



# JUDICIAL EXCELLENCE

## 2004 ANNUAL MEETING Marriott North, Columbus

### WELCOME

For more than 40 years, the Ohio Judicial Conference has provided judges with innovative judicial education opportunities. The 2004 Annual Meeting, in addition to providing judges with multiple opportunities to enhance their judicial skills, gives judges many opportunities to meet and discuss issues with other judges from around the state.

Thursday, September 9, 2004

### ***JUDICIAL EXCELLENCE***

(5.5 Judicial College Credit Hours)

**7:00 am**  
Pavilion

**Registration** (in the Capital Room)  
**Continental Breakfast**

**8:00 am**  
Ballroom

**Welcome & Overview of Education Program**  
Judge Cheryl S. Karner  
*Chair, Ohio Judicial Conference*

**8:15 am**  
Ballroom

**Highly Developed Judges**  
Dr. Patricia H. Murrell  
*Director, Leadership Institute, University of Memphis*

Education is the most powerful tool available to the judge. Changes in the law, the knowledge explosion, societal changes, and technology all serve as motivation for judges to learn the art and science of judging. Highly developed judges understand the need to identify and expand their resources, whether human or material, and engage in lifelong learning.

**9:45 am**

**Refreshment Break**

**10:00 am**      **Highly Developed Judges** *(continued)*  
Ballroom

**11:00 am**      **Refreshment Break**

**11:15 am**      **State of the Judiciary Address**  
Ballroom      Chief Justice Thomas J. Moyer  
*The Supreme Court of Ohio*

**12:00 pm**      **Lunch and Business Meeting—Election of Officers & Oath of Office**  
Pavilion

**1:45 pm**      **Constitutional Jurisprudence of the Rehnquist Court**  
Ballroom      Professor Erwin Chemerinsky  
*Duke University School of Law*

As the Rehnquist Court nears the end of its second decade, and likely its completion, what have been its most important contributions to constitutional law? Is there a coherent jurisprudence of the Rehnquist Court? How has the Rehnquist Court changed the law with regard to criminal law and procedure, federalism, privacy rights, equal protection, freedom of speech and religion?

The picture is a complicated one and defies simple ideological labels. All of this will be examined, with a focus on what it means for state court judges.

**3:00 pm**      **Refreshment Break**

**3:15 pm**      **Constitutional Jurisprudence of the Rehnquist Court** *(continued)*  
Ballroom

**4:30 pm**      **Refreshment Break**

**4:45 pm**      **Ohio Jury Instructions**  
Ballroom

This session will provide an introduction to the latest LexisNexis® on-line and CD ROM editions of Ohio Jury Instructions to be released in September. The new versions feature improved access to OJI contents and enhanced search options.

Judge Teresa L. Liston, Franklin County Municipal Court  
David Stone, Director of Market Planning, LexisNexis®

**5:15 pm**      **End of Education Program**

**6:00 pm**      **Judicial Reception, Dinner Buffet & Entertainment**  
Pavilion      Judges and guests, legislators, and friends of the Ohio Judicial Conference  
Entertainment featuring the *A. Waters Jazz Duo*

Friday, September 10, 2004

**ENHANCING JUDICIAL SKILLS**

(4.5 Judicial College Credit Hours)

**7:00 am**      **Registration** (in the Capital Room)  
Pavilion      **Continental Breakfast**

**8:00 – 9:15 am**

**Session 1**      **Legislative Panel: Separation of Powers**

Ballroom III

The distinctive characteristic of our system of government is its simultaneous commitment to separated and overlapping powers. The separation of powers ensures the independence of each branch and the checks and balances provide for overlapping responsibilities that necessitate cooperation between the branches. A panel of judges and legislators will discuss some areas where the tension between the legislative and judicial branches is the most pronounced.

**Moderator:** Judge William G. Batchelder, Ninth District Court of Appeals  
Judge William J. Corzine, Ross County Court of Common Pleas  
Representative Edward D. Jerse, The Ohio House of Representatives  
Representative Bob Latta, The Ohio House of Representatives  
Judge David Lewandowski, Lucas County Domestic Relations Court  
Steven H. Steinglass, Dean & Professor of Law, Cleveland-Marshall  
College of Law, Cleveland State University

**Session 2**      **Reaching the Community: Programs that Work**

Ballroom I

Reaching the public and promoting public confidence in the judicial system is important to our democratic system of government, to the judiciary, and to your success as a judge. There are many models of successful programs to follow. Judges from different jurisdictions will present brief descriptions of successful community outreach programs.

There will be time for questions and answers and presenters will provide information that could help interested judges duplicate their programs.

**Moderator:** Judge Eugene Lucci, Lake County Court of Common Pleas  
Judge John R. Adkins, Circleville Municipal Court  
Judge Edward J. Elum, Massillon Municipal Court  
Judge Sheila G. Farmer, Fifth District Court of Appeals  
Judge Randy T. Rogers, Butler County Probate Court  
Judge David E. Stucki, Stark County Family Court

**Session 3**      **Jury Service Panel**

Buckeye Room

The panel will discuss current jury service issues in light of the Supreme Court Report of the Jury Service Task Force and Senate Bill 71.

Judge Jane Bond, Summit County Court of Common Pleas  
Judge Nodine Miller, Franklin County Court of Common Pleas  
Judge Jon R. Spahr, Licking County Court of Common Pleas

**Session 4**      **Hearsay in Child Abuse Cases**  
Ballroom II

What are Child Advocacy Centers (CACs) and why are they important in child abuse cases? Explore the purpose and benefits of CACs and multidisciplinary teams. Also, review the recent United States Supreme Court decision, *Crawford vs. Washington*, 2004 U.S. LEXIS 1838, as well as Ohio Evidence Rules 803(4) and 807.

Judge Yvette McGee Brown, former judge and President, The Center for Child and Family Advocacy at Children's Hospital  
Christine Julian, Assistant Prosecutor, Franklin County Prosecutor's Office

**Session 5**      **Judicial Retirement Issues**  
Ballroom IV

This session is ideal for administrative judges, judges contemplating retirement, and judges who are already retired. A panel will present different aspects of judicial retirement.

**Moderator:** Judge John R. Milligan (retired)  
Judge R. R. Denny Clunk (retired)  
Brian Farrington, Judicial Assignment Officer, Supreme Court of Ohio  
Judge Joyce J. George (retired)  
Judge H. F. Inderlied, Jr., Geauga County Court of Common Pleas  
Jonathan W. Marshall, Esq., Secretary, Board of Commissioners on Grievances and Discipline, Supreme Court of Ohio  
Richard C. Morrow, CPA, CFP, Hill, Barth & King LLC, Boardman, Ohio

**9:15 am**      **Refreshment Break**

**9:30 – 10:45 am**

**Session 6**      **Legislative Panel: Court Costs**  
Ballroom III

A panel of judges and legislators will discuss the responsibility to properly fund the court and why increasing court costs may be detrimental to the effectiveness of the courts.

**Moderator:** Judge Jan Michael Long, Pickaway County Probate/Juvenile Court  
Judge John R. Adkins, Circleville Municipal Court  
Representative Todd Book, The Ohio House of Representatives  
Judge Mark R. Schweikert, Hamilton County Court of Common Pleas  
Representative John R. Willamowski, The Ohio House of Representatives

**Session 7**      **Evidence in Domestic Relations Cases**  
Ballroom II

This session will examine some of the evidentiary issues frequently encountered in domestic relations cases, with an emphasis on hearsay, expert testimony, and the burdens of proof and going forward.

Ronald L. Solove, Esq., Solove Law Office, Columbus

**Session 8 Jury Service Panel** *(Repeat of Session 3)*  
Buckeye Room

Judge Jane Bond, Summit County Court of Common Pleas  
Judge Nodine Miller, Franklin County Court of Common Pleas  
Judge Jon R. Spahr, Licking County Court of Common Pleas

**Session 9 Funding for Specialty Courts Panel**  
Ballroom I

Panelists will discuss the various specialty courts and/or specialty dockets in place in Ohio. Emphasis will be on funding these initiatives - how they are funded and where to find funding.

**Moderator:** Judge John M. Durkin, Mahoning County Court of Common Pleas  
Melissa Knopp, Manager, Specialized Dockets Section, Supreme Court of Ohio  
Joe Krake, Manager, Mental Health Diversion Alternatives, Office of Forensic Services, Ohio Department of Mental Health  
Joani Moore, State TASC and Drug Court Coordinator, Ohio Department of Drug and Alcohol Addiction Services

**Session 10 Judicial Retirement Issues** *(Repeat of Session 5)*  
Ballroom IV

**Moderator:** Judge John R. Milligan (retired)  
Judge R. R. Denny Clunk (retired)  
Brian Farrington, Judicial Assignment Officer, Supreme Court of Ohio  
Judge Joyce J. George (retired)  
Judge H. F. Inderlied, Jr., Geauga County Court of Common Pleas  
Jonathan W. Marshall, Esq., Secretary, Board of Commissioners on Grievances and Discipline, Supreme Court of Ohio  
Richard C. Morrow, CPA, CFP, Hill, Barth & King LLC, Boardman, Ohio

**10:45 am Refreshment Break**

**11:00 – 1:00 pm**

**Session 11 Judicial Ethics and Professionalism, including Substance Abuse**  
Ballroom IV (Meets CJE Requirements)

This session will address three areas: (1) A summary of recent disciplinary cases involving judges, with specific attention to cases dealing with judges who experienced personal control and substance abuse issues. (2) The duty to report violations of the *Code of Judicial Conduct* and the *Code of Professional Responsibility* under Canon 3(D), using hypothetical mental health and substance abuse scenarios and the responder system. (3) A review of the ABA hearings on the Model Code of Judicial Conduct and the proposals to modify the Code to deal with the role of specialty court judges, a judge's involvement in community matters/fund raising and assisting pro se litigants.

Judge John R. Adkins, Circleville Municipal Court  
Judge Colleen C. Cooney, Eighth District Court of Appeals  
Judge David A. Ellwood, Guernsey County Court of Common Pleas  
Jonathan W. Marshall, Esq., Secretary, Board of Commissioners on Grievances and Discipline, Supreme Court of Ohio  
Judge Frederick E. Mong, Hocking County Probate/Juvenile Court  
Scott Mote, Esq., Executive Director of Ohio Lawyer's Assistance Program, Columbus

**Session 12**  
Ballroom I & II

**State Constitutional Law: Emerging from the Federal Shadow  
and Highlights of the Past Term of the Ohio Supreme Court**

Professor Marianna Brown Bettman  
*University of Cincinnati School of Law*

Professor Bettman will review the most important cases of the last term of the Ohio Supreme Court (June 2003-June 2004), including new developments in state constitutional interpretation. She will analyze whether there have been significant changes of direction with a newly constituted Court, and if so, in what areas.

**1:00 pm End of Annual Meeting - Box Lunch in Ballroom III**

## **SAVE THE DATES!**

### **BENCH-BAR CONFERENCE**

**NOVEMBER 9-10, 2004**

**HYATT REGENCY, COLUMBUS**

### **PUBLIC RECORDS AND THE COURTS: A SYMPOSIUM**

**FEBRUARY 24, 2005**

**MARRIOTT NORTHWEST, COLUMBUS**

### **2005 COURT TECHNOLOGY CONFERENCE**

*Coming May 2005*

### **OJC 2005 ANNUAL MEETING**

**SEPTEMBER 15-16, 2005**

**EMBASSY SUITES, DUBLIN**

*Evidence...Evidence...Evidence!*