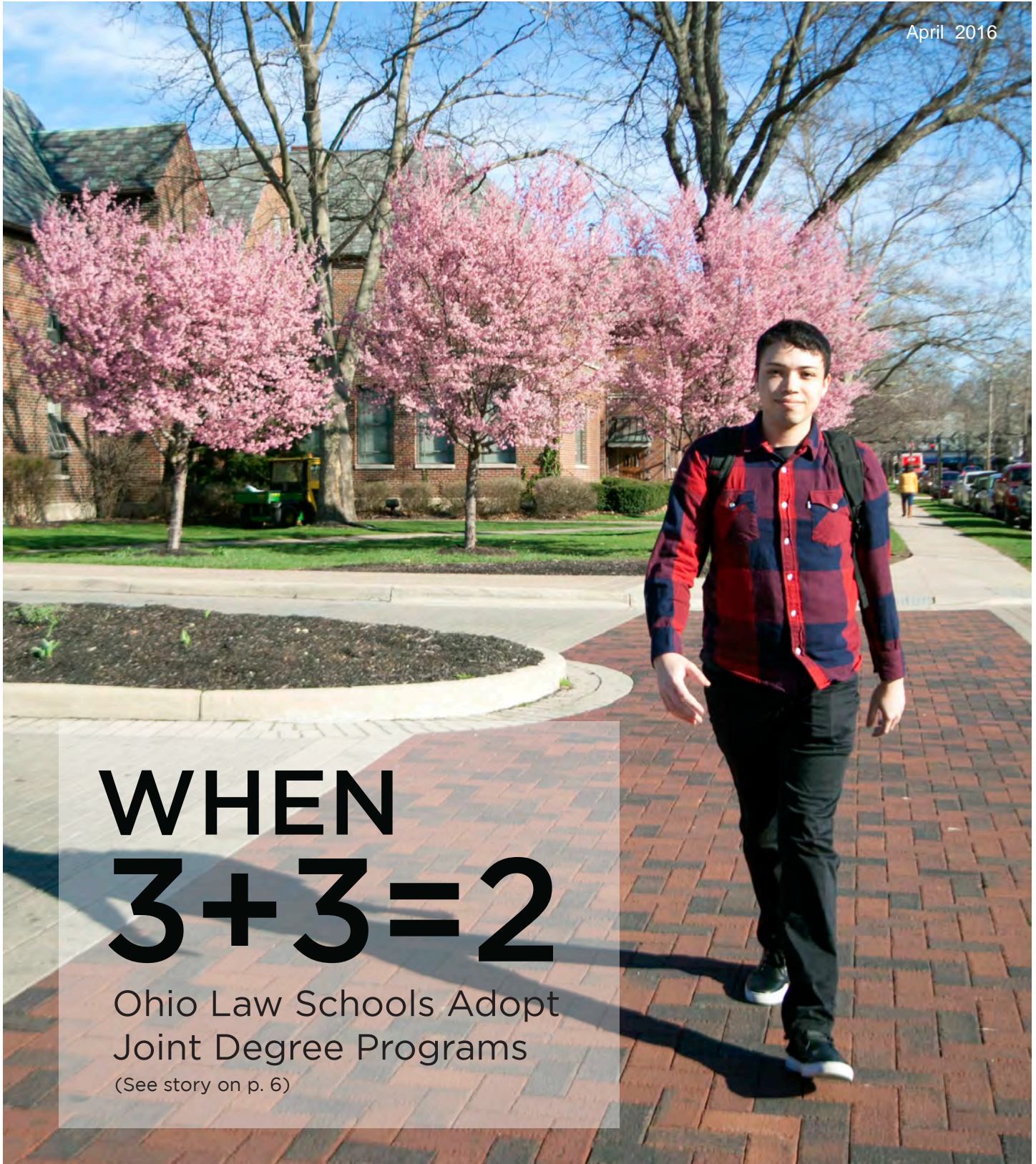


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Board of Professional Conduct Releases Advisory Opinion About Flat Fee Agreements (p. 5)

# CNO REVIEW

April 2016



## WHEN $3+3=2$

Ohio Law Schools Adopt  
Joint Degree Programs

(See story on p. 6)

## About Court News Ohio

Court News Ohio is a service of the Office of Public Information of the Supreme Court of Ohio and Ohio Government Telecommunications. Court News Ohio includes a website ([courtnewsOhio.gov](http://courtnewsOhio.gov)), a monthly print publication (CNO Review), a television program (CNOTV), a Facebook page ([facebook.com/courtnewsOhio](https://facebook.com/courtnewsOhio)), a Twitter feed (@courtnewsOhio), and a YouTube channel ([youtube.com/CourtNewsOhioTV](https://youtube.com/CourtNewsOhioTV)).

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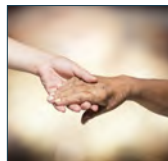
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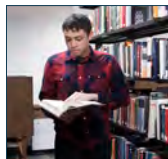
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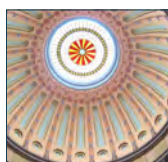
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**On the Cover:** Capital University freshman Payton Orosa is enrolled in Capital University Law School's 3+3 program.

# Cases

Visit [courtnewsohio.gov](http://courtnewsohio.gov) for the most current decisions from the Ohio Supreme Court, Courts of Appeals, and Court of Claims.

## Supreme Court of Ohio

### Citizen Has Standing to Challenge Constitutionality of Ohio Casino Gambling

A Columbiana County man has a right to proceed with his challenge to Ohio's law permitting casino gambling, arguing the restrictive nature of who can operate the facilities violates his federal constitutional rights, the Ohio Supreme Court ruled on March 24. In the lead opinion, Justice **Judith L. French** wrote that Frederick Kinsey has alleged standing to challenge the constitutionality of the 2009 voter-approved amendment to the Ohio Constitution permitting four casinos in specified locations and the subsequent legislation that outlines how the casinos and seven "racinos" operate. The ruling rejects claims by the Ohio Roundtable and 12 other individuals who collectively filed suit in 2011 to block casino gambling in the state.

State ex. Rel. Walgate v. Kasich  
Slip Opinion No. 2016-Ohio-1176

### Second Execution Attempt Is Not Cruel and Unusual Punishment

An execution had not begun when an IV line could not be established to deliver lethal drugs into an inmate's body even though a needle was inserted multiple times, and neither the U.S. nor Ohio constitution bars the state from carrying out the execution, the Ohio Supreme Court ruled on March 16. The Court ruled 4-3 that a second attempt to execute Romell Broom by lethal injection would not violate the cruel and unusual punishment or double jeopardy clauses of the federal and state constitutions. Justice **Judith Ann Lanzinger** stated in the majority opinion that, by law, the death penalty begins with the application of lethal

drugs, and since the execution team stopped after it could not keep an IV catheter functioning, Broom's punishment had not started. In separate opinions, dissenting justices countered that Broom is entitled to a hearing to prove a second attempt would also fail under the state's procedures, and that the first attempt constituted cruel punishment.

State v. Broom  
Slip Opinion No. 2016-Ohio-1028

## Courts of Appeals

### Twelfth District: Conviction Overturned for Man Who Trained iPhone on Topless Tanning Booth Patron

When a man pointed his iPhone at a topless woman using a tanning booth in Middletown, he wasn't attempting to video "under or through" her clothes, so he couldn't be convicted of attempted voyeurism, an Ohio appeals court ruled on March 17. The Twelfth District Court of Appeals reversed the Middletown Municipal Court's conviction of David A. Reuss. Reuss argued the criminal code section used to convict him required the secret taping under or through another person's clothing, and since the victim in this case was topless in the tanning booth and wearing only panties, there were no clothes to be videoing under or through. Writing for the Twelfth District, Judge **Robert R. Ringland** found the court was "constrained to agree with Ruess' argument," with two of the three-judge panel admonishing the prosecution for charging Ruess under the wrong code section and allowing him to get away with a crime.

Middletown v. Reuss  
2016-Ohio-996

### First District: Student's One-Day Suspension for Staring at Girl Affirmed

A Cincinnati-area private school had the right to suspend a 12-year-old boy for one day when the principal deemed the child intimidated a female student during a staring showdown, an Ohio appeals court ruled on March 9. The First District Court of Appeals affirmed the ruling of a Hamilton County Common Pleas Court upholding the punishment rendered by St. Gabriel Consolidated School of Glendale.

D.T. v. St. Gabriel Consol. School  
2016-Ohio-784

## Court of Claims

### Brothers Exonerated for Murder Granted Additional \$4.38 Million for Wrongful Imprisonment

The state agreed to pay two Cleveland brothers wrongfully imprisoned for 37 and 25 years an additional \$4.38 million for their time behind bars, the Ohio Court of Claims ruled on Feb. 23. The court agreed to a settlement with Wiley Bridgeman and Kwame Ajamu (formerly Ronnie Bridgeman), for the time spent in prison for a murder they did not commit. Bridgeman, Ajamu, and Ricky Jackson had their death sentences commuted while in prison, and their convictions were overturned in late 2014, after the key witness in the case against them recanted his story.

Kwame Ajamu, et al v. State of Ohio  
Case No. 2015-00149

# HappeningNow

News and Notes from Courthouses Across the Buckeye State



## Statewide Adult Guardianship Summit Helps Judicial Teams Enhance Programs and Procedures

With a goal to establish a collaborative action plan to safeguard the best interest of adult wards, teams of probate judges and their justice system partners from across Ohio attended a statewide summit on March 22 in Columbus to assess and enhance their adult guardianship court programs and procedures.

Put on by the Advisory Committee on Children and Families of the Ohio Supreme Court, the day-long guardianship summit allowed the teams to attend break-out sessions representing a cross-section of work associated with serving as a guardian and protecting adult wards.

Ohio Supreme Court Chief Justice **Maureen O'Connor** charged the five-member teams from nearly 50 counties to identify and describe innovations in Ohio's Rules of Superintendence on guardianship to find best practices in serving vulnerable and incapacitated adults. They worked together and assessed local and state strengths and challenges, identified gaps, and developed a local plan for improvement.

In her welcome address, Chief Justice O'Connor told the attendees that the point of the summit was for local courts to establish a collaborative action plan.

"Always keep in the mind the ultimate goal of this initiative: Approaching guardianship services from a person-centered philosophy and raising the bar regarding the accountability of guardians toward their wards and the appointing courts," she said.

Stark County Probate Court Judge **Dixilene Park**, also the Adult Guardianship subcommittee chair, said her court is heavily involved in trying to better protect adult wards and wanted to share ideas with the summit attendees.

"The summit on guardianship provides county interdisciplinary-teams an interactive opportunity to learn about best practices used throughout the state and how to implement them in their respective counties," Judge Park said. "For instance, Stark County's Guardian Visitor program, a volunteer monitoring program for the court's wards, can be implemented and started at relatively low cost and greatly benefits the well-being of the wards."

Supreme Court staff envisioned the summit as a way to highlight effective practices taking place in Ohio and nationally in regard to adult guardianships, and to find better ways to protect adult wards. The county teams were encouraged to meet and broaden their collaborations in the weeks and months after the summit.

"Always keep in the mind the ultimate goal of this initiative: Approaching guardianship services from a person-centered philosophy and raising the bar regarding the accountability of guardians toward their wards and the appointing courts."

— Chief Justice Maureen O'Connor

## Town Meeting Seeks Solutions to Lack of Civility



Civility, or the lack of it, in the current political climate was the focus of a town meeting at the Ohio Statehouse on March 18.

Sponsored by The Ohio Civility Consortium and the Chief Justice Thomas J. Moyer Legacy Committee of the Ohio State Bar Association, the meeting brought together elected officials, members of the public, and the media to focus on solutions.

"We are in a presidential election year. Can we do something to change the way Ohioans experience this next presidential election? Can we do something about making this discourse more civil and more focused on the substance of politics?" Moyer Legacy Committee Chair **Barbara Howard** said.

Former Ohio Supreme Court Justice **Yvette McGee Brown** was among the state and national speakers at the event.

"We can't get to a place where the only people we talk to are people like us. We've got to move forward to a place where we can have discourse and have disagreement without being disagreeable," she told the group.

In addition to the speakers, breakout sessions, and panel discussions, the event featured interactive sessions where the attendees and the public watching the live stream on the Ohio Channel were able to use their cell phones to participate in the discussion.

Many of the sessions like "Can We Talk? Moving from Discord to Dialogue" are available on the Ohio Channel's website.

## Board of Professional Conduct Releases Advisory Opinion About Flat Fee Agreements

The Ohio Supreme Court's Board of Professional Conduct released an advisory opinion regarding the propriety of flat fee agreements related to a lawyer's representation of a client and the manner in which such "paid-in-advance" fees must be accounted for by Ohio lawyers.

With the release of Advisory Opinion 2016-1, the board withdraws Advisory Opinion 96-4, which addressed the same topic under the former Code of Professional Responsibility.

Advisory Opinion 2016-1 addresses flat fee agreements paid in advance under the Rules of Professional Conduct. The board determined that under Prof.Cond.R. 1.15(c), a lawyer is required to deposit flat fees and expenses paid in advance for representation into a client trust account (IOLTA), unless the fee is designated as "earned upon receipt" or similarly, and may withdraw the funds only as the fee is earned or the expense is incurred. Regardless if the fee is designated "earned upon receipt," "nonrefundable," or similarly, the client must be advised in writing that the client may be entitled to a refund of any fee paid in advance, if the lawyer fails to complete the representation for any reason.

The opinion does not address a true retainer, which is a payment to a lawyer to secure availability of that lawyer's services over a period of time and without regard to a specific matter.

In addition to addressing the propriety of flat fee agreements, Advisory Opinion 2016-1 provides guidance regarding other aspects of flat fee agreements. A flat fee must not be excessive and a lawyer shall not provide financial assistance to a client – aside from advances in court costs and litigation expenses. Additionally, the flat fee agreement must not interfere with an attorney's duties to provide competent and diligent representation to each client.

Advisory Opinion 2016-1 is the first in a series of opinions to be reissued by the board during the next several months. The board is evaluating previously issued opinions that address often-asked questions from lawyers and judges and offer advice under the former Code of Professional Responsibility or former Code of Judicial Conduct. These opinions will be updated and reissued to provide guidance under the existing Rules of Professional Conduct and Code of Judicial Conduct.

## 2015 Criminal Sentencing Commission Annual Report Now Available

The Ohio Criminal Sentencing Commission released its first published annual report illustrating its mission and vision to enhance justice and ensure fair sentencing across the state. The General Assembly created the commission by statute in 1990 to study Ohio's criminal laws, sentencing patterns, and juvenile offender dispositions and to make recommendations to lawmakers.

The 2015 annual report highlighted criminal sentencing committees: executive, juvenile justice, sentencing, criminal justice, and data collecting and sharing. The committees are staffed by commission members and include individuals outside of the commission who have a vested interest in the specific committee work.

The report is available at [sc.ohio.gov/publications](http://sc.ohio.gov/publications).



### Honoring Professional Excellence

Three Ohio Supreme Court employees were recognized for their professionalism and service during a March 8 ceremony.

The 12th annual employee recognition ceremony included a presentation of the Professional Excellence Awards, the highest honors given to Supreme Court staff, to:

**Ryan Fahle**, security services coordinator in the Office of the Court Security; **Joel Kent**, administrative officer in the Office of Disciplinary Counsel; and **Melissa Pierre-Louis**, human resources coordinator in the Office of Human Resources.

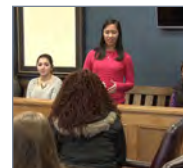
Also at the ceremony, 29 employees were recognized for 5, 10, 15, 20, 25, and 30 years of service.

### New High School Mock Trial Champs

Two teams met on March 12 for the final round of the Ohio High School Mock Trial competition held at the Statehouse in Columbus. Dayton Early College Academy argued for the prosecution, while Orange High School in Pepper Pike was the defense, in the mock trial before a panel of nine judges, including Ohio Supreme Court Justice **William M. O'Neill**, for the 33rd annual competition sponsored by the Ohio Center for Law-Related Education.

Orange High School took home the first-place trophy as well as outstanding witness and attorney honors.

### Teen Court Lets Students Judge Peers



When a teen ends up in court for theft, trespassing, or other misdemeanor offenses, he or she usually ends up before a judge or magistrate. In Stark

County, teens help other teens in a court program that's marking its 20th anniversary. Teen Court lets high school students become prosecutors, defense attorneys, bailiffs, and jury members to their peers. Adult hearing officers act as judges and help facilitate the court sessions that are held in Canton, Massillon, Alliance, and Louisville three times a week.

Watch the video at: [courtnewsOhio.gov/happening/2016/teenCourt\\_030916.asp](http://courtnewsOhio.gov/happening/2016/teenCourt_030916.asp).

# WHEN 3+3=2

## Ohio Law Schools Adopt Joint Degree Programs

**P**ayton Orosa was a sophomore at Hoover High School in North Canton, Ohio when he was asked to join the mock trial team.

“I enjoyed reading through case briefs and witness testimonies for mock trial, highlighting important passages, and developing a strategy and overarching message,” Orosa recalled of the experience that sparked his interest in law.

Currently, Orosa is a freshman at Capital University in Columbus, majoring in political science. His dreams of becoming a lawyer, if things go according to plan, will come true one year earlier than usual thanks to Capital University Law School’s 3+3 program.

“The program made sense for me,” Orosa said. “Attaining a seven-year education in six was an opportunity I could not ignore.”

3+3 is an accelerated way to earn a bachelor’s and law degree in a total of six years. The Ohio Supreme Court approved rule changes in July 2014, allowing eligible students to enter law school after just three years of undergraduate course work. First-year course work in law school counts toward electives for an undergraduate degree. Law schools are partnering with colleges and universities to offer the joint degree programs to students who meet admissions requirements, including successful completion of general course work toward a major and taking the Law School Admission Test.



With the average college education in Ohio at about \$10,000 a year, shaving off a year of tuition and fees can mean big savings for students.<sup>1</sup> However, cost is not the only factor Ohio law schools are looking at as they embark on offering 3+3 programs for their students.

### Varying Degrees of Implementation

Ohio law schools are at different stages of implementing 3+3 programs. Capital was the first in April 2015. Law school Interim Dean Rachael Janutis is pleased with the response in the first year with about 20 freshmen and sophomores currently enrolled.

“We are working with our undergraduates now to include them in programming at the law school,” Janutis said. “They are invited to attend events such as special lectures to help give them a better understanding of what legal education and the profession are all about.”

The goal, Janutis added, is to get the students engaged now and set them up to succeed in law school and, eventually, in a legal career.

A similar idea is being formulated for a 3+3 program at the Ohio State

University Moritz College of Law. Associate Dean for Admissions Kathy Seward Northern said the program is being designed to help educate students about leadership and cultural competency to better understand what’s expected of them in law school. While details are still being worked out, including the internal agreement with an Ohio State college, Northern said the plan is to provide a pathway to law that students can apply for at the end of their first year of undergraduate coursework.

Ohio Northern University Pettit College of Law in Ada started its 3+3 program last fall, with agreements to allow students majoring in one of eight areas to participate. Professor Stephen Veltri said while a few students have expressed interest to their undergraduate advisors, the true measure of whether the program is a success won’t be known for another two to three years.

The University of Akron School of Law should have several 3+3 relationships functioning by the end of this year, according to Dean Matthew Wilson.

“A lot of careful planning and consideration has been given to provide our future and current

Students listen to a lecture at the University of Dayton School of Law, where a two-year law degree program is offered. (Photo: University of Dayton School of Law)

students with an affordable pathway to a legal career. There's no financial downside for the students to enroll in the program, and they still complete their undergraduate degree even if they decide not to continue with law school," Wilson said.

Cleveland-Marshall College of Law has a pipeline ready for students from nearby Lake Erie College who want a quicker way to get a law degree. Deborah Geier, law professor and chairwoman of Cleveland-Marshall's admissions committee, said Lake Erie approached them as soon as the 3+3 program was announced.

"Ohio is behind the times in offering 3+3. Lake Erie already had an agreement with Duquesne University Law School in Pennsylvania and saw value in being able to provide their students an option if they wanted to go to an Ohio law school," Geier said. Cleveland-Marshall is in discussion to partner with other Ohio colleges and universities, she added.

The University of Toledo College of Law has also been looking at expanding its agreements beyond the initial one launched a year ago with the University of Toledo's College of Languages, Literature, and Social Sciences. Associate Dean for Academic Affairs Geoffrey Rapp said it will be a year or two before they see any applicants. However, "our recruiters and our undergraduate partners tell us there's quite a bit of enthusiasm about the program from high school students."

Creating enthusiasm to gain students' attention might be a plus for law schools. According to the American Bar Association, Ohio law schools saw enrollment numbers for first-year students fall 5 percent in 2015, when compared to 2014.<sup>2</sup>

"One less year of college debt is a good way to attract pre-law students when enrollment numbers are trending down," Case Western Reserve University School of Law Dean Michael Scharf said. "We're not expecting a large number at first, but will be happy if the program brings in a handful of additional enrollments." Having concluded its first agreement with John Carroll University, and with negotiations currently underway with several other partners, Case Western hopes to welcome the first cadre of 3+3 students into the law school in the fall of 2017.

Attracting a certain kind of student is something University of Cincinnati College of Law Professor and Special Assistant to the Dean for Strategic Initiatives Michele Bradley sees as an added benefit to 3+3: "A student who can complete their college work in six years is likely to be hardworking, and attracting that kind of student is something we like to see because it's good for our undergraduate college."

### Law School in Two Years

One Ohio law school has an accelerated law degree program that is slightly different than 3+3. Since 2005, students at the University of Dayton School of Law have been able to complete their juris doctorate in just two years.

"Law students can complete the degree in two years because their first semester is May through August and they attend classes the following summer," the law school's Assistant Dean and Executive Director of Enrollment Management and Marketing Claire Schrader said.

That expedited time table appealed to John McManus.

"Having spent time in the workforce, I wanted to spend as little time out of it as possible. That's why I decided to complete my law degree in two years. There are so many advantages tied to saving time and money, and the rationale behind entering a two-year program made perfect sense to me," McManus said.

Despite the demanding class schedule he has to keep in order to be able to graduate this year, McManus found an opportunity to serve his community by being elected to the Dayton Board of Education.

While the University of Dayton will continue to offer the accelerated program for students like McManus, who want to finish in two years, Schrader said they are also considering a 3+3 option.

### How Many Will Choose the Path?

It's still too soon to say how many students will choose the 3+3 pathway to a law degree. That's especially true because many high school seniors don't know what they want to major in when they head to college, let alone if they want to go to law school. University of Akron's Wilson points to his own daughter as an example because "she changed her major four times."

As one of the early participants, Orosa is looking forward to graduating from Capital's law school in 2021.

"Law as a practice is appealing to me because of its intricacy and the very real consequences it has on the lives of ordinary people. The idea that a lawyer or judge can effectively determine the fate of an individual or group speaks to the importance of law and litigation, and I want to be a party to that practice," he said.

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### ENDNOTES

<sup>1</sup> The College Board, Annual Survey of Colleges: Tuition and Fees by Sector and State over Time, <http://trends.collegeboard.org/college-pricing/figures-tables/tuition-fees-sector-state-over-time> (Accessed on March 11, 2016).

<sup>2</sup> ABA Section of Legal Education and Admissions to the Bar, Change in LL Matriculants by School – 2015 vs 2014, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2015\\_2014\\_1l\\_matriculant\\_comparison\\_authcheckdam.xlsx](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_2014_1l_matriculant_comparison_authcheckdam.xlsx) (Dec. 15, 2015).

## New Magistrates Get Oriented to Their Positions

Transitioning from the bar to the bench can be challenging, which is why nearly 40 new magistrates attended a three-day orientation course put on by the Ohio Supreme Court's Judicial College.

Held once a year in spring, the New Magistrate Orientation helps attorneys with the switch and teaches them what they need to know about becoming the best magistrates possible.

**Troy Sitzmann** became the newest Fairfield County magistrate in January. As a non-elected judicial officer, Sitzmann attended the course to learn from the veterans and engage with other new magistrates.

"It's been a good mix of seasoned, more experienced magistrates who have had a lot to share with us, and it's also been excellent just to be able to share experiences and ideas with people who are also new to the position and learn from them as well," Sitzmann said.

The attendees evaluated and learned how to improve their decision-making and writing skills. They also discussed ethical issues that may come up in the courtroom.

Cuyahoga County Domestic Relations Court Judge **Diane Palos** has volunteered as a Judicial College faculty member since the late 1980s. A former magistrate with more than 20 years' experience, Judge Palos said it's essential new magistrates know what is expected of them.

"It's really important that we commit to our people, continue to educate them," Judge Palos

said. "They need to understand about judicial ethics, they need to learn about professionalism, they need to study some of the other skills that are going to help them every day because everything you do isn't about just applying the law and it's not necessarily about trying a case – it's more of what magistrates do is hands-on dealing with individuals and people in civil crisis."

**Karen Falter** was a dependency magistrate for nine years, then switched to work at a prosecutor's office. Two months ago she returned to the bench to become a domestic relations magistrate in Hamilton County.

Dealing mainly with civil cases, Falter attended the new magistrate orientation as a refresher course. She said it can be a big change from preparing cases to listening to both sides of a dispute and making a fair decision.

"It's very helpful to constantly remind those of us who are in these roles what our responsibility is and how to go about to be an effective member of the judiciary," Falter said. "It's very important to remember we affect people's lives and that our decisions need to be well thought out and take all that into consideration."

These magistrates will continue their education throughout their tenure on the bench. Ohio magistrates must complete 24 hours of continuing legal education, including 10 hours of instruction offered by the Judicial College, every two years.

## Judicial Appointments



**Michael R. Sliwinski**  
Cleveland Municipal Court

**Michael R. Sliwinski**, the Ohio Lottery Commission's assistant legal counsel, will become a Cleveland Municipal Court judge on April 4 after his March 14 appointment by Gov. John R. Kasich to fill a vacancy. Sliwinski must win in the November 2017 general election to retain the seat for the full six-year term commencing on Jan. 5, 2018. He replaces Judge **Ed Wade**, who was elected in November to another seat on the court.



**Gregory S. Stephens**  
Butler County Common Pleas Court

Butler County Assistant Prosecutor **Gregory S. Stephens** was appointed to the Butler County Common Pleas Court. Stephens took the bench on March 14. He must win in the Nov. 8 general election to retain the seat for the full six-year term commencing on Jan. 2, 2017. Stephens replaces retired Judge **Patricia S. Oney**.



## Judicial Contests Set After Primary Election

Voters made selections during the March 15 primary election for seats on the Ohio Supreme Court, state appeals courts, and common pleas courts.

### Ohio Supreme Court

There are three Supreme Court seats up for election this year, but only one primary race was contested. First District Court of Appeals Judge **Patrick Fischer** defeated Eleventh District Court of Appeals Judge **Colleen O'Toole** in the Republican primary. Fischer will face Cuyahoga County Common Pleas Court Judge **John P. O'Donnell** in November. Also in November, appellate judges **Cynthia Rice** and **Pat DeWine** compete to be on the state's highest court, and Chief Justice **Maureen O'Connor** has no challenger for another six-year term on the bench.

### Courts of Appeals

In contested primary races for seats on the courts of appeals, **William Zimmerman** won the three-way Republican race to appear on the November ballot in the Third District, and **Valerie Gerlach** defeated her Democratic primary opponent to take on incumbent Fourth District Court of Appeals Judge **Matthew McFarland** in November.

### Common Pleas Courts

At the county common pleas court level, there were 14 contested races. Among those:

- Cuyahoga County Common Pleas Court Judge **Michael Astrab** ran for a different seat on the bench and lost in a four-way Democratic race to **Kelly Ann Gallagher**. Gallagher will face **James Cochran** in the November election.
- **Randall Fuller** will be the judge in Delaware County's newly created domestic relations court in January, if no one submits a write-in bid, after Fuller defeated fellow Republican **Christopher Geer** in the primary.
- In Geauga County, four Republicans ran to replace Judge **David Fuhry**, who did not run for reelection. **Carolyn Paschke**, a court magistrate, topped the three other candidates.
- Two appointed judges weren't retained by the voters in their Republican primary races. Lorain County Common Pleas Court Judge **Michele Silva Arredondo** lost to **Will Spiegelberg**, and Judge **Michael Gilb** of the Warren County Common Pleas Court lost in a three-way primary race to **Timothy Tepe**.

The general election will be on Nov. 8. In all, Ohio voters will determine more than 145 judicial seats, with races for county courts also added to the November ballot. Updated candidate information will be available to voters prior to the election at [JudicialVotesCount.org](http://JudicialVotesCount.org). *(Unofficial results were compiled by Supreme Court staff using information from county boards of elections and the Ohio Secretary of State).*

## Ohio Judicial Conference Director Retires After 10 Years of Service

Leading the Ohio Judicial Conference since 2006, executive director and retired Judge **Mark R. Schweikert** on April 1 retired from his post. He said it was a privilege aiding Ohio's judges.



"It has been a tremendous honor to serve in this position, to work with Ohio's judges and justices and on occasion to speak on their behalf in the legislature and with other parties interested in the justice system," Schweikert said. "I very much enjoyed working at the policy level in Ohio government and, particularly in the justice system, knowing that the work we do here has significant impact at the local level."

Schweikert received a certificate of recognition signed by Chief Justice **Maureen O'Connor**. Part of the text reads: "On behalf of my colleagues, it is an honor to recognize his dedication and diligence on behalf of the Ohio Judicial Conference as its executive director for the past 10 years. Mark's experience and insight into the judiciary ensured his leadership of the Judicial Conference would be meaningful and effective. Not only was he a tremendous resource for judges, but also for legislators, as they sought information and understanding of Ohio's judicial system."

Prior to serving the judicial conference, Schweikert was a Hamilton County Common Pleas Court judge from 1995 through 1999, and was the county's court administrator for both the municipal and common pleas divisions from 1981 until 1995.

Schweikert said he's only semi-retiring as he plans to regularly work as a judge sitting by assignment across Ohio.

He received his law degree from Chase College of Law at Northern Kentucky University and was admitted to the Ohio bar in 1980. Schweikert is a former chair of the court administration committee of the Ohio Judicial Conference and served on many committees under the Ohio Supreme Court. He also served as a consultant and faculty for court reform projects in Ukraine and Mongolia.



## Conferences & Meetings

**April 13 - 15**  
**Ohio Association of Magistrates**  
**Spring Conference**  
Sandusky  
ohiomagistrates.org

**April 14 & 15**  
**Ohio Prosecuting Attorneys**  
**Association Spring Training**  
Columbus  
ohiopa.org

**April 15**  
**Ohio Jury Management**  
**Association Jury Services**  
**Conference**  
Columbus  
ohiojury.org

**April 22 – 24**  
**Ohio Court Reporters Association**  
**Annual Conference**  
Columbus  
ocraonline.com

**April 25**  
**Ohio Judicial Conference Court**  
**Technology Conference**  
Columbus/Worthington  
ohiojudges.org

# 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

[judicialacademy.ohio.gov](http://judicialacademy.ohio.gov)

**April 6 - 8**  
**Court Management Program (CMP)**  
**Module V: Managing Human Resources**  
2016 CCM CMP Class  
Columbus

**April 7 & 8**  
**Capital Cases**  
Judges  
Columbus

**April 11**  
**Fundamentals of Adult Guardianship**  
**Course BROADCAST**  
Adult Guardians  
(Laypersons)

**April 12**  
**Probation Officer Training Program:**  
**Introduction to Assessment & Case**  
**Planning**  
Probation Officers  
Perrysburg

**Fundamentals of Adult Guardianship**  
**Course BROADCAST**  
Adult Guardians  
(Professional)

**April 13**  
**Guardian ad Litem Continuing**  
**Education Course: Report Writing**  
Guardians ad Litem  
Ashland  
1 p.m. - 4:30 p.m.

**Supervisor Series: Performance**  
**Management and Employment**  
**Development (1 of 2)**  
Court Supervisors  
Columbus

**April 14**  
**Supervisor Series: Performance**  
**Management and Employment**  
**Development (2 of 2)**  
Court Supervisors  
Columbus

**April 15**  
**Jury Managers Course: Taxing**  
**Issues in Jury Management**  
Judges/Court Personnel  
Columbus

**April 19**  
**Probation Officer Training Program:**  
**Introduction to Motivational**  
**Interviewing**  
Probation Officers  
Akron

**April 20**  
**Basic Defensive Tactics (1 of 2)**  
Probation Officers  
London

**Probation Officer Training Program:**  
**Introduction to Assessment & Case**  
**Planning**  
Probation Officers  
Columbus

**April 21**  
**Advanced Defensive Tactics (1 of 2)**  
Probation Officers  
London

April 25 - 29  
**Probation Officer Firearms Training**  
 Probation Officers  
 London

April 27  
**Guardian ad Litem Continuing Education Course: Substance Use**  
 Guardians ad Litem  
 Cincinnati  
 1 p.m. - 4:30 p.m.

April 28  
**Guardian ad Litem Continuing Education Course: Substance Use**  
 Guardians ad Litem  
 Cincinnati  
 8:30 a.m. - Noon

May 2 - 5  
**New Judges Orientation, Part II**  
 New Judges  
 Columbus

May 3  
**Probation Officer Training Program: Introduction to Offender Skill Building**  
 Probation Officers  
 Dayton

**Dispute Resolution Training**  
[sc.ohio.gov/JCS/disputeResolution](http://sc.ohio.gov/JCS/disputeResolution)

April 20  
**Parenting Coordinators Roundtable**

April 28  
**Mediator's Roundtable**  
 Columbus

April 29  
**Managing Parties with Limited or No Capacity for Mediation**  
 Columbus

**Language Services Training**  
[sc.ohio.gov/JCS/interpreterSvc](http://sc.ohio.gov/JCS/interpreterSvc)

April 22 & 23  
**Orientation Training for Written Exam Candidates**  
 Columbus

**Supreme Court of Ohio**  
[sc.ohio.gov](http://sc.ohio.gov)

April 5  
**Oral Arguments**

April 15  
**Mayor's Court Quarterly Report Deadline**

April 19  
**Oral Arguments**

April 20  
**Oral Arguments at Off-Site Court**  
 Meigs County

April 22  
**February 2016 Bar Exam Results Released**

May 2  
**Bar Admissions Ceremony**

May 4  
**Oral Arguments**

**Ohio Center for Law-Related Education**  
[ocle.org](http://ocle.org)

April 14, 15 & 22  
**Ohio Mock Trial Middle School Showcase**

May 4  
**Youth for Justice/Project Citizen Virtual Summit**

**Local Court Roundtables**  
[sc.ohio.gov/JCS/roundtables](http://sc.ohio.gov/JCS/roundtables)

**NOTE: All meetings at the Moyer Judicial Center in Columbus**

April 5  
**Juvenile Courts, Title IV-E**  
 All Counties

April 12  
**Domestic Relations Administrators**  
 All Counties

April 14  
**Juvenile Administrators**  
 Midsized & Rural Courts

April 19  
**Probate Court Administrators & Clerks**  
 Midsized & Rural Courts

May 3  
**Juvenile Chief Deputy Clerks**  
 Rural Courts with Population of Less than 60K

May 6  
**Probate Court Magistrates**  
 Urban Courts



## Rule Amendment Summary

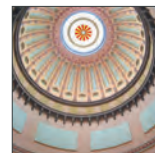
A summary of select significant rule amendments proposed or enacted by the Ohio Supreme Court

**Gender-Neutral Terms.** Gender-neutral terms within Supreme Court rules and forms became effective March 15. The changes were necessary in light of the June 26, 2015 decision of the U.S. Supreme Court in *Obergefell v. Hodges*, Case No. 14-556. Supreme Court rules and forms that address marriage and the related topics of divorce, child support, guardianships, adoption, domestic relations, and domestic violence were amended to remove gender-specific terms.

**Juvenile Shackling.** An amendment to the Rules of Superintendence for the Courts of Ohio will mandate that local courts adopt local rules to better regulate shackling of youths during court proceedings. The Supreme Court adopted Sup. R. 5.01, which will take effect July 1. Under Sup.R. 5.01, local restraint rules would create a presumption against shackling. However, local courts can restrain children on a case-by-case basis if a judge or magistrate finds on the record it is necessary because the juvenile's behavior is a significant threat or the juvenile is at risk of fleeing. The judge or magistrate must also find that restraint is necessary because no less restrictive alternatives exist.

**Funding Legal Services.** The Supreme Court adopted amendments to the Rules for the Government of the Bar of Ohio that will increase attorney fees to help fund legal aid services. It becomes effective on July 1. Pro hac vice registration fees, which out-of-state attorneys pay if they want to appear in an Ohio court proceeding, will increase from \$150 to \$300. The new rules also implement a \$50 voluntary "add on" fee to the biennial attorney registration. The Supreme Court Task Force on Access to Justice recommended the fee increases in 2015.

**Emeritus Status.** Ohio will soon have a new attorney registration status. The Supreme Court announced new rules that will allow non-active attorneys to engage in limited legal practice to provide pro bono service. The changes to Rule VI of the Rules for the Government of the Bar of Ohio will take effect on Sept. 15, and come from recommendations made by the Supreme Court Task Force on Access to Justice. The emeritus pro bono status will be available to an attorney admitted to practice law in Ohio and associated with a law school clinic, legal aid, approved legal services organization, public defender's office, or other legal services organization. The attorney would be required to have supervision from an active-status attorney to appear before a court, administrative board, or agency. Routine legal services wouldn't require supervision. The emeritus attorney won't be allowed to receive compensation beyond reimbursement for expenses from the pro bono organization.



## 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 171, Rep. Louis Blessing III (R-Cincinnati); Rep. Jonathan Dever (R-Cincinnati)**

To decrease the minimum amount of heroin involved in a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender.

**STATUS:** Introduced in the House on April 28, 2015. Passed the House on June 17, 2015 (80-16). Referred to the Senate Criminal Justice Committee on June 24, 2015. Its third Senate committee hearing was on Feb. 24, 2016.

### **HB 387, Rep. Louis Terhar (R-Cincinnati); Rep. Jonathan Dever (R-Cincinnati)**

To raise the maximum allowable limit of the monetary jurisdiction of small claims divisions of municipal courts.

**STATUS:** Introduced in the House on Nov. 2, 2015. Passed the House on Feb. 24, 2016 (89-0).

### **SB 284, Sen. Larry Obhof (R-Medina)**

To provide that a person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

**STATUS:** Introduced in Senate on Feb. 29, 2016.

### **SB 296, Sen. Bill Seitz (R-Cincinnati)**

To specify the conditions under which a court may order that a polling place be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot.

**STATUS:** Introduced in Senate on March 14, 2016.