



CNO REVIEW

February 2016



BALANCING

Open Access to Court Records
with Privacy Concerns

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About Court News Ohio

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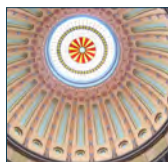
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Cases

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

Supreme Court of Ohio

Warrantless Search of Legally Parked Car Violated Man's Constitutional Rights

The Supreme Court ruled on Jan. 20 that the arrest of an occupant of a legally parked car does not by itself justify automatic impoundment of that car; and a warrantless inventory search of the car violated the Fourth Amendment to the U.S. Constitution and Article I, Section 14 of the Ohio Constitution. The opinion, authored by Justice **William M. O'Neill**, relies on U.S. Supreme Court rulings that the Fourth Amendment determines the reasonableness of a search based on the totality of the circumstances of each case. In this case, Justice O'Neill concludes that the warrantless search of the car Quayshaun Leak was sitting in prior to his arrest cannot reasonably be classified as a lawful search incident to arrest. He also concludes that because the police lacked the authority to lawfully impound the car, the search cannot be classified as an inventory search conducted pursuant to the police's community caretaking function. The ruling grants Leak's motion to suppress a gun as evidence against him, vacates Leak's weapons convictions, and reverses the Fifth District Court of Appeals decision finding the search was reasonable.

State v. Leak
Slip Opinion No. 2016-Ohio-154

Supreme Court Disavows "Unmistakable Crime" Doctrine

A woman who concealed heroin in her body could not be convicted of tampering with evidence unless the state proved that she knew that an investigation by authorities was

ongoing or would likely be instituted, the Supreme Court ruled on Dec. 30. In a 7-0 decision authored by Justice **Terrence O'Donnell**, the Supreme Court reversed Chelsey Barry's tampering-with-evidence conviction for concealing 56 grams of heroin within a body cavity. Justice O'Donnell wrote that to prove she was guilty of tampering with evidence, prosecutors needed to prove beyond a reasonable doubt that Barry knew an official proceeding or investigation was in progress or likely to be commenced at the time the evidence was concealed. The state cannot simply infer Barry knew that concealing evidence was an "unmistakable crime," but rather it must also prove she knew a criminal investigation was ongoing or likely to follow.

State v. Barry
Slip Opinion No. 2015-Ohio-5449

Consumer Sales Law's Penalties for Deceptive or Unconscionable Acts or Practices Does Not Apply to Insurance Repair Estimates to Company's Own Customers

An auto insurance customer can't use the state's consumer sales practices law to sue an insurer for deceptive or unconscionable acts or practices related to repair estimates, but can pursue other legal options under both the consumer sales practices law and other legal remedies, the Supreme Court ruled on Dec. 29. The Supreme Court ruled 5-2 that an insurer providing a repair estimate to its own customer is not engaging in a "consumer transaction" under the Consumer Sales Practices Act, which allows customers to sue a company for an "unfair or deceptive act." Writing for the majority, Chief Justice **Maureen O'Connor** made it clear that if an insurer did not follow the law, the customer would have to

take a different legal path to resolve the dispute.

Dillon v. Farmers Ins. Of Columbus, Inc.
Slip Opinion No. 2015-Ohio-5407

Courts of Appeals

Twelfth District: Trial Court Should Consider Reversing Guardsman's Probation of No Firearms

An Ohio National Guardsman sentenced to five years' probation for a road rage incident, which included a ban against owning or holding a gun, had part of his appeal overturned. The Twelfth District Court of Appeals said the man's probation sentence should be reconsidered due to his military status. Adam P. Intihar was involved in the road rage incident in December 2014, where he showed his handgun to another driver, who said he feared for his life. Intihar was charged with a first-degree misdemeanor for aggravated menacing. A jury found Intihar not guilty of aggravated menacing, but guilty of a lesser charge of menacing. Intihar was sentenced to 30 days in jail, with 27 of those days suspended. The Lebanon Municipal Court also imposed five years' probation. Intihar appealed his conviction to the Twelfth District, which affirmed in part and reversed in part the lower court's decision. Intihar said he had a concealed-carry permit on the night of the road rage incident. He argued the trial court erred when it denied him from owning, possessing, or using a gun.

State v. Intihar
2015-Ohio-5507

HappeningNow

News and Notes from Courthouses Across the Buckeye State

Toledo Veterans Treatment Court Celebrates First Graduates

Two men stood before Toledo Municipal Court Judge **William M. Connelly Jr.** on Jan. 22 to complete their year-long journey and become the first graduates of the Toledo Veterans Treatment Court.

The specialized docket court provides rehabilitation and treatment services to military veterans charged with misdemeanor crimes who also have mental health and substance abuse problems. Toledo's court began in January 2015, and is one of 19 in the state certified by the Supreme Court's Commission on Specialized Dockets to focus solely on veterans.

At the ceremony, Judge Connelly addressed the graduates.

"The inspiration for this court is a recognition that each of you, through your service, have already given so much to your country. It is our turn to return that favor. We are all so very proud to have had the opportunity to be a part of the team of people dedicated to helping our veteran participants move closer to a life with dignity, honor, and happiness," he said.

The court's treatment team includes representatives from the city prosecutor's office, the public defender's office, the court's probation department, Ohio Department of Job and Family Services, Ohio Department of Veterans Services, and the U.S. Department of Veterans Affairs.

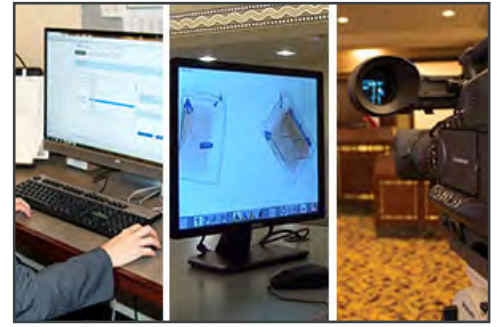
"It was surprising to me. There's people out there that care. A lot of veterans don't know about it. A lot of veterans don't believe it's out there," Graduate Alfred Cortez told a WTVG-TV reporter after the ceremony.

In a letter of congratulations to the Toledo court, Chief Justice **Maureen O'Connor** wrote: "I am so proud of the work you have undertaken in Lucas County, and the many lives that will be better for it. I am even more proud of the grit and determination displayed by the participants to meet their treatment goals, regain their lives, and graduate."

There are more than 200 specialized dockets in Ohio courts that bring together court and treatment personnel to work collaboratively to assist defendants with treatment, instead of prison, for issues such as drugs, alcohol, and mental health. The success of specialized dockets is measured by reduced recidivism, improved treatment, and cost savings.



Toledo Veterans Treatment Court graduate Anthony Moore watches as his fellow graduate, Alfred Cortez, is interviewed by the local media.



Ohio Courts Urged to Apply for Grant Money

The Ohio Supreme Court announced a new round of technology grants through the Ohio Courts Technology Initiative is available to local courts.

Last year, the Supreme Court approved \$2.5 million for 109 technology projects at courts in 61 counties.

"Even with the success of the 2015 Court Technology Grant program, there are still barriers in our courts to efficient and effective administration of justice because of a lack of technology. The justices and I encourage courts at all levels of Ohio's judiciary to apply for grants to improve service to the public," Chief Justice **Maureen O'Connor** said.

Any Ohio appeals, common pleas, municipal, or county court may apply for multiple projects, even if the court received 2015 grants. Grant funds can be used to buy new or upgraded systems, hardware, or equipment for projects such as:

- Connection to the Ohio Courts Network
- Court security improvements
- Video remote language interpretation
- Self-service kiosks for jurors, litigants, or probationers.

Applications will be accepted electronically through March 15, 2016. Review of applications and selection will begin on March 16. The application form and other information is available on the Supreme Court's website.

Questions may be sent to Grant Administrator **Nida Reid-Williamson** at Nida.Reid-Williamson@sc.ohio.gov.

2016 Dispute Resolution Education Trainings and Roundtables Schedule Available

Ohio Supreme Court Hires New Dispute Resolution Manager

The 2016 Dispute Resolution Education Trainings and Roundtables schedule is now available online. The Ohio Supreme Court is offering sessions on basic mediation, domestic abuse issues, specialized divorce and family mediation, parenting coordination, and advanced mediation.

View a complete schedule at sc.ohio.gov/JCS/disputeResolution/training/2016/training/default.asp.

According to the Rules of Superintendence for the Courts of Ohio, court-connected mediators have to complete at least 12 hours of basic mediation training followed by 40 hours of specialized family or divorce mediation training as approved by the Supreme Court's Dispute Resolution Section. Other trainings are required for specialized mediation and parenting coordinators.

Catherine Geyer, the Court's Dispute Resolution Section manager, said many Ohioans who have limited interaction with the judicial system don't know about court resources they have at their disposal.

"For example, parties involved in family disputes surrounding their parental rights and responsibilities may not know that if they go to a court that is using parenting coordination as a form of dispute resolution, the judge may assign their case to a professional who is trained, not only with mediation skills, but also is skilled in educating parties how to navigate and communicate with each other to prevent and resolve future disputes without court intervention," Geyer said.

Geyer said courts are using mediation more frequently to settle disputes.

"Having training consistent with the rules assures that courts will continue to provide fair, impartial, and speedy resolution of cases in a way that maintains the confidence of the people," Geyer said.

Ohio courts have used mediation since the 1970s and the Buckeye state has helped develop national standards for court-connected mediation programs.

"Ohio is a leader in innovation for court-connected dispute resolution," Chief Justice **Maureen O'Connor** said. "Courts across the state are ready to help Ohioans with mediation to settle disputes."

Geyer started at the Court in January and will work in conjunction with the Commission on Dispute Resolution to oversee and promote statewide rules and standards concerning dispute resolution programs. She will also help foster innovative dispute resolution services to Ohio courts with trainings for judges, court personnel, and dispute resolution professionals, and will provide mediation for Supreme Court and Court of Claims litigants and Ohio public officials.

Before she came to the Court, Geyer served as a court-connected and private mediator of civil litigation across Ohio and as a faculty member of the Mediation College for the Claims and Litigation Management Alliance. Geyer has also served as a private practice attorney.



Catherine Geyer
Dispute Resolution
Section Manager

Cleveland Court Administrator Wins National Award



The Institute for Court Management (ICM) recently awarded Cleveland Municipal Court Administrator **Russell Brown III** with the 2015 Warren E. Burger Award.

The award recognizes an individual who has significantly improved the administration of state courts.

The award honors the late U.S. Supreme Court chief justice, who helped create the National Center for State Courts (NCSC) and its ICM to improve judicial administration through leadership and service to state courts.

Brown thanked his staff and the leadership at Cleveland Municipal Court as well as the NCSC staff and the Ohio Supreme Court.

"All of the effort and strides that I have made in court administration have been specifically for the advancement of fair and impartial justice, our local and state courts, and on behalf of the communities and the people whom we serve," Brown said.

Cleveland Municipal Court Administrative Judge **Ronald B. Adrine** said the award couldn't have gone to a better person.

"We are extremely pleased that the National Center for State Courts is recognizing and sharing with the world what we here in Cleveland already knew," Judge Adrine said. "Russell Brown is a visionary leader and an exceptional administrator. He excels in working with people of all stripes and in getting things done. His work ethic is unequalled, and we feel particularly blessed that he chooses to share his skillset with us."

Brown is a certified court manager and a 2006 fellow with ICM. He also teaches a leadership course conducted by ICM and the Ohio Judicial College. Brown is a past president of the Ohio Association for Court Administration

Story continues on p. 11.



BALANCING

Open Access to Court Records with Privacy Concerns

Case decisions involving access to public records draw the passionate attention of the media. However, the state's well-known public records act doesn't govern the courts because of the separation of powers required among the three branches of government. Instead, the Ohio Supreme Court regulates court records statewide through its Rules of Superintendence for the Courts of Ohio.

It was 10 years ago that the Court established the 19-member commission that assists in overseeing these rules that govern Ohio's courts. Rules 44 to 47 give direction to courts about public access to their records.

The public access rules, which were debated during extensive public comment periods leading up to their July 1, 2009 effective date, reflect a core underlying principle of openness while considering individual privacy rights and other societal interests.

"The courts, as a third branch of government, are expected to conduct the people's business in an open, rather than a secret, manner," said Justice **Judith Ann Lanzinger**, who chaired the Commission on the Rules of Superintendence when the public access rules were drafted and implemented. "There is an inherent tension between the idea that court records are public and the concerns of private parties whose personal cases may raise issues they wish to remain confidential."

To balance these responsibilities, the rules identify specific exemptions, of which some courts may not be aware. The rules first explain that court records include case documents and administrative documents, which are both defined, and that each category exempts some materials. Here are the key categories of documents that aren't open to the public.

Case Documents

Particular case documents and parts of case documents are excluded from disclosure. Specifically restricted from public access are:



Personal Identifiers

Personal identifiers are Social Security numbers, except for the last four digits; financial account numbers, which include debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the child's initials or a generic abbreviation such as "CV" for "child victim." Forms containing these personal identifiers are also exempt.

The duty to redact personal identifiers resides with the parties filing documents with the clerk or submitting them to the judge for the record. A clerk of court isn't required to redact these identifiers from orders or other items issued by the court.



Certain Juvenile and Domestic Relations Records

Except as it pertains to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudatory residential treatment facility reports, and post-adjudatory releases of a juvenile's social history aren't open to the public.

Most recently, on Jan. 1 of this year, the Court added exemptions to protect other sensitive personal information in juvenile and domestic relations cases. The rules ban the release of documents, such as health-care records, child custody evaluations, and domestic violence risk assessments. These protected materials are still accessible to the involved parties and their legal representatives, but non-parties don't have access to family details that relate to health, abuse, financial, and familial history.

"These exemptions were added in recognition of a party's need for

privacy, particularly in regard to sensitive medical records and custody evaluations,” Judge **Patricia Delaney**, the commission’s current chair, said. “Proposed by the Advisory Committee on Children and Family, the changes were vetted through the commission, public comment, and the Ohio Supreme Court. We believe it balances public record access with concerns for individual privacy rights and a court’s critical need for this material.”



Other Specified Records

Also excluded from disclosure are documents or information in documents exempt from access under state, federal, or common law. In addition, the rules protect notes, drafts, recommendations, advice, and research of judicial officers and court staff, as well as Ohio Courts Network information in some circumstances.



Materials Limited by Court on Request or Through Own Order

If none of the rules’ distinct exemptions apply, a party to a case or a person mentioned in case materials may ask a court in writing to restrict public access to specific information or to an entire case document. A court also may decide to prohibit the release of some information through its own authority.

Before restricting access, though, the court must find “by clear and convincing evidence” that the presumption in favor of public access is outweighed by a “higher interest.” In determining whether a higher interest trumps the public’s right to examine the record, the court considers these elements:

- Whether public policy is served by restricting public access
- Whether a state, federal, or common law exempts the document or information from public access

- Whether factors that support restricted public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process

The rules stress, though, that courts are required to use the least restrictive means available when limiting access to a case document.

If none of the rules’ distinct exemptions apply, a party to a case or a person mentioned in case materials may ask a court in writing to restrict public access to specific information or to an entire case document. Before restricting access, though, the court must find “by clear and convincing evidence” that the presumption in favor of public access is outweighed by a “higher interest.”

Administrative Documents

Administrative documents are also open to the public unless a specific exemption applies. As with court documents, the rules regarding administrative documents exclude from release personal identifiers and materials barred from disclosure under state, federal, or common law. In addition, the rules restrict access to materials in six other categories, which include court security plans and software, and those exempted by the Rules for the Government of the Bar.

Common Questions About Managing Documents Excluded from Public Access

John VanNorman, the Supreme Court’s staff liaison to the superintendence rules commission, explains that the handling of exempt materials is at times confusing for court officials.

“Some local courts misunderstand the effect of something being exempt,” VanNorman said. “It simply means that the public doesn’t have a right to access the document or information. Occasionally, clerks and judicial officials think that nobody, including court staff, can see an exempted document, or they believe the exempted material must be permanently removed from the case file. Instead, judges and court personnel are generally permitted to view materials excluded from public access. And, exempted information doesn’t need to be removed or kept separately from the case file. However, exempted information should be taken out of the file before allowing the public to inspect and copy it.”

Information with Restricted Access May Later Be Made Public

In addition, records withheld from public access because a court approved a request or determined it was necessary may again become available to the public. A court may re-open access to a case document or information in the case document if it determines that permitting open access is no longer outweighed by more significant considerations.

“The commission took a measured approach to clarify that secrecy was not the default position, and that a finding that a higher interest clearly and convincingly outweighed public access was needed before records are made unavailable,” Justice Lanzinger said.

Ohio Courts Awarded Federal Violence Against Women Grants

Two Ohio courts received federal grants that will enhance their domestic violence services. Painesville Municipal Court and Mahoning County Domestic Relations Court received nearly \$100,000 in total funds from the S.T.O.P. Violence Against Women Act (VAWA) Formula Grant Program.

The grant funds are awarded to develop and support the criminal justice system's response to victims of domestic violence, dating violence, sexual assault, and to strengthen services for these victims. It's a federal formula block grant administered by the U.S. Department of Justice Office on Violence Against Women. The federal grant supports victim services, prosecution, law enforcement, courts, or other discretionary means that promotes victim safety and holds their offenders accountable. Those programs funded through S.T.O.P. VAWA include training, enhancing efforts, developing policy and protocol, and collecting data, among others.

In Ohio, the Office of Criminal Justice Services (OCJS) in the Department of Public Safety is the designated state office to administer the federal S.T.O.P. VAWA grant funds. The court applicants had to describe predicted outcomes or changes as a result of the grant-funded program.

OCJS awarded a grant to Painesville to help continue to fund a victim advocate employed by the domestic violence program in the community. The \$37,684 awarded is a renewal grant for the court.

"We, at the Painesville Municipal Court, are very fortunate to have received the S.T.O.P. VAWA Grant Award," Judge **Michael Cicconetti** said. "We are a small city jurisdiction with a limited budget to assist victims of a large domestic violence

caseload. Without this financial assistance, it would be nearly impossible to assist and guide abused victims through the emotional and daunting experience in the criminal justice system."

Mahoning County will spend its \$60,000 grant – the maximum amount awarded – to support domestic violence victims.

"I am very pleased to receive this grant," Judge **Beth Smith** said. "Mahoning County Domestic Relations Court hears approximately 800 petitions for civil protection orders annually. These funds will enable the court to hire a full-time licensed social worker who will function as a coordinator for the benefit of survivors of domestic violence."

Judge Smith said the coordinator will connect Mahoning County survivors with community resources to aid them in the process of ending the cycle of violence.

"This aid will include safety plans, safe housing, counseling, job training, and support groups," Judge Smith said. "The court hopes that this program will prevent survivors from returning to an abusive environment."

"There are many victims, past and present, who are very thankful to have had a hand to hold in their time of distress and confusion," Judge Cicconetti said.

OCJS said Ohio's total award amount for S.T.O.P. VAWA grants was more than \$4.3 million. Both of Ohio's court projects were split funded. Painesville received \$32,470.40 from 2015 funds and \$5,213.80 from 2013 funds. Mahoning County received \$30,000 from 2015 funds, and \$30,000 from 2014 funds. The 2015 grant money will be used from Jan. 1 through the end of 2016.



Former U.S. Supreme Court Justice Named 'Great Ohioan'

The late U.S. Supreme Court Justice **Potter Stewart** was named a "Great Ohioan."

Justice Stewart, professional golfer Jack Nicklaus, and industrialist and philanthropist John D. Rockefeller, are the 2016 honorees announced on Jan. 7 by the Capitol Square Review and Advisory Board and the Capitol Square Foundation. The three were selected from nominations submitted by citizens and organizations throughout Ohio.

The Great Ohioan Award commemorates Ohioans who have played a significant role in an event or series of events of lasting significance in world, American, or Ohio history.

Justice Stewart, of Cincinnati, served on the U.S. Supreme Court for 23 years. He was the son of **James Garfield Stewart**, a chief justice of the Ohio Supreme Court, and Harriet Loomis Potter. In 1954, when Stewart was only 39, he was appointed to the U.S. Court of Appeals for the Sixth Circuit. President Dwight D. Eisenhower appointed him to the Supreme Court in 1958, where he served until his retirement in 1981. He died in Hanover, N.H., in 1985.

Ohio Municipal, County Judges Association Elects Officers

Municipal and county court judges took the oath of office on Jan. 25 after being elected to leadership positions by the statewide membership of the Association of Municipal/County Judges of Ohio.

Chief Justice **Maureen O'Connor** administered the oath during the group's annual three-day winter meeting in Dublin.

New president, Judge **Deborah A. LeBarron**, has served on the Euclid Municipal Court for nearly 18 years. Her previous legal experience includes serving as Euclid's city attorney. She graduated from Case Western Reserve University Law School.

"I am honored to represent this group of hardworking and talented judges who preside over the largest caseload in Ohio," Judge LeBarron said.

The educational portion of the meeting included sessions about judges' ethical and legal obligations after the U.S. Supreme Court decision on same-sex marriage, helping self-represented litigants while maintaining neutrality, and updates about legislation affecting courts.

2016 OFFICERS



PRESIDENT

Hon. Deborah A. LeBarron
Euclid Municipal Court



FIRST VICE PRESIDENT

Hon. Carl Sims Henderson
Dayton Municipal Court



SECOND VICE PRESIDENT

Hon. Brian F. Hagan
Rocky River Municipal Court



SECRETARY

Hon. Gary Dumm
Circleville Municipal Court



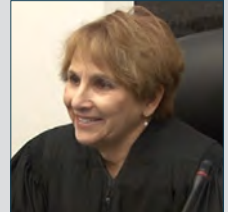
TREASURER

Hon. Michael T. Brandt
Franklin County Municipal Court

JUDICIAL PROFILE

Arlene Singer | Sixth District Court of Appeals

In her chambers at the Sixth District Court of Appeals building in Toledo, Judge **Arlene Singer** proudly displays her love of science fiction and baseball.



"When I was a little kid, we always watched Detroit TV, so there's a little pocket of Detroit Tigers' fans up in Lucas County," she commented while a life-size cardboard cutout of Tigers' first baseman Miguel Cabrera stands in a corner near her collection of bobble heads and other baseball souvenirs.

On the appeals court bench for more than a decade, Judge Singer said she still learns something every day.

"There's a never ending variety of cases, areas of the law, the particular circumstances of the individual case and it's like a new book every time I get to open a brief."

Judge Singer serves with four other judges – in an appeals district that covers eight northwest Ohio counties.

She has a unique perspective of the law because of service in both the judicial branch, in the Toledo Municipal Court and the appeals court, as well as the legislative branch, with a term in the Ohio House of Representatives during the 117th Ohio General Assembly.

"Being a part of that whole process, whether in the legislative branch or in the judicial branch, was almost humbling," Judge Singer said.

Judge Singer earned her undergraduate and law degrees from the University of Toledo, where she's taken an active role in the Toledo Women Lawyers History Project. A collaboration between the college of law and the Toledo Women's Bar Association, the project was dedicated in 2011.

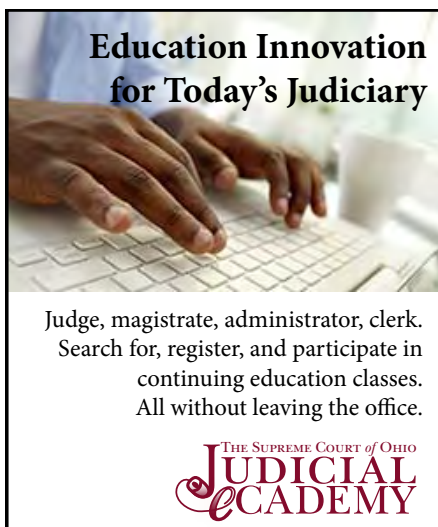
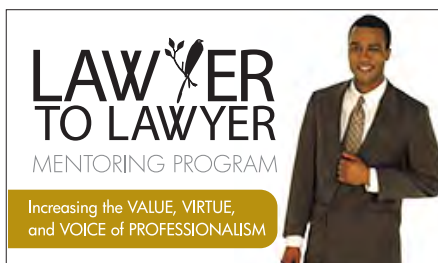
Judge Singer talks with passion about the importance of the project and the portraits of pioneering women in the legal profession from Northwest Ohio that hang in the college's law library.

"To inspire law students and to preserve the history and recognize that these people existed – we existed – and maybe we can be an inspiration. If we don't put this some place, don't record this some place, it will be lost," she said.

Future phases of the project are to include endowment scholarships and interactive displays.

Also important to Judge Singer is counseling young lawyers as a mentor for several programs, including the Ohio Supreme Court's Lawyer to Lawyer Mentoring program, where she helps them prepare for a Toledo-area legal practice.

Story continues on p. 11.



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

Feb. 9

**Probation Officer Training Program:
Introduction to Offender Skill**

Building
Probation Officers
Perrysburg

Feb. 17

**Guardian ad Litem
Pre Service Course**
Guardians ad Litem
Dayton

Judicial Candidates Seminar (Live)

Judicial Candidates
Columbus
1:30 p.m. - 3:30 p.m.

Probation Officer Training Program:

**Professional Communication: Oral
and Written Communication Skills**
Probation Officers
Akron

Feb. 18

**Judicial Candidates
Seminar (Live)**
Judicial Candidates
Cleveland
1:30 p.m. - 3:30 p.m.

**Fundamentals of Adult Guardianship
Course BROADCAST**

Adult Guardians
(Laypersons)

**Probation Officer Training Program:
Introduction to Offender Skill**

Building
Probation Officers
Columbus

Feb. 19

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

Feb. 25

Appellate Judges Seminar
Judges
Columbus

Feb. 25 & 26

Intercourt Conference (ICC)
Juvenile Court Personnel
Columbus

Feb. 26

**Social Media in Municipal and
Common Pleas Courts Web
Conference**
Judges, Magistrates
& Acting Judges

Trauma

Guardians ad Litem,
Judges & Magistrates
Columbus

March 1

**Probation Officer Training Program:
Introduction to Cognitive Behavioral
Interventions**
Probation Officers
Dayton

March 2

**Fundamentals of Adult Guardianship
Course BROADCAST**
Adult Guardians Broadcast
(Laypersons)

**Guardian ad Litem Continuing
Education Course: Domestic Violence**
Guardians ad Litem
Toledo
1 p.m. - 4:30 p.m.

March 2 – 4

**Court Management Program (CMP):
Module II: Fundamentals of Caseflow
Management**
CMP 2017 CCM Class
Columbus

March 3

**Guardian ad Litem Continuing
Education Course: Domestic Violence**
Guardians ad Litem
Toledo
8:30 a.m. – Noon

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

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

March 2 & 3

Basic Mediation Training
Columbus
Supreme Court of Ohio

Supreme Court of Ohio

sc.ohio.gov

Feb. 9 & 10
Oral Arguments

Feb. 15
Presidents' Day Holiday
Court Offices Closed

Feb. 17
Black History Month Event
Featuring Former Columbus Mayor
Michael B. Coleman

Feb. 23 & 24
Oral Arguments

Feb. 23 – 25
**Administration of the
Ohio Bar Exam**

Ohio Center for Law-Related Education

oclre.org

Feb. 11
Moot Court Professional Development
Columbus

Feb. 19
**Ohio Mock Trial High School
Regional Competition**

BROWN | Continued from p. 5

and a member of the National Association for Court Management. He joined the Cleveland Municipal Court as a magistrate and mediation coordinator in 1997. Brown was also an assistant city prosecutor in Cleveland and an assistant director of law. Brown received his undergraduate degree from the School of Business at Kent State University and law degree from Case Western Reserve University School of Law.

SINGER | Continued from p. 9

"We pride ourselves on civility and collegiality, and I try, when I have a new lawyer or law student, to emphasize that. It's better for the profession, it's better personally for the individual to be able to practice that way and in that kind of community," she said.

Judge Singer added she has enormous respect for the dedicated lawyers who care for their clients and judges who help society.



Rule Amendment Summary

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

Rules of Practice & Procedure

The Ohio Supreme Court filed proposed rule amendments regarding practice and procedure in Ohio's courts with the Ohio General Assembly and also is publishing the rules for a second round of public comment.

The rules filed with the General Assembly follow the Court's review of proposals submitted to it by its Commission on the Rules of Practice and Procedure. The changes would amend various aspects of the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Rules of Juvenile Procedure, and the Ohio Rules of Evidence.

The following proposed rule amendments were filed and published:

- Civil Rules 4.1, 4.2, 5, 10, 19.1 and 65.1
- Criminal Rule 16
- Evidence Rules 601 and 803.

Text changes also were made to Civil Rules 4.4, 37, and 54, and Juvenile Rule 20.

Comments must be received in writing no later than Feb. 18, 2016. Comments should be submitted to: **Michael Farley**, Judicial & Legislative Affairs Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or by email to Michael.Farley@sc.ohio.gov.

According to the Ohio Constitution, proposed amendments to the Rules of Practice and Procedure in Ohio Courts must be filed with the General Assembly by Jan. 15, 2016. The Supreme Court can revise and file the amendments with the General Assembly before May 1, 2016. The amendments would take effect on July 1, 2016, unless the General Assembly adopts a concurrent resolution of disapproval before that date.

Rules of Superintendence

The Court requests public comment on a proposal to amend items related to case inventories in the Rules of Superintendence (Sup.R. 38).

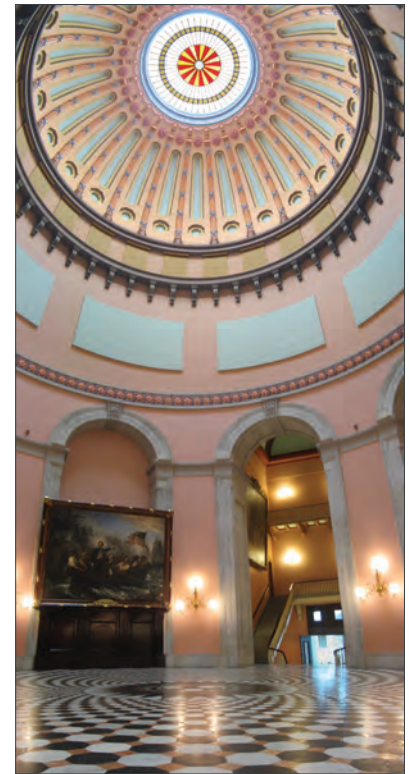
Currently, the rule requires judges to conduct a "physical" case inventory by Oct. 1 of each year and requires new judges to complete an inventory within three months of taking office. The rule ensures there is an accurate count of pending cases and evaluates the court's case management practice. With new judges, the rule helps identify potential conflicts with cases and reassigns them to avoid potential delays.

The Advisory Committee on Case Management reviewed Sup.R. 38 last year and determined that more courts are moving from paper files to electronic filing. The committee recommends adding:

- The requirement that judges correct any reporting errors on the next statistical report form filed after the inventory is completed
- A definition for "case inventory" to include a review of physical or electronic case files
- Instructions in the commentary advising judges how to conduct a physical or electronic case inventory.

The public has until Feb. 18, 2016 to comment on the proposal.

Comments should be submitted in writing to: **Tasha Ruth**, Case Management Section Manager, Ohio Supreme Court, 65 S. Front St., 6th Floor, Columbus, OH 43215-3431 or Tasha.Ruth@sc.ohio.gov.



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 359, Rep. Mike Duffey (R-Worthington); Rep. Anne Gonzales (R-Westerville)

To create the address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery and other crimes.

STATUS: Introduced in the House and referred to the House Government Accountability & Oversight Committee on Oct. 6, 2015. Amended bill reported out of committee during its fifth hearing on Jan. 12, 2016.