



BillBoard

NOVEMBER 13, 2017



BillBoard is a publication of the Ohio Judicial Conference that lists bills that Judicial Conference staff is monitoring on behalf of Ohio Judges and that tracks the status of items on the Judicial Conference Legislative Platform. Bills marked as having a judicial impact are priority bills that the Conference supports, opposes, or seeks to amend. Bills without such a designation are bills that have a minimal impact or that are of interest to judges.

The Ohio Judicial Conference exists for the purpose of studying the co-ordination 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. We are authorized by Revised Code section 105.911 to determine the judicial impact of bills and resolutions introduced in the General Assembly.

TABLE OF CONTENTS

Legislation.....	2-4
Legislative Platform.....	5-8
Committee List.....	9
Fact Sheet.....	10

LEGISLATION

Criminal Law & Procedure

- [House Bill 4](#) (Cocaine Amounts Determination)
- [House Bill 6](#) (Records Publications Fees)
 - [Enactment News](#)
- [House Bill 19](#) (Arson Offense Definition)
- [House Bill 30](#) (Permanently Disabling Crime Specification)
 - [Judicial Impact](#)
- [House Bill 33](#) (Safe Firearms Storage)
- [House Bill 38](#) (Criminal Offenses – Violence)
- [House Bill 48](#) (War Relic Protection)
- [House Bill 56](#) (Expungement – Human Trafficking)
- [House Bill 63](#) (Sentencing – Disfigurement Specification)
 - [Judicial Impact](#)
- [House Bill 64](#) (Expungement – Mistaken Identity)
 - [Judicial Impact](#)
- [House Bill 68](#) (Voyeurism Victim Definition)
- [House Bill 81](#) (Death Sentence – Mental Illness)
- [House Bill 92](#) (Public Indecency Classification)
- [House Bill 96](#) (Sexual Imposition – Repeat Offenders)
- [House Bill 97](#) (Eliminate Spousal Exceptions – Sexual Crimes)
- [House Bill 109](#) (Crimes Against Disabled or Elderly)
- [House Bill 141](#) (Involuntary Manslaughter – Controlled Substance)
- [House Bill 142](#) (Notifying Police of Concealed Carry)
- [House Bill 149](#) (Abortion Trafficking Penalty)
- [House Bill 201](#) (Concealed Handgun Regulations)
- [House Bill 214](#) (Down Syndrome – Abortion Ban)
- [House Bill 258](#) (Abortion – Detectable Heartbeat)
- [House Bill 259](#) (Liquor License – Violence Database)
- [House Bill 276](#) (Threatening Utility Workers)
- [House Bill 278](#) (Vehicular Assault – Law Enforcement)
- [House Bill 282](#) (Criminal Mischief Rental Restriction)
- [House Bill 296](#) (Drug Crime – Addiction Services)
- [House Bill 305](#) (Protection Order Firearm Turnover)
- [House Bill 348](#) (Drug Trafficking)
- [House Bill 349](#) (Police Animal Assault)
- [House Bill 352](#) (Dog Law)
- [House Bill 355](#) (Sexting)
 - [Judicial Impact](#)
- [House Bill 360](#) (Hazing and Bullying)
- [House Bill 365](#) (Indefinite Sentencing and Re-Entry Monitoring)
 - [Judicial Impact](#)
- [House Bill 374](#) (Child Enticement)
 - [Judicial Impact](#)
- [House Bill 389](#) (Death Penalty)
- [House Bill 395](#) (Prohibitions on Firearm Devices)
- [House Bill 405](#) (Counterfeiting)
- [Senate Bill 1](#) (Drug Laws)
- [Senate Bill 4](#) (Records Expungement)
- [Senate Bill 7](#) (Protection Order Violations)
 - [Enactment News](#)
- [Senate Bill 12](#) (Death Penalty Imposition)
- [Senate Bill 20](#) (Permanently Disabling Crime Specification)
 - [Judicial Impact](#)
- [Senate Bill 32](#) (Criminal Trial Process)
- [Senate Bill 40](#) (Death Penalty Sentencing)
- [Senate Bill 41](#) (Qualified Advocate Privileges)
- [Senate Bill 42](#) (Drug Offense Penalties)
- [Senate Bill 67](#) (Violent Offender Registry)
 - [Judicial Impact](#)
- [Senate Bill 76](#) (Criminal Trespass – Posting Notice)
- [Senate Bill 94](#) (Death Penalty Abolition)
- [Senate Bill 100](#) (Civil Rights – Discrimination Prohibitions)
- [Senate Bill 138](#) (Cavity Searches – Corrections Officers)
- [Senate Bill 142](#) (Carrying Concealed Firearms)
- [Senate Bill 145](#) (Dismemberment Abortions Ban)
- [Senate Bill 150](#) (Firearm – Domestic Violence)
- [Senate Bill 171](#) (Protection Order – Penalties)
- [Senate Bill 201](#) (Indeterminate Sentence)
 - [Judicial Impact](#)
- [Senate Bill 202](#) (Re-Entry – Electronic Monitoring)
- [Senate Bill 207](#) (Felony Assault – Strangulation)
- [Senate Bill 214](#) (Female Genital Mutilation)

Community Corrections

- [House Bill 49](#) (Operating Budget)
 - [Judicial Impact](#)
 - [Testimony](#)
 - [Testimony](#)
- [Senate Bill 3](#) (Workforce Development)
- [Senate Bill 66](#) (Sentencing Modification – Rehabilitation)
 - [Judicial Impact](#)

- [Senate Bill 171](#) (Protection Order Penalties)

Civil Law & Procedure

- [House Bill 2](#) (Civil Rights Employment Law)
- [House Bill 7](#) (Medical Care Protections)
 - [Judicial Impact](#)
- [House Bill 20](#) (Compensatory Damages Cap Removal)
- [House Bill 36](#) (Ministers-Marriage)
- [House Bill 41](#) (Voting Process)
- [House Bill 42](#) (Vehicle Tire Safety)
- [House Bill 67](#) (Judgments – Dispute Settlement)
- [House Bill 112](#) (Lease Termination – Substance Abuse)
- [House Bill 138](#) (Pay Discrimination Complaints)
- [House Bill 179](#) (Immigration Law Compliance)
- [House Bill 182](#) (Debt Adjustment)
- [House Bill 199](#) (Ohio Residential Mortgage Lending Act)
- [House Bill 267](#) (Local Liability – Vehicle Negligence)
- [House Bill 271](#) (Accessibility Law – Violation Notice)
- [House Bill 390](#) (Eviction Timelines)
- [House Bill 391](#) (Restitution – Cost of Accounting)
- [House Bill 392](#) (Bee Keeper Immunity)
- [House Bill 411](#) (Wrongful Imprisonment Claims)
- [Senate Bill 2](#) (Environmental Protection Laws)
- [Senate Bill 13](#) (Recording Law Enforcement)
- [Senate Bill 14](#) (Minimum Wages and Overtime)
- [Senate Bill 49](#) (Hiring – Felony Convictions)
- [Senate Bill 100](#) (Civil Rights – Discrimination Prohibitions)
- [Senate Bill 159](#) (Sealing Records – Pardon)
- [Senate Bill 177](#) (Civil Immunity – Volunteer Health Care)
- [Senate Bill 183](#) (Business Courts Study Committee)
- [Senate Bill 206](#) (Citizen Participation Lawsuits)

Court Administration

- [House Bill 8](#) (Public Records – Minors)
- [House Bill 34](#) (Official Notice Delivery)
- [House Bill 40](#) (Government Expenditure Database)
- [House Bill 51](#) (Department Review Schedule)
- [House Bill 103](#) (Fiscal Emergency Provisions)
- [House Bill 125](#) (Traffic Ordinance Jurisdictions)
- [House Bill 139](#) (Public Record Disclosure Exemptions)
- [House Bill 174](#) (Franklin County Domestic Relations Court)
- [House Bill 179](#) (Immigration Law Compliance)
- [House Bill 192](#) (Veterans Service Commissions)
- [House Bill 215](#) (Paulding County Municipal Court)

- [House Bill 228](#) (Use of Force – Self Defense)
- [House Bill 233](#) (Firearm – Leave Upon Request)
 - [Judicial Impact](#)
- [House Bill 234](#) (Health Facility Access – Intimidation)
- [House Bill 253](#) (Firearm – Off Duty Officer)
 - [Judicial Impact](#)
- [House Bill 310](#) (Firearm – Elected Officials)
- [House Bill 312](#) (Local Government Credit Cards)
- [House Bill 341](#) (Judges’ Information and Public Records)
 - [Testimony](#)
- [House Bill 373](#) (Concealed Handguns in Courtrooms)
- [House Bill 410](#) (Traffic Cameras and Court Jurisdiction)
- [Senate Bill 10](#) (Primary Election Requirements)
- [Senate Bill 25](#) (Perry County Municipal Court)
- [Senate Bill 33](#) (LEADS Disclosure)
- [Senate Bill 130](#) (Franklin County Domestic Relations Court)
- [Senate Bill 139](#) (Uniform Electronic Legal Material)
- [Senate Bill 141](#) (Paulding County Municipal Court)
- [Senate Bill 171](#) (Protection Order Penalties)
- [Senate Bill 180](#) (Use of Force – Self Defense)
- [Senate Bill 183](#) (Business Courts Study Committee)
- [Senate Concurrent Resolution 10](#) (*In re Gault*)

Juvenile Law & Procedure

- [House Bill 8](#) (Public Records – Minors)
- [House Bill 31](#) (Reviving RECLAIM Advisory Committee)
- [House Bill 56](#) (Expungement – Human Trafficking)
 - [Judicial Impact](#)
- [House Bill 94](#) (Teen Dating Violence Awareness)
- [House Bill 109](#) (Specification for Crimes Against Disabled or Elderly)
 - [Judicial Impact](#)
- [House Bill 126](#) (Kinship Caregiver Programs)
- [House Bill 137](#) (Mandatory Reporting – Child Abuse)
- [House Bill 174](#) (Franklin County Domestic Relations Court)
- [House Bill 283](#) (Adoption – Abuse and Neglect)
 - [Testimony](#)
- [House Bill 293](#) (Probationary Driving Privileges)
- [House Bill 318](#) (School Resource Officers)
- [House Bill 355](#) (Sexting)
- [House Bill 394](#) (Juvenile Omnibus Bill)
- [Senate Bill 4](#) (Expungement – Human Trafficking)
- [Senate Bill 7](#) (Protection Order Violations)
- [Senate Bill 63](#) (Juvenile Confinement Credit)
 - [Judicial Impact](#)

- [Senate Bill 64](#) (Juvenile Mandatory Bindovers)
 - *Judicial Impact*
- [Senate Bill 70](#) (Child Support – Technical Fixes)
- [Senate Bill 82](#) (School Absence – Parental Notification)
- [Senate Bill 125](#) (Child Support Reform)
 - *Testimony*
- [Senate Bill 130](#) (Franklin County Domestic Relations Court)
- [Senate Bill 171](#) (Protection Order Penalties)
- [Senate Bill 198](#) (Marriage Ages)

Domestic Relations Law & Procedure

- [House Bill 1](#) (Dating Violence Protections Orders)
 - *Testimony*
 - *Testimony*
 - *Testimony*
- [House Bill 126](#) (Kinship Caregiver Programs)
- [House Bill 174](#) (Franklin County Domestic Relations Court)
- [House Bill 179](#) (Immigration Law Compliance)
- [House Bill 305](#) (Protection Order Firearm Turnover)
- [House Bill 309](#) (Blind Caregivers)
- [House Bill 366](#) (Child Support Law)
- [Senate Bill 7](#) (Protection Order Violations)
- [Senate Bill 70](#) (Child Support Technical Fixes)
- [Senate Bill 125](#) (Child Support Reform)
- [Senate Bill 130](#) (Franklin County Domestic Relations Court)
- [Senate Bill 171](#) (Protection Order Penalties)

Probate Law & Procedure

- [House Bill 78](#) (Adult Protective Services)
 - *Judicial Impact*
- [House Bill 111](#) (Registered Mental Health Nurses)
- [House Bill 147](#) (Humane Society Agents)
 - *Judicial Impact*
- [House Bill 218](#) (Park Districts)
 - *Judicial Impact*
- [House Bill 223](#) (Structured Settlements)
 - *Judicial Impact*
- [House Bill 283](#) (Adoption – Abuse and Neglect)
 - *Testimony*
- [House Bill 297](#) (Title Transfer Upon Death)
- [House Bill 407](#) (Abolishing Estate by Dower)
- [Senate Bill 152](#) (Structured Settlements)
 - *Judicial Impact*

- [Senate Bill 158](#) (Combating Elder Fraud)
- [Senate Bill 178](#) (Medical Orders – Life Sustaining Treatment)

Traffic Law & Procedure

- [House Bill 9](#) (Malfunctioning Lights – Bicycles)
- [House Bill 95](#) (Distracted Driving Penalty)
 - *Judicial Impact*
- [House Bill 125](#) (Traffic Ordinance Jurisdictions)
- [House Bill 255](#) (Township Officer – Traffic Arrests)
- [House Bill 190](#) (Railroad Ordinance Requirements)
- [House Bill 207](#) (Traffic Photo – Emergency Services)
- [House Bill 208](#) (Traffic Photo – Low Population)
- [House Bill 209](#) (Traffic Photo – Ticket Limit)
- [House Bill 210](#) (Traffic Photo – Revenue Limit)
- [House Bill 260](#) (Limited Driving – Suspended License)
 - *Judicial Impact*
- [House Bill 331](#) (Accident Reports – Commercial Solicitation)
- [House Bill 336](#) (Reinstatement Fee Amnesty)
- [House Bill 410](#) (Traffic Cameras)
- [Senate Bill 30](#) (Vehicle Resolutions by Counties)
- [Senate Bill 33](#) (LEADS Disclosure)
- [Senate Bill 59](#) (Bicycle Use – Helmets)
- [Senate Bill 92](#) (Traffic Offenses – License Plates)
- [Senate Bill 106](#) (Smoking Prohibitions – Motor Vehicles)
- [Senate Bill 148](#) (Accident Report – Contact Information)
- [Senate Bill 160](#) (License Reinstatement Fee)

Jury Service

- [House Bill 13](#) (Jury Service – Excuses)
- [Senate Bill 200](#) (Jury Source Lists)

Specialized Dockets

- [House Bill 117](#) (Opioid Therapy – Drug Offenders)
- [Senate Bill 154](#) (Opioid Addiction Response)
- [House Bill 354](#) (Tiffin-Fostoria Drug Court Program)
- [House Bill 409](#) (Regional Veterans' Treatment Courts)

Appellate Law & Procedure

- [House Bill 277](#) (Stay of Judgment)

**PROGRESS REPORT
2017-2018 LEGISLATIVE PLATFORM
(UPDATED 11-13-17)**

PLATFORM ISSUE	ACTIONS/STATUS
Determination of Indigency in Civil Filings. The determination of indigency in civil filings needs to be modernized and made uniform (R.C. 1901.26, 1907.24, 2323.30, 2323.31, 2323.311, 2746.001)	JIS Adopted Possible Sponsor Identified
Jail Cap, R.C. 2929.16. Under R.C. 2929.16(A)(2), a violation of a community control sanction should include a 6-month cap, equivalent to other penalties in that section. This change clarifies that a new violation during community control can lead to a jail penalty, even if the original time sentenced has already been served.	JIS adopted Draft language approved Pending in SB 66
Removing One-Year Minimum, R.C. 2929.13. At R.C. 2929.13(B)(1)(a), the statute currently requires the judge to sentence an offender to a community control sanction for at least one year.	JIS adopted Draft language approved Pending in SB 66
Court Reporting and Transcripts. Make changes to 2301.18-2301.26 such that they are consistent with current practices and can accommodate future technological changes in court reporting.	JIS adopted Seeking Sponsor
Indigent Defense. Improve funding for public defenders and appointed counsel, and ensure that any increased funding is used to improve the overall quality of indigent defense.	JIS Adopted Seeking Sponsor
Judicial Authority to Operate the Court, Make Hiring Decisions, and Compensate Court Personnel. Repeal portions of R.C. 307.01, 2101.11, and 2151.10 as amended in Substitute Senate Bill 63 (effective 7-26-79), consistent with court rulings declaring this change to be an unconstitutional expansion of the powers of local funding authorities over court budgets, and modify R.C. 1901.31, 1901.33, 1901.331, 1901.36, 1907.20, and 1907.201 to ensure that all judges, regardless of whether in the municipal, county or common pleas courts, have the statutory power to hire and compensate court personnel.	JIS Adopted Seeking Sponsor
Segregation of Funds Collected by Courts. Enact legislation to direct state and county auditors to keep all monies collected by a court segregated in a separate account from the general revenue fund at the state, county and local level. (This entry was adopted and added to the Platform on February 25, 2011.)	JIS Adopted Seeking Sponsors

Exempting Judges' Addresses from County Auditors' Databases.	JIS Adopted Pending in HB 341
Criminal Code, Traffic/DUI Law, and Drug Law Simplification. Work with the Criminal Sentencing Commission and other interested parties in the criminal justice system to revise and simplify Title 29, Title 39 (Drug Laws), and Title 45 (Traffic Laws/DUI Law)	JIS adopted Draft language approved Seeking sponsors
Definition of Drug of Abuse. Review 4511.19, 3719.011, and 4511.181 and clarify references to "drugs of abuse," "harmful intoxicants," and "dangerous drugs," especially with regard to the establishment of impairment in OVI cases.	JIS adopted Possible Sponsor Identified
F4/F5 45-day Offender Placement Language. Make changes to 2929.13(B)(1)(a), 2929.13(B)(1)(b) and 2929.13(B)(1)(c) to reinstate judicial discretion to sentence offenders to a term of imprisonment in cases where the offender has been convicted or pleaded guilty to a felony of the fourth or fifth degree and the court believes that no community control sanctions would adequately fulfill the overriding principles and purposes of sentencing; modify 2951.03 to grant permissive authority for courts to order presentence investigation reports for felony offenders where necessary.	JIS adopted Submitted to Criminal Recodification Committee
State v. Bodyke (126 Ohio St.3d 266, 2010). Develop changes consistent with the <i>State v. Bodyke</i> ruling by eliminating 2950.031 and 2950.032.	JIS adopted Submitted to Criminal Recodification Committee
Re-Offender Sentencing. Unless the journal entry provides otherwise, a sentence imposed pursuant to R.C. § 2929.141 (Person On Release Committing a Felony) shall be served before any other sentence, including specifications. Various specifications (such as gun specifications) state that the sentence shall be served consecutively and prior to the underlying sentence, but no such direction is given regarding post-release control.	JIS Adopted Submitted to Criminal Recodification Committee
Sec. 2929.19(B)(2)(f). R.C. 341.26, 753.33, and 5120.63 lay out the authority of county and municipal jails and the ODRC to conduct random drug testing of inmates. R.C. 2929.19(B)(2)(f) needlessly duplicates these sections and requires a sentencing judge to inform an offender about the prohibition against using drugs. In instances where a judge has overlooked this requirement, almost all appeals have found it to be harmless error, but the appeals are nonetheless unnecessary and costly. R.C. 2929.19(B)(2)(f) should be deleted.	JIS adopted Possible Bill Identified
State v. Nucklos (2009). To change the definition of "affirmative defense" to correspond with recent case law.	JIS Adopted Submitted to Criminal Recodification Committee

Public Pension Reform and Marital Property. Seek changes to Title 31 to clarify that Deferred Retirement Option Plan (DROP) funds constitute marital property, to clarify that certain post-divorce and post-dissolution disability benefits are marital property, to codify the <i>Cosby v. Cosby</i> (96 Ohio St.3d 228, 2002) ruling regarding pre-retirement rights of survivorship, and to require the state retirement systems to automatically implement court division of property orders.	JIS Adopted Proposal drafted Seeking Sponsor
Parenting Time Enforcement. Create a procedural mechanism as an alternative to a motion for contempt that would permit a parent to file a motion for parenting time enforcement.	JIS Adopted Seeking Sponsor
Parental Duty of Support-Age Limit and School Enrollment. Clarify current law regarding a court's authority to continue a child support order beyond age 18 if, among other things, the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday;	JIS Adopted Seeking Sponsor
Unemployment of Child Support Obligor. To develop an automatic adjustment of a child support obligation when the obligor goes on unemployment.	JIS Adopted Seeking sponsor
Social Security Benefits. To clarify that receipt of social security benefits does not require the judge to find a person legally disabled in domestic relations court.	JIS Adopted Seeking sponsor
Permissive Appointment of Use of Private Judge. To make R.C. § 2701.10 permissive in terms of the judge making a referral for adjudication of civil actions or proceedings to a private judge if the parties have agreed to utilize a private judge.	JIS Adopted Seeking sponsor
Planned Permanent Living Arrangements (PPLA). Amend 2151.353 and 2151.415 to permit juvenile courts to order PPLA if not requested by children services agencies in response to <i>In re A.B.</i> , 110 Ohio St.3d 230, 2006.	JIS Drafted Seeking sponsor
Juvenile Justice Reform. Problems that have arisen as a result of implementing the juvenile justice reform provisions of 129 HB 86 need to be addressed.	JIS Drafted Seeking Sponsor
Make Computerization Fees uniform for all court Jurisdictions. 129 th GA passed increase in Cap for Common Pleas General Division only. Similar provisions in other sections regarding other court jurisdictions should be increased as well.	JIS Adopted Seeking Sponsor
Court Costs in Transferred Cases. To clarify the law that levying a cost in a case when the juvenile is transferred does not automatically create a final disposition of the case.	JIS Adopted Seeking Sponsor
Domestic Relations/Juvenile Jurisdiction Transfer. R.C. 2151.23, 2151.231, and 2301.03 and Chapter 3105 should be amended to grant Ohio courts with domestic relations jurisdiction the authority to hear and determine child support and child custody cases in which the child's parents are still married but living separately and enable juvenile courts to certify certain cases to the division of the court with domestic relations jurisdiction.	JIS Adopted Seeking Sponsor
Ex Parte Order Expungement. R.C. 2151.34, 2903.213, 2903.214, 2919.26, and 3113.31. The most recent budget included language that requires, on the court's own motion and after the time for appeals has lapsed, the destruction of records relevant to an ex parte protection order if, after a full hearing, a protection order was	JIS Adopted Seeking Sponsor

not issued. The provision presents several practical burdens, and should be corrected to allow for efficient implementation.	
Structured Settlements. R.C. 2323.58 <i>et seq.</i> should be modernized to provide a more workable procedure for approval of transfers of structured settlements.	JIS Adopted Pending in HB 223 & SB 152
Trust to Age 25 in Minor Settlements. A change is needed to mirror in trust actions the authority the court has in wrongful death proceedings where a minor is the beneficiary.	JIS Adopted Possible Sponsor Identified
“Safe Harbor” Provision for Trafficked Juveniles. Currently, the law allows a charge against a juvenile to be held in abeyance if the juvenile is a victim of human trafficking and the juvenile is undergoing treatment. The law allows only a 90-day time frame for the abeyance, with the possibility of 2 extensions of 90 days each. This time frame should be extended considerably or left open-ended to allow for the extensive treatment necessary for a trafficked juvenile.	JIS Adopted Pending in HB 56
Title 45 “Corrections.” Several oversights were identified in Title 45, including F3 OVI Sentencing; enhanced penalties for speeding; and an affirmative defense for emergencies when driving under suspension; discrepancy between length of driving suspension and length of vehicle immobilization.	JIS Adopted Possible Sponsor Identified
Driving Under Suspension. Current statutory language prohibiting driving under suspension of a license should include the language “or whose privilege to obtain a license has been suspended.”	JIS Adopted Seeking Sponsor
Limited Driving Privileges for Child-Support Suspensions. A person who has had his license suspended in domestic relations court for not paying child support has no mechanism, short of being found in contempt, for asking the court to allow limited driving privileges to work.	JIS Adopted Possible bill identified
Insurance Verification Modernization. The Department of Public Safety Financial Responsibility Study Committee report, most recently published in 2014, recommends eliminating the financial responsibility random verification. Because insurance verification has such a tremendous impact on the caseload of a municipal court, a real-time electronic insurance verification method should be implemented. Proof of insurance should also be required upon renewing or obtaining vehicle registration.	JIS Adopted Seeking Sponsor

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THE OJC IS AN INTEGRAL PART OF THE JUDICIAL BRANCH OF GOVERNMENT.

With every sitting judge in Ohio in its membership, the Ohio Judicial Conference is *the* voice of Ohio's judges. The Conference is organized into 20 working committees that review statutes, legislation, and court rules, and make recommendations aimed at improving the administration of justice. The Conference provides critical analysis of legislative initiatives and makes suggestions for reform and modernization through its legislative platform. The Conference publishes reports, impact statements, enactment news, policy statements, model rules, bench books, resource guides, and newsletters, and writes the Ohio Jury Instructions. The Conference advances judicial and legal education through continuing legal education events in collaboration with the Ohio Judicial College and Ohio State Bar Association.

THE OJC GIVES YOUR LOCAL JUDGES A FORUM, A RESOURCE, AND A VOICE.

The members of the Judicial Conference are kept apprised of legislative developments that impact court administration, criminal, civil, traffic, probate, domestic relations, and juvenile law. The Conference enables judges, who often have divergent opinions individually, to build consensus and speak with one voice. It acts as a forum for them to review and render opinions on the construction and effect of legislation, rules proposals, and other initiatives, and to suggest statutory and rule changes to address problems plaguing the administration of justice. It provides a meaningful way for judges to maintain effective communications with their colleagues, learn about changes in the law, and share ideas for implementation in Ohio's diverse communities.

THE OJC PROVIDES LEGISLATORS INSIGHT, INFORMATION, AND ANALYSIS.

Judges solemnly respect the distinct and separate roles of the legislature, judiciary, and executive branches of government. The Ohio Judicial Conference was statutorily created to serve the Ohio Legislature by providing insight into proposed legislation that could impact courts. The Conference strives to be a resource to the members of the General Assembly. All legislators have access to the Ohio Judicial Conference as a source of judicial feedback, research, and recommendations. Judges are in a unique position to provide early insight and perspectives on the practical impact of changes in the law that will help to avoid unintended consequences and protracted litigation. The combined experience of the Conference's judges give legislators insight that otherwise might be overlooked, to the detriment of the legislative process and the uniform administration of justice.

THE OJC HELPS TO INSTILL PUBLIC CONFIDENCE IN THE JUDICIARY.

Public confidence in the judiciary is one of the priorities of the Ohio Judicial Conference. When the Conference reviews bills, a significant and practical focus is how that bill will impact the public's access to the courts, their ability to obtain justice, and their right to be treated fairly under the law. Another of the Conference's priorities is to provide the General Assembly with insight on how legislation impacts court caseload and workload, insight that helps control the costs to the public of operating Ohio's courts.