

Ohio Judicial Conference

Executive Committee Meeting

March 14, 2014

10:00 am – 2:00 pm

Moyer Judicial Center

Agenda

- | | |
|---|---|
| I. CALL TO ORDER | Judge Jim D. James |
| <ul style="list-style-type: none">• Roll Call & Introductions• Minutes, November 1, 2013 | |
| II. FINANCIAL REPORT | Mark Schweikert/Jayma Umbstaetter |
| <ul style="list-style-type: none">• Financial Report through February | |
| III. SUPREME COURT PERSPECTIVE | Chief Justice Maureen O'Connor/Steve Hollon |
| <ul style="list-style-type: none">• | |
| IV. JUDICIAL CONFERENCE | |
| Chair's Report | Judge Jim D. James |
| <ul style="list-style-type: none">• Sentencing Commission | |
| Executive Director | Mark R. Schweikert |
| <ul style="list-style-type: none">• Retired Judge Members practicing law• Magistrates on Committees access to website• Judicial Election Candidates (May Primary)• 2014 Ohio Judges Directory – distribution list | |
| V. OLD BUSINESS | |
| <ul style="list-style-type: none">• Nominating Committee | Judge Thomas A. Swift |
| VI. NEW BUSINESS | |
| <ul style="list-style-type: none">• | |
| VII. JUDICIAL ASSOCIATIONS REPORT | |
| <ul style="list-style-type: none">• Ohio Court of Appeals Judges Association• Ohio Common Pleas Judges Association• Ohio Association of Domestic Relations Judges• Ohio Association of Juvenile Court Judges• Ohio Association of Probate Judges• Association of Municipal/County Judges of Ohio | G. Gary Tyack/John W. Wise
Jonathan P. Hein/Guy L. Reece, II
Richard P. Wright/Diane M. Palos
Debra L. Boros/Matthew P. Puskarich
Kenneth J. Spicer/Jan Michael Long
Beth W. Root/William Allan Grim |
| VIII. COMMITTEE REPORTS | |
| Appellate Law and Procedure | Sheila G. Farmer/Sylvia Sieve Hendon |
| Civil Law and Procedure | Philip M. Vigorito/Gene A. Zmuda |
| Community Corrections | James L. DeWeese/Howard H. Harcha, III |
| Court Administration | John J. Russo/James A. Shriver |

Court Technology	Jonathan P. Hein/John W. Wise
Criminal Law and Procedure	Joyce A. Campbell/Cynthia Westcott Rice
Domestic Relations Law & Procedure	Cheryl S. Karner/David Lewandowski
Judicial Compensation	Timothy J. Grendell/Everett H. Krueger
Judicial Education	Stephen W. Powell
Judicial Ethics & Professionalism	Mary DeGenaro/Thomas M. Marcelain
Jury Instructions	Mary E. Donovan/Jeffrey L. Reed
Jury Service	Jeffery B. Keller/Reeve W. Kelsey
Juvenile Law and Procedure	Luann Cooperrider/Robert C. DeLamatre
Legislative	Jan Michael Long/John R. Willamowski
Magistrates	Carol J. Dezso/Beth W. Root
Personnel and Office Administration	John M. Durkin
Probate Law and Procedure	Jan Michael Long/Jack R. Puffenberger
Public Confidence and Community Outreach	David M. Gormley/Eugene A. Lucci
Publications	Nancy D. Hammond, <i>Retired</i> /Deborah J. Nicastro
Retired Judges	Mel Kemmer, <i>Retired</i> /Nodine Miller, <i>Retired</i>
Specialized Dockets	John M. Durkin/Carol Ann Robb
Traffic Law and Procedure	Mark B. Reddin/Jennifer P. Weiler

IX. OTHER BUSINESS

X. 2014 EXECUTIVE COMMITTEE MEETINGS

Friday, May 2 (10:00-2:00)	Executive Committee Meeting; Moyer Judicial Center
Wednesday, August 27 (10:00-2:00)	Executive Committee Meeting; Hilton Easton, Columbus
Friday, November 7 (10:00-2:00)	Executive Committee Meeting; Moyer Judicial Center

XI. ADJOURNMENT



Appellate Law and Procedure Committee

Executive Committee Report March 14, 2014

Co-Chairs

Judge Sheila G. Farmer
Judge Sylvia Sieve Hendon

Members

Judge Mary DeGenaro
Judge Stephen W. Powell
Judge Cynthia Westcott Rice
Judge James D. Sweeney,
Retired
Judge G. Gary Tyack
Judge Steven A. Yarbrough
Judge Matthew W. McFarland
Judge Michael Walsh

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. It makes recommendations to improve the Ohio Revised Code, Ohio Rules of Appellate Procedure, and relevant Supreme Court Rules of Superintendence.

The committee met last on February 26, 2014 in conjunction with the Ohio Court of Appeals Judges Association. The Committee will meet next, by conference call, on Friday, June 6, 2014.

Since the last written report, the committee had a presentation from Judge Sean Gallagher regarding appellate review of criminal sentencing in light of House Bill 86 and Senate Bill 160. The presentation discussed the need for further statutory clarification to give appellate judges more guidance on the parameters of appellate review. Judge Gallagher indicated to the Committee that he intends to work with the Criminal Sentencing Commission.

The Committee also discussed an issue raised by Judge Farmer regarding remands from the Supreme Court and the lack of clarity in some cases as to which parts of a case have been reversed or needed remand to the trial court. The committee decided that it is best to handle such issues informally as they arise and will take no further action.

Finally, the Committee reviewed proposed changes to the Ohio Rules of Appellate procedure and Superintendence Rule 14 regarding judicial emergencies. Judge Farmer asked Committee members to submit any written comments to the Court by the appropriate deadline.

Respectfully Submitted,

Judge Sheila G. Farmer &
Judge Sylvia Sieve Hendon, Committee Co-Chairs



Civil Law and Procedure Committee

Executive Committee Report March 14, 2014

Co-Chairs

Judge Philip M. Vigorito
Judge Gene A. Zmuda

Members

Judge Richard E. Berens
Judge Tina Boyer
Judge Forrest W. Burt
Judge Barbara S. Carter
Judge William J. Corzine, *ret.*
Judge William R. Finnegan
Judge Richard A. Frye
Judge Joseph Gibson
Judge Michael R. Goulding
Judge Thomas J. Grady
Judge Robert G. Hart
Judge Reeve W. Kelsey
Judge Richard M. Markus, *ret.*
Judge Jerry R. McBride
Judge Jerome J. Metz, Jr.
Judge Beth A. Myers
Judge Mark S. O'Connor
Judge Charles L. Pater
Judge Joseph D. Russo
Judge Brendan J. Sheehan
Judge Kenneth R. Spanagel
Judge Jonathan Starn
Judge Tygh M. Tone
Judge John T. Wallace
Magistrate Dennis Sarisky
Magistrate Elizabeth Watters

The Civil Law and Procedure Committee last met on January 31, 2014 to discuss the following topics:

Receivership (House Bill 9/Rep. Stautberg and Sen. Coley). Judge Frye worked with the Senate Civil Justice Chair to craft an amendment to this bill, has testified as a proponent, and is currently working with the sponsor to sync the bill with model law language.

Uniform Determination of Indigency in Civil Filings. Representative Sykes and OLAF alerted the Ohio Supreme Court to the disparate determination of indigency across Ohio counties. The Committee has reviewed this issue and Judge Spanagel drafted a recommendation, which may be included in the Mid-Biennium Review.

Civil Actions Between Parties Other Than Natural Persons (House Bill 225, Rep. Butler). This bill was amended to include a request to the Supreme Court to change Civil Rule 68.

Medical Liability (House Bill 276, Rep. Stautberg). The bill would likely sharply curtail the ability of plaintiffs to bring successful medical malpractice suits. The Committee authored a letter to the sponsors with concerns.

Religious Freedom Restoration (House Bill 376, Reps. Derickson and Patmon). The bill would likely create a dramatic increase in caseload and is worded poorly, making it vulnerable to abuse. The Committee authored a letter to the sponsors with concerns, and the bill has been removed from further consideration.

Private Selling Officers (Proposal by MDK, LLC). In the hopes of expediting sheriff's sales, MDK has proposed creating Private Selling Officers who can sell foreclosed properties. The Committee opposes this proposal. A memo was provided to MDK describing the judges' concerns.

Civil Rule 53. The Committee voted to express support of proposed changes to Civil Rule 53.

The next meeting of the Civil Law & Procedure Committee will be held May 9, 2014 via conference call.



Community Corrections Committee

Executive Committee
March 14, 2014

Co-Chairs

Hon. James L. DeWeese
Hon. Howard H. Harcha, III

Members

Hon. Teresa Lyn Ballinger
Hon. Robert J. Brown, *Retired*
Hon. Forrest W. Burt
Hon. Marilyn B. Cassidy
Hon. John A. Connor
Hon. Nancy A. Fuerst
Hon. L. Alan Goldsberry
Hon. T. Shawn Hervey
Hon. Harry J. Jacob, III
Hon. Linda J. Jennings
Hon. Everett H. Krueger
Hon. Julie M. Lynch
Hon. Jerry R. McBride
Hon. David H. McKenna
Hon. James L. Miraldi
Hon. Robert D. Nichols, *Retired*
Hon. Charles L. Patton
Hon. Mary Margaret Rowlands
Hon. John W. Rudduck
Hon. Michael J. Russo
Hon. Nancy Margaret Russo
Hon. Keith M. Spaeth
Hon. Elizabeth Lehigh Thomakos
Hon. Steven O. Williams, *Retired*

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.

The committee held a conference call on January 21st to discuss specific issues of concern to the courts which were identified at the October 31st roundtable for common pleas judges and DRC.

ORAS for Municipal Courts

The committee has sponsored several workgroup meetings for municipal judges and probation officers to meet with DRC and Dr. Ed Latessa, University of Cincinnati. The topic is the use of ORAS in municipal courts. Through the discussions several issues were brought to light and Dr. Latessa and his staff have been working on creating a misdemeanor version of ORAS. This group will meet again on Monday, March 24th to review the draft of the proposed tool.

Adult Probation Supervision and Revocation Policies

In 2013, a sub-committee was established to explore the creation of model local rules for minimum number of supervision contacts, and a graduated response policy, for the courts to be in compliance with House Bill 86. It was determined that one model would not work for all counties.

To assist counties in developing guidelines, several counties provided their policies for reference. These have been posted to the OJC website on the Community Corrections Committee webpage and have also been included under Resources with the Tools and Bench Aids.

Standard Commitment Form

A sub-committee was established in 2011 to explore the creation of a standard commitment form to be used by all judges sending offenders to DRC. The intent was to make the information DRC needs included in the entries easy to locate and not be open to interpretation, in order to avoid confusion between the ODRC and sentencing courts. It was determined that a standard commitment form would not work for all counties.

Several courts provided sentencing forms as examples of how sentencing entries can be written. These have been posted to the OJC website on the Community Corrections Committee webpage and have also been included under Resources with the Tools and Bench Aids.

The next meeting of the committee will be a conference call on April 22, 2014.

Respectfully submitted,
Judge James L. DeWeese, co-chair
Judge Howard H. Harcha, III, co-chair



Court Administration Committee

Executive Committee Report

March 14, 2014

Co-chairs

Hon. John J. Russo
Hon. James A. Shriver

Members

Hon. Mary J. Boyle
Hon. Jerry L. Buckler
Hon. John S. Collier
Hon. Rocky A. Coss
Hon. Ronald P. Forsthoefel
Hon. Nancy A. Fuerst
Hon. Robert C. Hickson, Jr.
Hon. Terry Ivanchak
Hon. Thomas A. Januzzi
Hon. Mel Kemmer, *Retired*
Hon. Charles F. Kurfess, *Retired*
Hon. Jerry R. McBride
Hon. Deborah J. Nicastro
Hon. Colleen Mary O'Toole
Hon. Noah E. Powers, II
Hon. Kathleen M. Rodenberg
Hon. Charles A. Schneider
Hon. Nick A. Selvaggio
Hon. Corey E. Spitzer
Hon. Paul E. Spurgeon
Hon. John B. Street
Hon. Maureen Ann Sweeney

Others

Ms. Jo Ellen Cline
Magistrate Anthony D'Apolito
Mr. Steven Hollon
Magistrate John Homolak

The Court Administration Committee met last on January 24, 2014 and will meet next on May 1, 2014. The Committee has the following updates since our report submitted on November 1, 2013.

Judicial Allotment & Court Consolidation. Since the last written report, the subcommittee, chaired by Judge Russo, met to approve changes to the draft policy statement on allotment to incorporate policy considerations on judicial allotment. The full Court Administration Committee approved the draft and voted to recommend the policy statement for adoption by the Executive Committee. The policy statement and considerations are attached for your consideration and approval.

Superintendence Rules. The committee reviewed and discussed the following proposals regarding the Rules of Superintendence:

- Sup. R. 14 (Temporary Relocation of Courts). The Committee had previously raised concerns about the change to the authority of the local judge. The proposal was amended to incorporate the Committee's suggestions and was recirculated for comment. No additional comments were received.
- Sup. R. 9.01 (Mandatory Training for Court Security Officers). The committee raised concerns about the separation of powers and language exempting private contractors from the definition of "court security officer." The Committee asked John Van Norman from the Supreme Court to communicate these concerns to the Commission on the Rules of Superintendence.
- Sup. R. 26 et. seq. (Court Record Retention). Judge Tom Januzzi raised an issue with the Committee regarding the court record retention schedule, specifically the schedule in OVI cases, and whether the entire file or just a portion of the file should be retained. The committee is preparing a letter to the Commission on the Rules of Superintendence.

Proposed Legislation. The committee reviewed and discussed the following bills/resolutions:

- HJR 8 (Term Limits) - The committee raised concerns with the impact that term limits would have on the judicial branch and the administration of justice in Ohio. A formal response has been prepared and will be sent if necessary.
- HJR 10 (Elected Officer Recall) - The committee is currently reviewing this proposal that would allow for recall elections of elected officers, including judges. There are concerns about how the proposal will impact the independence of the judiciary. The committee is developing a response.

- House Bill 236/House Bill 403 (Concealed Carry - Courthouse) - The committee raised concerns with the breadth of the definition of "government official" in House Bill 236 and how the legislation could impact court security and the separation of powers. A letter was sent to the bill sponsor.
- House Bill 285 (Retire/Rehire) - The committee raised concerns with the bill's impact on the courts and court personnel. A formal response to the bill has been drafted and will be sent if necessary.

Other Items. The committee also reviewed and discussed the following:

- Restitution in Criminal Cases - In response to a bench card on the collection of fines and court costs that was distributed by the Supreme Court, the committee is looking at the issue of incarcerating individuals for failure to pay restitution. The committee will request a clarification to the bench card and continue to study the issue.
- Bail Agents Proposal - The committee reviewed a proposal from the Ohio Bail Agents Association to allow for the automatic lapse of bail after 18 months. The issue was deferred to the Criminal Law & Procedure Committee.
- Indigent Defense - The committee reviewed a revised proposal from the Ohio Public Defender to reform the provision of indigent defense in Ohio. The new proposal would increase reimbursement to fifty percent, establish a standard system of rates and caps, and base reimbursement on compliance with system standards. The OPD is still in the process of developing these proposals and will follow up with the OJC.

Policy Considerations on Judicial Allotment

1. **Need for Process.** The Ohio Constitution grants the Ohio General Assembly certain authority to increase, decrease and otherwise adjust the allotment of judges throughout the state. The traditional process for the allotment of judges is informal, imprecise, and unstructured. It would be beneficial to both the legislative and judicial branches of Ohio government to have a formal mechanism in place for the proper and routine determination of such issues. Such determinations should be made upon a careful examination of relevant information.
2. **Data and Statistic Analysis.** Although population shifts can be an indicator of changing need for judicial resources, population shifts are not reliable as a sole indicator and are inferior to other data sources such as caseload and workload. Even examination of other similar jurisdictions might not be determinative if those comparable courts also suffer from excessive workload. The Ohio Supreme Court has adopted *Procedures for the Creation and Consolidation of Judgeships* that are “intended to establish consistent practices in reviewing the statistical and practical implications in the creation, consolidation, and elimination of judgeships.” This procedure is comprehensive and is likely to be the most accurate objective analysis of need.
3. **Recommending Body.** The determination of need for judicial resources necessarily involves the examination of other resources and support such as the availability of local and state funding, facility resources, local legal environment, and other local considerations. This requires the involvement of officials other than judges. Whenever possible, input from local authorities should be encouraged and highly valued by decision makers. Because of the impact on the overall administration of justice throughout the state, the Judicial Conference should have representation on any recommending body, which should be made up primarily of judges in order to preserve the independence of the judicial branch.
4. **Primary Consideration.** While the Ohio General Assembly is the final arbiter of judicial allotment, it should give great deference to the expertise of the judiciary in administering justice and err on the side of caution to give priority to quality over economy. O Const. Art. IV section 4 states the standards of “*the fair, impartial, speedy, and sure administration of justice*” are to be considered in the process of allocating judges of the common pleas courts. The fair and sure administration of the laws is a primary and essential function of government and should not be subordinated to other objectives.
5. **One County-One Judge.** The Ohio Constitution provides for a default of at least one common pleas court judge in every Ohio county without regard to population. This is a reflection of the framers’ commitment to home rule that appears similarly throughout the structure of Ohio government. This provision should not be summarily disregarded in favor of efforts to economize or streamline administration.
6. **Best implemented with Attrition.** Any system designed for the purpose of eliminating judgeships should be implemented through attrition whenever possible. Attrition occurs when a sitting judge dies, resigns, retires, or decides not to seek re-election. The best time

Policy Considerations on Judicial Allotment

to consider the continuing need of a judgeship is when it is vacant and due to be filled. The possibility for abuse and violation of judicial independence through selective abolishment in term based on performance of an individual judge or political patronage must be precluded. O Const Art. IV section 15 provides, “*no such change, addition, or diminution shall vacate the office of any judge.*” O Const Art. IV section 17 provides that no judge shall be removed “*except upon complaint*” and by concurrent two thirds resolution of both houses of the general assembly. Sufficient accountability is provided through professional self discipline and the prerogative of the citizen voter according to term elections. Between terms, any elimination of a judgeship should be done by reference to the county, court, and division if any, only. The abolishment should be implemented over a 5 year period, by the abolishment of the last created judgeship in that court and division at the end of the current term.

7. **Equality in effect.** Where the abolishment of a judgeship works a hardship on an individual judge by cutting short that judge’s career through no fault or failed candidacy, the Ohio General Assembly and the Supreme Court of Ohio should provide sufficient security through mandatory early retirement options fashioned to the specific circumstances of the judge and existing budget conditions.
8. **How often to review.** A rolling and routine review will give judicial candidates and incumbent judges as well as local communities the best information regarding career impact and community resource needs. The next best option is to review need whenever a judicial office is or is expected to be vacated by attrition.

Any effort to modify the allotment of Ohio’s judiciary must preserve the necessary elements of judicial independence and provide for a careful and periodic evaluation of judicial resources based on relevant information with adequate opportunity for local considerations and judicial recommendations.



Ohio Judicial Conference Policy Statement

POLICY STATEMENT ON JUDICIAL ALLOTMENT & COURT CONSOLIDATION

Prepared by

Ohio Judicial Conference Court Administration Committee

Approved by

Ohio Judicial Conference Executive Committee

March 2014

OFFICERS

Judge Jim D. James
Chair

Judge John M. Durkin
Chair Elect

Judge James A. Shriver
First Vice Chair

Judge Stephen W. Powell
Second Vice Chair

Judge Thomas A. Swift
Immediate Past Chair

Chief Justice Maureen O'Connor
Honorary Chair

EXECUTIVE DIRECTOR

Mark R. Schweikert

EXECUTIVE COMMITTEE

The Executive Committee establishes Judicial Conference policy and adopts resolutions that express judicial consensus.

In addition to the Judicial Conference Officers and Executive Director, the Executive Committee is composed of the co-chairs of the standing committees of the Judicial Conference; the presiding officers and presiding officers elect of Ohio's judicial associations; and the Administrative Director of the Supreme Court of Ohio.

What is a Policy Statement?

A Policy Statement describes as objectively and accurately as possible the position of the Ohio Judicial Conference. Typically policy statements are developed by a standing committee of the Ohio Judicial Conference and presented to the full Executive Committee for their consideration. All policy statements are approved by the full Executive Committee of the Ohio Judicial Conference. The Ohio Judicial Conference prepares these statements to clarify and explain the position the Judicial Conference has taken with regard to a particular issue that the Judicial Conference has determined relevant to the administration of justice.

Ohio Judicial Conference

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Ohio courts are committed to public access to justice. The Ohio Judicial Conference believes Ohio judges have a constitutional responsibility and duty to protect the administration of justice. They must ensure that budgetary, structural, or other changes to Ohio courts do not have a negative impact on the capacity of judges to operate and maintain the courts and provide access to justice to the citizens of the state of Ohio.

The Ohio Judicial Conference has adopted the following policy as guidance to local courts when considering structural changes to an Ohio court.

In multi-judge courts, when judgeships will be vacant due to a judicial retirement, death, or other cause, the courts should undertake a process of assessing the continued need for the judgeship. No judgeship should be automatically filled until the court studies whether the judgeship is justified according to prevailing caseload, workload, and other factors affecting the reasonable and necessary operation and maintenance of the court.

All courts should periodically evaluate the operation of their courts, including the addition or reduction of judgeships.

The mechanics of such a process are clearly set forth in procedures developed by the Supreme Court of Ohio. These principles and procedures are fully described in "Procedures for the Creation and Consolidation of Judgeships" that have been issued by the Administrative Director of the Supreme Court and have been followed historically whenever the creation or elimination of judgeships has been considered by the Ohio General Assembly.

All courts are encouraged to adopt efficient and effective practices and to implement cost-saving measures. Any innovations should be carefully considered and consequences weighed so as to avoid any unnecessary or unanticipated impact on the courts. Of primary significance is that transitions should minimize any disruption in court services and to the administration of justice for the public, attorneys, litigants, jurors, witnesses, or others who use Ohio's courts.

The Ohio Judicial Conference believes that the judiciary is an independent branch of government and that all decisions to restructure Ohio courts should be a primary decision of the courts in collaboration with the local funding authorities, the legislative and executive branches of government, as well as members of the local bar and legal community. The fair administration of justice should always be the primary consideration and attempts to achieve cost savings at the expense of the administration of justice should be resisted.

DRAFT



Court Technology Committee

Executive Committee Report

March 14, 2014

Co- Chairs

Judge Jonathan P. Hein
Judge John W. Wise

Members

Judge K. William Bailey
Judge Jerry L. Buckler
Judge Gary L. Byers
Judge Timothy P. Cannon
Judge Anthony Capizzi
Judge Michelle D. Earley
Judge Ronald P. Forsthoefel
Judge Duane A. Goettemoeller
Judge James L. Hoover, *Retired*
Judge Michael P. Kelbley
Judge Eugene A. Lucci
Judge Alfred W. Mackey
Judge Lee W. McClelland
Judge Mark J. Mihok
Judge Carol White Millhoan
Judge Thomas S. Moulton, Jr.
Judge Deborah J. Nicastro
Judge Mark B. Reddin
Judge Robert W. Rettich, III
Judge Christopher D. Roberts
Judge Joseph D. Russo
Judge Brendan J. Sheehan
Judge Corey E. Spittler
Judge James F. Stevenson
Judge Maureen Ann Sweeney
Judge Diane S.A. Vettori
Judge Michael J. Voris, *Retired*
Judge Gayle Williams-Byers
Judge Richard P. Wright
Judge Robert S. Wynn
Judge Gary L. Yost

Others

Magistrate Donna Hanneman
Magistrate Charles Lawrie

The Court Technology Committee explores new developments in court technology and policies related to these developments. This committee also serves as a resource to help Ohio judges effectively use technology.

The Court Technology Committee held its last meeting on February 14th.

Court Technology Conference Future (Updates)

Registrations as of 3/7 – Vendors: 33 , Attendees: 100

3 hours of CLE will be offered:

- Barron K. Henley, Affinity Consulting Group – “Tech Tips, Tricks, Gadgets, and Cool Stuff”
- Nial Raaen, National Center for State Courts – “Records Management”

The co-chairs of the Court Technology Committee continue to work with representatives from both the Ohio Association for Court Administrators and the Ohio Clerk of Courts Association to discuss plans for the 2014 Court Technology Conferences to join forces with these respective associations. Several goals are being pursued: (1) increasing attendance of technology users, (2) adding more vendors with varied hardware and software applications, and (3) encouraging collaboration between local technology decision-makers. The Committee will host its own exhibitor booth where Judges will model and encourage technology currently being applied in their courts. This interactive display would provide a Q & A opportunity for conference attendees and also increase judicial participation.

Website Maintenance

After the Ohio Judicial Conference website redesign was launched in July of last year, the OJC staff has been working with a new vendor (CGI) in a continuing effort to improve and ensure that our members are getting the best user experience possible.

Future Meetings:

- **Wednesday, May 14 – 5:30 PM to 7:00 PM**
(Crowne Plaza Columbus North)
- **Thursday, May 15 – 7:30 AM to 3:15 PM**
(Court Technology Conference, Crowne Plaza Columbus North)
- **Wednesday, August 27 – 2:00 PM to 3:00 PM-** (Hilton Easton)
- **Friday, November 21 – 12:00 PM to 1:00 PM -** (Conference Call)



Criminal Law and Procedure Committee

Executive Committee Report March 14, 2014

Co-Chairs

Judge Joyce A. Campbell
Judge Cynthia Westcott Rice

Members

Judge Dennis J. Adkins
Judge Michael M. Ater
Judge Ann E. Beck
Judge William David Branstool
Judge Michael A. Buckwalter
Judge Lynne S. Callahan
Judge William J. Corzine, ret.
Judge Vincent A. Culotta
Judge Michael P. Donnelly
Judge Gary Dumm
Judge Michelle D. Earley
Judge John L. Good
Judge David M. Gormley
Judge Gregory A. Grimsli
Judge Thomas M. Hanna
Judge Robert G. Hart
Judge Gary W. Herman
Judge T. Shawn Hervey
Judge Thomas A. Januzzi
Judge Mel Kemmer, retired
Judge James Lanzo
Judge Deborah A. LeBarron
Judge Thomas M. Marcelain
Judge Alan R. Mayberry
Judge George P. McCarthy
Judge Stephen B. McIlvaine
Judge David H. McKenna
Judge Timothy N. O'Connell
Judge Noah E. Powers, II
Judge Jennifer L. Sargus, ret.
Judge Jon P. Schaefer
Judge Megan E. Shanahan
Judge Brendan J. Sheehan
Judge James A. Shriver
Judge Lee Sinclair, Retired
Judge John M. Solovan, II
Judge Kenneth R. Spanagel
Judge Brett M. Spencer
Judge David N. Stansbury
Judge Jonathan Starn
Judge Diane S.A. Vettori
Judge Philip M. Vigorito
Judge Nanette Von Allman
Judge Mark W. Wall
Judge John T. Wallace
Judge Stephen Wolaver
Judge Tyrone K. Yates

The Criminal Law & Procedure Committee's February 5 meeting was cancelled due to weather. The committee met via teleconference on February 28 to discuss the following items:

Truth in Pleading.

Judge Donnelly spoke to the Committee about changing the Rules of Criminal Procedure to guide judges in decisions of accepting plea agreements that bear a factual relationship to the original charge.

Sentencing Commission.

Justice O'Connor has proposed dissolving the Sentencing Commission and replacing it with the Criminal Justice Commission.

Legislation.

- Device Locator Information without a Warrant: S.B. 5/Sens. Brown and Manning. The bill was going to be amended significantly in the House (and require reporting on warrants by judges), but the amendment is now not likely to be introduced.
- F4/F5 Sentencing Mechanism: H.B. 251/Rep. Barborak. The bill would allow discretion in sentencing and eliminate the need for a judge to defer to DRC for community control sanctions. The bill has become a cornerstone for discussions with ODRC to lower prison population.
- Destiny's Law: H.B. 349/Rep. Hackett. After consultation with Committee members and OPAA, the bill is being amended to include a more usable definition of "permanent disabling harm."
- Criminal Law Revision: S.B. 143/Sen. Seitz. The record-sealing provision is being amended. Other OJC amendments include a CASC provision and a Nucklos fix initially requested by the OJI Committee.
- SORN Revision: S.B. 144/Sen. Seitz. The committee is reviewing the possibility of amending this bill to address difficulties with appeals.
- Protection Order Violations: S.B. 26/Sens. Bacon and Manning. The committee has some concerns with changing the definition of notice; the Domestic Relations L & P Committee will be providing suggested changes.
- Drug Immunity if Seeking Medical Aid: H.B. 363/Reps. Sprague and Driehaus. The committee has expressed concerns about this bill, which have been developed into amendments; testimony was provided urging the amendments be adopted.
- Inmate Work Program: H.B. 407/Rep. Butler. The sponsor has asked for the opinion of the OJC and the Committee will work with the sponsor.

The next meeting is scheduled for April 11, 2014.



Domestic Relations Law & Procedure Committee

Executive Committee Report March 14, 2014

Co-chairs

Judge Cheryl S. Karner
Judge David Lewandowski

Members

Judge Craig R. Baldwin
Judge Scott N. Barrett
Judge Jerry L. Buckler
Judge Leslie Ann Celebrezze
Judge Heather M. Cockley
Judge Janet R. Colaluca
Judge William J. Corzine, *Retired*
Judge Carol J. Dezso
Judge Colleen A. Falkowski
Judge Joseph Giulitto, *Retired*
Judge Paula C. Giulitto
Judge Rosemary Grdina Gold
Judge L. Alan Goldsberry
Judge Jeffrey A. Hooper
Judge Steven Hurley
Judge Jim D. James
Justice Sharon L. Kennedy
Judge Mary Kovack
Judge Katherine S. Lias, *Retired*
Judge Denise Herman McColley
Judge Judith Nicely, *Retired*
Judge Diane M. Palos
Judge Dana S. Preisse
Judge John P. Quinn
Judge Kathleen M. Rodenberg
Judge Beth A. Smith
Judge Laura B. Smith
Judge Matt C. Staley
Judge Russell A. Steiner, *Retired*
Judge David E. Stucki, *Retired*
Judge Susan Laker Tolbert
Judge Michael J. Voris, *Retired*
Judge Richard P. Wright
Magistrate Pamela Heringhaus
Magistrate Tom Tompkins

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 met last on Friday, February 7th for a conference call. The Committee will meet next on April 23, 2014 in conjunction with the Judicial College's Domestic Relations Summit.

Since the last Executive Committee meeting, Committee Co-Chair, Judge Lewandowski, met with Rep. Matt Huffman and representatives from the state's pension funds to discuss a bill he will be sponsoring as a part of the Conference's legislative platform. The bill will provide public pension survivor benefits to an ex-spouse when an employee dies before retirement. Rep. Huffman will have the proposal re-drafted to reflect the discussion at this meeting and seek a second round of comments.

The Committee continues to monitor House Bill 243 and Senate Bill 177 regarding the inclusion of companion animals on Civil Protection Orders, House Bill 257 which terminates parental rights when a child is conceived as a result of rape, and Senate Bill 261 which would make a protection order enforceable if the respondent has actual notice of the order despite it not being served on him. The Committee also worked last month to add an amendment to House Bill 309 (which updates Ohio's Violence Against Women Act) to allow a judge to levy fees for certain motions in connection with the Act that are ultimately denied.

At its most recent meeting, the committee began discussing two issues for potential legislative platform ideas. The first deals with creating judicial oversight for Private Judging. Current law allows litigants to recruit a retired judge to adjudicate their case outside of the court's purview. There are concerns from the committee over potential fraud stemming from this circumvention of elected judges. The other idea is an exploration into creating an avenue for a joint motion to terminate a legal separation. Currently, courts are divided as to how this situation should be handled.



Co-Chairs

Judge Timothy J. Grendell
Judge Everett H. Krueger

Judicial Compensation & Benefits Committee Report

Executive Committee Report, March 14, 2014

Judicial Compensation

The OJC Judicial Compensation Committee, will next meet on April 4, 2014. All of the judicial association presidents and the co-chairs of the legislative committee have been participating in the meetings and conference calls. We are working with the other county elected official associations and the OSBA to develop a comprehensive and successful legislative strategy. Leadership of both caucuses in both the Senate and House of Representatives have designated legislators to work with us to develop and implement a successful strategy for 2014.

Representatives of the elected officials associations are meeting regularly with legislative leaders to consider the options available for a compensation package and which options might be preferred by the legislature. Selected efforts are being made to make sure legislators are aware of the importance of dealing with the compensation issue before the end of the year.

It should be noted that the Federal judiciary recently received a 14.4% increase.

The OJC Judicial Compensation in Perspective 2013 Report is available on the OJC website at www.ohiojudges.org



Judicial Education Committee

Executive Committee Report March 14, 2014

Chair

Judge Stephen W. Powell

Members

Judge Debra L. Boros
Judge Jonathan P. Hein
Judge Beth W. Root
Judge Kenneth J. Spicer
Judge Richard P. Wright

The Judicial Education Committee works with the Executive Committee, judicial association presidents, the Judicial College, and the Judicial Conference staff to develop, organize, and present the Annual Meeting Education Program.

The Judicial Education Committee met on November 1, 2013, in order to review the 2013 Annual Meeting and begin planning the 2014 Annual Meeting. Additionally, the Education Committee met on January 31, 2014, and decided the theme for the 2014 Annual Meeting: "The Future of Justice: The Next 50 Years." The committee has opted to focus on topics that will be of increasing relevance to Ohio courts in the near future.

Presenters that have been extended invitations to speak at the Annual Meeting, include: Franklin County Sheriff's Office Operation Street Smart on Drugs, Mindset Digital, Courtroom Dogs, and Professor Marianna Bettman. Additionally, during the Thursday plenary sessions a discussion panel regarding "Media and the Courtroom" is being developed. Invitations will also be sent to Chief Justice O'Connor and OSBA to speak during the plenary sessions.

The Judicial Education Committee has a telephone conference call scheduled for April 14, 2014.

Respectfully submitted,

Judge Stephen W. Powell, Chair



Judicial Ethics and Professionalism Committee

Executive Committee Report,
March 14, 2013

Co-Chairs

Judge Mary DeGenaro
Judge Thomas M. Marcelain

Members

Judge Jason R. Aslinger
Judge Amy Berling
Judge Eric Brown, Retired
Judge Thomas F. Bryant,
Retired
Judge Michael A. Buckwalter
Judge James Cissell
Judge Heather M. Cockley
Judge Richard L. Collins, Jr.
Judge John A. Connor
Judge Colleen C. Cooney,
Retired
Judge Allan H. Davis
Judge Michael P. Donnelly
Judge John M. Durkin
Judge David A. Ellwood
Judge Sheila G. Farmer
Judge Joseph Gibson
Judge Carrie E. Glaeden
Judge Michael R. Goulding
Judge Emanuella D. Groves
Judge David E. Henderson
Judge John E. Holcomb
Judge Thomas A. Januzzi
Judge Teresa L. Liston, Retired
Judge Alison McCarty
Judge Matthew McFarland
Judge Robert E. Messham, Jr.,
Retired
Judge Joseph N. Monnin
Judge Beth A. Myers
Judge S. Dwight Osterud
Judge Jack R. Puffenberger
Judge Matthew P. Puskarich
Judge John P. Quinn
Judge John T. Rohrs, III
Judge Joseph D. Russo
Judge Nancy Margaret Russo
Judge Richard T. Schisler,
Retired
Judge David Sunderman
Judge Kathleen Ann Sutula
Judge Terri L. Stupica
Judge Norman Zimmelman

The Judicial Ethics & Professionalism Committee reviews the ethical guidelines that govern judges, advocates for improvements in those guidelines, and serves as a resource to help judges resolve problems that concern those guidelines and judicial ethics more broadly.

The committee last met by on December 6, 13 and by conference call on January 13, 2014. At the December meeting the committee met with Ohio State Bar Association's William Weisenberg and Ken Brown to discuss "Clean Campaign Pledges" and enforcement mechanisms. At the January meeting the committee continued to discuss the topics of campaign issues and negotiated plea agreements. Both issues are still pending at this time.

The committee will next meet on March 14, 2014, following the Executive Committee meeting to discuss "Clean Campaign Pledges" with representatives from the Ohio Bar Association and the Columbus Bar Association.

Respectfully submitted,

Judge Mary DeGenaro, co-chair
Judge Thomas Marcelain, co-chair



Ohio Jury Instructions Committee

Executive Committee Report March, 14, 2014

Co-chairs

Judge Mary E. Donovan
Judge Jeffrey L. Reed

Members

Judge Patrick Carroll
Judge John A. Enlow
Judge John F. Bender, Retired
Judge H.F. Inderlied, Jr., Retired
Judge N. Edward Lane, Jr.
Judge Patricia S. Oney
Judge Richard M. Rogers
Judge Charles A. Schneider
Judge Lee Sinclair, Retired
Judge Stephen Wolaver
Judge Michael P. Donnelly

Beth Cooke, Esq.
Jennifer Hansen, Esq.
Shawn K. Judge, Esq.
Richard Peck, Esq.
Mary Jane Trapp, Esq.
Gregory M. Travaglio, Esq.

The Ohio Jury Instructions Committee meets seven times a year on weekends and at a summer retreat to draft Ohio Jury Instructions for newly enacted legislation and to update existing instructions as needed and required by intervening legal opinions or rule changes.

The OJI Committee recently met from December 6-7, 2013; January 10-11, 14; and February 7-8, 2014. The committee worked on instructions regarding Automobiles, Workers Compensation, Drugs, Forfeiture, Affirmative Defenses, Terrorism, Theft, and Promoting Prostitution.

Lexis will begin publishing Ohio Jury Instructions to various electronic and internet based platforms. Lexis has also been developing an archival project for Ohio Jury Instructions.

Bloomberg Publishing now has Ohio Jury Instructions available to their users online.

The current Ohio State Bar Association Casemaker contract expired on December 31, 2013 and negotiations are ongoing.

The committee has hired Richard Peck, Esq. as an Editorial Assistant to replace Brian Gentile, Esq.

The committee's next meeting is March 14-15, 2014 at Embassy Suites in Dublin, Ohio. The agenda for March meeting is currently in development.

Respectfully submitted,

Mary E. Donovan, co-chair
Jeffrey L. Reed, co-chair



Co-Chairs

Hon. Jeffery B. Keller
Hon. Reeve W. Kelsey

Members

Hon. Pinkey S. Carr
Hon. Christopher Collier
Hon. Vincent A. Culotta
Hon. Toni L. Eddy
Hon. Michael F. Higgins
Hon. Linda J. Jennings
Hon. Everett H. Krueger
Hon. Charles F. Kurfess, *Retired*
Hon. Robert G. Lavery
Hon. Marvin Shapiro, *Retired*
Hon. Kathleen Ann Sutula
Hon. Dean L. Wilson
Hon. Gary L. Yost

Others

Ms. Jean Atkin
Mr. Tom Shields

Jury Service Committee

Executive Committee Report March 14, 2014

The Jury Service Committee examines all aspects of jury service and makes recommendations for the proper and efficient functioning of the jury system.

Case Law Updates

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.

Jury Service Video

The committee will be reviewing the script for the jury service video

The next committee meeting will be a conference call on March 25, 2014.

Respectfully submitted,

Judge Reeve W. Kelsey, co-chair

Judge Jeffery B. Keller, co-chair



Juvenile Law & Procedure Committee

Executive Committee Report March 14, 2014

Co-Chairs

Judge Luann Cooperrider
Judge Robert C. DeLamatre

Members

Judge K. William Bailey
Judge David B. Bender
Judge Anthony Capizzi
Judge Timothy L. Cardwell
Judge Margaret A. Clark
Judge J. Mark Costine
Judge Ronald R. Craft
Judge Denise Navarre Cubbon
Judge Theresa Dellick
Judge Kevin W. Dunn
Judge Charlotte Coleman Eufinger
Judge Alison L. Floyd
Judge Daniel R. Gerschutz
Judge Kathleen L. Giesler
Judge Timothy J. Grendell
Judge Robert H. Hoover
Judge Robert W. Hutcheson
Judge Jim D. James
Judge Nick Kuntz
Judge Thomas R. Lipps, *Retired*
Judge Jan Michael Long
Judge Denise Herman McColley
Judge Stephen D. Michael
Judge Joseph N. Monnin
Judge Thomas S. Moulton, Jr.
Judge Dana S. Preisse
Judge James S. Rapp
Judge Kathleen Dobrozi Romans
Judge James A. Shriver
Judge Ronald Spon
Judge Robert W. Stewart
Judge David E. Stucki, *Retired*
Judge Linda Tucci Teodosio
Judge Terre L. Vandervoort
Judge David E. Woessner
Judge Mary Pat Zitter
Magistrate Allan Carter
Magistrate Thomas J. Freeman

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, Rules of Juvenile Procedure, and relevant Supreme Court Rules of Superintendence.

The committee met last on Friday, February 14th and will meet again on March 19th in conjunction with the Judicial College's Juvenile Curriculum course discussing delinquency.

Since the last Executive Committee meeting, the Committee met with representatives from the Department of Youth Services to amend Senate Bill 143 to alter available sanctions for a juvenile who was released early from detention, but violated the terms of his/her parole. The amendment will extend the amount of time a juvenile must remain in detention after being re-committed and requires that the child be assessed and participate in rehabilitative programming.

Several juvenile judges have been participating in a forum sponsored by the Governor called *Ohio Communities 4 Kids*. The purpose of the discussions has been to develop the Governor's new legislative agenda for the juvenile justice system. After hearing input from several stakeholders involved with juvenile justice and the concerns of judges from the Conference, the forum developed four recommendations that will soon be introduced as legislation in both chambers.

The Committee continues to monitor several bills. House Bill 438 will require children services to instigate a claim of dependency when a nonparent/guardian obtains a power of attorney for a child to enroll the child in school or make healthcare decisions on their behalf. House Bill 334 would allow a superintendent to suspend a child if it is believed that the child might cause a threat to school safety. House Bill 392 will create a qualified immunity for a person under the age of 21 who seeks medical assistance for another young person who is overly intoxicated. Finally, House Bill 213 would adopt recent recommendations from the Attorney General's Foster Care Advocacy Board.



Co-Chairs

Judge Jan Michael Long
Judge John R. Willamowski

Judicial Members

Judge Tim Grendell
Judge Tyrone Yates

Association Counsel

Jeff Jacobson, OAJCJ
Tom Pappas, OADRJ and AMCJO

Legislative Committee

Executive Committee Report March 14, 2014

The Legislative Committee meets monthly to discuss progress on the Legislative Platform, pending legislation, and other issues of importance in the General Assembly. The Committee met last on February 13, 2014. The Committee will meet next on March 20, 2014.

Legislative Platform (see also attached)

- SCR 27 (Discretionary Driving Suspensions) – Allows Ohio to “opt out” of the federal Drug Offender’s Driving Privileges Suspension Act, the first step toward enacting legislation to increase judicial discretion over drug related license suspension. Reported out of Senate Transportation 2/18.
- SB 143 (Criminal/Juvenile Justice Reform) – Contains several platform issues, including authorization for judges to lift the 40-hour per month limit on community service, juvenile justice reform fixes, and authority to establish community alternative sentencing centers. Second hearing in House Judiciary 1/29.
- HB 251 (F4/F5 45-day Offender Placement Language) – Restores judicial discretion over F4/F5 sentences. Fourth hearing in House Judiciary 12/10.
- DOPO Proposal – Allows judges to divide public pension survivorship and account refunds to the benefit of an ex-spouse when a vested public pension fund member dies prior to retirement. Interested party meeting with Rep. Huffman and pension boards 2/26.
- Uniform Standard for Civil Indigency – Establishes a status of “indigent litigant” for the waiver of any court costs advance deposit. Seeking to include the proposal in the MBR.
- Acting Judges – Restores authority to spend state funding for acting judges. Seeking to include in HB 261 (Court of Claims Modernization).
- Computerization Fees – Creates uniformity between court jurisdictions in the authority to charge computerization fees. Seeking to include in HB 261 (Court of Claims Modernization).
- Indigent Defense – Court Administration is working with OPD on a proposal would increase reimbursement to fifty percent, establish a standard system of rates and caps, and base reimbursement on compliance with system standards.

Bill Monitoring

- House Bill 9 (Receivership) – Updates Ohio’s receivership law. Discussions have been ongoing about an amendment to the bill that was added in the Senate to include public utilities within the scope of the bill. Passed by the Senate on 12/4. Awaiting Conference Committee.
- House Bill 104/Senate Bill 43 (Outpatient Commitment) – Clarifies

the authority of the probate courts to order outpatient treatment for certain mentally ill individuals. Probate Law & Procedure has been involved in the discussions and has testified several times.

- House Bill 307/Senate Bill 250 (Adoption Law) – Creates a process for pre-birth notification of a mother’s intent to place a child for adoption. Probate Law & Procedure has raised concerns over a possible rules conflict and equal protection issue. Both bills awaiting action in Senate Civil Justice.

Other Activities

- Compensation – OJC and other elected officials working with legislative representatives to develop a compensation proposal and begin discussions with other members of the General Assembly.
- Ohio Constitutional Modernization Commission – Commission’s larger focus is on changes to term limits and redistricting. Committee on the Judiciary and the Administration of Justice working on judicial elections proposals.
- Legislative Panel at 2014 Annual Conference – Working to identify legislators for a panel discussion.
- Judicial Legislative Exchange – April 2nd



Co-Chairs
Judge Carol J. Dezso
Judge Beth W. Root

Members
Judge Richard A. Bernat
Judge James P. Celebrezze,
Retired
Judge Steven L. Hurley
Judge Michael P. Kelbley
Judge Everett H. Krueger
Judge C. Allen McConnell
Judge Timothy N. O'Connell
Judge Kathleen M. Rodenberg
Judge Jonathan Starn
Judge Bruce Winters

Magistrate Gregory F. Clifford
Magistrate David Jump
Magistrate Roseanne Hilow
Magistrate David Laughlin
Magistrate Nancy McMillen
Magistrate Linda Warner

Magistrates Committee

Executive Committee Report March 14, 2014

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

The committee met via conference call on February 24, 2014.

The Ohio Association of Magistrates (OAM) President reported the Association will be celebrating their 25th Anniversary and plans are underway for education during the Spring at Quail Hollow and Fall in Columbus, Ohio.

The committee continued to review their goals for 2013-2014:

- a. Monitor Ohio Supreme Court Standards Regarding Reporting Requirements and Timelines for Magistrate's Cases. Judge Dezso will continue to monitor this issue.
- b. Continue to monitor Judicial College discussion of Magistrate Continuing Education Requirements.
- c. Continue to Identify and Monitor Discussions and Proposals Relevant to Magistrates; in order serve as a resource to the Conference.

The committee is scheduled to meet via conference call on April 7, 2014, at Noon, agenda for the meeting is in development

Respectfully Submitted,

Judge Carol J. Dezso &
Judge Beth W. Root, Committee Co-Chairs



Probate Law & Procedure Committee

Executive Committee Report

March 14, 2014

Co-chairs

Judge Jan Michael Long
Judge Jack R. Puffenberger

Members

Judge Van Blanchard, II
Judge Michael A. Borer
Judge Richard P. Carey
Judge James Cissell
Judge R.R. Denny Clunk, *Retired*
Judge Wilfrid G. Dues
Judge Kevin W. Dunn
Judge Charlotte Coleman Eufinger
Judge Robert D. Fragale
Judge Laura J. Gallagher
Judge Daniel R. Gerschutz
Judge Kathleen L. Giesler
Judge Timothy J. Grendell
Judge Charles G. Hague
Judge Robert H. Hoover
Judge Philip Alan B. Mayer
Judge Beverly K. McGookey
Judge Robert G. Montgomery
Thomas M. O'Diam
Judge Dixilene N. Park
Judge Stephen W. Powell
Judge Randy T. Rogers
Judge James A. Shriver
Judge Kenneth J. Spicer
Judge Thomas A. Swift
Judge Kevin H. Taylor
Judge James T. Walther
Judge Latecia E. Wiles
Judge Steven O. Williams, *Retired*
Judge Mary Pat Zitter
Magistrate Lora Krider
Magistrate Nancy Miller
Magistrate Lora Lynne Stalknaker

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

Since the last Executive Committee meeting, the Committee met on Thursday, February 20th. The Committee will meet next over the phone on April 7th and again on June 16th in conjunction with the Association's Summer Conference.

The Committee continues to work with the sponsors of House Bill 104 and Senate Bill 43 regarding court ordered outpatient treatment for the mentally ill. Judges Ken Spicer and Jan Long have both testified on behalf of the Committee and the Ohio Association of Probate Judges before both the Senate Civil Justice Committee and the House Judiciary Committee. The Committee is currently working with the sponsors to address several concerns raised over last-minute amendments added to the Senate bill before passing out of that chamber.

The Committee has also been working with the sponsors and advocates for two bills dealing with changes to the adoption process. Senate Bill 250 and House Bill 307 allow a birth mother to provide notice to potential birth fathers of her decision to place the child for adoption. The bills provide the potential fathers with an opportunity to consent to the adoption at an earlier state in the pregnancy. The Committee has been working with Senators to inform them of a potential equal protection issue stemming from the House version and have successfully convinced the Senate Civil Justice Committee Chairman of the dangers involved with that problem.

Finally, the Committee continues to work on a proposal from the Ohio Association of County Boards of Developmental Disability to grant them the right to intervene in certain cases. The Committee is currently working with the Association to develop acceptable language for introduction into legislation. The Committee also reviewed a potential bill from Senator Oelslager that allows a physician to hold a patient who he/she believes lacks the capacity to make informed healthcare decisions. The Committee suggested minor adjustments to the Senator's bill and will support it when introduced.



Public Confidence & Community Outreach Committee

Executive Committee Report
March 14, 2014

Co-Chairs

Hon. David M. Gormley
Hon. Eugene A. Lucci

Members

Hon. Jason R. Aslinger
Hon. Timothy P. Cannon
Hon. David A. Ellwood
Hon. Mary E. Fiser
Hon. Rosemary Grdina Gold
Hon. David E. Henderson
Hon. Eva D. Kessler, *Retired*
Hon. Roger L. Kline, *Retired*
Hon. John P. Kolesar
Hon. Julie M. Lynch
Hon. Philip Alan B. Mayer
Hon. Todd M. McKenney,
Retired
Hon. Jerome J. Metz, Jr.
Hon. Mark J. Mihok
Hon. Mark S. O'Connor
Hon. J.T. Stelzer
Hon. Linda Tucci Teodosio
Hon. John R. Willamowski
Hon. William R. Zimmerman

Others

Magistrate Erica Gordon
Magistrate Ann Weatherhead

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.

Jury Service Video

This video is a collaborative effort of the Ohio Judicial Conference, the Ohio State Bar Association, and the Supreme Court of Ohio. Key elements of the video have been identified and work is underway on development of the script. It is anticipated that a draft of the script will be available for the OJC Executive Committee to review/approve at the May 2nd meeting. Once approved, filming will take place, and we hope that the video will be available for viewing at the Annual Meeting in August.

The Supreme Court Public Information Office is providing a staff writer for script development at no cost. The Court also has a partnership with Ohio Government Telecommunications (Ohio Channel). Because the scope of the video project falls within the parameters of their agreement, there will be no expenses for videography or editing. There may be costs for a narrator and some speaking parts, and possible funding sources are being identified.

Outreach That Works

Work is underway to update the *Outreach That Works* resource on the website.

The next meeting of the committee will be a conference call on April 24, 2014.

Respectfully submitted,

Judge David M. Gormley, co-chair
Judge Eugene A. Lucci, co-chair



Publications Committee

Executive Committee Report, March 14, 2014

Co-Chairs

Judge Nancy D. Hammond
Judge Deborah J. Nicastro

Members

Judge Duane A. Goetemoeller
Judge Timothy J. Grendell
Judge Alison McCarty
Judge Joy Malek Oldfield
Judge Kenneth R. Spanagel

Others

Magistrate Jeffrey Bender
Magistrate Ann Weatherhead

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 last Publications Committee meeting took place on February 7th, 2014.

For the Record

The Publications Committee has been taking on a greater role in the behind the scenes process of *For the Record*. Members of the committee have been seeking articles and suggesting topics for articles to be featured in future editions of the publication.

The Committee is seeking information and comments regarding evidentiary issues related to Facebook, other social media, and text messaging. We are interested in examples, your stories, comment, written decisions or articles you would like to write about the admissibility of such evidence and related issues. The 1st Quarter edition for 2014 will be published 3/31.

Library of Reasoned Orders

The Library of Reasoned Orders (LRO) currently hosts over 190 opinions-many of the more recent opinions concerning the Intoxilyzer 8000 opinions and summaries put together by Judge William Grim of the Athens County Municipal Court.

Distinguished Judicial Figure

The Publications Committee will continue with the Distinguished Judicial Figure initiative, in which the committee researches and suggests prominent judicial players to spotlight in a series featured in the quarterly *For The Record*. Judges are encouraged to submit suggestions for future issues.

OJC Publications Database

The Publications Committee will be maintaining a database of the last revision date for all OJC publications in order to ensure all materials distributed are kept accurate and updated regularly.

Future Meetings:

- Friday, May 9th – 12:00 PM – Conference Call
- Wednesday, August 27th – 1:00 PM – Committee Meeting @ Hilton Easton
- Friday, October 12th – 12:00 PM – Conference Call



Retired Judges Committee

Executive Committee Report

March 14, 2014

Co-chairs

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

Members

Hon. Douglas J. Bennett, *Retired*
Hon. Eric Brown, *Retired*
Hon. Thomas F. Bryant, *Retired*
Hon. Jerome D. Catanzaro, *Retired*
Hon. Mark S. Froehlich, *Retired*
Hon. Joseph Giulitto, *Retired*
Hon. Jerry L. Hayes, *Retired*
Hon. John R. Hoffman, Jr., *Retired*
Hon. James L. Hoover, *Retired*
Hon. H. F. Inderlied, Jr., *Retired*
Hon. Teresa L. Liston, *Retired*
Hon. Richard M. Markus, *Retired*
Hon. Robert E. Messham, Jr., *Retired*
Hon. John R. Milligan, *Retired*
Hon. Judith A. Nicely, *Retired*
Hon. S. Dwight Osterud
Hon. Jennifer L. Sargus, *Retired*
Hon. Richard T. Schisler, *Retired*
Hon. Marvin Shapiro, *Retired*
Hon. Lynn C. Slaby, *Retired*
Hon. Russell A. Steiner, *Retired*
Hon. Mary Grace Trimboli, *Retired*
Hon. Michael J. Voris, *Retired*
Hon. Charles S. Wittenberg, *Retired*
Hon. William H. Wolff, Jr., *Retired*

The Ohio Judicial Conference Retired Judges Committee reviews and makes recommendations on issues faced by retired judges.

Retirement Planning Seminar

The Committee has finalized the agenda for the upcoming seminar for active judges and their spouses/partners contemplating retirement, entitled "Jumping the Retirement Hurdle." The seminar will be held on April 7, 2014 at the Thomas J. Moyer Ohio Judicial Center. Topics will include career decisions/lifestyle decisions, sitting by assignment, ethical considerations, the impact of retirement on the family, and personal financial issues. (*Agenda and registration form are attached*)

Retired Judge Title

Mark Schweikert submitted the committees report and proposed amendments for the Code of Judicial Conduct to Steve Hollon, Administrative Director for the Supreme Court, for consideration. A response is pending.

After the April 7th seminar the committee is next scheduled to meet via conference call on August 13, 2014.

Respectfully submitted,

Judge Mel Kemmer, retired, co-chair
Judge Nodine Miller, retired, co-chair



Jumping the Retirement Hurdle

A seminar for active judges and their spouses/partners on planning for retirement

Presented by the Ohio Judicial Conference Retired Judges Committee

*This seminar does not qualify for CLE credit

This special seminar is designed to assist judges and their spouses/partners in examining and dealing with the personal, career, financial, ethical and emotional issues they will encounter at retirement. The goal of the seminar is to help active judges address these issues as early as possible in his or her judicial career by thinking about the future now and taking steps to plan accordingly. Spouses/partners are invited to attend and lunch will be provided as part of the registration fee.

Date: Monday, April 7, 2014
Time: 10:00 am-3:30 pm
Location: Ohio Judicial Center (Room 101)
65 South Front Street, Columbus, OH 43215-3431.
Program: *This seminar does not qualify for CLE credit

10:00-10:15	Welcome/Overview	Judge Mel Kemmer, <i>retired</i> Judge Nodine Miller, <i>retired</i>
10:15-11:00	Career Decisions/Retirement Lifestyle Panel	Judge Nancy Hammond, <i>retired</i> Judge Joseph Giulitto, <i>retired</i> Judge H.F. Inderlied, Jr., <i>retired</i> Judge James L. Hoover, <i>retired</i>
11:00-11:15	Break	
11:15-11:45	Sitting by Assignment	Diane Hayes, Supreme Court of Ohio Judge James L. Hoover, <i>retired</i> Judge H.F. Inderlied, Jr., <i>retired</i>
11:45 – 12:00	Chief Justice O'Connor	
12:00 - 12:30	Lunch	
12:30-1:15	Emotional Impact of Retirement on the Judge & Family	Shannon Carter Ohio State University Extension Family & Consumer Sciences Educator Judge H.F. Inderlied, Jr., <i>retired</i> Barbara Inderlied
1:15-1:45	Ethical Considerations/Retirement	Rick Dove, Esq. Supreme Court of Ohio Board of Commissioners on Grievances & Discipline
1:45-2:00	Break	
2:00-3:30	Personal Financial Issues	Brenda Hall, OPERS Veronica Mack, OPERS Thomas A McCarthy, CFP® McCarthy & Cox Retirement & Estate Specialists, LLC.
3:30	End of Seminar	

Jumping the Retirement Hurdle Registration Form
April 7, 2014 Ohio Judicial Center (Room 101)



How to register for the Jumping the Retirement Hurdle Seminar:

1. [Register Here](#) and mail registration fee/s to the Ohio Judicial Conference.
2. **EMAIL** (Jennie.Long@sc.ohio.gov), **FAX** (614-387-9759) or **MAIL** (address below) the completed registration form below and mail registration fee/s to the Ohio Judicial Conference at the address below.

Registration Form: Complete the following registration information (please print)

Judge Name _____

Spouse/Guest Name (**only if attending**): _____

Court _____

Phone _____ Email _____

List any special accommodations or dietary needs _____

Questions for faculty members (attach additional sheet if needed):

Registration Fee:

- Judge Registration Fee-\$50
- Spouse/Guest Registration Fee-\$50

Make all checks payable to OHIO JUDICIAL CONFERENCE and mail to:

Ohio Judicial Conference
65 South Front Street, 4th Floor
Columbus, OH 43215-3431

All Registrations Must Be Received By Friday, March 28, 2014



Specialized Dockets Committee

Executive Committee Report March 14, 2014

Co-Chairs:

Hon. John M. Durkin
Hon. Carol Ann Robb

Members

Hon. Jerry E. Ault
Hon. Teresa Lyn Ballinger
Hon. Joyce A. Campbell
Hon. Steve Christopher
Hon. Christopher Collier
Hon. Ethna M. Cooper
Hon. Luann Cooperrider
Hon. Glenn H. Derryberry
Hon. Charlotte Coleman Eufinger
Hon. Robert D. Fragale
Hon. Howard E. Hall
Hon. James D. Henson, *Retired*
Hon. Michael F. Higgins
Hon. Mary Katherine Huffman
Hon. John P. Kolesar
Hon. Alfred W. Mackey
Hon. Robert P. Milich
Hon. James L. Miraldi
Hon. Joy Malek Oldfield
Hon. Noah E. Powers, II
Hon. Mark B. Reddin
Hon. Carol Ann Robb
Hon. Michael J. Sage
Hon. James A. Shriver
Hon. Kristin W. Sweeney
Hon. Maureen Ann Sweeney
Hon. Linda Tucci Teodosio
Hon. Thomas A. Teodosio
Hon. Elizabeth Lehigh Thomakos
Hon. Dean L. Wilson
Hon. Gary L. Yost

Magistrate Lynne Schoenling

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 available to these courts.

The committee continues to monitor trends in specialized dockets and to stay apprised of the status of applications from courts for certification from the Supreme Court of Ohio Specialized Docket Section.

The committee will host the Ohio Specialized Docket Practitioners Network, Judges Sub-Network meeting on November 19th, the evening prior to the OSDPN Annual Conference.

The next meeting for the committee will be a conference call on April 29, 2014.

Respectfully submitted,

Judge John M. Durkin, co-chair
Judge Carol Ann Robb, co-chair



Traffic Law and Procedure Committee

Executive Committee Report March 14, 2014

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Judge Mark B. Reddin
Judge Jennifer P. Weiler

Members

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Judge Ann E. Beck
Judge Mary Kaye Bozza
Judge David M. Gormley
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Judge John T. Rohrs, III
Judge James A. Shriver
Judge Kenneth R. Spanagel
Judge Terri L. Stupica
Judge Diane S.A. Vettori
Magistrate Michelle Paris

The Traffic Law and Procedure Committee last met on February 2, 2014 to discuss legislation. The Committee is continuing to focus on the following topics:

Driving Suspensions for Drug Offenses: Judge Coss initiated the effort to make license suspensions discretionary, rather than mandatory. Per federal law, the legislative change will require first a resolution and certificate, and then legislation. SCR 27 (Senator Seitz) was introduced late last year and passed the Senate Transportation Committee in February.

IDAT Funds: Judges Reddin and Shriver met with MHAS representatives to develop recommendations for changing possibilities for use of IDAT funds. The changes include: allowing IDAT funds from one court to be transferred to another court in the same county; allowing a surplus of IDAM funds to be declared and transferred to the IDAT fund; using IDAT funds for transportation to court-ordered services; and using IDAT funds for the assessment or treatment portion of a DIP. The changes are expected to be drafted into the Mid-Biennium Review.

SB 143: (Senator Seitz): The bill makes various changes to criminal law, including changes to record-sealing procedures. The Committee has worked on the record-sealing provision. The Committee, in concert with the Municipal Judges Association, will also try to include in this bill other changes to traffic law, mostly cleaning up contradictory or inconsistent provisions.

Financial Responsibility Study Committee and HB 71. The Study Committee submitted a preliminary report in January and will produce a finalized report in April. Judge Spanagel is on the Study Committee. Once the report is received, HB 71 (Rep. Roegner) will be again open for consideration by committee. The bill alters procedures for verifying proof of financial responsibility regarding a motor vehicle; the bill is supported by the Committee.

The Committee also discussed SB 235 (Sen. Cafaro; aims to increase penalty for truck drivers who kill someone by driving across the center line) and the OVI Simplification Bill, which simplifies without changing the statute (Sen. Obhof has expressed interest in this bill but has not yet introduced it).

The next meeting of the Traffic Law and Procedure Committee is scheduled for April 4, 2014.