

COURT OF CLAIMS: Longest Serving Wrongfully Imprisoned Man to Receive Additional \$2.65 Million (p. 3)



New Executive Director Takes Helm at OCLRE (p. 4)

CNO REVIEW

May 2016

No person ... shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law....

Fundamental Framework

Decided 50 years ago, the historic ruling *Miranda v. Arizona* defined crucial safeguards to protect an accused's constitutional rights, and it still reverberates through today's criminal justice debates.

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Dear Reader,

As a subscriber to *Court News Ohio Review*, we hope that you find the content to be useful and informative. The monthly publication has been printed since 2012, with an emphasis on providing readers the latest in court news from across the state.

We are excited to announce *Court News Ohio Review* will be going digital with the June 2016 edition. This will provide you with interactive content delivered right to your inbox.

To ensure you receive the next issue, please update your email address by sending a message to CNO@sc.ohio.gov. Please include your name, title, and the name of your court, business, or organization.

Thank you for your continued support of Court News Ohio.

Best regards,



Bret Crow
Director of Public Information
Supreme Court of Ohio

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Supreme Court of Ohio

Contemporary Christian Music Radio Station Entitled to ‘House of Worship’ Tax Exemption

A central Ohio nonprofit radio station that plays contemporary Christian music and uses space on its premises for church services qualifies for a real property tax exemption, the Supreme Court ruled on April 14. In a 4-3 decision, the Court found that to qualify under the state law allowing for an exemption for a “house of worship,” the real property must be used primarily for a religious purpose and is not for profit. The decision reverses rulings by the Ohio tax commissioner and the Board of Tax Appeals rejecting an exemption for the 2.2 acre-facility in Gahanna. Writing for the majority, Justice **Sharon L. Kennedy** wrote that Christian Voice of Central Ohio has dedicated all its land and buildings to charity and religion and has all the necessary attributes of a church.

Christian Voice of Cent. Ohio v. Testa
Slip Opinion No. 2016-Ohio-1527

State Can Be Held Liable for Injuries Caused by Negligent Park Employees

The law that shields the state and other landowners from personal injury lawsuits caused by the condition of recreational areas does not extend to the injuries caused by negligent park employees, the Supreme Court ruled on April 19. The Court decided that Ohio’s “recreational user statute” does not bar a visitor to Indian Lake State Park from suing the Ohio Department of Natural Resources because a park employee mowing the grass ran over a rock that shot into the man’s face causing serious injuries. In the Court’s lead opinion, Justice **Terrence O’Donnell** wrote the immunity protection in the law is limited to injuries caused by the defective condition of the recreational premises.

Combs v. Ohio Dept. of Natural Resources
Slip Opinion No. 2016-Ohio-1565

Court Approves AEP’s 2012 Rate Plan and Charge for Ensuring Reliability of Electricity in Competitive Marketplace

The Supreme Court on April 21 released opinions addressing two separate orders of the Public Utilities Commission of Ohio (PUCO) involving proposals by Columbus Southern Power Company and Ohio Power Company, both of which are owned by American Electric Power (AEP). The opinions are authored by Justice **Sharon L. Kennedy**. In the first case, the Court partially affirmed and partially reversed the PUCO order approving a cost-based capacity charge proposed by AEP. In the second case, the Court partially affirmed and partially reversed the PUCO order approving a three-year electric security plan proposed by AEP.

2012-2098/2013-0228. In re Comm. Rev. of Capacity Charges of Ohio Power Co. Slip Opinion No. 2016-Ohio-1607.

2013-0521. In re Application of Columbus S. Power Co. Slip Opinion No. 2016-Ohio-1608.

Courts of Appeals

Second District: Strip Club Not Liable for Injuries Caused by Stripper in Auto Accident

A strip club is not legally responsible for the severe injuries resulting when one of the club’s dancers, who was intoxicated, crashed into a car while driving home from work, an Ohio appeals court ruled on April 8. The club’s customers often buy drinks for dancers, who are allowed to consume alcohol while they work. When a liquor permit holder sells alcohol to a person whose actions while intoxicated cause injuries, the state’s “Dram Shop Act” allows lawsuits against the permit holder only if the person was noticeably intoxicated or was a minor. The Second District Court of Appeals concluded the law doesn’t apply to the worker in this situation, and the jury shouldn’t have considered the claim against the business owner

Thirty-Eight Thirty. The jury had held the club responsible for \$1.43 million of a \$2.85 million damages award. The Second District determined the trial court should have accepted, rather than overruled, the strip club’s request for a directed verdict in its favor on the negligence issue.

Johnson v. Montgomery
2016-Ohio-1472

Court of Claims

Longest Serving Wrongfully Imprisoned Man to Receive Additional \$2.65 Million

A Cleveland man falsely imprisoned for 39 years will receive another \$2.65 million from the state for his time behind bars, the Court of Claims ruled on April 6. The court granted the final payment to Ricky Jackson for the 14,178 days he spent in prison for a murder he did not commit. In March 2015, the Court of Claims approved a preliminary payment to Jackson for \$1,008,055.80 after he was deemed to have been wrongfully imprisoned. Jackson had his death sentence overturned and was released from an Ohio state prison in November 2014 after the key witness in the case recanted his story. Jackson was convicted of the 1975 murder of Harold Franks and maintained his innocence throughout his incarceration. Eddie Vernon, who was 12 at the time of the murder, revealed to a Cleveland newspaper in 2012 that he had lied about Jackson and two other men’s involvement in the murder because he wanted to help police. His remarks led to Jackson receiving a new trial.

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

HappeningNow

News and Notes from Courthouses Across the Buckeye State

Justice Partners Learning about Trauma in the Courtroom

Ohio judges and their justice system partners teamed up on April 1 to learn about how past trauma can affect victims and offenders who come before the bench.

The training focused on understanding trauma and explored how courts can become “trauma-competent.” Courts encounter trauma in a number of ways: A veteran who suffers from post-traumatic stress disorder may require additional evaluations and treatment or a person who becomes a drug addict to cope with sexual or domestic violence.

Nearly 200 team members heard mental health expert **Dr. Brian Meyer** discuss trauma from an evidence-based perspective. He explored the brain’s response to trauma and practical steps courts can take to become trauma-competent.

“If we’re going to look at people from a ‘Have you been traumatized? If so, how does that affect you, how does it affect your brain, how does that translate into your behavior?’ that’s very different than saying, ‘You’re a person who came in, and you’ve committed X, Y, and Z crimes and now you’re going to pay for it,’” Dr. Meyer said.

Dr. Meyer said courts need to have a different way of thinking to become trauma-competent including how they talk to offenders and victims, how they organize their physical space in the courtroom, and how they hold individuals accountable for completing treatment programs.

He also stressed that while trauma doesn’t excuse a person’s criminal behavior, it’s important that offenders are ordered to trauma-specific treatment so they can receive an effective response to that behavior.

Gallipolis Municipal Court Judge **Margaret Evans** has two specialized dockets in her courtroom. She said having drug and mental health courts allow her to intensively discuss each individual’s problems.

“It’s important for the whole system to operate properly – that we understand what’s motivating people, and I think that’s where identifying trauma comes in and is very important, so that we can address some of the source and try to then cut recidivism rates,” Judge Evans said.

Right now Judge Evans said her court looks at trauma during the intake process with her probation department. After listening to Dr. Meyer, she wants to incorporate other changes.

“We are actually going to look into how we may actually be able to add more of this to our screening mechanism so that we can get people into treatment more quickly,” Judge Evans said. “Ideally if we had the resources and the time we could possibly do some pretrial screening for bond.”

The Ohio Supreme Court hosted the training so more courts across the state can start implementing these practices in their courtrooms and become trauma-competent.

The Court will host a specialized dockets annual conference on Oct. 27 and 28 in Columbus.

New Executive Director Takes Helm at OCLRE

A familiar face took over the reins at the Ohio Center for Law-Related Education (OCLRE) last month. **Kate Strickland** became the new executive director on April 1.



Prior to becoming executive director, Strickland served as OCLRE’s deputy director since August 2014, where she was responsible for managing OCLRE’s day-to-day operations. She has also held a variety of other roles in her 14 years with OCLRE, including serving as its director of resources and as program coordinator for the Law and Citizenship Conference and the Youth for Justice programs.

“I believe strongly in the OCLRE mission, and I am passionate about working with staff to continue our successes as well as to face the demands and challenges required to further advance civic education,” Strickland said.

OCLRE provides civic education programs to teachers and hosts mock trials and civic competitions for students with a goal of bringing citizenship to life. The Ohio Supreme Court supports OCLRE as a sponsor along with the ACLU of Ohio Foundation, the Attorney General’s Office, and the Ohio State Bar Association.

“OCLRE has a long-standing tradition of providing quality academic programs that engage young people in more than just study. Through participation in OCLRE programs, students practice the skills required of informed, active citizens and have opportunities for authentic assessment through engagement with the thousands of educators and members of the legal community who volunteer their time. I am honored and excited for the opportunity to further serve the organization and advance its mission,” Strickland said.

Strickland replaced **Lisa Eschleman**, who retired on April 15 after serving four years as the OCLRE executive director.

Story continues on p. 9

Cleveland Selected for Federal Grant to Start Community Court

The Cleveland Municipal Court will receive a \$200,000 federal grant to implement a community court.

The Cleveland project is one of 10 selected by the Center for Court Innovation and the U.S. Department of Justice's Bureau of Justice Assistance to participate in the 2016 Community Court Grant Program.

The community court will serve Cleveland and neighboring village of Bratenahl. Community courts respond to quality-of-life crimes by ordering offenders to pay back the communities they've harmed through visible community service projects, such as painting over graffiti, beautifying neighborhood parks, and cleaning up litter and debris from public streets. At the same time, community courts link offenders to services designed to help them address the underlying issues fueling their criminal behavior, such as drug and alcohol treatment, mental health services, job training, and public benefits. Nationally, research has shown the community court model can reduce crime and substance use, increase services to victims, save money, and improve public confidence in the justice system.

"With evidence-based practices, appropriate interventions, and close judicial monitoring, this docket will promote accountability and offer meaningful alternatives to incarceration. We look forward to the opportunity to partner with the Center for Court Innovation as we work together to make our communities safer places to live," Cleveland Municipal Court Administrative and Presiding Judge **Ronald B. Adrine** said.

The community court is expected to start in July.

Board of Professional Conduct Releases Advisory Opinion About a Lawyer's Duty to Report Another Lawyer's Misconduct

The Board of Professional Conduct released an advisory opinion regarding a lawyer's duty to report unprivileged knowledge of another lawyer's misconduct.

With the release of Advisory Opinion 2016-2, the board withdraws Advisory Opinion 90-01, which addressed the same topic under the former Code of Professional Responsibility.

Advisory Opinion 2016-2 addresses a lawyer's possession of privileged information obtained during the representation of a client that raises questions about the ethical conduct of the client's previous lawyer. The board determined that under Prof.Cond.R. 1.6, a lawyer may not reveal information related to the representation of his client or protected by the attorney-client privilege, including information related to the possible misconduct of the client's previous lawyer, unless the client consents to the disclosure. A lawyer may encourage a client to consent to disclosure for purposes of reporting the misconduct under Prof.Cond.R. 8.3.

A lawyer with actual and unprivileged knowledge of another lawyer's misconduct is required to report the misconduct to the Office of Disciplinary Counsel or a certified grievance committee, if the violation raises questions as to the other lawyer's "honesty, trustworthiness, or fitness as a lawyer in other respects."

Story continues on p. 9



Meigs County Hosts Ohio Supreme Court Session

The Ohio Supreme Court heard arguments in Meigs County at the local high school as part of its Off-Site Court Program on April 20.

Students from Meigs, Eastern, and Southern high schools heard three cases during the county's first time hosting the justices. Students and teachers received curriculum material to study before oral arguments, including summaries of the specific cases to be argued. Local attorneys teamed up with educators at each participating school to explain Ohio's judicial system and to review case materials.

After hearing the cases, students met with the case attorneys for a debriefing and discussion of the legal issues.

This was the 72nd time the Court traveled outside of Columbus to hear oral arguments.

Ohio Bar Exam Results Announced

The Ohio Supreme Court on April 22 released results from the February 2016 Ohio Bar Examination. Of the 421 aspiring lawyers who sat for the exam, 57.2 percent (241) passed; out of 209 first-time test takers, 70 percent received passing scores.

The exam was administered at the Greater Columbus Convention Center on Feb. 23-25.

The successful applicants who met all other admission requirements were sworn in during a special session of the Supreme Court on May 2 in the Palace Theatre in Columbus.

A Fundamental Foundation

“It's the damnedest thing I ever heard — we may as well close up shop.

Time, June 24, 1966

That was the thinking of a police chief in Garland, Texas, a week after the U.S. Supreme Court released its decision in *Miranda v. Arizona*. The landmark ruling, which laid out the constitutional rights criminal suspects have before and during an interrogation, evoked critical dissents and widespread public controversy. Yet, within six months to a year, the police nationwide had widely adopted the directive to explicitly inform those taken into custody of their rights. *Miranda* has now endured for 50 years.

And unlike significant legal decisions that slide past the public consciousness, the *Miranda* warnings have seeped into our popular culture and our understanding of everyday police practices. Most people can recite the warnings. “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney before and during questioning. If you can’t afford an attorney, one will be appointed for you.”

The U.S. Supreme Court even noted how entrenched the *Miranda* warnings had become in a 2000 decision upholding the seminal case. In *Dickerson v. United States*, the Supreme Court determined a federal law about the admissibility of confessions was unconstitutional because it set forth a different rule than *Miranda*. The law didn’t provide the same or greater protections than the straightforward *Miranda* warnings necessary to protect a suspect’s constitutional right against self-incrimination. The Court concluded an act of Congress cannot overrule a constitutional decision of the country’s highest court.

As we take note of *Miranda*’s golden anniversary on June 13 this year and its designation as this month’s Law Day theme, the decision continues to echo in debates about our present-day criminal justice system.

Lawlessness Didn’t Erupt

Critics of *Miranda* in 1966 – from police officials in scattered jurisdictions including Garland, Texas, to the dissenting justices – were convinced criminals would roam

freely and law enforcement would be horribly hampered. Today some argue the opposite, that the ruling didn’t go far enough to protect the rights of those accused of crimes.

“In practice, *Miranda* has not had as great an impact as most people initially expected,” said **Lawrence Baum**, Ohio State University professor emeritus of political science who has written about U.S. courts. “Suspects who are read the *Miranda* warnings quite often choose to waive their rights and speak with law enforcement officers.”

While these realities diminished conflicts over *Miranda*, they haven’t eliminated them, Baum said.

Current-Day Disputes

One area of contention has been the words a suspect needs to say to clearly waive his or her rights to remain silent and to have an attorney. Another centers on whether courts should exclude evidence found as a result of statements taken by police in violation of *Miranda*.

On the latter issue, Moritz College of Law Professor **Ric Simmons** noted the U.S. Supreme Court has narrowed *Miranda*. The Court has held “*Miranda* is merely a ‘prophylactic’ rule that only applies at trial — that is, its only purpose is to ensure that a defendant’s rights at trial are not violated when non-Mirandized statements are used against him,” Simmons said. “Thus, there is no violation of the defendant’s rights at the time of the interrogation itself.”

Simmons thinks that conclusion makes *Miranda* in some ways less than a full constitutional right.

Dilemma of False Confessions

Scholars also explain that *Miranda* doesn’t solve the quandary of false confessions. According to the Innocence Project, DNA testing and additional investigations have revealed that 341 innocent individuals have been wrongly convicted and imprisoned in the United States. And tens of thousands of others have been erroneously accused of crimes but released before the outcome of a trial because DNA testing cleared them.

“In a shocking number of these cases, incriminating statements or confessions were obtained,” National Law Day Chair **Bryan Stevenson** said. Simmons agrees that false confessions are too prevalent in the justice system and have been a significant reason for false convictions.

Stevenson, who runs the Equal Justice Initiative in Alabama and teaches at NYU School of Law, thinks the pressure sometimes placed on law enforcement to solve crimes can migrate into the interrogation room.

“*Miranda* has been a critically important tool ensuring that the rights of the accused are not overwhelmed when

there is great emotion in a community to obtain a conviction for a crime,” Stevenson said. “But it’s clear that *Miranda* warnings do not by themselves ensure that every statement by an accused person is reliable or accurate.”

The 1966 ruling emerged in a decade of overlapping civil rights violence and progress, of escalating crime rates and notable criminal justice reforms. In that turbulence, the *Miranda* Court didn’t address, or perhaps couldn’t foresee, the complications of interrogations for certain vulnerable populations such as juveniles, people with limited or no English speaking skills, and those who are deaf.

Role of *Miranda* for Juveniles

Stevenson points to the dramatically increasing number of teens and children who are transferred to the adult criminal justice system. It’s a topic being battled at the highest levels of the legal system. In mid-April, the Ohio Supreme Court heard arguments in an appeal contesting the constitutionality of state laws mandating the transfer of certain juveniles to the common pleas court for criminal prosecution.

And on April 28, the Court ruled in *State v. Barker*, which involved the electronically recorded interrogation of 15-year-old Tyshawn Barker. Cincinnati police questioned Barker about two shootings and recorded the interrogation. He was read a list of rights and signed a form stating he understood his rights. After his case was transferred to the common pleas court so he could be tried as an adult, he was sentenced to 25 years to life in prison for murder, robbery, and other crimes.

Under review was a 2010 state law that presumes any statements made during electronically recorded interrogations are voluntary. The Court ruled the statute is unconstitutional when applied to juveniles because it violates their due process rights. The legislature may not lessen the standard that the U.S. Constitution requires, the Court explained. Thus, the burden still rests with the state to prove that Barker had intelligently, knowingly, and voluntarily waived his rights.

Some are questioning whether the *Miranda* warnings are adequate for juveniles accused of crimes, Stevenson said.

“Children are biologically distinct from adults when it comes to problem-solving, complex thinking, and peer pressure. The developmental differences make children vulnerable to coercion and other interrogation tactics that may require more protection than traditional *Miranda* warnings.”

Miranda in 1966



Miranda v. Arizona was the U.S. Supreme Court’s ruling not in one case but in four. Besides Arizona, the cases reached the Supreme Court from California, Missouri, and New York. In each of the appeals, the police had

not properly advised the suspect of his constitutional rights to remain silent and to consult with an attorney.

In its decision on June 13, 1966, the Supreme Court split 5 to 4, and the sentiments of the legal profession, press, and public were fractured as well.

Time magazine reported that Maryland’s state attorney was convinced many cases lined up for trial would be tossed. A Pennsylvania common pleas court judge questioned in a bar association publication whether *Miranda* showed a “false compassion’ for the criminal,” and he suggested *Miranda* had broken with precedent and should be overturned. Joining him was a U.S. Senator from North Carolina, who said police were often “hamstrung” in fighting escalating crime rates and who cited a dissenting justice’s view in *Miranda* that the warnings were “a hazardous experimentation.”

However, others noted that a Supreme Court ruling two years earlier had already shifted the mindset and practices of many police departments. Police officials in Atlanta, Denver, and Los Angeles explained they had been following the basic tenets of *Miranda* already and would have to make few or no changes to adapt to the Court’s ruling.

The Detroit police commissioner wrote an article for the *Saturday Evening Post* in September 1967 following summer riots in the city, calls for greater police force, and complaints about the impact of the Court’s recent decisions. The commissioner stressed the equalizing power of *Miranda* for those not familiar with the criminal justice system, given that “affluent ganglord[s]” and “stock manipulator[s]” already knew they didn’t have to talk to police and they could call a lawyer.

“All the Supreme Court has been trying to do, despite all the criticisms of its verdicts and despite the riots, is make sure that police work is done with all the skill, care and efficiency that we all deserve,” he wrote.

Afghan Legal, Court Officials Visit Ohio Supreme Court

While the Ohio Supreme Court heard oral arguments on April 5 about appeals in four cases, lawyers and one judge from Afghanistan were watching from the audience.

They were in the United States as part of a program at the Claude W. Pettit College of Law at Ohio Northern University. **Amanullah Ahmadzai** is a law professor at Kabul University and was among the 10 who arrived in February to begin their studies.

“This is a good opportunity to study at a United States university, learn about the rule of law, and take what we have learned back to our country,” Ahmadzai said.

After oral arguments, Chief Justice **Maureen O’Connor** met with the group to discuss what they saw and answer questions about the Ohio court system.

“Oral argument is a valued exercise and helps us decide cases,” Chief Justice O’Connor said. “We can have our opinions changed by oral arguments. You can’t tell how the justices will vote based on the questions they asked.”

She also addressed a question about why justices make their votes public. The Afghanistan visitors thought there was an element of danger from retribution by one of the interested parties. Chief Justice O’Connor explained that public votes by judges are part of the American judicial system and because there is a respect for the rule of law, releasing a judicial vote is not a problem.

Assia Nazari was interested in the idea of the Supreme Court setting precedent with its decisions. In her country, “the judge only applies the law and the decision is not precedent,” Nazari said afterward, adding there are also no juries in Afghan courts.

The law school began its LL.M. in Democratic Governance and Rule of Law program more than 10 years ago and has educated nearly 100 lawyers from more than 30 countries, including 19 Afghans. The program is designed to give lawyers specific skills necessary to promote democracy and the rule of law in transitional countries.



Chief Justice Maureen O’Connor posed with nine lawyers and one judge from Afghanistan who are enrolled in a Master of Laws degree program at Ohio Northern University.

Judicial Appointments



Janet Rath Colaluca
Cleveland Municipal Court

Cuyahoga County Probate Court Magistrate **Janet Rath Colaluca** will replace retired Judge **Angela R. Stokes** in early May. Colaluca must

win in the November 2017 general election to retain the seat for a full term commencing on Jan. 2, 2018. This is the second appointment to the bench for Colaluca. Gov. John Kasich appointed her in December 2012 to the Cuyahoga County Domestic Relations Court, where she served from January 2013 to January 2015.



Jodi L. Thomas
Franklin County Municipal Court

Jodi L. Thomas, a former public defender in Franklin County, replaced retired Franklin County Municipal Court Judge **Scott D.**

VanDerKarr on April 29. Thomas must win in the November 2017 general election to retain the seat for the remainder of the unexpired term, which ends on Dec. 31, 2019.



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.

SB 299/HB 495, Sen. Jay Hottinger (R-Newark), Rep. Bill Hayes (R-Harrison Township)

To create the Perry County Municipal Court in New Lexington on Jan. 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017.

STATUS: Introduced in the Senate on March 24, 2016. Referred to the Senate Civil Justice Committee. Its second committee hearing was on April 27, 2016. Introduced in the House on March 24, 2016. Referred to the House State Government Committee. Its second committee hearing was on April 27, 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 the Senate on March 14, 2016. Referred to Senate Civil Justice Committee. Its second committee hearing was on April 27, 2016.

HB 497, Rep. Andrew Brenner (R-Powell), Rep. Steve Huffman (R-Tipp City)

To establish a statewide pilot program for the provision of long-acting opioid antagonist therapy for offenders confined in a state or local correctional facility or a community residential facility under a sentence imposed for a felony opioid-related offense or a sentence of at least 30 days for a misdemeanor opioid-related offense who will be released on supervised release, and to specify that the therapy is to be provided during both their confinement and their supervised release.

STATUS: Introduced on March 24, 2016. Referred to the House Judiciary Committee on April 16, 2016. Its first committee hearing was on April 19, 2016.

HB 171, Rep. Louis Blessing (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. Am. R.C. 2925.03, 2925.11, and 2929.01.

STATUS: Introduced in the House on April 28, 2015. Passed the House on June 17, 2015. Referred to the Senate Criminal Justice Committee on June 24, 2015. Its fourth committee hearing was on April 27, 2106.

OCLRE - Continued from p. 4

“I believe the OCLRE Board of Trustees has made a wonderful choice in selecting Kate as the executive director. I am confident that under Kate's leadership, OCLRE will flourish,” Eschleman said.

Strickland will be busy over the next few months as the High School Moot Court Competition and the Middle School We the People Showcase begin this month. The annual Law and Leadership Conference also is in September.

“It's always a fun challenge to plan for activities that allow students to show off the knowledge and skills they've gained from participation in OCLRE programs,” Strickland said.

Prior to joining the OCLRE staff in 2002, Strickland practiced as a licensed social worker and supervised a juvenile court status offender/misdemeanor mediation program. Strickland and her husband, Damon, have two sons, William and Benton, and live in Upper Arlington.

OPINION - Continued from p. 5

Advisory Opinion 2016-2 is the second in a series of opinions that will be reissued by the board during the next several months. The board is evaluating previously issued opinions that 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.

Advisory Opinions of the Board of Professional Conduct are nonbinding opinions in response to prospective or hypothetical questions regarding the application of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court Rules for the Government of the Judiciary, the Ohio Rules of Professional Conduct, the Ohio Code of Judicial Conduct, and the Attorney's Oath of Office.



Conferences & Meetings

May 17-20

Ohio Association for Court Administration Spring Conference
Cincinnati
ohiocourtadministration.org

May 24-27

Ohio Association of Municipal/County Court Clerks Spring Conference
Dublin
oamccc.org



Education Innovation for Today's Judiciary

Judge, magistrate, administrator, clerk.
Search for, register, and participate in continuing education classes. All without leaving the office.



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

May 10

Fundamentals of Adult Guardianship Course
Adult Guardians (Laypersons)
Berlin

Probation Officer Training Program: Communication: Oral and Written Communication Skills
Professional Probation Officers
Toledo

May 11

Guardian ad Litem Pre-Service Course
Guardians ad Litem
Toledo

May 17

Probation Officer Training Program: Introduction to Offender Skill Building
Probation Officers
Akron

May 19

Fundamentals of Adult Guardianship Course BROADCAST
Adult Guardians (Laypersons)

May 20

Fundamentals of Adult Guardianship Course BROADCAST
Adult Guardians (Professional)

The Court and the Pro Se Litigant (1 of 2)
Judges & Magistrates
Columbus

May 24

Probation Officer Training Program: Professional Communication: Oral and Written Communication Skills
Probation Officers
Columbus

May 25

Guardian ad Litem Continuing Education Course: Psychiatric Disorders
Guardians ad Litem
Columbus
1 p.m. - 4:30 p.m.

May 26

Guardian ad Litem Continuing Education Course: Psychiatric Disorders
Guardians ad Litem
Columbus
8:30 a.m. - noon

June 3

Managing Mentally Ill Youth on ProbationProbation Officers
Akron

June 7

Probation Officer Training Program: Introduction to Offender Behavior ManagementProbation Officers
Dayton**Fundamentals of Adult Guardianship Course BROADCAST**Adult Guardians
(Laypersons)

June 8

Fundamentals of Adult Guardianship Course BROADCASTAdult Guardians
(Professional)**Dispute Resolution Training**sc.ohio.gov/JCS/disputeResolution

May 18

Parenting Coordinators Roundtable**Supreme Court of Ohio**sc.ohio.gov

May 10

Late Application to take the July 2016 bar examination

May 30

Memorial Day

Court Offices Closed

May 31

Oral Arguments

June 1

Oral Arguments**Local Court Roundtables**sc.ohio.gov/JCS/roundtables**NOTE: All meetings are at the Moyer Judicial Center in Columbus**

May 25

Juvenile Court Magistrates
All Counties

June 9

Juvenile Chief Probation Officers
Less than 100K population**Ohio Center for Law-Related Education**ocle.org

May 13

Middle School We The People

May 20

Moot Court**MIRANDA - Continued from p. 7****Guaranteeing Rights When There Are Language Barriers**

Ensuring those with limited or no ability to speak English or those who are deaf are advised of their *Miranda* rights is another growing area of concern.

Bruno Romero, who manages the Ohio Supreme Court's language services efforts, wrote an article highlighting an Ohio case where an interpreter decimated the Spanish translation of the *Miranda* warnings for the accused. For one, the interpreter used a word meaning "right-hand side" rather than "right" in the legal sense. Interpreters must be able to accurately communicate the equivalent meaning of the rights in the other language, Romero said.

"Properly conveying the right to remain silent and to have an attorney to those with limited English skills is difficult because interpreters must have superior language ability," he explained. "The actual warning is not difficult, but there is no room for error. Any distortion may prove to be critical in whether the meaning and intent of the *Miranda* rights has been conveyed so that individuals can exercise their basic constitutional rights."

A shortage of qualified interpreters and the array of languages, let alone the diverse dialects, spoken in this country are only two issues law enforcement currently grapples with. The courts are only beginning to delve into these complex challenges for this population and for other vulnerable groups.

A Lasting Influence

But the legacy of the 50-year-old *Miranda* decision persists, whether it's through the reminder of those fundamental rights on the latest episode of "Law & Order" or through the substantive legal debates about balancing the protection of the public with the rights of the accused.

"It is no exaggeration to say that the entire framework of criminal defendants' rights — which is to say, our rights — was constructed during the time of *Miranda*," Simmons said.



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