.4%
Others	-76.6%	-81.5%	-61.2%
<b>Total Post Decree Cases</b>	<b>-25.9%</b>	<b>-37.8%</b>	<b>-16.7%</b>

In addition to the court cases that are filed, the Clerk of Courts office also files various other documents and judgments. Outside of the year where the MWCD Court considered the Conservancy District assessment, 2009 saw the highest number of filings since records of the filings was maintained. Below is a record of those filings.

	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
<b>Other Misc. Cases</b>	0	2	7	0	2	2	0	2	2	0
<b>MWCD/Objections to Assessments</b>	1	1	7	5256	1	1	1	9	1	1
<b>Certificates of Judgment</b>	2360	1993	1499	1857	2381	1328	1029	1329	1353	754
<b>State Tax Judgment</b>	544	374	366	482	350	192	289	250	177	245
<b>Worker's Comp. Tax Jdgmt.</b>	113	87	76	88	47	100	47	41	53	25
<b>Notary Public Recordings</b>	191	202	239	266	241	238	235	244	249	260
<b>Oaths of Office</b>	165	27	17	16	59	18	20	24	153	66
<b>Extraditions</b>	14	13	11	11	15	10	7	10	11	6
<b>Foreign Judgment</b>	4	3	3	5	2	7	3	1	5	5
<b>Total Misc. cases</b>	3392	2702	2225	7981	3098	1896	1631	1910	2004	1362
<b>Total Cases</b>	5733	4609	4320	9924	4976	3702	3432	3815	3769	3082
<b>Other Misc. Cases</b>	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990
<b>MWCD/Objections to Assessments</b>	5	3	0	2	2	0	2	2	8	5
<b>Certificates of Judgment</b>	1	1	1	1	1	1	1	1	1	1
<b>State Tax Judgment</b>	855	756	926	804	1152	871	725	665	727	793
<b>Worker's Comp. Tax Jdgmt.</b>	146	247	412	336	407	292	355	247	283	278
<b>Notary Public Recordings</b>	28	32	18	87	81	64	88	44	43	28
<b>Oaths of Office</b>	240	228	258							
<b>Extraditions</b>	30	111								
<b>Foreign Judgment</b>	7	7	9	1	1	4	3	5	7	5
<b>Total Misc. cases</b>	5	2	8	0	3	3	5	8	3	3
<b>Total Cases</b>	1317	1387	1632	1231	1647	1235	1179	972	1072	1113

As part of the courts' case management, the dispositions of cases are also tracked. The following charts show the number of cases that have been disposed of each year since 1994 and the percentage of change during the same time period. The chart also shows the courts' case management efficiency in disposing of cases within the time guidelines established by the Ohio Supreme Court. You can see that the court disposed of a record number of civil cases, 1214 in 2009. The court expanded its use of Mediation in 2008 to include foreclosure and other civil matters. Mediation is used to help with the foreclosure crisis facing residents of the county and affords the parties the opportunity to resolve the case short of issuance of an order of sale.

In the last half of 2007, a total of 149 judgments for foreclosure were entered and 41 cases were settled or dismissed. During the first half of 2008, 150 judgments for foreclosure were entered while 31 cases were either settled or dismissed. However, with the court implementing mediation during the last half of 2008, the court saw a drop to 105 cases ending with judgments for foreclosure and 63 cases either settled or dismissed. In 2009, there were 278 total cases with a Judgment for Foreclosure which allows for the sale of the property. In the same period, 103 cases were settled or dismissed. The percentage of cases ending with home owners losing their homes to Foreclosure has dropped 8 percent since the inception of Mediation. However, Mediation has not caused any foreclosure action to be delayed beyond the time guidelines established by the Ohio Supreme Court as no foreclosure action is pending beyond those guidelines.

Below is a chart of case dispositions

<b>Cases Termination</b>	2009	2008	2007	2006	2005	2004	2003	2002	2001
<b>Administrative Appeals</b>	5	10	9	3	6	4	2	5	5
<b>Foreclosures</b>	433	400	473	426	353	318	300	292	186
<b>Product Liability</b>	0	0	2	2	6	3	1	0	5
<b>Professional Tort</b>	10	8	10	8	11	20	13	9	14
<b>Other Tort</b>	103	95	108	97	91	128	122	132	135
<b>Other Civil &amp; Money Judgments</b>	574	499	334	290	321	310	337	325	335
<b>Worker's Compensation</b>	89	94	98	125	90	98	97	99	75
<b>Total Civil Cases Terminated</b>	1214	1106	1034	951	878	881	872	862	755
<b>Civil Cases over Time at EOY</b>	6	5	6	7	6	3	13	7	6
<b>Criminal Terminated</b>	301	461	442	405	418	388	439	371	343
<b>Criminal Cases over Time at EOY</b>	4	11	10	9	11	6	12	11	19
<b>Dissolution with Children</b>	94	103	101	116	116	132	120	126	146
<b>Dissolution no children</b>	131	161	132	136	146	161	139	148	143
<b>Divorce with Children</b>	227	194	212	197	144	168	142	166	137
<b>Divorce no Children</b>	127	129	149	154	92	101	76	108	92
<b>Total Marriage Terminations</b>	579	587	594	603	498	562	477	548	518
<b>UIFSA/URESA</b>	7	6	10	9	8	17	9	8	6

<b>Domestic Violence</b>	147	164	135	86	92	75	113	66	57
<b>Other Domestic Actions</b>	29	50	109	138	134	135	137	167	226
<b>Change of Custody</b>	87	104	101	82	83	94	88	96	94
<b>Visitation</b>	49	66	57	56	62	90	64	47	46
<b>Support Enforcement</b>	237	233	222	291	311	317	242	312	354
<b>Total Domestic Actions Terminated</b>	1135	1210	1228	1265	1188	1290	1130	1244	1301
<b>Total Domestic Cases Over Time EOY</b>	31	14	24	19	29	13	19	15	12
<b>Total Court Cases Terminated</b>	2650	2777	2704	2621	2484	2559	2441	2477	2399

<b>Cases Termination</b>	2000	1999	1998	1997	1996	1995	1994	<b>Prior 5 year Average</b>	<b>Average since 1994</b>
<b>Administrative Appeals</b>	4	0	9	10	5	17	18	6.4	7.0
<b>Foreclosures</b>	203	156	97	84	68	49	39	394	242.3
<b>Product Liability</b>	2	3	3	3	2	0	1	2.6	2.1
<b>Professional Tort</b>	17	9	8	18	12	8	11	11.4	11.6
<b>Other Tort</b>	127	158	111	186	94	104	98	103.8	118.1
<b>Other Civil &amp; Money Judgments</b>	351	302	270	298	286	290	270	350.8	337.0
<b>Worker's Compensation</b>	98	82	77	86	56	42	77	101	86.4
<b>Total Civil Cases Terminated</b>	802	710	575	685	523	510	514	970	804.5
<b>Civil Cases over Time at EOY</b>	8	44	86	69	83	78	47	5.4	29.6
<b>Criminal Terminated</b>	339	337	415	355	290	346	302	422.8	372.0
<b>Criminal Cases over Time at EOY</b>	24	29	64	92	99	95	143	9.4	39.9
<b>Dissolution with Children</b>	115	142	122	128	120	115	124	113.6	120.0
<b>Dissolution no children</b>	142	144	170	150	128	118	133	147.2	142.6
<b>Divorce with Children</b>	185	187	205	176	164	184	186	183	179.6
<b>Divorce no Children</b>	111	114	103	103	100	89	89	125	108.6
<b>Total Marriage Terminations</b>	553	587	600	557	512	506	532	568.8	550.8
									0.0
<b>UIFSA/URESA</b>	5	9	16	34	34	33	50	10	16.3

<b>Domestic Violence</b>	78	34	21	12	11	19	17	110.4	70.4
<b>Other Domestic Actions</b>	207	275	242	150	71	208	202	113.2	155.0
<b>Change of Custody</b>	103	96	94	93	87	107	98	92.8	94.2
<b>Visitation</b>	43	44	36	35	35	46	42	66.2	51.1
<b>Support Enforcement</b>	358	434	577	529	434	620	459	274.8	370.6
<b>Total Domestic Actions Terminated</b>	1347	1479	1586	1410	1184	1539	1400	1236.2	1308.5
<b>Total Domestic Cases Over Time EOY</b>	26	31	53	58	84	59	77	19.8	35.3
<b>Total Court Cases Terminated</b>	2488	2526	2576	2450	1997	2395	2216	2629	2485.0

<b>Cases Termination</b>	<b>YTD % change of 2009 from prior 5 YR Average</b>	<b>YTD % change from 13 Year average.</b>	<b>YTD% change of 2009 from 2008</b>
<b>Administrative Appeals</b>	-21.9%	-28.6%	-50.0%
<b>Foreclosures</b>	9.9%	78.7%	8.3%
<b>Product Liability</b>	-100.0%	-100.0%	0.0%
<b>Professional Tort</b>	-12.3%	-14.0%	25.0%
<b>Other Tort</b>	-0.8%	-12.8%	8.4%
<b>Civil(Money Judgments)</b>	63.6%	70.3%	15.0%
<b>Worker's Compensation</b>	-11.9%	3.0%	-5.3%
<b>Total Civil Cases Terminated</b>	25.2%	50.9%	9.8%
<b>Civil Cases over Time EOY</b>	11.1%	-79.7%	20.0%
<b>Criminal Terminated</b>	-28.8%	-19.1%	-34.7%
<b>Criminal Cases over Time EOY</b>	-57.4%	-90.0%	-63.6%
<b>Dissolution with Children</b>	-17.3%	-21.7%	-8.7%
<b>Dissolution no children</b>	-11.0%	-8.2%	-18.6%
<b>Divorce with Children</b>	24.0%	26.4%	17.0%
<b>Divorce no Children</b>	1.6%	17.0%	-1.6%
<b>Total Marriage Terminations</b>	1.8%	5.1%	-1.4%
<b>UIFSA/URESA</b>	-30.0%	-57.1%	16.7%
<b>Domestic Violence</b>	33.2%	108.7%	-10.4%
<b>Other Domestic Actions</b>	-74.4%	-81.3%	-42.0%
<b>Change of Custody</b>	-6.3%	-7.6%	-16.3%

<b>Visitation</b>	-26.0%	-4.2%	-25.8%
<b>Support Enforcement</b>	-13.8%	-36.1%	1.7%
<b>Total Domestic Actions Terminated</b>	-8.2%	-13.3%	-6.2%
<b>Total Domestic Cases Over Time EOY</b>	56.6%	-12.1%	121.4%
<b>Total Court Cases Terminated</b>	0.8%	6.6%	-4.6%