



CNO REVIEW



Year in REVIEW 2014

A Look Back at Some of the Stories that Made Headlines this Past Year. (Story on Page 8).

About Court News Ohio

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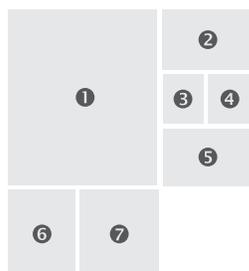
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Cases

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

Supreme Court of Ohio

City Appeals Process for Traffic Camera Violations Does Not Infringe on Jurisdiction of Courts

On December 18, the Supreme Court upheld Toledo's automated traffic camera system used to catch red-light and speeding violations. In a 4-3 decision, the court determined the legislature's constitutional authority to create municipal courts and the statute defining the jurisdiction of municipal courts do not give municipal courts exclusive control over traffic law violations. In addition, Ohio municipalities have home-rule authority to establish administrative proceedings related to civil enforcement of traffic ordinances, and those proceedings must be exhausted before parties can seek remedies in the courts, Justice **Sharon L. Kennedy** wrote in the court's majority opinion.

Walker v. Toledo
Slip Opinion No. 2014-Ohio-5461

Youngstown Man's Death Penalty Set Aside

The Supreme Court on December 3 vacated the death sentence of a Youngstown man convicted in the 1996 murders of three people and attempted murders of two others during the robbery at a bar. Lawyers for **Willie Herring** were deficient because they did not complete a thorough and adequate investigation into Herring's background to determine which mitigating factors to present to the jury during the penalty phase of his trial, Justice **Paul E. Pfeifer** wrote in the court's 4-3 decision. The decision affirms the judgment of the appeals court.

State v. Herring
Slip Opinion No. 2014-Ohio-5228

Increase in Property Taxes Was Contrary to State Law

The Supreme Court on December 2 ruled that a school board in a Cincinnati suburb was permitted to spend operating funds to pay for permanent improvements, but it could not formally designate some of its tax levies as permanent-improvement levies. The court determined that, because redesignating the levies would lead to a higher "effective rate" of taxation on its "outside millage" and because the school district's budget did not show the current need for that increased revenue, the county budget commission and the State Board of Tax Appeals had erred by permitting the redesignation of the levies. Writing for the unanimous court, Justice **William M. O'Neill** explained that the increased revenue was not "clearly required" to cover the school district's expenses, and therefore violated state law. He emphasized, though, that the decision does not prohibit boards of education from obtaining approval of their tax levies while running budget surpluses, as long as any additional revenue generated by an increased effective rate of taxation is shown to be clearly required by the school's budget.

Sanborn v. Hamilton Cty. Budget Comm.
Slip Opinion No. 2014-Ohio-5218

Courts of Appeals

Second District: City, Officer Who Struck Woman Crossing Street in Motorized Wheelchair Immune from Civil Lawsuit

A woman who spent a month in the hospital after being struck by a police cruiser while crossing the street in her wheelchair cannot hold the officer

or the city liable for the accident, the Second District Court of Appeals ruled on December 12. In affirming a ruling by a Montgomery County Court of Common Pleas, the appeals court noted that immunity from civil lawsuits applies to a police officer responding to a call to duty even if it is not in response to an emergency, as long as the officer was not reckless when driving.

Seege v. Smith
2014-Ohio-5450

Courts of Claims

Hearing Set for Two Cleveland State University Employees Claiming They Were Fired Based on Their Age

The Court of Claims conducted a December hearing to determine if two long-term Cleveland State University employees were fired because of their age after their department was reorganized and their duties were given to much younger employees. The court on November 21 rejected motions for summary judgment sought by Cleveland State on claims of age discrimination sought by employees of its Department of Student Life. The court sided with CSU in finding it did not illegally retaliate against the men, did not discriminate on the basis of disability, or breach a non-union employee's contract.

Steven Liss v. Cleveland State University
2013-00139

William Russell v. Cleveland State University
2013-00138

HappeningNow

News and Notes from Courthouses Across the Buckeye State



Attorneys: Pro Bono Activities Reporting Requested

Starting in January, more than 40,000 Ohio attorneys will receive an email from the Ohio Supreme Court asking them to voluntarily report their pro bono activities. Responses to pro bono reporting are compiled by the Ohio Legal Assistance Foundation, which uses the information to improve the delivery of civil legal services to low-income Ohioans.

All Ohio attorneys registered as “active” and who have provided an email address to the Supreme Court’s Office of Attorney Services will receive the email with a link directing them to a reporting website where they can answer questions about their 2014 pro bono work. It should take about five minutes to complete the report, if information is compiled in advance.

All information submitted will be collected anonymously. Attorneys are encouraged to begin collecting records of any pro bono work from 2014, including financial contributions to organizations that provide legal services to persons of limited means.

In reporting for 2013, nearly 70 percent of participating attorneys provided pro bono legal services with an average of 30 pro bono hours per attorney. The reported pro bono legal services were valued at \$13.6 million.

On an annual basis, the foundation compiles and reports the information collected to the Supreme Court, bar associations, and legal aids across Ohio. The reporting website will be open from January 7 through March 31, 2015.

Supreme Court’s e-Filing Open to All Attorneys

After a nearly three-month pilot program, the Ohio Supreme Court e-Filing Portal is now open to all registered Ohio attorneys and those registered for pro hac vice status. “The feedback during the pilot program has been positive,” Chief Justice **Maureen O’Connor** said. “We have an extremely intuitive system in place that is now available to all attorneys.”

Cleveland Assistant Director of Law **Linda Bickerstaff** was among the nearly 200 lawyers who signed up for the electronic filing system pilot.

“The ability to file electronically with the Supreme Court gives me equal footing with opposing counsel that may be in the Columbus area, because I previously had to complete my work days ahead of the deadline just to be sure it would be received on time,” Bickerstaff said.

She was able to add documents to existing cases from the computer in her office in Cleveland.

Paul Flowers of Paul W. Flowers Co. L.P.A. in Cleveland also likes the convenience of having the e-Filing Portal available and the cost benefit of no longer copying and binding filings.

“We have been using the federal filing system for about 20 years, and the Supreme Court’s system was well worth the wait,” Flowers said. “The system is extremely simple and straightforward. With the limited number of options you can select, it eliminates a lot of confusion over how the filing should be submitted.”

There are several guidelines for e-filing, including:

- Filing documents does not alter deadlines imposed by the Rules of Practice of the Supreme Court of Ohio. Documents received after 5 p.m. Eastern Time through the e-Filing Portal will not be considered for filing until the next business day.
- When filing documents electronically, allow sufficient time to set up account credentials and become familiar with the e-Filing Portal.
- Items received through the portal will be reviewed in the order in which they are received by the Clerk’s Office. Due to high volume, review of documents for compliance with the Rules of Practice can take up to one business day.
- Use of the e-Filing Portal does not alter the filer’s obligation to serve the other parties to the case.

The e-Filing landing page on the Supreme Court website offers a video tutorial, a user guide, and other helpful information and links. The e-Filing Help Desk at 614.387.9980 can assist with any questions or concerns. The portal can be accessed on the court’s homepage at sc.ohio.gov.

Supreme Court Hires New Administrative Director

The Ohio Supreme Court named **Michael L. Buenger** as administrative director effective January 5, 2015.

As the senior non-elected officer of the Supreme Court, Buenger, along with the chief justice and justices, the Ohio Judicial Conference, and the judges of the state, is responsible for developing and communicating the long-term vision, values, and direction of the Supreme Court and the judicial branch.

Buenger (*pronounced "bing-er"*) brings nearly 25 years of experience in judicial administration, legislative affairs, intergovernmental relations, and operations management. He previously worked as a senior counsel at the National Center for State Courts (NCSC) with the Government Affairs Office and NCSC's International Division. He also worked as a senior role of law adviser in Kosovo and as Missouri's and South Dakota's state court administrator.

Early in his career, Buenger worked for Ohio's Second District Court of Appeals in Dayton as law clerk to Judge **Thomas J. Grady** from 1989 to 1991 and as the administrator/staff counsel from 1991 to 1995. In between working with the courts, he served as an adjunct professor with the University of Dayton and Sinclair Community College and on the drafting team for the Interstate Compact for Adult Offender Supervision and the Interstate Juvenile Compact.

Buenger earned his bachelor's degree, cum laude, from the University of Dayton; his law degree, cum laude, from St. Louis University School of Law; and his LLM in public international law from the Brussels School of International Studies. An accomplished scholar, he has published widely on state court matters, including authoring five books and manuals, and has given presentations throughout the United States and Europe. He previously served as president of the national Conference of State Court Administrators and as a trustee for the National Judicial College.

"We are pleased to have Mike join the Supreme Court of Ohio as Administrative Director," Chief Justice **Maureen O'Connor** said. "He has a proven track record of leadership in court administration in Ohio, nationally, and internationally. His knowledge and experience will serve the court well and ensure we continue to administer justice with integrity and provide leadership for the judicial branch."

The Office of the Administrative Director is the lead office in the Administrative Division and is responsible for providing oversight to the other offices within the division and to the other divisions of the court and its 250 employees.

Buenger is one of only seven people to serve in the position established in the 1968 Modern Courts Amendment and replaces **Steven C. Hollon**, who retired in April after 15 years in the job. **Mindi L. Wells** was named as interim administrative director during the national search for a permanent replacement, and will assume the role of deputy director/chief operating officer on January 5, 2015.



"We are pleased to have Mike join the Supreme Court of Ohio as Administrative Director. He has a proven track record of leadership in court administration in Ohio, nationally, and internationally."

— Maureen O'Connor
Chief Justice

Guide About Interpreter's Role in the Court Released



In an effort to provide equal access to justice for deaf and limited-English proficient litigants, the Ohio Supreme Court on November 25 released an informational brochure so those who go before a judge have the ability to communicate effectively.

The brochure, "Working with Your Interpreter," provides information about a court interpreter's role in the court, tips for using an interpreter, and an interpreter's ethical and professional responsibilities.

Bruno Romero, manager of the Supreme Court Language Services Program, said the brochure is a good way for litigants to learn the role of the interpreter.

"The brochure brings awareness to those don't speak English as a first language to know what a court interpreter does and rules court interpreters must follow," Romero said. "The interpreter is trained to only interpret what is being said."

Legal interpreters are certified by the Ohio Supreme Court. Romero said they become the voice of the litigant as they must say everything that is stated or written, without editing. They also are not allowed to give advice or an opinion about the case or to speak to the public or media. Romero said there is information in the brochure about whom to contact if there is a problem with an assigned interpreter.

The brochure will be made available in 12 languages. View the brochure at www.sc.ohio.gov/JCS/interpreterSvc/compliance/brochures/english.pdf.

HAPPENING NOW: Board & Commission Leadership Changes

Ohio Criminal Sentencing Commission Hires New Executive Director



Sara Andrews

The Ohio Criminal Sentencing Commission hired a 20-year veteran of the Ohio Department of Rehabilitation and Correction (DRC) as its new executive director on December 18. **Sara Andrews** will replace

long-time director **David Diroll** early in 2015.

Andrews currently serves as deputy director of the Division of Parole and Community Services and chief of the Adult Parole Authority at DRC. In addition to managing more than 600 employees and overseeing a budget of more than \$200 million, Andrews is responsible for the Ohio Parole Board, the Office of Victim Services, the Office of Offender Reentry, the Bureau of Research, and the inspection of Ohio's jails. She also serves as Ohio's commissioner for the Interstate Compact for Adult Supervision. She began working for DRC in 1991 as a parole officer.

Ohio Supreme Court Chief Justice **Maureen O'Connor**, who chairs the sentencing commission, called Andrews supremely qualified to lead the organization.

"Sara not only brings a wealth of experience to the position, she also brings proven management experience of more than two decades with DRC. I look forward to working with her and the commission members to expand the scope of the commission to combat crime in an inter-related multidimensional way," the chief justice said.

In 1990, the General Assembly created the sentencing commission by statute. The commission conducts reviews of Ohio's sentencing statutes and sentencing patterns and makes recommendations regarding necessary statutory changes. The commission consists of 31 members, 10 of whom are judges appointed by the chief justice.

UPL Board Elects Chair, Vice Chair

The Ohio Supreme Court board that investigates the unauthorized practice of law elected its 2015 leadership.

Robert V. Morris II, a magistrate at the Franklin County Probate Court, will serve as chair and **Leo Spellacy Jr.**, a partner at Porter, Wright, Morris & Arthur LLP in Cleveland, was elected vice chair. Morris served as vice chair in 2014.

Member **Scott Potter** left the board on December 31 after serving two terms.

Established by Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio, the board consists of 13 members who are appointed to three-year terms by the Supreme Court. The board conducts hearings, preserves the record, and makes findings and recommendations to the Supreme Court in cases involving the alleged unauthorized practice of law.

The board is also authorized to issue informal, nonbinding advisory opinions on matters concerning the unauthorized practice of law.



From left: Robert V. Morris and Leo Spellacy.

Board of Commissioners on Grievances & Discipline Elects New Leaders

The Ohio Supreme Court board that investigates judges and attorneys and conducts hearings about their ethical misconduct elected its 2015 board chair and vice chair positions.

Cincinnati attorney **Paul M. De Marco** will serve as the chair of the Board of Commissioners on Grievances & Discipline. De Marco has served on the board since 2008 and served as the vice chair the previous two years. He has chaired the board's Advisory Opinion Committee and the committee that led the search for new disciplinary counsel in 2013. De Marco practices at Markovits, Stock & De Marco, LLC.

Serving on the board since 2008, Cleveland attorney **William J. Novak** will serve as the board's vice chair in 2015. Novak previously served as a member of one of the board's two probable cause panels. He practices at Novak, Pavlik, Deliberato, LLP.

Both De Marco and Novak will take office January 1, 2015, and will serve one-year terms in their respective positions.

Appointed by the Supreme Court, the board is composed of 28 members, including 4 public members, 7 active or retired judges, and 17 lawyers from across the state. The board conducts hearings and issues findings and recommendations to the Supreme Court on ethical misconduct complaints lodged against Ohio attorneys and judges. The board also engages in efforts to promote a greater understanding of and compliance with professional ethics standards.



From left: Paul M. De Marco and William J. Novak.



Rule Amendment Summary

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

E-Filing. Rule changes to allow for electronic documents to be filed with the Supreme Court take effect January 1. The justices approved amendments to the Rules of Practice for the E-Filing Portal that include these requirements:

- Documents received after 5 p.m. Eastern Time through the e-Filing Portal will not be considered for filing until the next business day.
- Documents with more than 300 pages must be submitted as multiple PDF documents instead of one large file.
- E-Filing is optional, however attorneys who choose to file documents through the portal must register and set up an account.

The e-Filing Portal is scheduled to be available to all attorneys starting on January 5.

Disciplinary Rules. Changes to the disciplinary procedure rules and regulations of the Board of Commissioners on Grievances & Discipline take effect January 1. Among other changes, the amendments update terminology relative to mental illness, mental disorders, and substance use disorders to reflect current, accepted medical standards; allow for the imposition of an interim impairment suspension when a lawyer or judge is suffering from a medically recognized disorder that substantially impairs that individual's performance of professional duties; and adopt a single standard of "confidential" as that term applies to the investigation of grievances; and applying to disciplinary case documents the same standards of public access that are applicable to trial

and appellate courts.

Presentation of Attorneys.

Starting January 1, attorneys approved for admission without examination will no longer have to participate in the presentation of attorneys during an official session of the Supreme Court. Amendments adopted by the Supreme Court to Rule I of the Rules for the Government of the Bar of Ohio, give these attorneys two additional ways to take the oath: being sworn in by an active Ohio judge or being sworn in by a justice in the highest court in another jurisdiction where they are admitted.

CLE Changes. The Supreme Court seeks public comment on a proposal to allow self-study sponsors to submit applications for accreditation of continuing legal education courses after the availability of the activity. The justices approved the publication of the amendments to sections of Gov. Bar R. X, Continuing Legal Education. The proposal will go through a 30-day public comment period.

Attorney Registration. The Supreme Court is considering changes to rules governing attorney registration, including allowing corporate attorneys to provide pro bono legal service. A series of changes to attorney registration is proposed as amendments to Rule VI of the Rules for the Government of the Bar of Ohio. One of the proposed amendments would expand the scope of practice for corporate attorneys to permit them to provide pro bono legal services through a qualified legal aid organization. The Ohio State Bar Association also is proposing a

change to Rule 5.5 of the Ohio Rules of Professional Conduct to make the Attorney Registration and Professional Conduct Rules consistent.

Judicial Conduct Rule. The Supreme Court deleted a portion of the judicial conduct rule on campaign standards and communications based on a case ruling from September 24. The court found the latter portion of section (A) of Rule 4.3 of the Ohio Code of Judicial Conduct to be an unconstitutional restriction on free speech and in violation of the First Amendment of the U.S. Constitution in *In re Judicial Campaign Complaint Against O'Toole*.

Judicial Consent. The Supreme Court adopted changes to rules and forms concerning judicial consent to an abortion by a minor without notification of a parent, guardian, or custodian that bring them in line with recent legislative changes. The rules take effect January 1.

Probate Forms. The Supreme Court approved amendments to new and existing probate forms that take effect January 1, including changes to Form 14 (Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims) and new Form 22.5 (Application to Settle a Claim of an Adult Ward), new Form 22.6 (Entry Approving Settlement of a Claim of an Adult Ward), and new Form 22.7 (Report of Distribution).

Year in **REVIEW** **2014**

Among the top stories in 2014, CNO Review reported on trends impacting local courts, national and statewide meetings hosted by the Ohio Supreme Court, and programs that welcome in-state visitors and those from abroad to the Thomas J. Moyer Ohio Judicial Center.



meetings

Judicial Symposium on Opiates

At the urging of statewide leaders to take action against the devastating effects of opiate abuse, Ohio judges gathered justice system partners to address the issue in June. Judges from 83 Ohio counties and their community partners attended the Ohio Judicial Symposium on Opiate Addiction, presented in part by the Supreme Court. In addition to learning about the science of addiction, symposium attendees heard from addiction experts and judges who run 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 were invited to share their experiences at the Supreme Court's annual drug court conference in November.

Legal Mentoring Conference

In May, the Supreme Court hosted a national conference on the importance of mentoring in a rapidly changing legal field. "Mentoring in Our Evolving Profession" gathered leaders from bar associations, courts, law schools, law firms, and other legal organizations to discuss how to promote, establish, and support successful mentoring experiences. April's CNO Review highlighted the conference as well as the court's efforts in this area. Through the Lawyer to Lawyer Mentoring program, the court seeks to elevate the competence, professionalism, and success of Ohio lawyers. The one-year mentorship pairs experienced lawyers with those recently admitted to the practice of law. The mentor and mentee meet six times for discussions and activities selected from an approved mentoring plan.

Domestic Relations Summit

With a goal of minimizing conflict for Ohio children and families, March's CNO Review provided a glimpse of the benefits for teams of domestic relations court judges and their justice system partners who attended April's Domestic Relations Summit. Chief Justice **Maureen O'Connor** charged the judges to lead a delegation of four additional key leaders from their communities who have the vision and ability to affect real change in the lives of children and families in transition. The teams assessed the current state of their court and local case management practices by identifying tasks that each party performs to advance a case through the caseflow process with a goal of streamlining, combining, or reorganizing steps. Following the analysis stage, teams assessed their resources to ensure their optimal use.

trends in local courts

Courtroom Canines



The August issue described the benefits of using facility dogs in Ohio, particularly in relieving stress

for those involved in the judicial system. Camry, a Golden Retriever/Labrador working in the Marion County Family Court, is trained to comfort kids and help put those who go before the court at ease. Camry can also give children courage to speak out, whether they are on the witness stand or being interviewed during a custody dispute. The story also featured Nanook, a 4 ½-year-old Labrador Retriever who works with the Greene County Prosecutor's Office, and Avery, a 3-year-old Labrador/Golden Retriever who works with the Summit County Prosecutor's Office.

Unaccompanied Minors



In December's issue, the influx of unaccompanied minors and how they affect Ohio courts was brought to life

through the eyes of 13-year-old Jeovani who traveled thousands of miles from Honduras. Jeovani's status as a permanent resident of the U.S. is still up in the air as his federal immigration case is pending. A separate custody case pending in juvenile court brings Jeovani's, and other unaccompanied minors like him, from an issue affecting border states like Texas and Arizona to Ohio's door. Judges and attorneys explained the difficulties in helping children like Jeovani, from trying to serve notice that parental rights were severed to parents in other countries, to who has legal custody of the minors in Ohio.

Contingency Plans



In February, several Ohio courts shared how contingency plans prepared them to ensure the safety of employees and litigants

in the face of extreme cold caused by the polar vortex of last winter. Courts examined their continuity of operations policies after wind chills in January were the coldest in parts of Ohio in 20 years. As part of the continued efforts to best deal with judicial emergencies and temporary relocation of courts, the Supreme Court adopted rules in October addressing this situation. The proposals arose after questions from emergency-related events, such as the 2012 wind storm that closed the Logan County Courthouse, and whether current Ohio law and court rules adequately addressed such emergencies.

special guests

In May, CNO Review took on an international flavor by noting that for more than 20 years, the Supreme Court has worked with lawyers, judges, legislators, and government officials from abroad to learn the basics of the U.S. legal structure and receive an overview of the Supreme Court and Ohio's judiciary. Groups from the Ukraine, Russia, Kazakhstan, Kyrgyzstan, Turkmenistan, Armenia, and Serbia have traveled to Ohio over the last decade as their governments have undergone transitions and/or undertaken developing independent judiciaries. Chief Justice O' Connor welcomed eight Libyan judges in April. She spoke about the interplay of the three branches of government and the interdependence and independence of the judicial, legislative, and executive branches. She also listened as the Libyan officials described their judiciary.



Closer to home, November's CNO Review celebrated the Supreme Court's 10 years of civic education efforts to teach Ohioans – especially students – about the state's court system. The story noted how 2014 marked the court's 10th anniversary since moving into the Moyer Judicial Center, the first time in history the court had a home of its own. The courts and law come alive during tours of the building including stops in the Courtroom and the Visitor Education Center. More school children who may not have had the opportunity are coming to the court through transportation grants that offset their costs.

Reece to Lead Common Pleas Judges in 2015

Franklin County Common Pleas Court Judge **Guy L. Reece II** will serve as president of the Ohio Common Pleas Judges Association in 2015.

Chief Justice **Maureen O'Connor** administered the oath of office to Judge Reece and the other judges elected to leadership positions at the group's annual winter conference on December 3 in Columbus. She also spoke briefly and assisted in handing out 21 Golden Gavel awards to retiring judges with at least 10 years of service on the bench (*see box below*).

Judge Reece served as a trial judge for more than 17 years and is the presiding judge of the Franklin County Common Pleas Court. He is a retired U.S. Army colonel, and earned numerous military awards including the Bronze Star. Judge Reece received an undergraduate degree in business administration from the University of Nebraska at Omaha, and a juris doctorate from Ohio State College of Law. He currently serves on the executive committee of the National Conference of State Trial Court Judges and the Judicial Division of the American Bar Association.

2015 OCPJA Officers



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Judge Guy L. Reece II

Franklin County Common Pleas Court

President-Elect
Judge Thomas M. Marcelain

Licking County
Common Pleas Court

First Vice President
Judge David T. Matia
Cuyahoga County
Common Pleas Court

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Treasurer
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Wayne County
Common Pleas Court

Past President
Judge Jonathan P. Hein
Darke County
Common Pleas Court

2014 Golden Gavel Honorees

Golden Gavel awards were presented to the following retiring judges, who had at least 10 years of service on the bench.

Judge John A. Enlow
Portage County
Common Pleas Court

Judge Daniel T. Hogan
Franklin County
Common Pleas Court

Judge Richard J. McMonagle
Cuyahoga County
Common Pleas Court

Judge Ronald W. Vettel
Ashtabula County
Common Pleas Court

Judge James C. Evans
Mahoning County
Common Pleas Court

Judge James L. Kimbler
Medina County
Common Pleas Court

Judge Norbert A. Nadel
Hamilton County
Common Pleas Court

Judge W. Duncan Whitney
Delaware County
Common Pleas Court

Judge David W. Fais
Franklin County
Common Pleas Court

Judge Robert J. Lindeman
Miami County
Common Pleas Court

Judge Michael J. Sage
Butler County
Common Pleas Court

Judge Russell B. Wiseman
Crawford County
Common Pleas Court

Judge James L. Flannery
Warren County
Common Pleas Court

Judge Alfred W. Mackey
Ashtabula County
Common Pleas Court

Judge Richard S. Sheward
Franklin County
Common Pleas Court

Judge L. Alan Goldsberry
Athens County
Common Pleas Court

Judge Chris A. Martin
Fairfield County
Common Pleas Court

Judge John M. Solovan II
Belmont County
Common Pleas Court

Judge David E. Henderson
Jefferson County
Common Pleas Court

Judge Frederick H. McDonald
Lucas County
Common Pleas Court

Judge Charles D. Steele
Van Wert County
Common Pleas Court

Harrison Co. Judge to Lead Juvenile Court Judges

New officers of the Ohio Association of Juvenile Court Judges (OAJCP) were sworn in December 4 by Chief Justice **Maureen O'Connor**. Harrison County Probate/Juvenile Court Judge **Matthew P. Puskarich** will lead the group as president in 2015.

Judge Puskarich has been the Harrison County Probate/Juvenile judge since February 2003. Prior to taking the bench, he was the Harrison County prosecuting attorney and a former Jefferson County assistant prosecuting attorney. Judge Puskarich serves on the Ohio Judicial Conference Committee for Judicial Ethics and Professionalism and on the Supreme Court's Advisory Committee on Children & Families.



Judge Puskarich

2015 OAJCP Officers

President

Judge Matthew P. Puskarich
Harrison County
Probate/Juvenile Court

Secretary

Judge Timothy J. Grendell
Geauga County
Probate/Juvenile Court

President-Elect

Judge Kathleen Dobrozi Romans
Butler County Juvenile Court

Immediate Past President

Judge Debra Boros
Lorain County
Probate/Juvenile Court

Treasurer

Judge Robert C. DeLamatre
Erie County Juvenile Court

Ohio Receives Federal Grant to Examine Family Drug Courts

More than 42 percent of parents who have contact with Ohio's child protective services have identified substance abuse issues, according to the Ohio Department of Job and Family Services. Family drug courts are designed to assist those parents with treatment and rehabilitation, but too often those who need help are not using the services.

To understand why there is a lack of access to existing family drug courts, the Ohio Supreme Court Specialized Docket and Children & Families sections are partnering with the Ohio Department of Mental Health and Addiction Services and Ohio Department of Job and Family Services on the Ohio Family Drug Court Statewide Reform Grant. Ohio is one of five states to receive a Family Drug Court Statewide System Reform Program grant from the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention.

"The increase in opiate abuse is taking a toll on Ohio's families," Chief Justice Maureen O'Connor said. "Our family drug courts can provide families stability and increase well-being through court-monitored treatment. We will use this grant to identify the barriers that limit families' ability to access the assistance drug courts

Court Program Helps Parents and Guardians of Drug Addicts

In an effort to provide support for parents and guardians whose loved ones are addicted to opiates, one Lyndhurst Municipal Court judge offers a place of compassion.

Judge **Mary Kaye Bozza** and her staff organized Parent's "Make the Right Choice." It's a program designed to make resources available for parents of drug-addicted teens 18 and over and young adults.

The Parent's "Make the Right Choice" program started January 2013 with 50 attendees. The program is an extension of her Men's and Women's "Make the Right Choice Program," where for the last 12 years Judge Bozza has offered support for convicted drunk drivers who come before her in court.

After a light dinner and social time, the meeting and education program offers resources for rehabilitation and counseling. There are guest speakers consisting of substance abuse counselors, who focus on grief, guilt, and enabling, as well as doctors, police officers, county prosecutors, attorneys, parents, and recovering addicts.

The parents and guardians bond over their similar stories. They talk to each other about their families' struggles and find support among the attendees.

"It won't cure it, but it's a place to feel understood and comforted, and that's all I can offer them," Judge Bozza said. "The parents gain support from other parents who are facing these issues at different stages. This problem is a roller coaster – sobriety comes and goes and some parents have been experiencing this for 7 to 10 years with more than one adult child."

Judge Bozza said she knows there are few success stories across Ohio for those who use opiates, but said she is doing the best she can while also

Story continues on page 15.

Story continues on page 15.



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.

Photo courtesy of the Ohio Statehouse Photo Archive

NOTE: The Ohio General Assembly passed the following bills during a busy post-election session in November and December. With the end of the current General Assembly, all pending legislation is cancelled and would need to be reintroduced during the next legislative session, which begins January 1, 2015. All bills listed await the Governor's consideration.

HB 9, Rep. Peter Stautberg (R-Cincinnati)

To clarify the powers of a receiver, to provide a procedure for a receiver's sale of property, to prohibit an electric distribution utility from altering, refusing, or discontinuing service to, or discriminating against, a receiver under certain circumstances, to specify the order of the distribution of the proceeds of the receivership, to address the effect of a receivership on noncompetitive retail electric service, and to specify that a lease of natural gas and petroleum is an interest in real estate.

STATUS: Introduced in the House on January 30, 2013, and referred to the House Judiciary Committee. Passed the House on April 10, 2013 (96-0). Referred to the Senate Civil Justice Committee on June 18, 2013. Passed the Senate December 4, 2013 (21-12). House refused to concur with Senate amendments on December 11, 2013 (0-91). Bill was amended and reported out of conference committee on December 8, 2014. Conference report was adopted by the House on December 9, 2014 (89-0) and by the Senate on December 10, 2014 (32-0).

HB 247, Rep. Gerald Stebleton (R-Lancaster)

In part, to allow proceedings for a mentally ill person subject to court order to be in a probate court in any county, rather than in the county where the mentally ill person subject to court

order resides, and to modify the form of the affidavit used to initiate proceedings for court-ordered treatment of a mentally ill person.

STATUS: Introduced in the House on August 15, 2013, and referred to the House Health & Aging Committee. Passed the House on November 13, 2013 (96-0). Referred to the Senate Medicaid, Health & Human Services Committee on November 19, 2013. Amended bill passed the Senate on December 11, 2014 (30-1). House concurred with Senate amendments on December 17, 2014 (82-1).

HB 290, Rep. Gerald Stebleton (R-Lancaster)

In part, regarding the continued orderly operation of the courts in case of a disaster, civil disorder, or other extraordinary circumstance.

STATUS: Introduced in the House and referred to the House Education Committee on October 10, 2013. Passed the House on May 14, 2014 (89-0). Referred to the Senate Civil Justice Committee on May 21, 2014. Amended bill passed the Senate on December 11, 2014 (25-6). House concurred with Senate amendments on December 17, 2014 (79-8).

HB 663, Rep. Jim Buchy (R-Greenville); Rep. Matt Huffman (R-Lima)

To provide confidentiality and license protection for persons and entities involved in executing a sentence of capital punishment by lethal injection, to provide for a schedule of fees to be paid to appointed counsel in a capital case as set by the Supreme Court, to provide that the attorney client privilege does not apply if the case is a capital case and the client subsequently claims ineffective assistance of counsel

regarding the case, to provide for written jury instructions in capital cases, to provide for a joint legislative study committee to study the manner in which families of homicide victims can best be supported, to extend to 365 days the time for filing a postconviction relief petition, and to amend the version of section 149.43 of the Revised Code that is scheduled to take effect on March 20, 2015, to continue the provisions of this act on and after that date.

STATUS: Introduced in the House on November 10, 2014, and referred to the House Policy & Legislative Oversight Committee. Passed the House on November 20, 2014 (61-25). Amended substitute language passed the Senate on December 11, 2014 (20-10). House concurred with Senate amendments on December 17, 2014 (57-22).

HJR 12, Rep. Matt Huffman (R-Lima); Rep. Vernon Sykes (D-Akron)

Proposing to enact certain new sections of Article XI and to repeal certain sections of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

STATUS: Introduced in the House on November 13, 2014, and referred to the House Policy & Legislative Oversight Committee. Substitute language passed the House on December 4, 2014 (80-4). Referred to the Senate Rules Committee on December 10, 2014. Amended, substitute language passed the Senate on December 11, 2014 (28-1). House concurred with Senate amendments on December 17, 2014, and resolution was adopted by a vote of 80-8. If it receives approval by the Ohio Ballot Board, the resolution will be

considered by voters in the November 2015 election.

SB 207, Sen. Tom Patton (R-Strongsville); Sen. Gayle Manning (R-North Ridgeville)

Regarding the parental rights of a person who was convicted of, or pleaded guilty to, rape or sexual battery.

STATUS: Introduced in the Senate on October 16, 2013, and referred to the Senate Criminal Justice Committee. Amended bill passed the Senate on June 4, 2014 (32-0). Referred to the House Judiciary Committee on November 5, 2014. Passed the House on December 17, 2014 (86-0).

SB 250, Sen. Shannon Jones (R-Springboro); Sen. Frank LaRose (R-Copley Twp.)

To require that certain pre-birth adoption notifications be sent to each putative father; to permit a person to advertise that the person will adopt children; to define for purposes of an adoption, "living expenses" of a birth mother, to specify how they must be paid, and to allow a credit or refund of those expenses; and to increase, and make refundable, the adoption income tax credit.

STATUS: Introduced in the Senate on December 4, 2013, and referred to the Senate Civil Justice Committee; Substitute language passed the Senate on December 9, 2014. Referred to the House Health & Aging Committee on December 16, 2014. Passed the House on December 17, 2014 (81-4).

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 and to require the Department of Public Safety to issue a report on texting while driving citations.

STATUS: Introduced in the Senate on May 20, 2014, and referred to the Senate State Government Oversight Reform Committee. Amended bill passed the Senate on November 19, 2014. Referred to the House Policy & Legislative Oversight Committee on November 20, 2014. Amended bill passed the House on December 10, 2014 (58-31). Senate concurred with House amendments on December 11, 2014 (21-9).

SB 361, Sen. Bill Seitz (R-Cincinnati)

To clarify when strict criminal liability is imposed or a degree of culpability is required for the commission of an offense, to modify the concept of acting recklessly, and to require that future acts creating criminal offenses specify the requisite degree of culpability.

STATUS: Introduced in the Senate on September 8, 2014, and referred to the Senate Criminal Justice Committee. Amended bill passed the Senate on December 4, 2014 (32-0). Referred to the House Judiciary Committee. Passed the House on December 17, 2014 (84-0).



2015 Judicial Candidate DEADLINES

In 2015, Ohio voters will elect municipal court judges. Candidates for those positions should be aware of upcoming deadlines and requirements.

Judicial Candidate Filing Deadline

4 P.M. FEBRUARY 4
FOR PARTY CANDIDATES

Filing deadlines for some municipal court races may be established by city charters. Check with your county boards of election to verify the filing deadlines applicable to your race.

Mandatory Campaign Practices Seminar

Rule 4.2(A) (4) of the Code of Judicial Conduct requires all judicial candidates, including incumbent judges, who are seeking election to attend a campaign practices seminar. The Board of Professional Conduct has judicial candidate seminars scheduled in 2015 at various locations around the state, with the first seminar on January 26, 2015.

Additional Details

Ohio Secretary of State
Candidate Requirement Guide:

http://www.sos.state.oh.us/SOS/Upload/publications/election/2015_CRG.pdf

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

judicialecademy.ohio.gov

January 5 - 12

Probation Officer Training Program: Ohio Department of Rehabilitation & Corrections Training
Probation Officers
Orient

January 6

Probation Officer Training Program: Introduction to Assessment & Case Planning (013)
Probation Officers
Dayton/Beavercreek

January 13

Probation Officer Training Program: Introduction to Motivational Interviewing (016)
Probation Officers
Toledo/Perrysburg

January 14

Guardian ad Litem Continuing Education Course: Report Writing
Guardians ad Litem
Columbus
1 p.m. – 4:30 p.m.

January 15

Guardian ad Litem Continuing Education Course: Report Writing
Guardians ad Litem
Columbus
8:30 a.m. – Noon

January 21

Probation Officer Training Program: Introduction to Assessment & Case Planning (013)
Probation Officers
Akron/Fairlawn

January 26

Judicial Candidates Seminar (in conjunction with AMCJO conference)
Judicial Candidates
Columbus
3:45 p.m. – 5:45 p.m.

January 27

Probation Officer Training Program: Introduction to Motivational Interviewing (016)
Probation Officers
Columbus

January 28

Guardian ad Litem Pre Service Court (1 of 9)
Guardians ad Litem
Columbus

February 3

Probation Officer Training Program: Professional Communication (014)
Probation Officers
Dayton/Beavercreek

February 4

**Guardian ad Litem
Continuing Education Course**
Guardians ad Litem
Dayton/Beavercreek
1 p.m. – 4:30 p.m.

February 5

**Guardian ad Litem
Continuing Education Course:
The GAL Interview**
Guardians ad Litem
Dayton Beavercreek
8:30 a.m. - Noon

February 5 & 6

**Court Executive Team
Seminar Part I**
Judges & Court Personnel
Columbus

Supreme Court of Ohio

sc.ohio.gov

January 13 & 14

Oral Arguments

January 14

**Swearing-In Ceremony
for Justices Sharon Kennedy
& Judith French**
Thomas J. Moyer
Ohio Judicial Center
3 p.m.
Live stream available
at sc.ohio.gov

January 15

**Late Application Deadline to
Register as a Candidate for
the July 2015 Bar Exam**

**Mayor's Court Quarterly Report
Submission Deadline**

January 19

Martin Luther King Jr. Holiday
Court Offices Closed

February 3 & 4

Oral Arguments

**Ohio Center for
Law-Related Education**

oclre.org

January 13 & 14

Ohio Government in Action
Thomas J. Moyer
Ohio Judicial Center
Columbus

January 23

High School We the People 2015
Statehouse
Columbus

January 30

**High School Mock Trial
2015 District Competitions**
Various Locations

Miscellaneous

January 26 – 28

**Association of Municipal
and County Judges of Ohio
(AMCJO) Winter Conference**
Member Judges
Columbus

FEDERAL GRANT: Continued from page 11.

provide. Removing these barriers is fundamental to participation and success.”

The two-year, \$309,115 grant will include funding for a symposium where representatives from family drug courts will be able to develop plans for increasing access.

There are currently 16 family drug courts in Ohio certified by the Supreme Court. They are based on the drug court specialized docket concept that focuses on treatment and rehabilitation.

**MAKE THE RIGHT CHOICE:
Continued from page 11.**

preparing parents for worst-case scenarios.

“I’m loving what I’m doing,” Judge Bozza said. “The parents are emotionally grateful for having been invited and always want to know when the next program will be scheduled. Most parents express their appreciation for this opportunity.”

The next Parent’s “Make the Right Choice” will be February 26, 2015. Those interested in attending or learning more about the program can contact **Tina Slunski** at 440.461.6500, extension 166.





HAPPY NEW YEAR
From all of us at Court News Ohio