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to Hold Multiple Positions at Court (p. 9)

CNO REVIEW

August 2014



EASING STRESS IN OHIO COURTS

The upcoming state judicial conference will feature the
benefits of using facility dogs in courts (see story, page 6)

About Court News Ohio

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Visit courtnewsOhio.gov for the most current decisions from the Ohio Supreme Court, Courts of Appeals, and Court of Claims.

Supreme Court of Ohio

Rule Mandating 10-Percent Cash Payment for Bail Is Unconstitutional

A criminal rule giving trial courts authority to order defendants to post a cash payment for 10 percent of their bail was ruled unconstitutional on July 8 by the Supreme Court. The rule denies the right of criminal defendants to be “bailable by sufficient sureties,” as required by the Ohio Constitution, Justice **Sharon L. Kennedy** wrote in the court’s 5-2 majority opinion. The majority determined that the Licking County Clerk of Courts and the Wayne County Clerk of Courts must accept surety bonds for the full bail amount even if their courts required, under Criminal Rule 46(A)(2), a 10-percent cash payment.

State ex rel. Sylvester v. Neal
Slip Opinion No. 2014-Ohio-2926

Judges Sanctioned for Misconduct

One sitting judge and one former judge were disciplined by the Supreme Court for misconduct. On July 9, the court publicly reprimanded Akron Municipal Court Judge **Joy Malek Oldfield** for her conduct related to the 2012 arrest of a lawyer who practiced in her courtroom. On July 17, the court indefinitely suspended the law license of former Cuyahoga County Common Pleas Court Judge **Bridget M. McCafferty**. She was convicted on 10 counts of making false statements to federal law enforcement about phone

conversations she had with former Cuyahoga County Auditor **Frank Russo** and local businessman **Steve Pumper** regarding cases in her courtroom.

Disciplinary Counsel v. Oldfield
Slip Opinion No. 2014-Ohio-2963

Ohio State Bar Assn. v. McCafferty
Slip Opinion No. 2014-Ohio-3075

Supreme Court Decides When Juveniles May Be Classified as Sex Offenders

On July 22, the Supreme Court interpreted a law that provides for classifying youth as juvenile-offender registrants for sex crimes. The Supreme Court ruled that the statute allows a juvenile court that commits a child to a secure facility to hold a hearing at the time of disposition (sentencing) to determine whether the child should be classified as a juvenile-offender registrant for committing a sexually-oriented or child-victim offense. The 7-0 decision, written by Justice **Paul E. Pfeifer**, affirmed the judgment of the Second District Court of Appeals and resolves a conflict among appellate courts on the issue.

In re I.A.
Slip Opinion No. 2014-Ohio-3155

Courts of Appeals

Former Fairfield County Fire Chief’s Appeal Denied

Former Pleasant Township Fire Chief **Jeff Mathias**’ attempt to regain the position he held for 16 years failed. The Fifth District

Court of Appeals on July 3 upheld a decision by the Fairfield County Court of Common Pleas that affirmed the decision of the township trustees to terminate **Mathias** in 2013 for a racial comment.

Mathias v. Pleasant Twp. Bd. of Trustees
2014-Ohio-3019

Arsonist’s Sentence Reversed by Appeals Court

A man sentenced for setting fire to his mother and step-father’s camper in Jackson County in 2013 won his appeal. The Fourth District Court of Appeals ruled on June 30 that the trial court should have merged **Stephen Frazier**’s convictions when he was sentenced to eight years in prison.

State v. Frazier
2014-Ohio-3025

Court of Claims

Court of Claims Approves Highway Patrol Crash Settlement for \$235,000

Two Dayton-area brothers settled their case for \$235,000 with the Ohio State Highway Patrol after a Highway Patrol trooper, who was driving nearly 100 mph without his overhead lights or sirens activated, crashed into their car in 2013. The Court of Claims approved the settlement on July 8.

Daniel J. Hardin, et al.
v. Ohio State Highway Patrol
Case No. 2014-00518

HappeningNow

News and Notes from Courthouses Across the Buckeye State

Supreme Court Develops Parenting Coordination Toolkit

The Ohio Supreme Court recently announced the availability of a Parenting Coordination Toolkit to assist local courts in establishing parenting coordination programs.

Rules setting the parameters of operating parenting coordination programs took effect April 1. Parenting coordination involves using a child-focused alternative dispute-resolution process that can be ordered by a court in which a parenting coordinator assists families in implementing parental rights and responsibilities or companionship time orders.

The toolkit includes a guide to assist courts in writing a local rule for parenting coordination, a sample local rule, appointment order, screening form, intake form, evaluation tools, and other resources, according to **Jacqueline Hagerott**, manager of the Dispute Resolution Section at the Supreme Court.

“The Supreme Court found it beneficial to provide local courts with resources needed to implement parenting coordination programs since the Rules of Superintendence for the Court of Ohio include requirements for courts that choose to use parenting coordination,” Hagerott said. She encouraged courts to download the sample local rule as a starting point. Hagerott said the toolkit will allow courts to start using parenting coordination soon because it has everything needed to develop a program.

The statewide rules set forth definitions, the role and qualifications of a parenting coordinator, and the responsibilities of the court to adopt local rules governing the use of parenting coordination, confidentiality, privilege, and public access. The rules also include factors necessary for ordering parenting coordination; required conditions when domestic abuse or domestic violence is alleged, suspected, or present; and inappropriate uses of parenting coordination.

Hagerott said local courts are already using parenting coordination to resolve disputes. The aim in adopting standardized rules is to ensure courts use qualified individuals, to assist courts in creating high-quality programs, and to promote consistency among the different programs throughout Ohio.

Download the toolkit at <http://sc.ohio.gov/JCS/disputeResolution/resources/parentingCoord/toolkit.pdf>.



Image: Getty Images



Judges Pursue Strategies to Combat Opiate Addiction

At the urging of statewide leaders to take action against the devastating effects of opiate abuse, Ohio’s judges are following through on gathering justice system partners to address the issue.

Judges from 83 counties and their community partners attended the Ohio Judicial Symposium on Opiate Addiction, presented in part by the Ohio Supreme Court, on June 30.

Since then, many communities across the state have held or have scheduled “town-hall” style meetings to receive input and share promising judicial practices and options for treatment, including medication-assisted treatment, that were discussed at the symposium.

Clinton County Common Pleas Judge **John W. Rudduck** hosted a community meeting on July 30. Depending on whether he can find funding, Judge Rudduck said he may start a specialized docket focused on opiate addiction in order to stem the tide.

During a recent roundtable discussion in Sandusky County, community leaders discussed the possibility of instating an opiate task force.

In addition to learning about the science of addiction, symposium attendees heard from addiction experts and a panel of judges running successful specialty dockets on drug abuse.

County teams developed action plans to ensure that non-violent offenders with opiate addiction receive appropriate judicial and clinical interventions and recovery support services. Teams will be invited to share their experiences as part of the Supreme Court’s annual drug court conference in November.

Commission Releases “Dos and Don’ts” Guide for Judicial Professionalism

The Supreme Court of Ohio Commission on Professionalism released the fifth edition of best practices publications titled *Professionalism Dos and Don’ts*. The series of *Dos and Don’ts* includes suggested guidelines for judicial and attorney conduct. The



Image: Fuse/Thinkstock

commission recently released the *Professionalism Dos and Don’ts: Judicial Professionalism*, which recommends guidelines for judges in carrying out their professional responsibilities in the courts.

The commission hopes to promote professionalism among Ohio’s judges and lawyers with these guides, but does not regulate conduct or discipline. Commission on Professionalism Secretary **Lori Keating** said the publications will help practicing attorneys, judges, and law school students.

“This is a unique set in our series in that it specifically addresses judges,” Keating said. “Through their interactions with lawyers inside and outside the courtroom, judges set the standard of professionalism for attorneys who appear before them. Moreover, the public’s perception of our justice system is shaped by how judges manage their dockets and run their courtrooms. We hope this list will be especially helpful to new judges while also reminding experienced judges of best practices for judicial professionalism.”

The *Dos* list includes professional interactions with attorneys both in and out of the courtroom.

Sample *Dos* and *Don’ts* are listed in the box to the right. View the complete list at www.supremecourt.ohio.gov/Publications/AttySvc/judProfessionalism.pdf.

In Pretrial Matters

DO Use a case management order with all pertinent deadlines for each case.

DO Be accessible to parties to resolve discovery disputes.

In Scheduling

DO Weigh the consequences, cost, and additional expenditure of time and resources that would likely result from cancelling a proceeding and moving forward on another.

DO Treat parties, litigants, and others with respect and dignity and create an environment where all persons are treated fairly.

In Other Activities

DO Bring to a lawyer’s attention any instance of the lawyer exhibiting a lack of civility or professionalism.

DON’T Hold attorneys or litigants accountable for events beyond their control.

DO Remember that the public or private functions you attend may affect confidence in the judiciary.

DON’T Attend an event if it could cause a reasonable person to question a judge’s later impartiality in a pending case.

SCOTUSBlog Competition Winner

In the Third Annual Supreme Court Challenge hosted by the Supreme Court of the United States Blog (SCOTUSblog) and Bloomberg Law, Capital University Law Student **Kyle Gerlach** had to most accurately predict the outcomes of six U.S. Supreme Court merit cases and six petitions for certiorari for this term as well as how each of the justices would vote on the cases. Gerlach beat 47 teams to win \$3,500. He only lost to the SCOTUSblog expert, and he would have won extra money had he finished ahead of the expert. Gerlach said Capital University helped provide him with the tools he needed to win the contest.



easing STRESS

PAW PAW IN OHIO COURTS PAW PAW

Dogs are helping provide justice in a new and unique way in three Ohio counties. The facility dogs relieve stress for those involved in the judicial system.

Nanook works at Michael's House Child Advocacy Center in Greene County, Camry is a Labrador at Marion County Family Court, and Avery works in the Summit County prosecutor's office.

The dogs were acquired through the non-profit Canine Companions for Independence. The national group provides free, trained dogs to those needing assistance. To get the professional, legal training, the group worked with Courthouse Dogs Foundation out of Seattle.

The three dogs know about 40 commands – from sit, to stay, to visit. Visit is when a dog puts his head in a person's lap and stays there for as long as necessary. They help comfort those who meet them just by being their friendly selves.

In February 2012, Nanook became the first facility dog in Ohio to work in the court system. He currently works with the Greene County prosecutor's office and walks the halls and helps children at Michael's House Child Advocacy Center in Fairborn.

The 4½ year-old Labrador retriever accompanies his handler, **Cynthia Gevedon**, into forensic interviews and is made available for children coming into the advocacy center for mental health and other services.

Judges have also allowed Nanook to accompany children into courtrooms for testimony and other hearings.

"He has gone to court with several children so far, and had not only made them feel more comfortable and relaxed, but gave them strength when facing their perpetrators," Gevedon said.

"By allowing the children to interact and work with Nanook, they are empowered and given an opportunity to regain some sense of control, that which is often lost when victimized," Gevedon added.

Besides working at Michael's House, Nanook and Gevedon visit with children at schools, social service agencies, detention centers, and other locations as needed.

Kathy Clark is Marion County Family Court's program administrator and Camry's handler. She first asks court visitors if they are afraid of or allergic to dogs. If not, she'll rattle off a list of commands. Clark said Camry is trained to comfort kids and help put those who come before the court at ease.

"He kind of defuses any stress or tension up in the waiting areas with people that are waiting down in our juvenile probation department," Clark said.

The 2-year-old dog is also disciplined, Clark said.





Facility Dog **Camry** helps ease tension during a Marion County Family Court proceeding.

Dogs as young as Camry typically want to jump and run around. Clark said Camry will sit around for hours if needed.

“This way when a child is being interviewed or a court hearing is taking place, or there’s testimony, he is not disruptive to the court,” Clark said.

In addition to providing comfort, Camry can also give children courage to speak out, whether they are on the witness stand or being interviewed during a custody dispute.

Camry’s first job inside a courtroom setting was in June, helping ease tension for teens going through Marion County Family Court Judge **Bob Fragale’s** juvenile reentry program.

“Anything we can do to help ease the experience of children going through our court system, I’m in favor of. It’s a very intimidating process,” Judge Fragale said.

Summit County Prosecutor **Sherri Bevan Walsh** agrees that dogs like Avery give kids an outlet from their worries and provide unconditional love.

“When child victims play with Avery, they are able to momentarily escape their trauma,” Walsh said.

“Seeing children who have been through indescribable experiences smiling and laughing and acting like

Story continues on page 11.



FACILITY DOGS



NANOOK

- 4 1/2-Year-Old Labrador Retriever
- Greene County Prosecutor’s Office
- Michael’s House Child Advocacy Center



CAMRY

- 2-Year-Old Golden Retriever – Labrador Mix
- Marion County Family Court



AVERY

- 3-Year-Old Labrador – Golden Retriever Mix
- Summit County Prosecutor’s Office

ON THE BENCH

Image: Bwsmith84 at en.wikipedia



Ohio House Considers Creating Domestic Relations Division in Delaware County

Ohio House of Representatives Members **Margaret Ann Ruhl** and **Andy Brenner** want the Delaware County Court of Common Pleas to have a domestic relations division and a new judge to serve that division.

The two created House Bill 595 and introduced it July 16 in the House. It proposes that a new Delaware County Domestic Relations judge should be elected in 2016 and take office on January 1, 2017.

Earlier this year, Ohio Supreme Court staff issued a report following a review of Delaware County's case docket at the request of judges **Everett Krueger**, **Duncan Whitney**, and **Kenneth Spicer**. The review by the Supreme Court's Case Management Section examined the Delaware County Court of Common Pleas' caseload management and operations.

The report supported the creation of a stand-alone domestic relations division with one judge to help with the court's overall caseload efficiency.

The new judge would hear all divorce and dissolution proceedings as well as cases involving questions of paternity, custody, visitation, child support, and the allocation of parental rights and responsibilities of child care regardless of whether those matters arise in post-decree proceedings or involve children born between unmarried persons.

There are currently two judges serving Delaware County's general division, and one judge serving the probate/juvenile division. The common pleas court in Delaware County last added a judge in 1995.

The bill has not yet been assigned to a committee.

Judicial Appointments

Governor John Kasich recently appointed the following judges to fill vacancies:



Rita McNeil Danish

Franklin County Domestic Relations and Juvenile Court

Rita McNeil Danish took the bench on July 14. She replaced Judge **Jim Mason** who retired. She must win in the November general election to retain her seat for the remainder of the unexpired term, which ends on January 1, 2019.

McNeil Danish received her Bachelor of Business Administration from Howard University and her law degree from The Ohio State University Moritz College of Law. Since January 2013, McNeil Danish has practiced law at Crabbe Brown & James in Columbus. She also is the founder and CEO of JD2 Strategists, LLC in Dayton. McNeil Danish has served as legal counsel for the cities of Dayton and Cincinnati and was a Franklin County Court of Common Pleas Domestic Relations and Juvenile Division magistrate in 1994 and 1995.



John C. Thatcher

Mount Vernon Municipal Court

John C. Thatcher took the bench on July 21. He replaces Judge **Paul E. Spurgeon** who retired. Thatcher recently served as the Knox County prosecuting attorney.

Thatcher must win in November 2015 to retain his seat for the remainder of the unexpired term, which ends on December 31, 2017.

Thatcher received his Bachelor of Arts degree from Otterbein University and his law degree from Capital University Law School in 1989. Prior to serving as prosecuting attorney in Knox County, he was a Knox County assistant prosecutor from 1992 to 2000. He also was an attorney for several law firms, including Critchfield, Critchfield & Johnston, Ltd. in Mount Vernon.

DeWine: Court Administrator Not Allowed to Hold Multiple Positions at Court

A recently released opinion by Ohio Attorney General **Mike DeWine** found that a person may not serve as a township fiscal officer while holding multiple positions at the Hardin County Court of Common Pleas. The opinion also determined that the Hardin County court administrator may not hold other positions at the court. View the complete opinion at www.ohioattorneygeneral.gov.

Hardin County Prosecutor **Bradford W. Bailey** asked whether a person who holds positions of court administrator, official court reporter, and assistant deputy jury commissioner can also serve as a township fiscal officer.

Opinion 2014-022 determined:

1. The position of administrator of the Hardin County Court of Common Pleas is incompatible with the positions of official court reporter and assistant deputy jury commissioner of the Hardin County Court of Common Pleas.

The opinion states a court administrator may not also be the official court reporter and assistant deputy jury commissioner of the Hardin County Court of Common Pleas because the court administrator is “responsible for overseeing and managing” the official court reporter and the assistant deputy jury commissioner.

“An administrator of a court of common pleas is appointed by, and thus accountable to, the judges of the court of common pleas. See R.C. 2301.12(E). Likewise, an official court reporter is appointed by the court of common pleas, R.C. 2301.18, and an assistant deputy jury commissioner is appointed by the court’s jury commissioners, R.C. 2301.02(A),” the opinion stated.

“Because the court administrator supervises, and administers the compensation and benefits of, the official court reporter and assistant deputy jury commissioner

of the court of common pleas, the administrator of the Hardin County Court of Common Pleas may not serve simultaneously in either of these positions. See generally *State ex rel. Baden v. Gibbons*, 17 Ohio Law Abs. 341, 344 (Ct. App. Butler County 1934). Accordingly, we find the positions of court administrator, official court reporter, and assistant deputy jury commissioner of the Hardin County Court of Common Pleas incompatible.”

Opinion 2014-022 also determined:

2. A person may not serve simultaneously as court administrator, official court reporter, and assistant deputy jury commissioner of the Hardin County Court of Common Pleas while serving as a township fiscal officer.
3. A person may serve simultaneously as official court reporter and assistant deputy jury commissioner of the Hardin County Court of Common Pleas while serving as a township fiscal officer, provided that it is physically possible for one person to hold these three positions.
4. A person may serve simultaneously as administrator of a court of common pleas and a township fiscal officer, provided that it is physically possible for one person to hold both positions.

Gormley Selected as 2014 Toll Fellow

Delaware Municipal Court Judge **David M. Gormley** will attend a national week-long, leadership-development seminar in September after his selection as one of 48 emerging state leaders. He is the only Ohio participant.

The prestigious Toll Fellowship Program, sponsored by the Council of State Governments, seeks to develop the next generation of leaders from all three branches of state government. Past years programs have focused on crisis management, media training, and adaptive leadership.

Ohio Supreme Court Justice **Terrence O’Donnell**, former Justice **Evelyn Lundberg Stratton**, and Auditor of State **Dave Yost** nominated Judge Gormley for the program. Judge Gormley has served on the Delaware bench since 2008, initially elected in 2007. He was re-elected in 2013.



LOCAL COURT ROUNDTABLES

sc.ohio.gov/JCS

August 5
**Municipal/County Court
Administrators & Clerks**
Large Courts, More than 70K
Population

August 7
**Municipal/County Court
Administrators & Clerks**
Rural Courts, 41K or Less
Population

August 12
**Municipal/County Court
Administrators & Clerks**
Midsized Courts, 42 – 69K
Population

August 14
**General Division Court
Administrators**
Midsized Courts, Courts with 1
to 5 Judges

August 19
Domestic Relations Magistrates
Rural & Midsized Counties

August 21
Domestic Relations Magistrates
Urban & Suburban Counties

August 22
**General Division Court
Administrators**
Urban Courts

The Agenda

Upcoming events, training opportunities, and conferences for judges and court staff. For more information, contact the event sponsor at the website provided.

Judicial College Courses

judicialedcademy.ohio.gov

August 5
**Probation Officer Training Program:
Professional Communication: Oral &
Written Communication Skills (014)**
Probation Officers, Dayton

August 6
**Guardian ad Litem Pre Service
Course (6 of 9)**
Guardians ad Litem, Columbus

August 12
**Probation Officer Training Program:
Introduction to Offender Skill
Building (017)**
Probation Officers, Toledo

August 14
Judicial Candidates Seminar
Judicial Candidates, Columbus
1:30 p.m. to 3:30 p.m.

August 15
2014 Probate Seminar
Judges & Magistrates, Columbus

**Delinquency Course Video
Teleconference**
Judges & Magistrates
1 p.m. to 3:45 p.m.

August 19
**Probation Officer Training Program:
Professional Communication: Oral
& Written Communication Skills
(014)**
Probation Officers, Akron

August 20
**Guardian ad Litem Continuing
Education Course: Substance Use
& the GAL's Role**
Guardians ad Litem, Columbus
1 p.m. to 4:30 p.m.

August 21
**Guardian ad Litem Continuing
Education Course: Substance Use
& the GAL's Role**
Guardians ad Litem, Columbus
8:30 a.m. to noon

August 22
**Computer Lab: Electronic Legal
Research**
Judges & Magistrates, Columbus

August 26
**Probation Officer Training Program:
Introduction to Offender Skill
Building (017)**
Probation Officers, Columbus

August 28
**Punctuation: What You Need to
Know for Official Court Reporters**
Court Personnel, Columbus

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

August 20 & 21
**Domestic Abuse Issues:
 Training for Mediators & Other
 Professionals**
 Columbus

Supreme Court of Ohio

sc.ohio.gov

August 15
**Late application deadline to
 register as a candidate for the
 February 2015 bar exam**

August 19 & 20
Oral Arguments

Miscellaneous

August 27
**Ohio Courts of Appeals Judges
 Association Conference**
 Association Judges, Columbus

August 28
**Ohio Prosecuting Attorneys
 Association**
 Juvenile Prosecutor Training
 Delaware
ohiopa.org/events.html

Facility Dogs: Story continued from page 7.



LEFT: Nanook sits outside of Michael's House Child Advocacy Center in Greene County.

ABOVE: Avery with Summit County Prosecutor Sherri Bevan Walsh.

normal kids, when they were shaking and unable to meet your eyes just moments before, makes it a little easier to keep dealing with the horrible things we see every day.”

Walsh said Avery has his own interview room to provide a comfortable space for kids who meet with him. The dog joined the prosecutor’s office in August 2013.

Avery, Camry, and Nanook will be present at the Ohio Judicial Conference on August 28-29. There judges will learn about the benefits of facility dogs to possibly use in their own courts.

Twelfth District Court of Appeals Judge **Stephen Powell** is the chair of the conference’s education committee. He said some of the judges expressed interest in “courthouse dogs.”

Judge Powell said there are two programs on this year’s agenda that will look into the benefits and uses of facility dogs and how to implement such a program in a court.

“We expect a record turnout for this year’s conference and believe that these two programs will well-serve Ohio judges in learning how to stay on the cutting edge of trends in America’s courtrooms,” Judge Powell said.

Judge **Ken Spicer** with Delaware County Probate/Juvenile Court is one

judge who suggested that facility dogs would be a good program for others to contemplate having in their own courts.

“I think it has tremendous possibilities for those who are interested. I think there will be some folks who will be taken by the presentation and will want a facility dog,” Judge Spicer said.

Judge Spicer had an unofficial facility dog in his court from 2005 until the death of his beloved Labrador named Buckeye two years ago. Buckeye was used during court hearings and regularly stayed in the judge’s chambers.

“What was really interesting is you could watch the body language and people would soften and relax,” Judge Spicer said. “It was always positive.”

People who are interested in it will really take to it, and those who think animals are inappropriate won’t be interested, but I think there are a lot of studies about how calming animals are and just generally how they change the tone in a courtroom,” Judge Spicer added.

There are currently 60 facility dogs in 32 states across the nation. In Ohio, Ross and Henry counties are currently on a waiting list to receive their own dogs for court use. Perhaps, there will be a few more on the list in the near future.



CNO Legislative Digest

Each month, Court News Ohio Review tracks bills and resolutions pending in the Ohio General Assembly that are of interest to the judicial community.

HB 590, Rep. Michael Stinziano (D-Columbus); Rep. Mike Curtin (D-Marble Cliff)

To confer on a qualified person standing to challenge the constitutionality of a statute.

STATUS: Introduced in the House on June 30, 2014.

HB 595, Rep. Andy Brenner (R-Powell); Rep. Margaret Ann Ruhl (R-Mt. Vernon)

To create a domestic relations division of the Delaware County Court of Common Pleas and to create a judgeship for that division.

STATUS: Introduced in the House on July 16, 2014.

SB 342, Sen. Bill Seitz (R-Cincinnati)

To establish conditions for the use by local authorities of traffic law photo-monitoring devices to detect certain traffic law violations.

STATUS: Introduced in the Senate on May 20, 2014, and referred to the Senate State Government Oversight and Reform Committee. Bill amended during the second hearing on May 28, 2014.

SB 349, Sen. Bill Seitz (R-Cincinnati)

To make permissive actual damages and attorney's fees, to limit certain punitive damages, to allow respondents to recover attorney's fees in certain instances, to prohibit actual or punitive damages from being awarded to a fair housing agency, and to exempt certain landlords from the housing provisions of the Ohio Civil Rights Law.

STATUS: Introduced in the Senate on June 24, 2014.

*Image courtesy of the Ohio Statehouse Photo Archive



Rule Amendment Summary

A summary of select significant rule amendments proposed or enacted by the Ohio Supreme Court

Electronic Tickets. The court adopted amendments to the Ohio Traffic Rules about electronic tickets issued by law enforcement to account for an ongoing pilot project. Amendments to Traf.R. 3 delete the requirement that an electronic ticket meet the mandatory "form and content" requirement of a paper ticket. The amendments also maintain that any paper ticket generated from the e-ticket be of sufficient quality to meet record-retention requirements.

Practice & Procedure Rules. The court adopted amendments to the annual update to the Rules of Practice and Procedure. The amendments concern changes to the rules of appellate procedure (4, 9, 10, 11, and 43), civil procedure (4.3, 4.5, 4.6, 7, 33, 36, 45, 75, and 86), criminal procedure (5, 41, and 59), and juvenile procedure (40 and 47). Many of the changes make simple clarifications, target inconsistencies, or account for renumbering of rules. Amendments to Crim.R. 41, however, address issuing and executing tracking-device search warrants. Law enforcement officers currently have three days to complete a search with no differentiation made between a search warrant for property and the installation of a tracking device. The ability to install a tracking device within the time limit often proved difficult if no opportunities arise for law enforcement to do it safely and secretly. The amendments give law enforcement greater flexibility while protecting individuals' rights.



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9 a.m., Mondays

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