



for the **RECORD**

Second Quarter 2013

NEWS FOR THE OHIO COURTS

CELEBRATE THE VOICE!

JUDGE JIM D. JAMES
CHAIR, OHIO JUDICIAL CONFERENCE

Fifty years ago, Ohio judges had no voice. Well, at least no collective voice. We had organizations based on jurisdictions; we had the bar associations. However, there was no single entity in which all judges could participate to improve the administration of justice. Thanks to the leadership of Judge Robert McBride, a judicial conference was created in 1958 when Ohio judges met and unanimously passed a resolution to organize the Ohio Judicial Conference, a collective voice for Ohio judges. In May of 1963, Ohio's General Assembly enacted ORC 105.91 creating the Ohio Judicial Conference as a statutory entity, separate from the Supreme Court of Ohio, within the judicial branch of government.

Ohio judges have good reason to celebrate the fiftieth anniversary of the Ohio Judicial Conference. The Judicial Conference is dedicated to serving all Ohio judges and it has established itself as the voice of the judiciary and as a primary resource to ensure the fair, open and effective administration of justice in Ohio.

Last December, every Ohio judge received a letter from me inviting them to participate in the Judicial Conference to achieve our mission. As a result, over two hundred judges volunteered to serve on an OJC committee. Despite the fact that every Ohio judge is a member of the Judicial Conference, some members are still unaware of all the work the OJC does. Recently, at a summer conference, a number of judges told me that they already serve on Supreme Court committees, wondering what the Judicial Conference committees do. That is a question that the Judicial Conference officers sought to clarify in 2009 when they adopted a Strategic Plan that would define the relationship of the Judicial Conference with the judicial associations, the Supreme Court of Ohio and individual judges so that there is a clear voice to determine the direction and policies of the Ohio judiciary.

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Toward that end, the Judicial Conference officers, OJC Executive Director, interested judges, and the Supreme Court of Ohio Chief Justice, Court Administrative Director and Judicial Services Director met regularly for over a year to explore the relationships and functions of the Judicial Conference and the Supreme Court. We concluded that the Judicial Conference is particularly effective in representing Ohio's Judiciary on legislative proposals and in reviewing legislation that affects our courts. The Judicial Conference is charged with researching and preparing judicial impact statements on legislation that affects the administration of justice in Ohio. The Judicial Conference is also routinely called upon by members of the General Assembly to review proposed legislation and offer constructive comments and testimony. It is clear that the legislators are very interested in the OJC's position. To ensure that the judiciary's voice remains clear, care has been taken to include OJC committee members on Supreme Court Committees and the Chief Justice has announced the formation of a Judicial Council which includes Judicial Conference officers and association representatives along with the justices.

The Judicial Conference also provides valuable services to Ohio judges. Each of the associations relies upon Judicial Conference staff to plan and coordinate meetings and conferences. OJC judges spend countless hours preparing and updating Ohio Jury Instructions. *FYI*, *For the Record* and *Billboard* publications keep judges up to date on matters of importance. And the Ohio Judicial Conference Annual Meeting, held in September, sets attendance records every year.

A 50th Anniversary Gala will be held at this year's Annual Meeting. Judges Dixie Park and Cheryl Karner have been busy organizing the event to mark the fiftieth year of the Ohio Judicial Conference. Judge Steven Powell is heading the education committee that has planned outstanding CJE programs for the annual meeting. The OJC has also unveiled a brand new website to celebrate year fifty which is informative and user friendly. Check it out at www.ohiojudges.org. As judges, we all have plenty to celebrate about this year; after all, we have a voice!

Ohio Judicial Conference 2013 Annual Meeting

**September 12 - 13
Hilton Polaris/Columbus**

Save the Date!

DISTINGUISHED JUDICIAL FIGURE

JUSTICE SHARON L. KENNEDY

JENNIE I. LONG
PROGRAM SPECIALIST, OHIO JUDICIAL CONFERENCE

Justice Sharon L. Kennedy speaks from experience when she encourages aspiring and current judges to stay committed to their decision to be a judge and then work hard, have fortitude and never give up. That advice has served her well.

Justice Kennedy's general-law teacher in high school knew she wanted to be a police officer but suggested that she not limit herself. Because she was a good student and earned good grades, he felt that with her abilities and drive, she could be a lawyer and perhaps a judge someday. Her first childhood dream was fulfilled when she earned a bachelor's degree in social work and became a police officer with the City of Hamilton Police Department in Butler County.

As a police officer Justice Kennedy saw routine, heart-pounding and heartbreaking situations. She has worked undercover, implemented crime-prevention programs, and assisted in drafting police policy and procedure for the police department's Accreditation Program.

After being in law enforcement for a while she made the decision to return to school to become an attorney and earned her Juris Doctorate from the University of Cincinnati, College of Law.

Beginning as a solo practitioner, Justice Kennedy ran her own small business. She served the legal needs of families, juveniles, and the less fortunate. As special counsel for Attorney General Betty D. Montgomery, Justice Kennedy fought on behalf of Ohio's taxpayers to collect monies due the State of Ohio. As a part-time magistrate in the Butler County Area Courts, Justice Kennedy presided over a wide-array of civil litigation and assisted law enforcement officers and private citizens seeking the issuance of criminal warrants for arrest.

Justice Kennedy credits law enforcement with giving her a real-world perspective that some people don't enjoy. It's this perspective that has helped her to take a decisive look at life. Her ability to judge credibility by reading body language and eye contact was developed as a police officer and has served her well as an attorney.

Justice Kennedy's ability to quickly analyze situations, apply critical thinking and make decisions was honed as a police officer. Those three skills are still needed as a judge, and now a justice, though being a judge allows time to be reflective and conduct research before making a decision.

Justice Kennedy's judicial philosophy is one of restraint and respect. She took an oath to uphold the constitutions of the United States and the State of Ohio. She respects those constitutions and adheres to the governmental separation of powers. The law binds us all together. It is a universal concept that serves as a guidepost for all mankind. At times when she hasn't agree with what the law says, she made her judicial decisions within the confines of the law, then worked to fix it.



Justice Sharon L. Kennedy

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Justice Kennedy noted three proud accomplishments during her career:

1. Working with state legislators to change jurisdictional powers of the domestic relations division in Butler County to better serve families;
2. Bringing together county office holders and local business leaders for a budget workgroup, then working together and applying business principles, the workgroup was able to present cost saving measures and a financial plan for the challenges ahead to the county commissioners; and
3. Believing that doing the right thing is paramount, though not necessarily the most popular thing, with the end goal of serving families and ensuring the county is fiscally whole, she and her staff took on non-support cases for 5 years from juvenile court to allow them time to complete a Abuse, Neglect and Dependency project.

Justice Kennedy said one of the things she likes most about the law is its variety. She was a law clerk in the Butler County Common Pleas Court, General Division and has worked in probate, juvenile and domestic relations jurisdictions prior to becoming a Supreme Court Justice.

The biggest surprise she has discovered in being a justice is people's reaction to her new title of "justice". Other than that, being a justice is much as she expected it to be with careful deliberation, and seeking advice/counsel before doing anything. She is truly grateful for this opportunity to serve the people of Ohio.

She would like to continue the work of former Justice Stratton working with veterans and the mentally ill and would like to further her work with juveniles. As a domestic relations judge, Justice Kennedy created a multi-disciplinary class for chronic delinquents and status offenders – mostly girls – called "So What, Now What?" which helped them figure out what they wanted to do with their lives and what they needed to do to get there. Other than in a courtroom, on the other side of the bench, Justice Kennedy was the first judge many of those girls had ever seen when they weren't in trouble.

CHILD SEX ABUSE EVIDENCE & TRIAL COURT PROCEDURAL ISSUES

JUDGE ROBERT P. RINGLAND
TWELFTH DISTRICT COURT OF APPEALS

Child sex abuse cases are one of the most challenging types of cases to deal with as an attorney or judge. The bench book *Child Sex Abuse Evidence and Trial Court Procedural Issues* was created to assist judges and counsel in navigating their way through the issues and problems common to child abuse trials and evidence hearings. This bench book, which was first published in 1986, and is current through December 2012, is available on the Ohio Judicial Conference website at www.ohiojudges.org.

This bench book was designed to be a starting guide in research to assist the trial judge and practitioner. The 270 page bench book cites all child sex abuse cases from Ohio through December 2012. Among the topics discussed are the confidentiality of child abuse reports, charges in the indictment, statute of limitations issues, duplicity in the indictment, closure of the courtroom, closed-circuit trials, competency issues, the scope of expert witnesses, rape shield issues, hearsay problems, sex classification issues, and issues specific to particular sex offenses under R.C. 2907.

OHIO BUREAU OF MOTOR VEHICLES: COURT ORDERED TITLES

KATHY CORRIGAN, CHIEF
TITLING SUPPORT & DEALER LICENSING SECTION

As a result of extensive research, the Bureau of Motor Vehicles has established a new process for handling court ordered motor vehicle titles to comply with the Ohio Revised Code effective May 13, 2013.

Current ORC 4505.06 provides that when making an application for title, evidence is presented to the Clerk of Courts (Title agency) who then must exercise due diligence to ascertain if the facts in the application for certificate of title are true. If the clerk is satisfied, then the clerk shall issue a title.

ORC 4505.10 states that if a transfer of ownership of a vehicle occurs by operation of law, a certificate of title may also be issued under the following circumstances: inheritance, devise, bequest, bankruptcy, insolvency, replevin, execution sale, to satisfy storage or repair charges, or as a result of a default on a security agreement. Satisfactory proof of ownership and rights of possession is presented to the clerk for approval. If the clerk is not satisfied, the applicant may apply through the registrar (BMV), who will decide if the evidence is sufficient to send the applicant a Letter of Authority ordering the clerk to issue the title. If the evidence is insufficient, the applicant will receive a Denial Letter from the registrar recommending the applicant go through the court for a court ordered title.

The BMV process has evolved over the years into one that establishes that ALL such requests come through the registrar (BMV) even those not related to ORC 4505.10. Currently, the applicant gathers all evidence and presents it to the clerk. If the clerk is not satisfied, the applicant is referred to the registrar (BMV) who is, again, presented with the evidence via fax or mail. **There is no additional research which BMV could perform that the clerk cannot provide to the applicant at initial presentation.** The registrar then issues either a Letter of Authority (a letter from the registrar ordering the clerk to issue a title) or a Denial Letter (states that the registrar is unable to assist and the applicant must go through the court for a possible court ordered title). A Letter of Authority is only issued for reasons mentioned in ORC 4505.10. If a Denial Letter is issued the applicant must then file for a court ordered title and present the evidence to their court for a judge to rule.

With the new BMV process, the law itself did not change, only the BMV process for implementing the law. Upon initial presentation of evidence to the clerk, if the clerk is not satisfied and the situation does not meet R.C. 4505.10 requirements, the clerk will direct the applicant to the court system to determine if a court ordered title should be issued. The new process thus completely removes the registrar/BMV from the process. This eliminates any unnecessary steps and additional wait time for the customer.

A formal Denial Letter from the BMV is no longer required or needed for the customer to seek a court ordered title as there is no additional research being performed by BMV. An inspection by the Ohio State Highway Patrol can be done, if required by the court, which will verify the ownership of all parts and to review all required documentation. This inspection, called a HP106, is designed to identify stolen and contraband parts/vehicles.

If you have any further questions regarding the new process, please feel free to contact Nancy Blair or Karen Casparro, Supervisors of the Titling Support Unit, at (614) 752-7671.

SUPREME COURT OF OHIO - JUDICIAL COLLEGE

2013 Course Schedule

<u>DATE</u>	<u>COURSE</u>	<u>FOR</u>	<u>LOCATION</u>
July 2013			
16 - 18 Tue - Thu	Association of Municipal & County Judges of Ohio (AMCJO) Summer Conference	Judges*	Columbus
August 2013			
9 Fri	Delinquency and Unruly (1:00 p.m. - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
15 Thu	Judicial Candidates Seminar (1:30 p.m. - 3:30 p.m.)	Judicial Candidates	Columbus
16 Fri	Computer Lab: Electronic Legal Research	Judges & Magistrates	Cleveland
23 Fri	Probate Seminar	Judges & Magistrates	Columbus
September 2013			
11 Wed	Ohio Courts of Appeals Judges Association (OCAJA) Fall Conference	Judges*	Columbus
12 - 13 Thu - Fri	Ohio Judicial Conference Annual Meeting	Judges*	Columbus
20 Fri	Abuse, Neglect and Dependency (1:00 p.m. - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
20 Fri	Acting Judge Course: Small Claims (2 of 3)	Judges, Magistrates & Acting Judges	Toledo
October 2013			
2 - 4 Wed - Fri	Ohio Association of Magistrates (OAM) Fall Conference	Magistrates*	Columbus
10 Thu	Traffic Law (1 of 2)	Judges, Magistrates & Acting Judges	Cleveland
11 Fri	Judicial Ethics and Access to Justice and Fairness in the Courts	Judges & Magistrates	Cleveland
18 Fri	Juvenile Traffic (1:00 p.m. - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
25 Fri	Unauthorized Practice of Law and Vexatious Litigants in Municipal & Common Pleas General Division Courts (1:00 p.m. - 3:45 p.m.)	Judges, Magistrates & Acting Judges	Video Teleconference
November 2013			
1 Fri	Evidence	Judges & Magistrates	Columbus
14 Thu	Acting Judge Course: Small Claims (3 of 3)	Judges, Magistrates & Acting Judges	Cleveland
15 Fri	Paternity, Custody and Child Support	Judges & Magistrates	Video Teleconference
15 Fri	Traffic Law (2 of 2)	Judges, Magistrates & Acting Judges	Columbus
20 Wed	Probate Course (1:00 p.m. - 3:45 p.m.)	Judges & Magistrates	Video Teleconference
21 Thu	Interpreter Course	Judges, Magistrates & Court Personnel	Columbus

December 2013

3	Tue	Ohio Association of Domestic Relations Judges Winter Conference	Judges*	Columbus
4	Wed	Judicial Candidates Seminar (Live - 3:45 p.m. - 5:45 p.m.)	Judicial Candidates	Columbus
4 - 6	Wed - Fri	Ohio Common Pleas Judges Association (OCPJA) Winter Conference	Judges*	Columbus
5 - 6	Thu - Fri	Ohio Association of Juvenile Court Judges (OAJCJ) Winter Conference (tentative)	Judges*	Columbus
6	Fri	Magistrate Ethics, Professionalism and Substance Abuse	Magistrates	Video Teleconference
9 - 13	Mon - Fri	New Judges Orientation, Part I	New Judges	Columbus
13	Fri	Judicial Ethics (1:00 p.m. - 3:15 p.m.)	Judges	Video Teleconference

THE OHIO JUDICIAL CONFERENCE IS PROUD TO UNVEIL THE NEW AND IMPROVED WEBSITE AFTER MONTHS OF HARD WORK. WE ENCOURAGE ALL MEMBERS TO HAVE A LOOK AROUND AND ENJOY THE ENHANCED LOOK AND NAVIGATION.

WWW.OHIOJUDGES.ORG

OHIO JUDICIAL CONFERENCE

HOME ABOUT US RESOURCES LEGISLATIVE COMMITTEES DIRECTORY

WELCOME

WEEKLY FYI:

NATIONAL NEWS:

- Federal Funding Report - July 3rd 2013
- High Court Funnies
- Connected Newsletter: Blogging Judges
- Details: Sekhar v. United States

STATE NEWS:

- Judges Resource Manual update: Judicial Appointments
- 2013 Robert B. Yegge Award Recipient Named
- Supreme Court Adopts Rules of Practice and Procedure
- Ex-Judges Cannot Use Judicial Titles in Most Instances, Opinion Finds

Judge Jim James
Stark Co. Family Court Chair

"I am privileged to be the current chair of the Ohio Judicial Conference. The Ohio Judicial Conference is currently celebrating its 50th year of service to justice in Ohio. Consistent with this anniversary year we have launched this new website and we hope that you find it useful and informative. In addition to the new look we believe we have made the site easier to navigate and to find what you are looking for. If you are a member of the public you may find the "about us" tab informative on the activities of the Conference as well as the legislative tab that offers judicial insight into some of the most recent actions of the legislature. If you are an Ohio judge we encourage you to log in to access the resources available to you on this site. Thank you for visiting the Ohio Judicial Conference and helping us celebrate our 50th anniversary."

MEMBER LOGIN

User Name:
Password:

[Forgot Password?](#)

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IN HONOR OF THE OHIO JUDICIAL CONFERENCE 50 YEAR ANNIVERSARY, WE WILL BE USING A SPECIAL 50TH ANNIVERSARY COMMEMORATIVE LOGO FOR THE REMAINDER OF THE YEAR.

Special thanks to Jeff Jablonka at the Ohio Judicial Conference for the logo redesign.

