



# BIENNIAL REPORT

• 2016 •

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## Section 1: Remarks



## Chair's Summation

Normally I don't struggle for words. This Biennial Report has proven to be the exception. I have struggled with this report because so much has happened during my tenure as Chair of the Ohio Judicial Conference.

Some of the challenges were financial, as the total appropriation for the OJC was reduced by 18% for fiscal year '16, and by an additional 48% for fiscal year '17. Other challenges included the very existence of the OJC, as the Conference was on the Sunset List, and without affirmative legislative action, the OJC would cease to exist at the end of 2016.

But these challenges created opportunities, and some significant changes had to be made during this past year. Some of the changes have been difficult, especially with the early retirement of Mark Schweikert. Mark was a true champion for the OJC, greatly improving the visibility and credibility of the Conference with the General Assembly and the Executive Branch. Ultimately, Mark believed that the survival of the OJC and the continuation of its mission was more important than his continued service as our Director. As the OJC is the voice of Ohio judges, Mark was the face and the voice of the OJC, and we owe him our heartfelt thanks.

Other changes have included the elimination of three positions with the Conference, transferring responsibility for judicial support services to the Ohio Supreme Court. As a result, Trina Bennington and Alyssa Guthrie are now employees of the Supreme Court, but continue to provide the same level of commitment, service and support to the Associations and judges of this state.

The mission and purpose of the Ohio Judicial Conference is as important today as in 1963 when it was created. The Conference is an integral part of the Ohio Judicial System and provides valuable services and information to all three branches of government, ultimately improving the administration of justice for the judges and citizens of our state.

My sincere thanks to Chief Justice Maureen O'Connor and Administrative Director Mike Buenger for their time, invaluable assistance and commitment to the OJC. Additionally I would like to thank the Officers, the Executive Committee, and the Association Presidents, who patiently waited while the details of the reorganization were finalized. Our funding has been fully restored, the OJC survived the sunset list, and the officers believe that we are well-positioned to make the OJC even stronger moving into the future.

Finally I would like to thank the entire staff of the OJC, especially Lou Tobin, who assumed the newly created position of Deputy Director, and Marta Mudri, our Legislative Services Counsel. Lou was especially invaluable in making this transition a successful one.

I know that the Conference will be in good hands under the leadership of Incoming Chair, Judge Jim Shriver.

**Judge John M. Durkin**  
**Mahoning Co. Common Pleas Court**

Engrained in the heart of our Ohio Constitution is the principle that “All courts shall be open and every person...shall have remedy by due course of law, and shall have justice administered without denial or delay.” *Article I, Section 16*

One of the many challenges facing the judiciary today centers on how to address the demands placed upon our system by our citizenry. Courts have responded by providing greater access for pro se litigants, developing innovative programs and specialized dockets to address the particular needs of individuals and instituting technological improvements for judicial efficiency.

Public confidence in our judicial system is essential to maintaining an orderly democratic society. Our strategic plan directs that the Ohio Judicial Conference work closely with judges, courts, and other entities to ensure the fair, effective, and efficient administration of justice. We must encourage and facilitate initiatives at the state and local level to enhance public knowledge about the justice system and the role of courts. Our collaborative relationship with justice system partners enhances the administration of justice, facilitates the rule of law, and further improves the quality of justice for all Ohio citizens.

Courts remain the most trusted branch of government according to a 2015 National Center for State Courts Public Opinion Survey. 60% of the people say courts are fair and impartial. 53% believe that courts provide good customer service and 57% say the courts provide equal justice to all. For those individuals involved in the court system, 70% reported they were satisfied with the fairness of the process. 66% of the people responded that the courts treat people with dignity and respect. 62% of the people stated that Judges listen carefully to those individuals appearing before them and 59% of the individuals report that the courts take the needs of people into account. 69% of the individuals believe that courts are committed to protecting individual and civil rights. 60% of the people also believe that the courts serve as an appropriate check on other branches of government. Judges are to be commended for their work in promoting public confidence in the judiciary.

Our work is not yet completed. Concerns persist about the influence of politics and personal belief in case decision making. Courts are seen as not implementing enough technology to improve customer service. There is a belief that courts are not doing enough to empower regular people to navigate the court system without an attorney.

The strategic plan of the Ohio Judicial Conference stands as our policy on matters impacting the administration of justice. The Officers recently reviewed the plan and affirmed our commitment to implement all facets of its directives. With your continued support, the Ohio Judicial Conference will remain as the Voice of Ohio Judges and demonstrate our resolve to continue to promote public confidence in the judiciary.

I continue to be impressed by the number of judges committed to expending their time to serve on committees, associations, various Task Forces and commissions. I encourage all judges to actively participate on the committees of the Ohio Judicial Conference so we can benefit from your wisdom, energy and dedicated service.

I extend my deepest thanks to Judge John Durkin as Past Chair for the tremendous commitment to ensuring that the Ohio Judicial Conference continues to serve as the Voice of Ohio Judges. Judge Durkin has been called upon to shoulder great matters that have not faced all prior Chairs of the Conference. I am truly honored to assume the role of Chair of the Ohio Judicial Conference and look forward to working with Judge Durkin and the other Officers and Judges of the Ohio Judicial Conference to achieve fulfillment of the goals outlined in our Strategic Plan.

**Judge James A. Shriver**  
**Clermont County Probate/Juvenile Court**

## Director's Report

I provide this report on behalf of myself, the rest of the tremendous Judicial Conference staff, and the hundreds of judges from all areas of the state and all jurisdictions who volunteer their time to serve on Judicial Conference Committees. Your efforts continually improve the administration of justice in Ohio to the great benefit of our judiciary and all Ohioans.

### **Administrative**

We said farewell to our longtime Executive Director, Retired Judge Mark Schweikert, who served as Executive Director from March 2006 through his retirement in March 2016. In addition to the everyday work required for the administration of a state agency, Mark oversaw ten Judicial Conference Annual Meetings, developed strategic plans in 2009 and 2014, managed the development of the current Judicial Conference website, established the Collaborative Project on the Local Budget Process and the Budget Resource Handbook, worked with staff on the development of five policy statements, and successfully advocated for judges on countless pieces of legislation and proposed changes to the rules that govern Ohio courts. Mark's work and accomplishments are a testament to his belief in the Conference as the voice of Ohio judges. He will be missed.

Jayma Umbstaetter, the longtime Fiscal/HR Officer, left in February 2016 for a new position with another state agency. Jayma did a superb job managing the Judicial Conference office and Judicial Conference Fiscal/HR obligations. In July 2016 we welcomed Aleta Burns as our new Fiscal/HR Officer. I would also like to give a special thanks to Mark Reed, Jennie Parks, and Deborah Wise, from the Ohio Court of Claims who provided Fiscal/HR services for the Conference for the several months in between Jayma's departure and Aleta's hiring.

### **Legislative Services**

Legislative Counsel, Marta Mudri, Deputy Legislative Counsel, Josh Williams, and Legislative Services Specialist, Justin Long, worked diligently and effectively throughout the biennium to provide advice and input to the General Assembly, the Executive Branch, and other interested parties on legislation that impacts the courts. They said goodbye to Deputy Legislative Counsel, John Ryan, who accepted a job with another state entity. John staffed the Juvenile, Probate, and Domestic Relations Law & Procedure Committees and was well respected by judges, staff, and others on capitol square.

Every biennium Judicial Conference legislative staff reviews every bill that is introduced in the Ohio General Assembly to determine whether there is an impact on the courts. During the 131st General Assembly, staff identified and worked with legislators and legislative staff on dozens of bills with a judicial impact. They responded to a variety of legislative inquiries, helped courts implement statutory change, encouraged adoption of Judicial Conference initiatives, and helped build relationships with legislators through programs like the Judicial-Legislative Exchange and legislative reception. Legislators frequently ask the Conference to review legislation before it is introduced, ask other legislators whether the Conference has reviewed their bill, and request us to provide comments through testimony. This is a testament to the credibility that the legislative staff has built with the General Assembly and the value that the legislature places on judicial input. The legislative staff provides an essential service that promotes the efficient and effective administration of justice in Ohio.

The Judicial Conference legislative platform was well received by the 131st General Assembly. House Bill 64, the biennial budget bill, included, a market adjustment to judicial salaries. While this issue was a Judicial Conference priority for several years, credit for the adjustment goes to Chief Justice Maureen O'Connor, who included the change in the Supreme Court of Ohio's budget request, and whose staff worked throughout the budget process to ensure its enactment. In

addition to the market adjustment, House Bill 64 included additional funding for indigent defense reimbursement. The funding increased the state reimbursement rate to 50%, another longtime legislative platform goal. The bill also increased funding for the Department of Mental Health to reimburse probate courts for the costs associated with civil commitment hearings, and made changes to adult protective services law, two changes sought by Ohio probate judges.

The legislative staff was also successful in having House Bill 123 and Senate Bill 204 enacted. House Bill 123, sponsored by Representatives Robert R. Cupp and Greta Johnson, authorizes a court to waive the requirement of a presentence investigation report upon agreement of the prosecutor and defendant. Senate Bill 204, sponsored by Senator Bill Seitz, makes driver's license suspensions for drug offenses discretionary rather than mandatory and expands the reasons for which a judge may grant limited driving privileges. Several other platform items are currently in legislation, and we are optimistic that these will be enacted before the end of the 131st General Assembly.

As importantly, the legislative staff recommends, monitors, and comments on proposed changes to the rules governing the courts of Ohio and provides professional support to Ohio's six judicial associations and judges who serve on other boards, commissions, and task forces.

### **Judicial Services**

Judicial Services Specialist, Trina Bennington, Program Specialist, Alyssa Guthrie, and Project Specialist, Jeff Jablonka, left the Judicial Conference at the end of 2015. Their positions were subsequently eliminated. With the departure of Trina, Alyssa, and Jeff, and the elimination of their positions, the Supreme Court of Ohio assumed responsibility for many of the judicial support services that the Conference previously provided to the Judicial Associations. Up until their departure, they provided excellent assistance to judges throughout the state through their support for judicial association activities, Judicial Conference committees, the Judicial Conference website, and Judicial Conference events like the Court Technology Conference and the Ohio Judicial Conference Annual Meeting.

With Judge Joyce A. Campbell, Second Vice-Chair of the Conference, serving as Chair of the Education Committee, the Judicial Services staff planned a successful 2015 Annual Meeting on the 800th Anniversary of the Magna Carta. The Conference is currently partnering with the Supreme Court's Judicial College on the 2016 Annual Meeting titled "And Justice For All: The American Promise." I look forward to continuing and building on this partnership in the years to come. Judicial Services' other marquee event, the Court Technology Conference, became so popular that it outgrew its venue in 2015 and filled the new venue to capacity in 2016.

### **Looking Forward**

As always, the next biennium will pose new and old challenges to Ohio's courts and judges that the Judicial Conference staff is here to help you face. Never hesitate to contact us with your questions, concerns, or ideas and please consider serving on a Judicial Conference committee if you do not already. The next biennium will also pose new challenges for the Conference as we seek a new Executive Director, continue to build on our credibility with the Ohio General Assembly, the Executive Branch, and other justice system stakeholders, and renew our vision to be the voice of the judiciary and a primary resource to ensure the fair, unbiased, open, and effective administration of justice in Ohio.

**Louis Tobin**  
Deputy Director

## Section 2: Governance



## Officers

The officers of the Ohio Judicial Conference are elected by the members to serve two year terms. Normally, an officer is first elected as 2nd Vice Chair, and then serves sequentially in the other officer positions.



Honorary Chair  
Chief Justice Maureen O'Connor  
Supreme Court of Ohio



Chair  
Judge John M. Durkin  
Mahoning County Common  
Pleas Court



Chair Elect  
Judge James A. Shriver  
Clermont County  
Probate/Juvenile Court



First Vice Chair  
Judge Stephen W. Powell  
Twelfth District  
Court of Appeals



Second Vice Chair  
Judge Joyce A. Campbell  
Fairfield Municipal Court



Immediate Past Chair  
Judge Jim D. James  
Stark County Family Court



Secretary/Treasurer 2006-2016  
Retired Judge Mark R. Schweikert  
Executive Director



Secretary/Treasurer  
Louis Tobin, Esq.  
Deputy Directory

## Executive Committee

The Judicial Conference Executive Committee meets quarterly to establish Judicial Conference policy, to receive updates, and consider recommendations from Judicial Conference committees, to review and make recommendations with regard to the work of Judicial Conference staff, and to adopt resolutions that express judicial consensus. All of the powers of the Ohio Judicial Conference, subject to the limitations of law, are exercised, controlled, and conducted by the Executive Committee.

The Executive Committee is comprised of approximately 50 judges. The Executive Committee consists of the officers of the Judicial Conference; the chairs of the committees of the Judicial Conference; the Chief Justice of the Supreme Court of Ohio; the Chief Justice and the Chief Justice-elect of the Courts of Appeals of Ohio; the presiding officer and the presiding officer-elect of each member judicial association; the Administrative Director of the Supreme Court of Ohio; and the Executive Director of the Ohio Judicial Conference.

### 2016 Executive Committee Members

#### Officers

##### Honorary Chair

Chief Justice Maureen O'Connor

##### Chair

Judge John M. Durkin

##### Chair Elect

Judge James A. Shriver

##### First Vice Chair

Judge Stephen W. Powell

##### Second Vice Chair

Judge Joyce A. Campbell

##### Immediate Past Chair

Judge Jim D. James

##### Secretary/Treasurer

Louis Tobin

#### Standing Committees and Co-Chairs

##### Appellate Law & Procedure

Judge Sean C. Gallagher

Judge Sylvia Sieve Hendon

##### Civil Law & Procedure

Judge Philip M. Vigorito

Judge Gene A. Zmuda

##### Community Corrections

Judge Beth W. Cappelli

Judge Howard H. Harcha, III

##### Court Administration

Judge John J. Russo

Judge James A. Shriver

##### Court Technology

Judge Mark B. Reddin

Judge James F. Stevenson

##### Criminal Law & Procedure

Judge Joyce A. Campbell

Judge Cynthia Westcott Rice

##### Domestic Relations Law & Procedure

Judge David Lewandowski

Judge Diane M. Palos

##### Judicial Compensation & Benefits

Judge Timothy J. Grendell

Judge Everett H. Krueger

##### Judicial Education

Judge Joyce A. Campbell

##### Judicial Ethics & Professionalism

Judge Mary DeGenaro

Judge Thomas M. Marcelain

##### Ohio Jury Instructions

Judge Mary E. Donovan

Judge Jeffrey L. Reed

##### Jury Service

Judge Jeffery B. Keller

Judge Reeve W. Kelsey

##### Juvenile Law & Procedure

Judge Luann Cooperrider

Judge Jim D. James

##### Legislative

Judge Jan Michael Long

Judge John R. Willamowski

##### Magistrates

Judge Beth W. Cappelli

Judge Carol J. Dezso

##### Probate Law & Procedure

Judge Jan Michael Long

Judge Jack R. Puffenberger

##### Public Confidence &

Community Outreach

Judge David M. Gormley

Judge Eugene A. Lucci

#### Publications

Judge Nancy D. Hammond, Retired

Judge Deborah J. Nicastro

#### Retired Judges

Judge Mel Kemmer, Retired

Judge Nodine Miller, Retired

#### Specialized Dockets

Judge Joyce A. Campbell

Judge Mary Katherine Huffman

#### Judicial Associations and Leadership

##### OCAJA

Judge Cheryl L. Waite, Chief Judge

Judge Donna J. Carr, Chief Judge Elect

##### OCPJA

Judge Thomas M. Marcelain, President

Judge David T. Matia, President Elect

##### OADRJ

Judge Diane M. Palos, President

Judge Paula Giulitto, President Elect

##### OAJCJ

Judge Kathleen Dobrozsi Romans, President

Judge Robert C. DeLamatre, Vice President

##### OAPJ

Judge Jan Michael Long, President

Judge Dixilene N. Park, President Elect

##### AMCJO

Judge Deborah A. LeBarron, President

Judge Carl Sims Henderson, First Vice President

#### Ex Officio

Michael L. Buenger

Administrative Director

The Supreme Court of Ohio

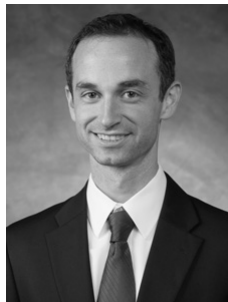
## Staff Organization

**Administrative staff** is responsible for strategic plan activities that involve providing information and services to judges. The staff promotes public confidence in the judiciary by providing Citizen Guide brochures, responding to public inquiries, and referring calls to the appropriate person or agency. In addition the Ohio Judicial Conference website ([www.ohiojudges.org](http://www.ohiojudges.org)) is a valuable resource for judges as it contains current information on the Ohio Judicial Conference, judicial association meetings, Judicial Conference committees, legislative activities, Judicial Conference publications, and a searchable directory of judges. Responsibilities of the administrative staff include the day-to-day operation of the Judicial Conference office and monitoring the budget.

**The Legislative staff** keeps judges informed about pending and enacted legislation that impacts Ohio courts and judges and is primarily responsible for preserving the independence of the judiciary. Legislative staff work with the five law and procedure committees and the Court Administration Committee. Through these committees, judges evaluate bills with a potential impact on Ohio courts and judges. Once impact on the judiciary is determined, the staff works with the judges to write a Judicial Impact Statement or letter that describes the impact. These statements or letters will typically contain recommendations for improving the bill and for ameliorating any negative impact on the courts. Other responsibilities of the legislative staff include implementing the Judicial-Legislative Exchange Program, arranging informal discussions between judges and legislators regarding issues of mutual interest, and publishing Bill Board, a monthly newsletter that describes the most important bills and analyzes the impact these bills may have on the judiciary.

## Staff Biographies

**Louis Tobin, Esq.**, is the Deputy Director of the Ohio Judicial Conference. In addition to staffing several Judicial Conference Committees, Louis, along with the Executive Director, is the Judicial Conference liaison to the Supreme Court and the judicial associations, and oversees the administrative operations of the Judicial Conference. He provides liaison with other government offices, professional



*THE THOMAS J. MOYER OHIO JUDICIAL CENTER IN DOWNTOWN COLUMBUS. JUDICIAL CONFERENCE OFFICES ARE ON THE FOURTH FLOOR.*

organizations, and the Ohio General Assembly. Louis is a 2004 graduate of the The Ohio State University where he earned a B.A. in Psychology, a 2007 graduate of the University of Pittsburgh - School of Law where he earned his Juris Doctor and is a registered attorney in the State of Ohio. Prior to coming to the Judicial Conference in 2009, Louis worked as a Legislative Aide for State Representative Linda Bolon in the Ohio House of Representatives.

**Marta Mudri, Esq.** is the Judicial Conference Legislative Counsel. In this capacity, she monitors and analyzes legislation that impacts the policies and procedures of courts and is responsible for the day-to-day management of the Conference's legislative services.



Her job duties include staffing committee meetings, drafting correspondence and judicial impact statements, attending legislative hearings, preparing testimony, and working with legislators, judges, and interested parties on proposals, bills, and rule changes to improve the administration of justice. She staffs the Judicial Conference's Civil Law & Procedure Committee, Specialized Dockets Committee, and Jury Service Committee. Prior to joining the Judicial Conference, Marta served as a Legislative Aide in the Ohio Senate and Ohio House of Representatives to former State Senator and current State Representative Teresa Fedor. Previously, she worked at the Ohio State Student Housing Legal Clinic in Columbus and as a consultant at Jones Day in Cleveland. She graduated from Kent State University and earned her law degree from The Ohio State University Moritz College of Law in 2007, the same year she was admitted to the Bar.

**Josh Williams, Esq.** staffs the Judicial Conference's Appellate, Criminal, and Traffic Law & Procedure Committees as well as the Magistrates Committee. He assists the Legislative Counsel with all aspects of the Conference's legislative services. Josh has been with the Judicial Conference since October of 2014. He is a graduate of Denison University, where he majored in political science, and earned his law degree from Case Western Reserve University School of Law. Prior to law school, Josh worked for several years as an aide to former State Senator Jason Wilson. Upon his admission to the bar in Ohio, Josh worked in consumer protection and foreclosure defense litigation.



**Justin Long** is the Legislative Services Specialist for the Judicial Conference. He provides support for the Judicial Conference's legislative services, produces The Legislative Review, organizes the Judicial-Legislative Exchange Program, and edits and maintains online legislative services updates. In addition, Justin staffs the Judicial Conference Publications and Public Confidence and Community Outreach committees. Justin is a graduate of Miami University where he majored in exercise science. He previously worked as a Legislative Liaison for the Ohio Department of Public Safety.



**Aleta Burns** is the Judicial Conference Fiscal/HR Officer and Office Manager. She joined the staff in July 2016. Aleta manages the Ohio Judicial Conference daily office operations, physical inventory, and handles all fiscal matters including accounts payable and accounts receivable, budget issues, and payroll and employee benefit issues. She is also the OJC liaison to the Ohio Department of Administrative Services, the Ohio Auditor of State, the Ohio Treasurer of State, and the Ohio Administrative Knowledge System. Aleta is a graduate of Capital University, where she earned a degree in Biology and Franklin University where she earned her MBA. She worked at the Ohio State University as an Administrative Associate for 4 years and spent a total of 16 years there in various administrative roles.



*THE OHIO JUDICIAL CONFERENCE IS A STATUTORY ENTITY OF THE JUDICIAL BRANCH OF THE STATE OF OHIO. IT IS GOVERNED BY O.R.C. 105.91-105.97, WHICH SET FORTH THE MEMBERSHIP, PURPOSE, AND TASKS OF THE JUDICIAL CONFERENCE. THE OHIO JUDICIAL CONFERENCE IS ALSO GOVERNED BY A CONSTITUTION THAT IS CONSISTENT WITH STATE LAW AND IS NOT REPRODUCED HERE, BUT AVAILABLE UPON REQUEST.*

## § 105.91 OHIO JUDICIAL CONFERENCE; MEMBERS; DUTIES

There is hereby established an Ohio judicial conference consisting of the judges of the supreme court, courts of appeals, common pleas courts, probate courts, juvenile courts, municipal courts, and county courts of Ohio organized and operated upon a voluntary membership basis for the purpose of studying the coordination of the work of the several courts of Ohio, the encouragement of uniformity in the application of the law, rules, and practice throughout the state and within each division of the courts as an integral part of the judicial system of the state; to promote an exchange of experience and suggestions respecting the operation of the judicial system; and in general to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement.

### § 105.911 JUDICIAL IMPACT STATEMENT

(A) If a bill or resolution introduced in the general assembly appears to affect the revenues or expenditures of the courts of Ohio, to increase or decrease the workload or caseload of judges or members of their staffs, or to affect case disposition, the Ohio judicial conference may prepare a judicial impact statement of the bill or resolution on its own initiative or at the request of any member of the general assembly. The Ohio judicial conference may prepare a judicial impact statement before the bill or resolution is recommended for passage by the house of representatives or senate committee of the general assembly to which the bill was referred and again before the bill or resolution is taken up for final consideration by either house of the general assembly. The judicial impact statement shall include an estimate, in dollars, of the amount by which the bill or resolution would increase or decrease revenues or expenditures and any other information the Ohio judicial conference considers necessary to explain the fiscal effect of the bill or resolution. The statement also shall include an analysis of the bill or resolution's administrative and procedural effects on the courts of this state.

(B) The Ohio judicial conference shall distribute copies of a judicial impact statement as follows:

(1) For consideration by the senate or house of representatives rules committee, or the standing committee to which a bill is referred, two copies to the chairman together with a copy to each member of the committee;

(2) For final consideration, a copy to each member of the house that is considering the bill.

If the member who introduced the bill or resolution or who requested the statement is not a member of the house or rules committee considering the bill, the Ohio judicial conference shall send the member a copy.

(C) In preparing a judicial impact statement the Ohio judicial conference may request any court, department, division, institution, board, commission, authority, bureau, or other instrumentality or officer of the state or of a county, municipal corporation, township, school district, or other governmental entity of the state to provide any of the following information:

(1) An estimate, in dollars, of the amount by which the bill or resolution would increase or decrease the revenues or expenditures received or made by the court, instrumentality, officer, or entity;

(2) Any other information the Ohio judicial conference considers necessary for it to understand or explain the fiscal, administrative, and procedural effects of the bill or resolution.

The Ohio judicial conference first shall contact the Ohio legislative budget office for information regarding the fiscal effects of the bill or resolution. If the Ohio legislative budget office does not have the fiscal information sought by the Ohio judicial conference, then the Ohio judicial conference and the Ohio legislative budget office jointly may request any of the entities described in division (C) of this section to provide the fiscal information.

A court, instrumentality, officer, or entity shall comply with a request for information as soon as reasonably possible after receiving it. The Ohio judicial conference shall specify the manner of compliance in its request and, if necessary, may specify a period of

no longer than five days for compliance. The Ohio judicial conference may consider any information provided under division (C) of this section in preparing a judicial impact statement.

(D) The failure of the Ohio judicial conference to prepare a judicial impact statement before a bill or resolution is taken up for consideration by the house of representatives or senate committee, or by either or both houses for final consideration, shall not impair the validity of any bill or resolution passed by either or both houses of the general assembly.

(E) This section does not affect the duty of the Ohio legislative budget office to prepare fiscal analyses pursuant to section 103.14 of the Revised Code.

(F) As used in this section:

(1) With regard to a bill or resolution, “procedural effects” includes all court-related procedures, including pretrial, trial, and post-trial proceedings.

(2) With regard to a bill or resolution, “administrative effects” includes matters pertaining to the business of the courts, including clerical processes, records management, planning and research, changes in court personnel, calendar management, facilities and equipment, workload distribution, court reorganization, and the creation or addition of judgeships.

#### § 105.92 COMPATIBILITY OF OFFICE

Membership in the Ohio judicial conference does not constitute holding another public office.

#### § 105.93 PUBLICATION OF REPORTS

The Ohio judicial conference may publish reports and recommendations and at its election sell and distribute the same upon such terms and conditions as may be authorized by its executive committee.

#### § 105.94 GRANTS, GIFTS, BEQUESTS AND DEVISES

The Ohio judicial conference may receive grants, gifts, bequests, and devises and expend them for expenses of members in attending executive and standing committee meetings and for special research or study relating to the administration of justice. The conference shall file annually, but not later than the fifteenth day of March, with the supreme court, a full report of all grants, gifts, bequests, and devises received during the preceding calendar year, when received, and to whom and for what expended.

#### § 105.95 BIENNIAL REPORTS TO GENERAL ASSEMBLY

On or before February 1, 1965, and biennially thereafter the Ohio judicial conference shall submit in writing to the general assembly and to the governor a report of the proceedings of the conference together with any recommendations for legislation.

#### § 105.96 PERSONNEL; COMPENSATION, EXPENSES

The Ohio judicial conference may employ personnel and such research assistants as may be required to carry out the purposes of the conference. Their compensation and necessary expenses shall be paid from the state treasury out of funds appropriated therefore. All disbursements shall be by voucher approved by the chairman of the conference.

#### § 105.97 JUDGES NOT REIMBURSED FOR COURSE FEES

A judge who attends any continuing education program or course offered by the Ohio judicial conference shall pay the requisite fees associated with the program or course and shall not receive reimbursement for the fees from moneys appropriated by the general assembly to the conference.

## Section 3: Administration



# Strategic Plan

**1997**

The Ohio Judicial Conference implemented its initial strategic plan in 1997, after a series of meetings among many judges discussing among other matters R.C. section 105.91, the statute creating the Judicial Conference. As part of this initial strategic plan, the officers adopted the statement that the Ohio Judicial Conference is the voice of its members on issues of mutual concern. The mission statement reflected three core activities of the strategic plan:

- Promote public confidence in the Judiciary
- Preserve the independence of the Judiciary
- Provide support for the Judiciary

**2003**

At the 2003 Judicial Conference staff retreat, staff carefully reviewed and discussed the strategic plan and determined that its role as staff is to help judges achieve what they want to accomplish and to assist judges in building effective working relationships with the legislature and with executive branch agencies. The staff decided that its mission statement is “Serving Ohio Judges – Enhancing Judicial Leadership.”

**2004**

The core activities of the 11 Judicial Conference staff and more than 20 Judicial Conference standing committees fall under three strategic plan program areas: judicial support, judicial independence and responsibility, and public confidence and community outreach. At the 2004 retreat, the staff reviewed R.C. section 105.91 and the strategic plan and recommended revisions to the Judicial Conference vision and mission statements. These recommendations were approved by the officers on August 3, 2004.

**2008**

A committee was established to review and discuss revisions to the strategic plan. The Ohio Judicial Conference utilized the help of a facilitator, Dan Straub, Straub & Associates, to assist the committee in formulating their revisions.

**2009**

The Judicial Conference finalized a revised strategic plan incorporating six strategic issues. In addition to these issues, specific strategies and priorities to meet these challenges were developed. The revised strategic plan was approved by the officers on September 16, 2009. During the strategic planning process, there were observations that the vision and mission of the Judicial Conference needed to be synchronized with that of the administrative office of the Supreme Court of Ohio. Accordingly, the Ohio Judicial Conference then began drafting a Supreme Court/Judicial Conference Protocol document that is intended to help with issues of overlap and joint interests between the Judicial Conference and the Supreme Court of Ohio. The Judicial Conference worked with Chief Justice Moyer in order to establish this protocol between the Supreme Court and the Judicial Conference.

**2010**

In light of Chief Justice Moyer’s passing, the conversation relating to the Supreme Court/Judicial Conference protocol have temporarily been postponed. The Judicial Conference plans to resume these conversations and planning when the Supreme Court is ready to proceed. The Judicial Conference also continues to work on implementing the strategies as identified in the strategic plan.

**2011-2012**

In 2011, Executive Director Mark Schweikert, Chief Justice Maureen O’Connor, and Administrative Director of the Supreme Court Steve Hollon began meeting to discuss the Supreme Court/Judicial Conference protocol that was recommended by the executive committee in November 2009. The Judicial Conference Officers also met with Chief Justice O’Connor at the 2011 Officer’s Retreat to further these efforts. This meeting resulted in the establishment of a joint committee whose purpose is to discuss the implementation of plans for improved collaboration between the Judicial Conference and the Supreme Court. The joint committee has met six (6) times since it was established and continues to work towards a final protocol.

**2013-2014**

The Judicial Conference and the Supreme Court have focused on strengthening their relationship within the judiciary. At the direction of Chief Justice Maureen

O'Connor meetings have been held with the justices and judicial association officers in order to facilitate open communication. Further, the Chief Justice and Conference Executive Director meet regularly to discuss current topics affecting the judiciary.

In 2014, the Judicial Conference began the process of reviewing the current Strategic Plan. After surveying and interviewing Ohio Judges and interested parties, the Executive Director and Conference Chair intend to present a revised Strategic Plan in November 2014 at the Executive Committee Meeting.

### 2015-2016

A revised Strategic Plan was presented to and approved by the Judicial Conference Executive Committee in November 2014. The revised plan updated the Judicial Conference's Mission Statement to include the elimination of bias in the judicial system, Vision Statement to ensure the unbiased administration of justice in Ohio, and Values Statement to expand our commitment to the continual promotion of professional excellence in the administration of justice through, among other things, diversity and inclusion. After five years of work on implementing the priorities of the 2009 - 2014 Strategic Plan, which improved collaboration with the Supreme Court of Ohio, the 2015 – 2019 Strategic Plan establishes new priorities for the Conference. These include: establishing and maintaining relationships with justice system stakeholders and the public, educating judges and other agencies about the Ohio Judicial Conference, developing and encouraging model forms, rules, and court practices, promoting public confidence in and public knowledge about the courts, promoting all aspects of judicial performance and professionalism, and leading legislative implementation efforts to obtain uniformity of application of new laws.

## Administration Projects

### Annual Meeting

For more than 50 years, the Ohio Judicial Conference Annual Meeting has been the place where Ohio judges come together to discuss matters of common concern, to enhance their professional abilities through judicial education, and to renew collegial relationships with judges from all over the state. The Judicial Conference officers and staff work to design an educational program that will feature sessions of general interest as well as sessions that speak to the issues facing particular jurisdictions. Highlights of the Annual Meeting include the State of the Judiciary Address by the Chief Justice of the Supreme Court of Ohio and a reception for judges, their spouses and partners, and friends of the Judicial Conference. In conjunction with the annual meeting, the Ohio Judicial Conference Executive Committee, many Judicial Conference committees, and judicial association boards hold meetings. A general business meeting for the Judicial Conference membership also takes place.

Beginning in 2016 the Judicial Conference began a closer collaboration with the Supreme Court's Judicial College on the design of the Annual Meeting education program. While Judicial College staff have, in the past, provided advice and guidance to the Judicial Conference in planning of this program, the College will now take on a more direct role in program design. This collaboration should improve the Conference's partnership with the Supreme Court for the benefit of Ohio's judges.

### 2015

The 2015 OJC Annual Meeting, held on September 3rd and 4th, was attended by more than 300 judges from across the state. The theme was "Magna Carta: 800 Years of Freedom?" The plenary session featured presentations on the Revolutionary origins of American Constitutionalism, and the Idea of a Written Constitution as Fundamental Law.

## Administration Projects (cont.)

The Annual State of the Judiciary Address was given by Chief Justice Maureen O'Connor.

Seven sessions of judicial education were offered on Friday including sessions on Faith and Freedom in America, Cyberthreats and Law, a Supreme Court of Ohio caselaw update, an inside look at the legislative process, a Department of Rehabilitation and Correction update, and two sessions on maintaining judicial wellness.

### 2016

The 2016 OJC Annual Meeting, to be held on September 15th and 16th, is themed "...And Justice For All: The American Promise." The plenary sessions on Thursday feature presentations on increasing public trust in the justice system, the lessons learned from *Brown v. Board of Education*, the potentially disparate impact of court fines, fees, and bail practices, and the practical, policy, and legal implications of police worn body cameras.

Seven sessions of judicial education will be offered on the second day. These will include discussions on legislative priorities for the next General Assembly, voting rights, Muslim culture through a legal lens, legal and evidence based practices in pretrial release and detention, recent Supreme Court of Ohio caselaw, human trafficking, and the Department of Rehabilitation and Correction hot topics.

### OJC Website – [www.ohiojudges.org](http://www.ohiojudges.org)

The OJC website serves the Judicial Conference and judges as an efficient way to distribute and share a wide range of information. In 2003 the Ohio Judicial Conference launched its current website utilizing what was then, state of the art technology. Back then only a minimal number of courts and judges were routinely using the Internet. Today many use the Internet as a primary resource for research and communications. Additionally, the Internet has become the primary information resource for the public for everything from elementary and high school civics research to pro se legal research support. We now expect that a majority of our member judges, other court and governmental agencies, as well as the public will get their judicial system information from the internet.

Our website provides judges with current information about legislation and case law that have a practical impact in Ohio's courts, resources for managing judicial work, and a directory of contact information for judicial colleagues around the state. It is a tool that provides the Judicial Conference the ability to instantly

communicate important information to everyone that needs it. We have come to rely on the website and email as our most effective communication tools.

In 2011 and 2012 the Conference redesigned its website to improve navigability and provide a more user friendly experience. The new website features a much improved legislative database, an online judicial directory, and easier access to current Judicial Conference projects, events, and information. Following the completion of the redesign we have continued to work to improve website functionality through yearly updates to user features and regular maintenance.

### Ohio Judges Directory

The Ohio Judicial Conference publishes the Ohio Judges Directory annually. The most recent directory was published in 2016. The Judicial Conference provides two copies of the Ohio Judges Directory to each member judge and justice as well as providing complimentary copies to staff of the Supreme Court of Ohio and other state agencies and partner organizations. The directory is formatted to make it easy to find contact information: by county/court, by judge and through the Municipal Court locator. The directory also includes a Judges Photo Gallery which provides a convenient way to connect a judge's name with a face.

The Judicial Conference maintains a complete, searchable directory of all Ohio judges and courts on the Judicial Conference website ([www.ohiojudges.org](http://www.ohiojudges.org)). The online directory can be searched by judges' names, courts, or counties.

### Ohio Retired Judges Directory

The Ohio Judicial Conference also publishes the Ohio Retired Judges Directory on an annual basis. This directory lists the retired judges in our database and their contact information. A copy of the Ohio Retired Judges Directory is provided to all retired judges and is made available to all judges in an electronic format on the judicial website (judge's must log in to the website in order to access it). The directory is not available to the public for security reasons since it includes the home addresses of the retired judges.

### Outside Committees

Judicial Conference staff members represent Ohio judges on a number of statewide committees, commissions, and task forces. Staff members present the judicial perspective and report back to the Judicial Conference officers and appropriate Judicial

Conference committees. During the past two years, staff has attended meetings of the following:

- Ohio Council of County Officials
- Ohio Department of Mental Health and Addiction Services
- Ohio Jail Advisory Board
- Ohio Justice Alliance for Community Corrections
- Commission on Technology and the Courts
- Ohio Criminal Sentencing Commission
- Supreme Court of Ohio Commission on Dispute Resolution
- Supreme Court of Ohio Commission on Specialized Dockets
- Supreme Court of Ohio Advisory Committee on Court Security
- Supreme Court of Ohio Attorney General's Task Force on Criminal Justice and Mental Illness

### Other Relationships

The Ohio Judicial Conference values its relationships with other organizations. Framed in the spirit of collaboration and cooperation, these relationships help improve the administration of justice.

- Attorney General's Office
- Auditor of State of Ohio
- Buckeye State Sheriffs' Association
- County Auditors' Association of Ohio
- County Commissioners' Association of Ohio
- Office of Criminal Justice Services
- Office of the Governor
- Office of the Ohio Public Defender
- Ohio Association for Court Administration
- Ohio Community Corrections Association
- Ohio Council of County Officials
- Ohio Court Clerks' Association
- Ohio Criminal Sentencing Commission
- Ohio Department of Rehabilitation and Corrections
- Ohio Department of Youth Services
- Ohio Employees Deferred Compensation Program
- Ohio Jury Management Association
- Ohio Justice Alliance for Community Corrections
- Ohio Legal Aid Society
- Ohio Legislative Service Commission
- Ohio Magistrates Association
- Ohio Prosecuting Attorneys' Association
- Ohio Public Employees Retirement System

- Ohio Secretary of State
- Ohio State Bar Association
- Ohio State Bar Foundation

### National Groups

- American Bar Association
- American Judges Association
- National Association for Court Management
- National Center for State Courts
- National Governor's Association

### The Supreme Court of Ohio

The Judicial Conference also acknowledges how important it has been during the biennium period to work with the staff of The Supreme Court of Ohio.

Prior to his retirement in April 2016, Mark Schweikert, Executive Director of the Ohio Judicial Conference met regularly with Chief Justice Maureen, O'Connor, Administrative Director Michael L. Buenger, and the Director of Judicial Services W. Milt Nuzum, III. Sara Andrews, Executive Director of the Ohio Criminal Sentencing Commission, a Supreme Court of Ohio Affiliated Office, regularly attended meetings of the Judicial Conference Legislative Committee to share insights about Sentencing Commission priorities and legislation impacting criminal justice in Ohio.

Judicial Conference staff also routinely work with staff across the divisions and sections of the Supreme Court—Judicial Services, Human Resources, Public Information, Information Technology, the Judicial College, Specialized Dockets and many more. The professional and collegial relationships that exist across our agencies make our work both more efficient and more pleasant.

## Section 4: Legislative Activities



## LEGISLATIVE ACTIVITIES

### **The Judicial Conference Assists Legislators with Legislative Initiatives and Constituent Inquiries.**

The Ohio Judicial Conference works throughout the lawmaking process to communicate with the Ohio General Assembly about ways to improve the administration of justice. The Judicial Conference works proactively with legislators who want judicial input on their initiatives early in the lawmaking process. These legislators present their proposals to Ohio judges for analysis prior to introduction. During the 131st General Assembly, many legislators approached the Judicial Conference to discuss their legislative ideas prior to and immediately after introduction. Feedback from our law and procedure committees and our Court Administration Committee helped those legislators to understand the practical impact that their proposals would have on Ohio courts.

### **The Judicial Conference Identifies the Legislative Priorities of Ohio Judges.**

The Ohio Judicial Conference submits a Legislative Platform to each General Assembly. The platform outlines initiatives that the Judicial Conference supports and recommends for adoption by the General Assembly during its two-year session. Some highlights of our 2015-2016 Legislative Platform include making currently mandatory driving suspensions discretionary, making computerization fees uniform for all court jurisdictions, and re-instating an ODMH reimbursement for probate courts. A progress report on the 2015-16 Platform can be found on our website ([www.ohiojudges.org](http://www.ohiojudges.org)).

### **The Judicial Conference Monitors Legislation that Impacts the Judiciary.**

The Judicial Conference reviews all legislation that is introduced in the General Assembly to determine whether a bill may affect the administration of justice. This information is published electronically in the bi-weekly Legislative Newsletter, which is sent to our membership, and The BillBoard, which is sent to the legislature and to our membership. Our law & procedure committees meet regularly to analyze and discuss how the legislation improves or weakens the administration of justice. The Legislative Committee meets monthly to discuss all topics legislative.

Under statutory authority granted in section 105.911(A) of the Revised Code, the law & procedure committees provide the Ohio General Assembly with information on legislation that significantly impacts Ohio courts. The Judicial Conference communicates regularly with bill sponsors through impact memos that describe the effect the bill will have on the judiciary, and when possible, provide recommendations for improving bills. Impact memos are typically drafted in consultation with a point judge from a law & procedure committee and are approved by the Executive Director. Past General Assemblies have responded well to this practice by working closely with Ohio judges to ameliorate negative effects on Ohio courts. On our website ([www.ohiojudges.org](http://www.ohiojudges.org)) you can find a list of pending legislation that we are monitoring. This list identifies the law and procedure committee that has reviewed the bill as well as any determination the committee has made regarding the impact the legislation would have on Ohio courts.

### **The Judicial Conference Releases Judicial Impact Statements.**

The Ohio Judicial Conference provides judicial impact statements that convey detailed information on how the bill affects court workload, case dockets, administrative or judicial procedures, revenues, and other relevant matters. Judicial Impact Statements, unlike impact memos, are typically approved by the Judicial Conference's Executive Committee, in addition to being approved a law & procedure committee. Copies of Judicial Impact Statements from the 131st General Assembly as well as from past General Assemblies can be found on our website ([www.ohiojudges.org](http://www.ohiojudges.org)).

### **The Judicial Conference Releases Information on Laws Passed.**

The Ohio Judicial Conference regularly distributes information on laws as they pass and become effective. Enactment News, bench aides, or special mailings inform judges about changes to the law that impact the courts and the administration of justice in Ohio. Our website ([www.ohiojudges.org](http://www.ohiojudges.org)) contains effective dates for all legislation enacted that impacts Ohio courts, judges, or the judiciary.

## The Judicial Conference Promotes Inter-branch Collaborations.

The Legislative Committee of the Judicial Conference plans and organizes several programs designed to foster collaboration and partnership between the branches of government. These programs include:

- **New Legislator Orientation Program.** The Judicial Conference makes presentations before House and Senate committees to help legislators understand the role the Judicial Conference plays in providing information and analysis of bills with a judicial impact. Judges often attend meetings of caucus staff to present our Legislative Platform, to answer questions that legislators may have about the conference, and to get acquainted with members so that aides and other staff know who to call when they have a question about Ohio courts and judges. We also work with the Supreme Court of Ohio and Ohio State Bar Association to co-sponsor a reception for new legislators at the Ohio Judicial Center.
- **Collaboration and Partnership Events.** The Judicial Conference sponsors “collaboration and partnership” events in an effort to promote discussion of issues of mutual interest to judges and legislators. The purpose is to discuss the big picture that sometimes gets lost when the branches are in controversy over a single bill. The challenge is to create an opportunity for judges and legislators to find creative and common solutions to problems that each branch may otherwise be facing in isolation.
- **Round Table Discussions.** The Judicial Conference Annual Meeting is often an opportunity for judges and legislators to come together. Frequently the Judicial Conference Legislative Committee plans and organizes a roundtable discussion of an issue of mutual interest to legislators and judges. This takes place during the educational portion of the Annual Meeting. Typically the panelists will include legislators and judges so that the audience can hear both legislative and judicial perspectives. In recent years we have held panels on court funding issues. This subject involves judges, legislators, county commissioners, mayors, and mediators.

- **Judicial-Legislative Exchange Program.** The Judicial-Legislative Exchange Program facilitates reciprocal visits between judges and legislators. In this program legislators visit judges at their courts, observing court sessions and other aspects of the judges’ work and judges visit legislators at the Statehouse, attending hearings and other legislative functions. The exchanges are opportunities for both judges and legislators to better appreciate each other’s day-to-day work as well as to build personal relationships that promote communication and cooperation. We began this program in 2001, and have sponsored several rounds of exchanges during the past several years.

All of the legislative activities and publications are completed with the help and guidance of the OJC Legislative Committee, which is co-chaired by Judges Jan Michael Long and John Willamowski--two judges who have previously served in the Ohio General Assembly. The activities and information, as well as the complete membership of the committees that evaluate legislation, are available on the Judicial Conference website ([www.ohiojudges.org](http://www.ohiojudges.org)).

## Section 5: Judicial Services



### ***Bench Books***

The Judicial Services staff provides support to judicial associations in the development and distribution of bench books. In 2015 the Common Pleas Judges Association re-established a bench book committee that met monthly throughout the year to update their Criminal Bench Book. The Committee continues to meet regularly. The Association of Municipal/County Court Judges re-established a bench book committee in 2016 and plans to make some major revisions and updates to their Association's bench book.

The Judicial Conference website is utilized by the Common Pleas Judges Association and the Association of Municipal and County Judges as both associations allow their members online access to their respective bench books.

### ***Citizen Guide Brochures***

Citizen Guide Brochures are public information brochures on different aspects of the judicial system, available for purchase at a low cost.

The brochures sell very well; the table below reflects the sales for June 2014 through June 2016 for each brochure as well as the year each brochure was published.

<b><i>Brochure</i></b>	<b><i>Published</i></b>	<b><i>Sales</i></b>
<i>Electing Judges</i>	2006	30
<i>Grand Jury Service</i>	2004	2,285
<i>Jury Service</i>	2004	27,530
<i>Legal Terminology</i>	2004	1,080
<i>Mediation</i>	2008	2,575
<i>Ohio Courts</i>	2004	1,475
<i>Representing Yourself in Court</i>	2006	6,761
<i>Small Claims Court</i>	2006	5,390
<i>Why Can't I Talk to the Judge?</i>	2012	5,981

### ***Judicial Association Services***

In the past, and throughout 2015, the Judicial Services section of the Judicial Conference provided ongoing assistance and administrative support to six judicial associations.

Judicial Conference staff provided assistance to association officers by handling routine issues that arise with event and meeting planning. Depending on the association, a Judicial Conference staff member assisted with meeting site selection, contract negotiation, program planning, on-site program coordination, and registration assistance. The Judicial Services staff also prepared meeting announcements, arranged for printing

and mailing, and prepared name badges, handout materials, and attendee lists. The Supreme Court of Ohio assumed responsibility for these aforementioned services beginning in 2016.

Judicial Conference professional staff still regularly attend association board meetings and association conferences to update the association on Judicial Conference news, legislative issues, and to provide other professional and policy support to the associations.

### ***Ohio Judges Resource Manual***

The Ohio Judges Resource Manual provides judges with general and practical information about the business of being a judge. For example articles include: winding up a law practice, material items that a new judge should consider, retirement considerations, the role of a judge, judicial authority, court management, the Supreme Court of Ohio administrative structure and the role of the Judicial Conference.

The first Ohio Judges Resource Manual was published in 1977 by the Judicial College and supplemented thereafter until 1984. The Ohio Judicial Conference then began publishing this manual in 1984 and supplements were provided until 2000, when a new edition was published. In 2004, the Judicial Conference published a completely new and revised 243-page edition

Many articles have been reviewed and updated since the 2004 release and the revision date is included on each article. There have also been additional topics added to the manual, including: a Judge's Guide to the Service member's Civil Relief Act, an article on the Judicial Advisory Group, and a checklist/sample case management order form for visiting judges.

The latest version of the manual appears on the password protected portion of the Ohio Judicial Conference website for quick and easy access to Judicial Conference members.

### ***Library of Reasoned Orders***

The Library of Reasoned Orders is a collection of reasoned orders, organized using categories and subjects, issued by Ohio judges that are available to other Ohio judges as a helpful resource. A reasoned

order is one made by a judge that may prove helpful to other judges. Reasoned orders submitted to the web based library may address new or unique issues as well routine issues that may come before a judge. A reasoned order must provide sufficient analysis of the issue in order to be beneficial to another judge confronted with the same or a similar issue. The Library efforts have been led by Judge Eve V.

Belfance and Judge Thomas A. Januzzi, the rest of the LRO committee and Susanna Marlowe, Reference Librarian, Columbus Law Library Association. The LRO has grown to 251 reasoned orders and now offers a text search function that enables users to search the descriptions of the reasoned orders.

### ***Periodical Publications***

The Conference produces two periodical publications in addition to its regular legislative publications: For the Record, a quarterly magazine with news about Judicial Conference activities as well as articles on issues of concern to Ohio judges, and FYI, a newsletter with brief items of interest to judges, published on a weekly basis via email.

For the Record provides information on the activities of the Judicial Conference. The “OJC in Action” section reports on activities of Judicial Conference committees and other projects. Updates on activities of the six judicial associations appear in the “Judicial Association News” section. Staff is often contacted by other agencies or groups to request publishing articles on issues of interest to Ohio judges.

FYI is a weekly news letter that is intended to keep Ohio’s judges up-to-date with the latest judicial related news. The FYI newsletter contains recent decisions and opinions from the Supreme Court of Ohio, important notices, headlining judicial news and a light-hearted topic or two.

### ***Judicial Association Newsletters***

Conference staff assists judicial associations in the production and distribution of judicial newsletters. Such support may include copy-editing, desktop publishing design, printing and distribution.

### ***Court Technology Conference***

The 13th and 14th annual Ohio Judicial Conference Court Technology Conferences took place in April of 2015 and 2016. The 2015 Court Technology Conference was at the Crowne Plaza North Hotel in Columbus. In 2016, the Conference was moved to a larger venue, the Worthington Doubletree Attendance for the 2016 Conference was still at capacity. Over 200 judges, technology administrators, court staff, and probation staff gathered at the 2015 and 2016 conferences to view displays and hear presentations from vendors that serve courts throughout the State of Ohio. Topics covered by the featured speakers were Integrating Video Conference & Evidence Presentation into the Courtroom, Champagne Technology on a Beer Budget: 60 Legal Tech Tips, Tricks, Gadgets, and Websites, Virtual Remote Interpreting, and Distraction Management – Taming the Digital Chaos.

Section 5: Judicial Services

Both conferences followed similar formats: sessions on innovative technology that is available to courts with plenty of time to explore exhibits and talk to vendors. Vendors as well as attendees regard the Ohio Judicial Conference Court Technology Conference as one of the most significant technology related events each year, and as perhaps the best occasion to make contacts and gather information concerning court technology developments that allow courts across the state to operate more efficiently and effectively.

### ***Judicial Elections***

The Judicial Conference follows the judicial election candidates each year in order to provide judges and others with information on the status of judicial races and to keep an accurate database of all judges. Prior to the May primary and general election, a list of candidates is posted on the website and made available to judges. Immediately following each election, results are tabulated and posted on the website with the notice of posting made in FYI and published in For the Record.

### ***Retirement Seminar***

In odd numbered years the Ohio Judicial Conference hosts a one-day “Retirement Seminar” to help retired judges who are eligible to sit by assignment meet their continuing legal education requirements and stay current on matters that impact the day-to-day work of judges. Approximately 80 judges attended the retirement seminar held in April 2015 at the Thomas J. Moyer Ohio Judicial Center. Judges received up to 6 hours of CLE credit for the seminar and had presentations on recent Supreme Court caselaw, legislation, record sealing for convictions and dismissals, OPERS changes, civil protection orders, criminal law updates, and hearsay evidence.

### ***Jumping the Retirement Hurdle***

In even numbered years the Ohio Judicial Conference hosts a one-day “Jumping the Retirement Hurdle” seminar to assist judges and their spouses considering retirement in the future. Approximately 90 people attended the seminar held in April 2016. Originally scheduled to be held at the Thomas J. Moyer Ohio Judicial Center, the event had to be moved to the Vern Riffe Center due to a record number of registrations.

The seminar was designed to assist judges (and their spouses/partners) in examining and dealing with the personal, career, financial, ethical and emotional issues they will encounter in retirement. Sessions included a presentation on financial issues by OPERS staff, a presentation on ethical considerations in retirement by Allan Asbury from the Board of Professional Conduct, a panel discussion on career decisions and retirement lifestyle, and a presentation on sitting by assignment given by Diane Hayes from the Supreme Court of Ohio.

## Section 6: Judicial Conference Committees



The standing committees are at the heart of the Judicial Conference. This is where judges come together to articulate a judicial voice on common concerns. The standing committees guide the work of Judicial Conference staff and propose policies, programs, and positions to the Executive Committee. Members serve two year terms that may be renewed.

## Appellate Law and Procedure Committee

The Appellate Law & Procedure Committee analyzes pending legislation with a judicial impact on laws regarding appeals, appeals courts and appellate procedure, and reviews issues and proposals of relevance to judges with appellate jurisdiction. The committee makes recommendations to improve the Ohio Revised Code, Ohio Rules of Appellate Procedure, and relevant Supreme Court Rules of Superintendence. The committee consists of nineteen members, including two co-chair judges, sixteen member judges, and one appellate court administrator.

The committee provided input on two proposed amendments to Appellate Rule 16, which would have allowed for combined “Statement of the Case” and “Statement of the Facts” sections in appellate merit briefs. The Committee opposed such changes, as appellate judges prefer having the sections remain separate for easier reading and clearer guidance on where to refer should questions arise later. The Committee provided public comments on both proposals, and as a result of the committee’s position, the amendments did not move forward.

The committee also reviewed several bills and amendments, both introduced and in conceptual form, that would have impacted appellate courts. Some of these measures included establishing a panel of appellate judges to set attorney fee rates for indigent defendants in capital cases, appellate procedure for anti-SLAPP cases, and mandatory juvenile bindovers.

Finally, the committee is engaged in two on-going projects to improve the appellate process both for the courts and for those who come before them. The committee is working on a proposal that would give better guidance as to when a sentence is “contrary to law” for purposes of appellate review. The Criminal Sentencing Commission has developed a definition that will provide the framework for a proposal this committee may ultimately recommend to the Recodification Committee or the General Assembly. The committee is also exploring possible solutions to a problem some courts are encountering whereby parents, through no fault of their own, are missing the deadline to appeal decisions terminating their parental rights. Several members of this committee are working with members of the Juvenile Law and Procedure Committee to explore how local rules and practices may be causing this to occur, and what, if anything, can be changed to ensure it does not continue to happen.



Judge Sean C. Gallagher  
Co-Chair



Judge Sylvia Sieve  
Hendon  
Co-Chair

### *Co-Chairs*

Judge Sean C. Gallagher  
Judge Sylvia Sieve Hendon

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Hon. Marie Hoover  
Hon. Russell J. Mock  
Hon. Stephen W. Powell  
Hon. Cynthia Westcott Rice  
Hon. Carol Ann Robb  
Hon. Melody J. Stewart  
Hon. G. Gary Tyack

### *Others*

Mr. Michael Walsh

## Civil Law & Procedure Committee

The Civil Law and Procedure Committee is composed of 2 co-chair judges, 23 member judges, and 2 member magistrates, completing a Committee of 27. The Committee, along with the Judicial Conference staff, is responsible for tracking and analyzing legislation that will affect the policies and procedures of courts with jurisdiction over civil matters. The Committee reviews bills both pre-introduction, as requested by legislators, and as bills are introduced and concerns are raised.

During the 131st General Assembly, the Committee tracked approximately 25 bills ranging in topic from small claims caps, to medical malpractice, to patent infringement, to anti-SLAPP (Strategic Lawsuits Against Public Participation). Three sets of bills kept the Committee busy throughout the biennium. First, HB 134 and HB 463, which were both re-introduced from last General Assembly, contained criteria for determining whether a residential property was “vacant and abandoned,” and an expedited foreclosure process for property that was. HB 463 also contained significant changes to foreclosure sales, including an online portal for sales. HB 463 allows a judgment creditor to petition the court to use a private selling officer, rather than the sheriff, in a foreclosure sale. This is a significant improvement, resulting from the Committee’s input, from the version of the bill that was introduced in the 130th GA, which would have forced a court to allow a private selling officer if a judgment creditor wanted one. The Committee was also able to encourage an amendment that addressed the problem of delayed sales of foreclosed properties. Second, HB 347 and SB 236 are companion bills that, as introduced, eliminated civil forfeiture without a criminal conviction. The Committee provided a great deal of feedback and expertise on these bills. The Committee was also able to house an amendment in HB 347 which modernizes the code section pertaining to goods claimed by third parties. Third, HB 126 and SB 201 are companion bills that aim to change how a nuisance suit can be brought against a property. The original bill introduced was fairly straightforward, allowing a nuisance suit to be initiated after one act of violence on a property. After multiple stakeholder meetings and suggestions, some from the Committee, the two bills are still in a state of amendment and did not see enactment in 2016.

The Civil Law and Procedure Committee testified before Chairman Senator Coley and the Receivership Study Committee, which was created as a result of 130 HB 9 and was created to study HB 9’s impact on Ohio receiverships. The Committee also regularly provides the Legislative Service Commission information about caseload and workload impact of any bill.

The Civil Law and Procedure Committee believes strongly in the separation of powers and keeps its input restricted to non-policy matters. However, upon invitation from the legislature, feedback from the judiciary is provided and is often vital to the development of sound legislation that will have the least possible unintended consequences.



Judge Philip M. Vigorito  
Co-Chair



Judge Gene A. Zmuda  
Co-Chair

### *Co-Chairs*

Judge Philip M. Vigorito  
Judge Gene A. Zmuda

### *Members*

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Judge Paula Giulitto  
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Judge Keith M. Spaeth  
Judge Kenneth R. Spanagel  
Judge Jonathan Starn  
Judge J. T. Stelzer  
Judge Scott A. Washam  
Judge William H. Woods

### *Others*

Magistrate Dennis Sarisky  
Magistrate Elizabeth Watters

## Community Corrections Committee

The Community Corrections Committee provides a judicial perspective and advice on legislation and innovation in the field of Community Corrections. The committee reviews community corrections programs, policies and proposals, makes recommendations to the judiciary and provides input as needed into the planning of various workshops, trainings and forums for judges, and court personnel on the subject of community corrections, jails, sentencing alternatives or other related topics. During its 2015-16 term, the Community Corrections Committee developed a policy statement on the Ohio Risk Assessment System and Risk and Needs Assessment Tools, held a roundtable with the Department of Rehabilitation and Correction (DRC) on CCA Audit Standards, monitored and provided feedback to DRC on the development of a probation data repository and a community supervision system, recommended several changes to the statute on Certificates of Qualification for Employment, and worked with DRC and the Ohio Prosecuting Attorney's Association to clarify a proposal on judicial release.

**Policy Statement on ORAS.** The Committee authored a policy statement on the proper use of the Ohio Risk Assessment System (ORAS) and the use of Risk and Needs Assessment tools generally. The policy statement, which is based on a paper from the National Center for State Courts, outlined three guiding principles relative to the use of ORAS. Specifically, the statement says that risk and need assessment information should be used as a tool to inform a sentencing judge of public safety considerations related to offender risk reduction and management should the offender be placed on community control, should constitute one factor for judges to consider in determining whether an offender can be supervised safely and effectively in the community, and should be used to aid the judge in crafting terms and conditions of probation supervision that enhance risk reduction and management.

**CCA Audit Standards.** The Committee sponsored a meeting with representatives from DRC to discuss the onerous nature of Community Corrections Audit Standards on municipal courts that received DRC grants. Municipal court judges have expressed concerns with an inability to meet certain standards due to lack of training or resources, and the potential for a loss of grant funding due to missed standards. In response, DRC developed a graduated system of Audit Standards that is tied to the size of the probation department/grant size. The workgroup plans to meet again, after a second round of audits, to discuss the proposal in more detail.



Judge Beth Cappelli  
Co-Chair



Judge Howard H.  
Harcha, III  
Co-Chair

### *Co-Chairs*

Hon. Beth W. Cappelli  
Hon. Howard H. Harcha, III

### *Members*

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Hon. J.T. Stelzer  
Hon. Elizabeth Lehigh Thomakos  
Hon. Diane S.A. Vettori  
Hon. Curt Werren

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## Community Corrections Committee (continued)

**Probation Data Repository and Community Supervision Standards.** The Committee discussed twin projects on probation data and probation case management that are a collaboration between DRC, the Supreme Court and other stakeholders. The data repository project is modeled on OCN and will create a centralized depository for 25 – 30 probation data elements that local probation departments will be able to access. The OCSS (Offender Community Supervision System) is a probation case management system that DRC plans to use for the 44 counties that it serves and offer free to other counties. The OCSS system is currently available to counties upon request.

**Certificates of Qualification for Employment.** The Committee met with DRC in November 2015 to discuss issues that have arisen with the CQE process since its enactment and to develop some changes to improve the CQE process in light of those issues. Four potential changes were discussed. These included (1) authorizing a non-resident to apply for a CQE in the county in which he or she was convicted, (2) eliminating the requirement that an individual list all collateral sanctions from which they are seeking relief, (3) eliminating the term “presumptively” from the revocation portion of the statute so that a CQE is automatically rather than presumptively revoked, and (4) eliminating the requirement that DRC track recidivism rates of individuals granted a CQE. DRC has submitted the changes to be included in an upcoming MBR.

**Judicial Release – Compassionate Medical Grounds.** The committee reviewed and discussed an amendment to RC 2929.20 to give judges discretion to grant judicial release to offenders who are in imminent danger of death or who are medically incapacitated and who are serving mandatory sentences. The committee recommended the elimination of two ambiguous provisions related to granting the release and that courts be given the authority to order the APA to provide supervision to these offenders. These changes were included in the final version of HB 64 (Biennial Budget).

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## Court Administration Committee

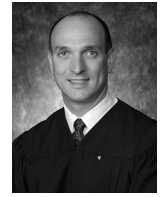
The Court Administration Committee reviews issues and proposals concerning general court administration and court reform. The work includes analyzing court staffing needs, establishing facility and equipment standards, and facilitating efficient court operations. The Committee also analyzes pending legislation with an impact on court administration and makes recommendations to improve the Ohio Revised Code, Ohio Rules of Practice and Procedure, and the Rules of Superintendence governing Ohio courts. During its 2015-16 term, the Court Administration Committee developed a statement regarding court cooperation with funding authorities in fiscal emergency situations, encouraged the adoption of substantive indigent defense reforms to accompany an increase in state reimbursement, submitted recommendations for and comments on proposed Rules of Superintendence, and commented on a variety of legislative proposals.

**Statement on Fiscal Emergency.** In May 2016, the Judicial Conference’s Executive Committee adopted a statement regarding courts in counties or municipalities that have been determined, by the Auditor of State, to be in a state of fiscal emergency. Even in the best of circumstances, judges and their funding authorities occasionally encounter conflicts over the amount of funding which is “reasonable and necessary” for the courts to operate effectively. These conflicts can be exacerbated if a funding authority has been determined to be in fiscal emergency. The statement adopted by the Judicial Conference’s Executive Committee encourages a court, whose funding authority is in fiscal emergency, to cooperate with the Auditor of State’s Financial Planning and Supervision Commission, where possible, without sacrificing the ability to perform constitutionally and statutorily mandated judicial functions. It also encourages the court and the Auditor to utilize dispute resolution services provided by the Supreme Court if a budget agreement cannot be reached through the standard budget process.

**Indigent Defense.** The Ohio Judicial Conference has long sought to improve the provision of indigent defense in Ohio by seeking changes to the system that would improve the quality of indigent defense, reduce the workload of court personnel, and reduce the number of cases overturned on appeal. An amendment was added to House Bill 64 (Biennial Budget) during deliberations in the Senate that increased the state reimbursement for indigent defense services rate to 50%, a necessary component of indigent defense reform. The Court Administration Committee advocated for additional substantive reforms to go along with the funding, the concern being that additional funding alone would not improve the quality of defense because of the likelihood of counties using the increased funding experienced locally on other priorities. Unfortunately, no additional changes were included in the legislation.



**Judge James A.  
Shriver  
Co-Chair**



**Judge John J. Russo  
Co-Chair**

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### *Others*

Magistrate Anthony D’Apolito  
Magistrate John Homolak

Continued on next page...

## Court Administration Committee (continued)

**Rules of Superintendence.** The Committee reviewed several proposed changes to the Rules of Superintendence governing Ohio courts and proposed two changes of its own. Perhaps most importantly, the Committee reviewed and commented on the substantial proposed changes to Superintendence Rule 39 regarding case time standards. It also reviewed and commented on proposed changes to Superintendence Rule 38 regarding case inventories. The Committee proposed changes to Superintendence Rule 12 regarding a judge's authority to prohibit the filming, videotaping, recording, or taking of photographs of jurors, and Superintendence Rule 4 regarding the term of an administrative judge.

**Legislation.** The Committee worked successfully with bill sponsors on changes to a number of pieces of legislation, including: House Bill 261 (State Trauma Board) to remove a court cost that would have funded the operations of the Trauma Board, House Bill 335 (Municipal Traffic Ordinances – Jurisdiction) to grant municipal courts greater authority over civil traffic infractions imposed in villages with populations under 200, House Bill 387 (Small Claims) to raise the maximum monetary jurisdiction of small claims courts, Senate Bill 227 (Attorney General – Functions) to remove an additional filing fee that would have funded the operations of the Attorney General, and Senate Bill 321 (Public Records) to clarify the circumstances under which a public records request constitutes a demand for discovery under the Criminal Rules of Procedure.

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## Court Technology Committee

The Court Technology Committee explores new developments in court technology and policies related to it, and serves as a resource to help Ohio judges effectively use technology. The committee's activities have focused on the annual statewide Court Technology Conference and tracking the progress of the Ohio Courts Network on guidelines for digital court recording systems.

The Court Technology Conference is an annual event organized by the Court Technology Committee members and Ohio Judicial Conference Staff. The event is part trade show, part education and aims to introduce court personnel to vendors with technology that can make their courtrooms more efficient and technologically advanced in order to better serve the public. Judges, magistrates, technology administrators, court staff, probation staff, law enforcement officers, and others attend the conference in order to get hands-on demonstrations of how new technology can help them perform their jobs better.

### 2015 Court Technology Conference

April 7, 2015 at the Crowne Plaza in Columbus, Ohio 193 Attendees, 45 Vendors (24 vendors gave presentations of 25 minutes each)

Featured Presentations:

- Integrating Video Conferencing & Evidence Presentation Equipment into the Courtroom  
By: Judge Ronald P. Forsthoefel and Judge Jonathan P. Hein and Kevin J. Bowling
- Champagne Technology on a Beer Budget: 60 Legal Tech Tips, Tricks, Gadgets, & Websites  
By: Barron Henley, Esq., Affinity Consulting Group

### 2016 Court Technology Conference

April 25, 2016 at the DoubleTree Hotel in Worthington, Ohio (First time at this location) 224 Attendees, 46 Vendors (36 vendors gave presentations of 25 minutes each)

Featured Presentations:

- Virtual Remote Interpreting  
By: Matt Benefiel, Trial Court Administrator, Ninth Judicial Circuit Court of Florida
- Distraction Management – Taming the Digital Chaos  
By: Paul Unger, Esq., Partner, Affinity Consulting Group

Committee members continue to be available as court technology mentors to judges who are looking for information on court technology issues. In addition to these projects, the committee continues to stay informed about court technology and to share information with judges and others.

The Committee is always seeking partnerships with other Judicial Conference committees and professional associations to make the conference more successful.



Judge Mark B. Reddin  
Co-Chair

Judge James F. Stevenson  
Co-Chair

#### *Co-Chairs*

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Hon. James F. Stevenson

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#### *Others*

Magistrate Charles Lawrie

## Criminal Law and Procedure Committee

The Criminal Law and Procedure Committee is comprised of 59 members, including two co-chairs and two magistrate members. The Committee, along with the Judicial Conference staff, is responsible for tracking and analyzing legislation that will affect the policies and procedures of courts with jurisdiction over criminal matters. There are two routes to analyzing legislation. First, by working with bill sponsors before legislation is introduced, at the invitation of the sponsor, the Committee can ensure that the voice of the judiciary is heard and the resulting bill is judicially sound. Second, by screening legislation as it is introduced, the Committee can efficiently disseminate important information to various stakeholders to ensure appropriate judicial participation.



**Judge Joyce A.  
Campbell**



**Judge Cynthia Westcott  
Rice**

The 131st General Assembly saw the Criminal Law and Procedure Committee review approximately 40 bills, both introduced and in conceptual form. Several bills were carried-over or re-introduced versions of bills the Committee reviewed in previous general assemblies, such as bills providing immunity to “good Samaritans” seeking assistance for drug overdoses, and others to enact stricter penalties for “violent career criminals.” Several bills were introduced that would have infringed upon judicial discretion by expanding mandatory prison sentences, such as SB 178 (mandatory prison terms for certain offenses when a child is a victim), or HB 208 and HB 405 (mandatory prison terms for certain importuning offenders). While sponsors of these bills feel strongly that mandatory sentences are appropriate, they were often willing to compromise, based on feedback from this Committee, and give judges the discretion to determine the appropriate length of the mandatory prison term. Additionally, Judges or staff provided OJC testimony, either as proponent or interested party, on a number of bills during the 131st General Assembly: HB 123, HB 171, HB 209, HB 307, HB 405, HB 523, and SB 204.

Two bills have been signed into law that enact items from the OJC legislative platform pertaining to criminal justice. HB 123 allows a court to waive the pre-sentence investigation report requirement, if the defense and prosecution both agree, before imposing community-control sanctions for felony sentencing. SB 204 makes discretionary the driver’s licenses suspensions that are now mandatory for drug offenses. Other platform items, such as the Nucklos fix pertaining to affirmative defense clarification, and clarification on the order in which consecutive sentences are to be served, have been submitted to the Criminal Justice Recodification Committee for consideration.

In addition to legislation pending before the General Assembly, the Committee has reviewed and provided feedback on amendments to the Rules of Criminal Procedure. The Committee has reviewed proposed changes to Crim.R. 11 (truth in plea bargains) and Crim.R. 16 (discovery and public records), and has weighed in on changes to Crim.R. 5, pertaining to the transfer of misdemeanor OVIs to common pleas courts, which the Traffic Law and Procedure Committee has been exploring. Additionally, this Committee is supporting an amendment to Crim.R. 32.2 to mirror the changes brought about by the passage of HB 123.

Finally, the Committee has been active in following, either through direct participation or staff tracking, the work and progress of several outside committees, commissions, and task forces. Committee members serve and/or hold leadership positions on the Criminal Justice Recodification Committee, the Criminal Sentencing Commission, and the Supreme Court Task Force to Examine Improvements to the Grand Jury System. OJC staff has also been tracking the work of these groups, and providing members with regular updates.

## *Criminal Law & Procedure Committee (continued)*

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Hon. Cynthia Westcott Rice

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### *Others*

Magistrate Mark Petrucci  
Magistrate Tamela Womack

## Domestic Relations Law & Procedure Committee

The Domestic Relations Law & Procedure Committee reviews issues and proposals of relevance to judges with domestic relations jurisdiction and analyzes pending legislation with judicial impact on family laws and procedures. The committee meets jointly with the Executive Committee of the Ohio Association of Domestic Relations Judges on a quarterly basis.

During this biennium, the Committee spent a great deal of time discussing proposed changes to the way child support is calculated in the state. These bills have been introduced about every other General Assembly since the late 1990s. This most recent version, Senate Bill 262, contains a provision called a “parenting time adjustment” which runs contrary to Ohio’s longstanding policy that courts do not trade dollars for days (i.e. more time granted to spend with a child cannot correlate to a reduction of child support). Committee members have worked to prevent this legislation from passing and are working with the bill’s proponents to draft a compromise that satisfies fathers’ rights groups without violating this statewide policy.

A subcommittee was formed in the beginning of the biennium to review the language used in the Supreme Court’s standard domestic relations forms. The forms were adopted in early April 2013 after years of work from the Court staff. They were conceived using input from multiple stakeholders, but several judges and magistrates have expressed practical concerns after using the forms on the ground level. Our subcommittee of five judges have analyzed each of these forms and have drafted changes that attempt to increase practicality. The changes will be completed by the Judicial Conference’s annual meeting and will be proposed to the Supreme Court’s Children & Families Section shortly thereafter.

The Committee also worked with new sponsors of a longstanding legislative platform item that would be third in a series of bills relating to public pension benefits. This new bill will provide survivor benefits to an ex-spouse of a public employee who subsequently re-marries but dies prior to retirement. These benefits will be paid according to an agreed upon Division of Property Order that is approved by the court at the termination of the first marriage. An unfortunate hole in the Code does not require the pension fund to compensate ex-spouses for benefits earned during the marriage under these circumstances. This bill has only been made possible because of the efforts of Committee Co-Chairman, Judge David Lewandowski, who spent long hours in meetings with pension board representatives, the Legislative Services Commission and the bill’s targeted sponsor, Representative Bob Cupp. Despite a breakdown in negotiations, the sponsor is willing to move forward with the bill and would like to see compromise between the Committee and the pension systems.



Judge Diane M.  
Palos  
Co-Chair

Judge David  
Lewandowski  
Co-Chair

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Hon. Diane M. Palos

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Hon. Norman G. Zimmelman,  
Retired

### *Others*

Magistrate Pamela A. Heringhaus  
Magistrate Tom Tompkins

## Judicial Compensation and Benefits

The Judicial Compensation Committee conducts research, evaluates legislation, and makes recommendations regarding judicial compensation, retirement, life insurance, medical benefits, and other related issues. The committee compiles research comparing salaries and compensation packages for judges around the country and reports the results to Ohio's judges and members of the General Assembly to keep legislators informed about the importance of competitive salaries as part of an overall strategy of attracting qualified candidates to the bench and retaining experienced judges. The committee monitors judicial salaries across the United States, especially in our peer states (Illinois, Michigan, New York, and Pennsylvania), and updates an annual publication, "Judicial Compensation in Perspective," to reflect new developments.

The committee met regularly throughout the first half of 2015 to monitor and discuss the inclusion of a market adjustment for judges in House Bill 64 (Biennial Budget). The adjustment, which was included in the enacted version of the bill, was included in the budget of the Supreme Court of Ohio at the request of the Chief Justice. It included a 5% increase on October 1, 2015, and additional 5% adjustments on January 1, 2017, 2018, and 2019.

The Committee also reviewed and provided comments on Senate Joint Resolution 1 to create a ballot initiative to create a Public Official Compensation Commission.



Judge Timothy J.  
Grendell  
Co-Chair



Judge Everett H. Krueger  
Co-Chair

### *Co-Chairs*

Hon. Timothy J. Grendell  
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## Judicial Education Committee

The Judicial Education Committee works with the Executive Committee, judicial association presidents, and the Ohio Judicial Conference staff to develop, organize, and present the Annual Meeting Education Program. The committee works closely with the Judicial College so all attending judges may receive Judicial College credit for attending this educational event.



Judge Joyce  
Campbell  
Chair

### *Chair*

Judge Joyce Campbell

### **2015 Members**

Judge John W. Wise, Ohio Courts of Appeals Judges Association

Judge Jonathan P. Hein, Ohio Common Pleas Judges Association

Judge Thomas Marcelain, Ohio Common Pleas Judges Association

Judge Denise Herman McColley, Ohio Association of Domestic Relations Judges

Judge Richard Wright, Ohio Association of Domestic Relations Judges

Judge Matthew Puskarich, Ohio Association of Juvenile Court Judges

Judge Kathleen Dobroszi Romans, Ohio Association of Juvenile Court Judges

Judge Kenneth J. Spicer, Ohio Association of Probate Judges

Judge Jan Michael Long, Ohio Association of Probate Judges

Judge Beth W. Cappelli, Association of Municipal/County Judges of Ohio

Judge Deborah A. LeBarron, Association of Municipal/County Judges of Ohio

### **2016 Members**

Judge John W. Wise, Ohio Courts of Appeals Judges Association

Judge Cheryl L. Waite, Ohio Courts of Appeals Judges Association

Judge Thomas Marcelain, Ohio Common Pleas Judges Association

Judge David T. Matia, Ohio Common Pleas Judges Association

Judge Richard P. Wright, Ohio Association of Domestic Relations Judges

Judge Diane Palos, Ohio Association of Domestic Relations Judges

Judge Matthew Puskarich, Ohio Association of Juvenile Judges

Judge Kathleen Dobroszi Romans, Ohio Association of Juvenile Judges

Judge Jan Michael Long, Ohio Association of Probate Judges

Judge Dixilene N. Park, Ohio Association of Probate Judges

Judge Deborah A. LeBarron, Association of Municipal/County Judges of Ohio

Judge Carl Sims Henderson, Association of Municipal/County Judges of Ohio

## Judicial Ethics and Professionalism Committee

The Judicial Ethics & Professionalism Committee reviews ethics opinions, advisory opinions, judicial canons, and rules of professional conduct. The committee comments on proposed amendments to the Code of Judicial Conduct and serves as a judicial resource on ethics and professionalism. The Judicial Advisory Group (JAG) is a group of judges, within the Judicial Ethics and Professionalism Committee, who work with the Ohio Lawyers Assistance Program (OLAP) to provide confidential assistance to judges concerning mental health, substance abuse, general stress, and judicial temperament related issues. During the 2015 – 2016 Biennium, the Committee worked on a proposal to amend Criminal Rule 11, discussed changes to the Clean Campaign Pledge process, reviewed a proposal to change the process for judicial disqualification, advocated for extending an opinion of the Board of Professional Conduct to the funding of community corrections programs, and was involved in a one day symposium on civility in discourse.



Judge Mary  
DeGenaro  
Co-Chair



Judge Thomas M.  
Marcelain  
Co-Chair

**Criminal Rule 11.** The committee worked with the Judicial Conference Criminal Law & Procedure Committee to propose an amendment to Criminal Rule 11 that would require a factual basis to support all plea agreements. The committee reviewed and discussed a subsequent inquiry from the Commission on the Rules of Practice and Procedure as to whether the proposal is substantive or procedural. The Commission adopted the portion of the proposal related to plea agreements in felony cases.

**Clean Campaign Pledges.** The committee met with the OSBA and had several discussions about the lack of uniformity between counties' clean campaign pledge processes and the substance of the pledges. The committee discussed the development of a comment to the Code of Judicial Conduct to make clear that judges and judicial candidates are warranted in refusing to sign such pledges. Discussion about how to resolve these uniformity issues are ongoing.

**Judicial Disqualifications.** The Committee reviewed a proposal from the League of Women Voters and the Ohio Association for Justice to reform the judicial disqualification process to better deal with issues of “soft” campaign contributions. The Committee met with representatives from the League and Association for Justice to discuss current safeguards in the Ohio Code of Judicial Conduct, specifically the limits on campaign contributions contained within the Code, and to point out potential problems with the proposal.

**Community Corrections Programs.** The committee sent a letter to the Board of Professional Conduct asking that a prior opinion of the Board, Opinion 2003 – 9, be extended to DRCs funding of community corrections programs and the resulting entanglement between ODRC and judges serving on corrections boards. The Board responded that the prior opinion was moot due to subsequent changes to the statute relied upon in the opinion.

**OSBA Moyer Civility Event.** The Ohio Civility Consortium held a day long civility event called “Can We Talk” on March 18, 2016 at the Ohio Statehouse. Committee Co-Chair, Judge Mary DeGenaro was involved in the planning. The event included office holders, media, educators, members of the faith community and other organizations involved in civic and political life in Ohio. The goal of the program was to elevate the level of listening and talking about issues impacting society and politics in Ohio and to use the program as a civics lesson for students in Ohio.

Continued on next page...

## Judicial Ethics and Professionalism Committee (continued)

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Hon. Thomas M. Marcelain

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Hon. Scott A. Washam

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Hon. Jeffrey L. Reed

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Retired  
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Hon. Stephen Wolaver

#### *Others*

Ms. Beth Cooke, Esq.  
Mr. Brian Gentile  
Ms. Jennifer Hansen, Esq.  
Mr. Shawn K. Judge, Esq.  
Ms. Mary Jane Trapp, Esq.  
Mr. Gregory M. Travalio, Esq.

## Ohio Jury Instructions

The Ohio Jury Instructions (OJI) Committee drafts pattern civil and criminal jury instructions for use by all Ohio judges and lawyers. Instructions are drafted or revised based on legislative enactments and controlling case law. The OJI Committee is the oldest and one of the

most active Judicial Conference committees, meeting on a Friday and Saturday seven times a year plus a three day summer retreat. The committee is divided into civil and criminal subcommittees. The sub-committees are responsible for drafting new instructions and updates to existing instructions. The committee continues to work with the Ohio Jury Instructions publishers to provide and maintain accurate and current jury instructions in both print and on-line formats. OJI is available in print and online from Lexis Nexis, West, Bloomberg, and Casemaker.

**Civil Subcommittee.** During the 2015 – 2016 Biennium, the Civil Subcommittee worked on instructions regarding automobiles, foreseeability in medical malpractice, foreseeability for pharmacists, civil conspiracy, the same juror rule, loss of chance of survival, innkeeper sections, medical negligence, and other professional negligence.

**Criminal Subcommittee.** During the 2015 – 2016 Biennium, the Criminal Subcommittee worked on instructions regarding human trafficking, violation of protection orders, arson, aggravated arson, vandalism, rape, theft, aiding & abetting, robbery, burglary, dog fighting, definitions of enterprise, reckless, and nudity, and is developing a new chapter on specifications.



Judge Mary E.  
Donovan  
Co-Chair



Judge Jeffrey L. Reed  
Co-Chair

## Jury Service Committee

The Jury Service Committee examines all aspects of jury service and makes recommendations for the proper and efficient functioning of the jury system. In addition, the committee is exploring how to broaden and diversify the jury pool, methods to make jury service less of a burden on citizens, and ways to involve juries more actively in the trial process.

The Joint Task Force to Review Ohio's Administration of the Death Penalty convened in 2011 and produced a final report and recommendations in 2014. Some of the recommendations were specific to jury management, such as using both voters' registration lists and licensed drivers' lists to ensure a more diverse pool of jurors and to provide written jury instructions to jurors in death penalty cases. The Committee reviewed the recommendations and stands ready to provide input when the recommendations are taken up by the Legislature. The Task Force to Examine Improvements to the Ohio Grand Jury System convened in February 2016 and produced a final report and recommendations in July 2016. The Committee tracked the work of the Task Force, reviewed the recommendations, and stands ready to provide input to both the Rules Commission and the Legislature.

The Committee continues to review case law from Ohio, other states, and the U.S. Supreme Court as well as discuss issues as they relate to jury service. At the U.S. Supreme Court level, the May 2016 decision in *Foster v. Chatham* exposed the most significant weakness of what have been considered acceptable jury dismissals after *Batson* (under *Batson v. Kentucky*, jurors cannot be dismissed solely based on their race, but only a race-neutral justification is required for dismissal). At the state trial court level, independent juror investigation – when a juror decides to do his own research about the case, usually using his phone during proceedings – has become a more and more common trend.

The Committee is researching the possibility of providing a tax deduction for juror service in an effort to make it easier for employers to lose their employees for a short time to jury service. This is an idea that has been proposed before but was jettisoned when the economy went into recession.

Lastly, the Committee had the opportunity to weigh in on pending legislation, as HB 513 was introduced in mid-2016. The bill purports to assist breast-feeding mothers by allowing them to claim a physical hardship and be automatically excused from jury duty. Although breast-feeding jurors are rare, courts currently do make accommodations for women who need to breast-feed without preventing them from participating in their civic duty of jury service.



Judge Jeffery B.  
Keller  
Co-Chair



Judge Reeve W.  
Kelsey  
Co-Chair

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### *Others*

Ms. Jean Atkin  
Mr. Tom Shields

## Juvenile Law & Procedure Committee

The Juvenile Law & Procedure Committee analyzes pending legislation with a judicial impact on juvenile laws and procedures and reviews issues and proposals of relevance to judges with juvenile jurisdiction. It makes recommendations to improve the Ohio Revised Code, Ohio Rules of Juvenile Procedure, and relevant Rules of Superintendence for the Courts of Ohio.

During this biennium, the Committee has worked with juvenile justice advocates and the General Assembly's legal staff to draft changes to the State's truancy laws. Introduced as House Bill 410, this truancy update bill contains requirements for earlier and more rigorous school intervention with truant students. There are also provisions that allow schools to request either informal or formal involvement with the local juvenile court when handling truancy issues.

The committee also finalized language for a proposed legislative platform issue that would ease the transfer of cases between juvenile and domestic relations division courts. Under current law, when a juvenile court touches a case involving children, that case remains with the juvenile division. This creates the unintended consequence of families too often having open cases, governing the same children, in both the domestic and juvenile divisions. This is expensive and very confusing for these (often pro se) litigants. The proposal, which is being considered for inclusion in the next budget bill, creates a new Code provision specifically for transfers between divisions.

The committee has also been closely monitoring recent changes to Medicaid. The agency is moving towards utilizing private care management companies for reimbursement of services rendered. This is important for courts because several order behavioral health services for juveniles. Courts will need to work with these new private vendors to ensure that services will be reimbursed.



Judge Luann  
Cooperrider  
Co-Chair



Judge Jim D. James  
Co-Chair

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Hon. Mary Pat Zitter

### *Others*

Magistrate Thomas J. Freeman  
Magistrate Gregory Millas

## Legislative Committee

The Legislative Committee meets almost every month with the legislative staff of the Judicial Conference. Most meetings are also attended by judges who have served in the Ohio General Assembly, the legislative counsel of each judicial association, the Government Relations counsel of the Supreme Court of Ohio, the legislative counsel for the OSBA, and the director of the Sentencing Commission. The Legislative Committee advises the Judicial Conference staff and the Judicial Conference committees as they evaluate the judicial impact of legislation and respond to inquiries from legislators and others. The Committee coordinates the biennial development of a legislative platform, the maintenance of legislative information on the OJC website, the management of the Judicial-Legislative Exchange Program, the organization of the new legislator orientation program, as well as the coordination of all other activities undertaken to promote cooperation between the judicial and legislative branches of government. The Committee has made some significant legislative accomplishments during the 131st General Assembly.

**Website, Publications, & Communication.** A biweekly legislative newsletter was launched in early 2015; it contains a summary of all legislative activities in the prior two weeks and is sent to all sitting judges, as well as some organizations within the justice community. BillBoard, a newsletter which had been published until 2010, was re-launched in mid-2016 as a way to re-connect with legislators and the legislative service commission (LSC). BillBoard contains judicial perspectives on bills as well as articles about issues that concern the members of the Judicial Conference. Both publications have been well received and are relied on as trustworthy sources of information on bills. A Twitter account was launched in mid-2016 to highlight OJC accomplishments as they happen. The OJC website contains current information on enacted and pending legislation impacting the courts.

**Platform.** The Legislative Committee developed a Legislative Platform for the 131st General Assembly, which included some perennial topics such as judicial compensation, indigent defense, judicial authority to operate the court, make hiring decisions and compensate court personnel, segregation of funds collected by courts, and the simplification of Title 45. The Platform also included new proposals such as discretionary driving suspensions for drug offenders, a proposal to reform division of property orders for public pensions and a proposal to eliminate the requirement to conduct a PSI (pre-sentence investigation) before sentencing someone to community control. The Committee and OJC staff worked throughout the biennium to realize the items on the legislative platform, with a good amount of success.

**Legislation.** Besides the platform initiatives, the Committee worked with individual legislators to assist them with proposals before introduction, helped legislators develop responses to constituent concerns, and provided information to LSC to develop impact analyses of bills. While not always able to achieve the exact result that the OJC advocated for, the Legislative Committee and legislative staff made sure that the judicial perspective was represented and that improvements were made to bills wherever possible. Overall, judges made significant contributions to the legislative process.

**Judicial Impact Memoranda and Judicial Impact Statements.** In an effort to respond more quickly to the needs of the legislature as a whole as well as individual bill sponsors, the Judicial Conference has continued to rely heavily on judicial impact memoranda, brief letters describing the effect that a bill will have on the judiciary, and when possible, providing recommendations for improving the bill. Impact memos are typically drafted in consultation with a point judge from a law & procedure committee and approved by the Executive Director.



Judge Jan  
Michael Long  
Co-Chair



Judge John R.  
Willamowski  
Co-Chair

### *Co-Chairs*

Hon. Jan Michael Long  
Hon. John R. Willamowski

### *Members*

Judge Danny R. Bulp  
Judge Michael E. Gilb  
Judge Timothy J. Grendell  
Judge Sandra Stabile Harwood  
Judge Peter J. Stautberg  
Judge Tyrone K. Yates

Throughout the biennium, legislative staff prepare letters to legislators about bills, testimony to committees about bills, and impact statements on legislative platform items.

**Relationship Building.** The Legislative Committee continued its commitment to relationship building. We engaged in numerous efforts to build relations between the judiciary and other branches of government. The traditional orientation program for new legislators has come to include a new legislator reception that is co-sponsored with the Supreme Court and the OSBA. The Legislative Committee is also responsible for the annual Judicial-Legislative Exchange, which has seen participation increase considerably in 2015 (28 judge-legislator matches) and 2016 (40 judge-legislator matches). Member organizations of the OCCO take turns organizing the annual OCCO reception; the OJC took its turn in 2015, to great success (353 legislators, county officials, and staff were in attendance).

**Get Involved.** The Legislative Committee encourages judges to get involved in the legislative or relationship building efforts that the Committee promotes.

### Magistrates Committee

The Magistrates Committee consists of judges who have an interest in the role of magistrates in Ohio courts. This committee collaborates with the Ohio Association of Magistrates on magistrate issues and examines magistrate qualifications, duties, training, and compensation. The committee also identifies those activities of magistrates that are of greatest importance to judges.

The Committee meets via conference call four times per year. During the call, the Committee receives an update from the OAM on matters important to Ohio’s magistrates, and often provides feedback from the perspective of judges. Most recently, the Committee has weighed in on, and offered its support for, the OAM’s proposal to make training mandatory for all new magistrates.

The Committee has also reviewed the Judicial Conference’s publication on garnishments for any necessary updates, and will be working with the OAM to formulate recommendations to the legislature’s task force studying updates to Ohio’s receivership laws.



Judge Carol J. Dezso  
Co-Chair



Judge Beth W. Cappelli  
Co-Chair

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- Hon. Jonathan Starn
- Hon. Mark K. Wiest

*Others*

- Magistrate Gregory Clifford
- Magistrate David Jump
- Magistrate Nancy McMillen

## Probate Law & Procedure Committee

The Probate Law & Procedure Committee reviews issues and proposals of relevance to judges with probate jurisdiction and analyzes pending legislation with an impact on probate laws and procedures.



Judge Jan  
Michael Long  
Co-Chair



Judge Jack R.  
Puffenberger  
Co-Chair

During this biennium, the Supreme Court ruled, in *State v. Brown* 142 Ohio St.3d 92 (2015), that probate judges do not have the authority to issue search warrants. This problem arose due to a complication in language included in the 1968 Modern Courts Amendment. Probate Judges met with Senator Scott Oelslager, who introduced Senate Bill 161, which corrects this issue and authorizes the State's sixteen probate-only judges to issue warrants. The Act has been effective since March 23, 2016

The Committee also worked tirelessly to prepare for, and eventually implement changes due to, the US Supreme Court's decision in *Obergefell v. Hodges* (which prohibits a state from restricting same sex marriages). Members from the Committee reviewed the case thoroughly and prepared several memos to serve as guidance to the State's probate courts. Due to this hard work, the changes required by the decision were made smoothly across the state.

More recently, the Committee has been working with Representative Bob Cupp on an omnibus probate bill authored by the Ohio State Bar Association. The sponsor added some of the Judicial Conference's legislative platform items to the bill (which has passed the House). Among these is a long-standing action item requesting statewide parity for the permissible fee associated with modernizing courts. Several years ago, a bill allowed the general division to charge an increased fee to "computerize" courts and clerks' offices. However, all other jurisdictions were limited to a smaller amount. If enacted, House Bill 432 will make the ceiling for all computerization fees equal across all of the State's courts.

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### *Others*

Magistrate Roseanne Hilow  
Magistrate Nancy A. Miller

## Public Confidence and Community Outreach Committee

The Public Confidence and Community Outreach Committee promotes activities that instill public confidence in the Ohio Judiciary by helping judges educate the general public about the function and operation of the state's judicial system.

During the biennium, the Committee updated all of the Judicial Conference's Citizen Guide Brochures. Several stylistic and substantive changes are now included in these documents. The Committee also produced a Jury Service video that is available to courts for jury education and orientation. Because of this video's success, the Committee plans to produce a second video outlining details of grand jury service. Lastly, the committee came to the defense of a judge who was under unwarranted media scrutiny.



Judge David M.  
Gormley  
Co-Chair



Judge Eugene A.  
Lucci  
Co-Chair

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### *Others*

Magistrate Erica Gordon  
Magistrate Ann Weatherhead

## Publications Committee

The Publications Committee provides guidance to Judicial Conference staff in its efforts to produce publications that meet the needs of Ohio judges by providing timely and relevant information, by encouraging dialogue, and by enhancing the Judicial Conference's ability to serve as the voice of Ohio judges.

The Judicial Conference website is continually updated with useful information on a daily basis. The website can be checked for important notices, legislative news, committee meeting times, dates, and locations. Online registration is now available for most major Judicial Conference related functions. The online Judges Directory is available to retrieve important court related contact information.

For the Record is produced four times a year and in an effort to save costs is published electronically. The quarterly publication features news and events pertaining to Ohio judges and the Ohio Judicial Conference. The Distinguished Judicial Figure series will be featured in coming issues as well.

FYI is a weekly news letter sent via email that is intended to keep Ohio's judges updated with the latest judicial related news. The news letter contains recent decisions and opinions from the Supreme Court of Ohio, important notices, and headlining judicial news from around the state and the country.

The Library of Reasoned Orders collects reasoned orders issued by Ohio judges and makes them available to other Ohio judges as a helpful resource. A reasoned order is one made by a judge that may prove helpful to other judges. Reasoned orders submitted to the web-based library may address new or unique issues as well routine issues that may come before a judge. A reasoned order must provide sufficient analysis of the issue in order to be beneficial to another judge confronted with the same or a similar issue. Recent additions to the LRO include a number of Intoxilyzer 8000 opinions, indexed by Judge William Grim. The LRO has grown to over 190 reasoned orders and now offers a text search function that enables users to search the descriptions of the reasoned orders.

The Publications Committee is currently in the process of reviewing all of the Citizen Guide and Small Claims Courts Brochures to ensure information therein is correct and up to date. The newest brochure added to the Citizen Guide series was completed at the request of the Public Confidence and Community Outreach Committee and titled "Why Can't I Talk to the Judge?"



Judge Nancy D.  
Hammond, Retired  
Co-Chair



Judge Deborah J.  
Nicastro  
Co-Chair

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Hon. Roger B. Wilson, Retired

### *Others*

Magistrate Jeffrey Bender  
Magistrate Ann Weatherhead

## Retired Judges Committee

The Retired Judges Committee reviews and makes recommendations on issues faced by retired judges. The Committee monitors Ohio Public Employee Retirement System (OPERS), Ohio Public Employees Deferred Compensation Plan and judicial retirement issues in general. It also participates in the publication of the Ohio Retired Judges Directory, an annual publication of the Judicial Conference.

The committee held a very successful stand-alone continuing education seminar for retired judges sitting by assignment with 6.0 Judicial College hours. The course was held on April 24, 2015 in Columbus. The seminar included case law and legislative updates, records sealings and civil protection orders, a review of criminal law changes, and evidence. More than 70 retired judges attended the seminar.

On April 8, 2016, the Committee presented a non-credit seminar for active judges and their spouses/partners contemplating retirement, entitled “Jumping the Retirement Hurdle.” The seminar was held in Columbus and topics included career decisions/lifestyle decisions, sitting by assignment, ethical considerations, and the personal impact of retirement, and presentations from OPERS representatives.



Judge Mel Kemmer,  
Retired, Co-Chair

Judge Nodine Miller,  
Retired, Co-Chair

### *Co-Chairs*

Hon. Mel Kemmer, Retired  
Hon. Nodine Miller, Retired

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## Specialized Dockets Committee

The Specialized Dockets Committee exchanges ideas, discusses issues and recommends policies related to the operation and administration of Ohio courts with specialty dockets (mental health courts, drug courts, re-entry courts, etc.). The Specialized Dockets Committee works to identify additional resources for these courts and to develop a procedural framework in order to facilitate the continued operation of these dockets.



Judge Joyce A.  
Campbell  
Co-Chair

Judge Mary  
Katherine  
Huffman  
Co-Chair

Because of the continuing opiate epidemic, there has been a great deal of legislative interest in specialized dockets, diversion programs, and collateral consequences for drug offenses. The Specialized Dockets Committee has reviewed various bills that impact funding as well as functioning of treatment programs, intervention in lieu of conviction programs, and similar programs that impact the population within the criminal justice system that is addicted to drugs or alcohol. For example, HB 4 contained an amendment that corrected a result of 2014 HB 367, which restricted suboxone distribution if a treatment center did not also distribute methadone; HB 64 contained funding for medication-assisted treatment programs and other specialized dockets; HB 268 and SB 284 expanded the opportunities for both intervention-in-lieu and criminal record expungement for victims of human trafficking; HB 110 was amended to include “Good Samaritan” provisions that would allow someone to get help for himself or someone else for an overdose without facing drug possession charges; and SB 319 expands accessibility to and authority for use of naloxone (for opioid overdoses) and creates immunity for administering it for court and probation department personnel.

The Specialized Dockets Committee also represents dockets other than drug dockets and, in 2016, initiated a project to develop resource guides for judges with specialized dockets. The first resource guide will focus on housing, i.e. identifying the types of housing available to various people within the criminal justice system and locating that housing within each county. Housing includes everything from basic shelters to alleviate homelessness to re-entry housing, recovery housing and residential treatment.

Medicaid Expansion had and the subsequent Medicaid Redesign has the possibility to tremendously impact the availability of drug, alcohol, and mental health treatment and peoples’ access to it. The Specialized Dockets Committee is following the lead of the Specialized Dockets Commission on determining a stance for the judiciary on any proposed changes, and is also part of an ongoing conversation with recovery service providers.

Each year, the Supreme Court’s Specialized Dockets Commission organizes a Practitioners Network Conference and the Committee organizes a Judges’ Dinner on the eve of the Conference. Because the Practitioners Network Annual Conference did not take place in 2015, neither did the Judges’ Dinner. Both events will take place in 2016.

Continued on next page...

## Specialized Dockets Committee (continued)

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Hon. Mary Katherine Huffman

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### *Others*

Magistrate Lynne Schoenling

## Traffic Law & Procedure Committee

The Traffic Law and Procedure Committee is made up of 32 members, including two co-chair judges, and three magistrate members. The Committee, along with the Judicial Conference staff, is responsible for tracking and analyzing legislation that will affect traffic law.

Over the course of the 131st General Assembly, the Committee tracked approximately twenty traffic-related bills. Of these, several pertained to topics of perennial concern, such as distracted driving, wrong-way driving, mandatory use of bicycle helmets, bicycle-passing distances, and mandatory child restraints.

Much of the Committee's attention was focused on HB 388, sponsored by Rep. Scherer. Known as "Annie's Law," the bill makes changes to OVI statutes, particularly with regard to the use of ignition-interlock devices ("IID"). Previous versions of this bill, introduced in prior general assemblies, mandated that judges order IIDs for all first-time OVI offenders. The OJC strongly opposed such proposals, as an unnecessary infringement upon judicial discretion. During the 131st General Assembly, Rep. Scherer worked closely with the OJC and other interested parties, and introduced a bill designed to incentivize, rather than require, the use of IIDs for first-time offenders. Because the bill in its current form maintains judicial discretion, the OJC and this Committee do not oppose it.

Of particular note was the movement of several proposals initiated by the Traffic Law and Procedure Committee. SB 204, sponsored by Sen. Seitz and signed by Gov. Kasich in June of 2016, makes all driver's license suspensions for drug offenses discretionary, rather than mandatory. This was an item on the OJC's legislative platform, and came about after several years of work, including the passage of two resolutions notifying the federal government of Ohio's intent to opt out of this sentencing requirement. Additionally, HB 446 (Rep. Manning) makes several changes and updates to Ohio's traffic laws, such as including "harmful intoxicants" to the definition of "drug of abuse," and clarifying F3 OVI sentencing inconsistencies. HB 436 (Reps. Cupp and Rogers) would allow courts to lift the mandatory immobilization period upon granting limited driving privileges to second-time OVI offenders. All of these bills came directly from the input and feedback of this Committee.

Finally, the Committee has been researching possible fixes to an inconsistent application of recent amendments to the Rules of Criminal Procedure. Crim.R. 5 provides that all non-minor misdemeanors arising out of the same act or transaction as a felony charge are to be transferred along with the felony charge to the common pleas courts. When the misdemeanor is an OVI, however, some common pleas courts are declining jurisdiction, because the OVI is a traffic offense not governed by the Rules of Criminal Procedure. Other common pleas courts, however, are taking the cases. The Committee is exploring ways to clarify the rules so that this inconsistent application is eliminated. The Committee has surveyed municipal and common pleas court judges to see if there is a preference as to whether these OVIs should remain in the municipal court, or transfer to the common pleas court, and will formulate a proposal based on those responses.



Judge Mark B.  
Reddin  
Co-Chair

Judge Jennifer P.  
Weiler  
Co-Chair

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### *Others*

Magistrate Edward J. Fink  
Magistrate Anthony Sertick

## Section 7: Judicial Associations



The Ohio Judicial Conference has a strong tradition of working with the six judicial associations: Courts of Appeals, Common Pleas, Juvenile, Probate, Domestic Relations, and Municipal/County Judges. The presiding officer and presiding officer-elect of the six judicial associations are members of the Ohio Judicial Conference Executive Committee and represent the views of their associations. The Executive Committee often asks for recommendations from the member associations prior to discussion of issues at the Executive Committee meetings. In addition, the presiding officers of the associations are included in bi-monthly conference calls with the officers of the Judicial Conference.

The staff of the Ohio Judicial Conference assists the associations with many of their activities. This includes providing research, site inspection, and negotiation for meeting facilities and accommodations, planning meetings, formatting and distributing association newsletters, and providing hands-on assistance with summer and winter conferences.

The Ohio Courts of Appeals Judges Association is comprised of all judges who serve on Ohio appeals courts and who have retired from serving Ohio appeals courts. The purpose of the Association is “the implementation of the goals of the Ohio judicial Conference as set forth in section 105.91 of the Revised Code: (R.C. 2501.03)

The Association is governed by an Executive Committee and by four officers – a Chief Judge, a Chief Judge Elect, a Secretary-Treasurer and a Past Chief Judge. Beginning in the 2016 term, the Association altered its bylaws, separating the offices of Secretary and Treasurer respectively. The Executive Committee is comprised of the officers and the presiding judge (or his/her designee) of each appellate court. Officers, excepting the Treasurer, serve in each position for one year, moving through all four, and there is an annual election.

The Association meets two times a year to conduct judicial education around issues of relevance to appeals courts and to discuss issues related to the administration of justice in the appeals courts. The meetings take place the last Thursday of February, and in September (in conjunction with the Ohio Judicial Conference Annual Meeting). Each Association meeting is preceded by an executive committee meeting.

### **2016 Officers**

*Chief Judge*

Judge Cheryl L. Waite

*Chief Judge Elect*

Judge Donna J. Carr

*Secretary*

Judge Mark L.

Pietrykowski

*Treasurer*

Judge Craig R. Baldwin

*Past Chief Judge*

Judge John W. Wise

### **2015 Officers**

*Chief Judge*

Judge John W. Wise

*Chief Judge Elect*

Judge Cheryl L. Waite

*Secretary-Treasurer*

Judge Donna J. Carr

*Past Chief Justice*

Judge G. Gary Tyack

# Ohio Common Pleas Judges Association

The membership of the Ohio Common Pleas Judges Association consists of all general division judges of Ohio courts of common pleas. The Association works to assist its membership and others in improving the law, the legal system, and the administration of justice. To that end, the Association is involved in following proposed legislation which may have impact on its members, promoting the exchange of experiences and ideas among its members through educational programs, and generally working towards improving the quality of justice provided by the general division of courts of common pleas.

The Association's board of trustees meets four times a year. The Association holds a two-and-a-half day general meeting in June and December each year. General meetings feature an educational program for judges, along with a business meeting and social activities.

## 2016 Officers

### *President*

Judge Thomas M. Marcelain

### *President Elect*

Judge David T. Matia

### *First Vice-President*

Judge Linda J. Jennings

### *Second Vice-President*

Judge Jody M. Luebbers

### *Third Vice-President*

Judge Michael P. Donnelly

### *Fourth Vice-President*

Judge Jeffrey L. Reed

### *Secretary*

Judge Barbara P. Gorman

### *Treasurer*

Judge Mark K. Wiest

### *Past President*

Judge Guy L. Reece, II

## 2016 Trustees

Judge Forrest W. Burt

Judge Scott T. Gusweiler

Judge Craig D. Hedric

Judge Robert C. Hickson, Jr.

Judge Gregory F. Singer

Judge Brett M. Spencer

## 2015 Officers

### *President*

Judge Guy L. Reece, II

### *President Elect*

Judge Thomas M. Marcelain

### *First Vice-President*

Judge David T. Matia

### *Second Vice-President*

Judge Linda J. Jennings

### *Third Vice-President*

Judge Jody M. Luebbers

### *Fourth Vice-President*

Judge Michael P. Donnelly

### *Secretary*

Judge Barbara P. Gorman

### *Treasurer*

Judge Mark K. Wiest

### *Past President*

Judge Jonathan P. Hein

## 2015 Trustees

Judge Forrest W. Burt

Judge Kimberly Cocroft

Judge Robert C. Hickson, Jr.

Judge Jeffrey L. Reed

Judge Gregory F. Singer

Judge Brett M. Spencer

The Ohio Association of Domestic Relations Judges consists of all judges with Domestic Relations jurisdiction. The Association promotes the education of the membership and the public in the role and need for an effective and independent judiciary, promotes the interchange of ideas and experiences among its members, promotes continuing judicial education, and works towards improving the quality and administration of justice in Ohio's domestic relations courts.

The Association's Executive Committee holds business meetings either by conference call or in person. In addition, the Association holds education and general business meetings in December and June. The June meeting is a combined meeting with the Probate and Juvenile Judges Associations.

## 2015-2016 Officers

### *President*

Judge Diane M. Palos

### *President-Elect*

Judge Paula Giulitto

### *Vice President*

Judge Dana S. Preisse

### *Secretary*

Judge Dan W. Favreau

### *Treasurer*

Judge Colleen A. Falkowski

### *Immediate Past President*

Judge Richard P. Wright

## Trustees

Judge Leslie Ann Celebrezze

Magistrate Pamela A.

Heringhaus

Judge Lisa D. McGowan

Judge Beth A. Smith

Judge Laura Smith

Judge Matt C. Staley

## 2014-2015 Officers

### *President*

Judge Richard P. Wright

### *President-Elect*

Judge Diane M. Palos

### *Vice President*

Judge Paula Giulitto

### *Secretary*

Judge Dan W. Favreau

### *Treasurer*

Judge Leslie Ann

Celebrezze

### *Immediate Past President*

Judge Denise Herman

McColley

## Trustees

Judge Colleen A.

Falkowski

Judge Earl L. Frost

Magistrate Pamela A

Heringhaus

Judge Dana S. Preisse

Judge Beth A. Smith

Judge Laura Smith

# Ohio Association of Juvenile Court Judges

The Ohio Association of Juvenile Court Judges consists of all judges with juvenile court jurisdiction. The Association promotes the common interests of Ohio juvenile court judges and provides leadership for a just and effective juvenile court system.

The Association addresses issues affecting juvenile abuse, dependency, and neglect, unruly juveniles (status offenders), and juvenile delinquency, as well as court administration aspects of these issues. The Association works closely with the OJC Juvenile Law and Procedure Committee on legislative issues affecting juvenile courts.

The Association holds two general meetings each year: an annual meeting held jointly with the Probate and Domestic Relations Judges Associations, and a semi-annual meeting held in early December. The December meeting is in conjunction with a Judicial College course. At these meetings members have the opportunity to exchange ideas, discuss matters of concern, and generally interact with fellow juvenile judges.

## 2015-2016 Officers

### *President*

Judge Kathleen Dobrozsi Romans

### *Vice President*

Judge Robert C. DeLamatre

### *Treasurer*

Judge Timothy J. Grendell

### *Secretary*

Judge Thomas S. Moulton, Jr.

### *Past President*

Judge Matthew P. Puskarich

## Directors

### District 1

Judge Steven R. Bird

Judge Michael A. Borer

### District 2

Judge Debra L. Boros

Judge Frank J. Janik, III

### District 3

Judge Jenifer K. Overmyer

Judge Mary Pat Zitter

### District 4

Judge Robert D. Fragale

Judge Terri Jamison

### District 5

Judge J. Mark Costine

Judge Theresa Dellick

### District 6

Judge David Bender

Judge John M. Williams

### District 7

Judge Luann Cooperrider

Judge Stephen D. Michael

## Retired Judges Liaisons

Judge Thomas R. Lipps, Retired

## NCJFCJ

Judge Anthony Capizzi

Judge Denise Cubbon

Judge David E. Stucki

## 2014-2015 Officers

### *President*

Judge Matthew P. Puskarich

### *Vice President*

Judge Kathleen Dobrozsi Romans

### *Treasurer*

Judge Robert C. DeLamatre

### *Secretary*

Judge Timothy J. Grendell

### *Past President*

Judge Anthony Capizzi

## Directors

### District 1

Judge Steven R. Bird

Judge Denise N. Cubbon

### District 2

Judge Timothy J. Grendell

Judge Jim James

### District 3

Judge William R. Zimmerman

Judge Mary Pat Zitter

### District 4

Judge Robert D. Fragale

Judge Terri Jamison

### District 5

Judge J. Mark Costine

Judge Theresa Dellick

### District 6

Judge David Bender

Judge Ronald R. Craft

### District 7

Judge Luann Cooperrider

Judge Thomas S. Moulton, Jr.

## Retired Judges Liaison

Judge Nancy D. Hammond, Retired

Judge Thomas R. Lipps, Retired

## NCJFCJ Trustees

Judge Anthony Capizzi

Judge Denise Cubbon

Judge David E. Stucki

The Ohio Association of Probate Judges is comprised of all judges in Ohio with probate court jurisdiction. Each county in Ohio has one judge with probate court jurisdiction with the exception of Champaign, Cuyahoga, and Marion Counties which each have two judges with probate jurisdiction, and Erie County which has three.

The Association, a non-profit organization, operates for educational and charitable purposes. Annually, the Association sponsors a summer educational and business meeting for judges, which promotes collegiality allowing for the sharing of ideas and experiences concerning the operation of probate courts. The Association also provides for the training and education of court employees. The Association sponsors annual seminars for both probate court investigators and deputy clerks. The Association also produces an annual directory of judges with probate, juvenile, and domestic relations jurisdiction.

#### 2015- 2016 Officers

##### *President*

Judge Jan Michael Long

##### *President Elect*

Dixilene N. Park

##### *1st Vice-President*

Judge Richard P. Carey

##### *2nd Vice-President*

Judge Laura J. Gallagher

##### *Secretary/Historian*

Judge Robert G. Montgomery

##### *Treasurer*

Judge James T. Walther

##### *Past President*

Judge Kenneth J. Spicer,  
Retired

#### Executive Committee

The Officers (above) and  
Judge Denny R.R. Clunk,  
Retired

Judge Kathleen L. Giesler

Judge Timothy J. Grendell

Judge Charles G. Hague,  
Retired

Judge Philip Alan B. Mayer

Judge Beverly K. McGookey

Judge Jack R. Puffenberger

Judge Robert N. Rusu, Jr.

Judge Thomas A. Swift,  
Retired

#### 2013 - 2015 Officers

##### *President*

Judge Kenneth J. Spicer

##### *President Elect*

Judge Jan Michael Long

##### *1st Vice-President*

Judge Dixilene N. Park

##### *2nd Vice-President*

Judge Richard P. Carey

##### *Secretary/Historian*

Judge Laura J. Gallagher

##### *Treasurer*

Judge James T. Walther

##### *Past President*

Judge Kathleen L. Giesler

#### Executive Committee

The Officers (above) and  
Judge Denny R.R. Clunk,  
Retired

Judge Charles G. Hague,  
Retired

Judge Philip A. Mayer

Judge Beverly K. McGookey

Judge Jack R. Puffenberger

Judge Thomas A. Swift,  
Retired

# Association of Municipal/County Judges of Ohio

The membership of the Association of Municipal/County Judges of Ohio, Inc. consists of all municipal and county court judges. The Association promotes the education of the membership and the public in the role and need for an effective and independent judiciary, promotes the interchange of ideas and experiences among its members, promotes continuing judicial education, and works towards improving the quality and administration of justice in Ohio's municipal and county courts. The Association's board of trustees meets four times a year.

Each year, the Association holds two-and-a-half day general meetings in February and July, which feature educational programs for judges and business meetings. Social activities for judges, spouses and children are provided at the summer meeting.

## 2016 Officers

### *President*

Judge Deborah A. LeBarron

### *1st Vice President*

Judge Carl Sims Henderson

### *2nd Vice President*

Judge Brian F. Hagan

### *Secretary*

Judge Gary Dumm

### *Treasurer*

Judge Michael T. Brandt

### *Past President*

Judge William Allan Grim,  
Retired

## 2016 Trustees

Judge Teresa Lyn Ballinger

Judge Pinkey S. Carr

Judge Fredrick Hany, II

Judge Gary W. Herman

Judge Mark A. Hummer

Judge Stephen B. McIlvaine

Judge Julie L. Monnin

Judge Denise L. Moody

Judge Fred Moses

Judge Fanon A. Rucker

Judge Jonathan Starn

Judge Terri L. Stupica

Judge David Sunderman

Judge Diane S.A. Vettori

Judge Philip M. Vigorito

Judge Mark W. Wall

## 2016 Ex Officio Members

Judge Melissa Byers-Emmerling

Judge Joyce A. Campbell

Judge Beth W. Cappelli

Judge William G. Lauber

Judge Lee W. McClelland

Judge Eugene S. Nevius

Judge John S. Pickrel

Judge Mark Reddin

Judge John T. Rohrs, III

Judge Kenneth R. Spanagel

## 2015 Officers

### *President*

Judge William Allan Grim

### *1st Vice President*

Judge Deborah A. LeBarron

### *2nd Vice President*

Judge Carl Sims Henderson

### *Secretary*

Judge Brian F. Hagan

### *Treasurer*

Judge Michael T. Brandt

### *Immediate Past President*

Judge Beth W. Cappelli

## 2015 Trustees

Judge Teresa Lyn Ballinger

Judge Pinkey S. Carr

Judge Gary Dumm

Judge Carrie E. Glaeden

Judge Fredrick Hany, II

Judge Gary W. Herman

Judge Stephen B. McIlvaine

Judge Denise L. Moody

Judge Fanon A. Rucker

Judge John B. Street

Judge David Sunderman

Judge Diane S.A. Vettori

Judge Philip M. Vigorito

Judge Mark W. Wall

## 2015 Ex Officio Members

Judge Melissa Byers-Emmerling

Judge Joyce A. Campbell

Judge William G. Lauber

Judge Lee W. McClelland

Judge Eugene S. Nevius

Judge John S. Pickrel

Judge Mark Reddin

Judge John T. Rohrs, III

Judge Kenneth R. Spanagel



*OHIO JUDICIAL CONFERENCE*

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