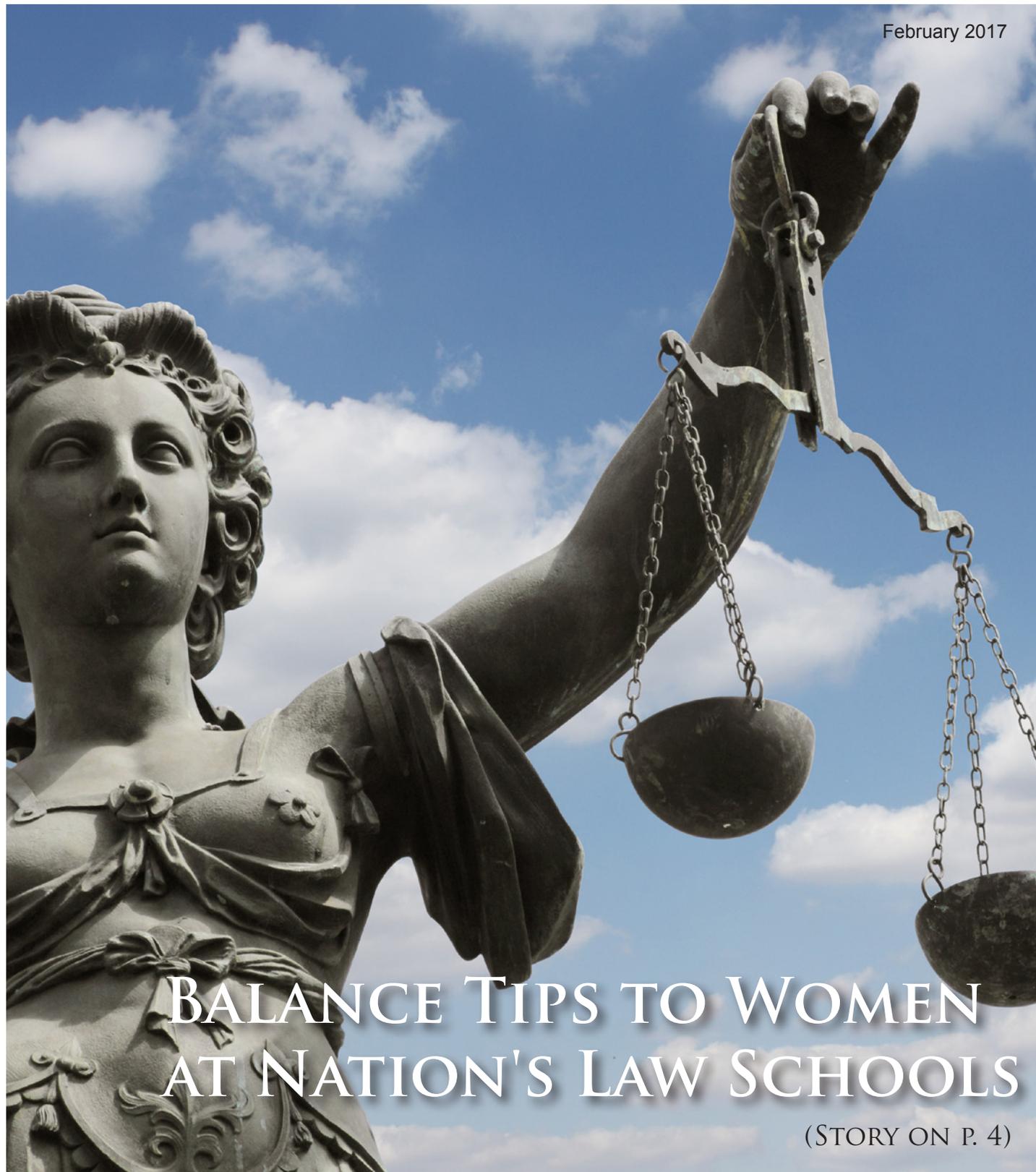


Chief Justice O'Connor Announces Support for Prescription Database Access for Drug Courts (p. 4)

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CNO REVIEW

February 2017



BALANCE TIPS TO WOMEN AT NATION'S LAW SCHOOLS

(STORY ON P. 4)

About Court News Ohio

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Chief Justice O'Connor Announces Support for Prescription Database Access for Drug Courts

Ohio Supreme Court Chief Justice **Maureen O'Connor** on Jan. 31 applauded Gov. **John Kasich's** proposal to expand access to the state's prescription drug monitoring program, known as the Ohio Automated Rx Reporting System (OARRS), to include the state's drug courts. She urged the General Assembly to move legislation as quickly as possible.

"At a time when Ohio faces the most significant drug abuse problem in its history with the opioid epidemic crippling individuals, families, and our state, it is important that our courts have access to every tool available to combat this scourge," Chief Justice O'Connor said. "I applaud Gov. Kasich's initiative and, as I have in the past, support expanding access to this critical tool."

Nineteen states allow access to their prescription drug monitoring programs by judges and prosecutorial officials.

Chief Justice O'Connor noted that "courts and key justice partners must be able to understand the prescription history of individuals under court supervision so that we can identify, treat, and hold them accountable to the law based on a fuller understanding of their drug use."

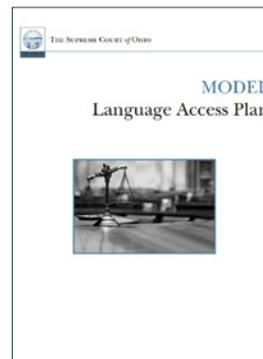
Ohio's drug court judges have access to OARRS but only through their probation offices. "It is important that drug court judges have direct access to the system in order to speed up response times and enable judges to make direct, real-time queries of the system," the chief justice said.

Established in 2006, OARRS collects information on all outpatient prescriptions for controlled substances dispensed by Ohio-licensed pharmacies and those personally furnished by Ohio prescribers. Addressing possible privacy concerns about granting drug courts access to OARRS, the chief justice observed: "Judges use sensitive information to make life-altering decisions every day in every courtroom across this state. Drug abuse is often the foundation for a host of other social and criminal justice problems. It is not unreasonable that we provide judges with the tools needed to make better decisions."

Ninety-six certified drug courts operate throughout the state. Drug courts connect high-need, high-risk defendants with the treatment they need.

"Unfortunately, but not surprisingly, drug courts across Ohio report ever-increasing numbers of opioid-addicted offenders," the chief justice said. "But as we confront this problem we should be clear on one point: what we are seeing across Ohio, in and out of our courts, is not a problem of overdose deaths, but a problem of self-administered poisonings."

"The term 'overdose' suggests there are appropriate doses of heroin, or fentanyl-laced opioids, or carfentanil. The reality is that the appropriate dose of any of these substances is zero," she said. "Anything over zero is just self-poisoning with death often being the result. While we provide courts with new tools we also need to change our language. Poisoning is the only appropriate term when it comes to this problem."



Supreme Court Guide Leads Courts Through Language Access Issues

The Ohio Supreme Court on Jan. 31 announced the availability of a model language access [plan](#). The model plan assists local courts in meeting their obligations under federal law to ensure access to justice for litigants with limited English proficiency and those who are deaf or hard of hearing.

It also encourages local courts to appoint a language access coordinator to ensure compliance with foreign language and sign language interpreter rules, which are statewide. Federal compliance also is mandated by Title VI of the Civil Rights Act and Title II of the Americans with Disabilities Act.

Other elements of the plan inform courts on when to provide an interpreter, the qualifications an interpreter must meet, the language services that must be provided outside the courtroom in ancillary matters, and the complaint process for those who did not receive language assistance.

The text of statewide rules, including those governing when interpreting by telephone is appropriate, are embedded in the plan, and several model forms and resources.

The Supreme Court will update the plan annually.



BALANCE TIPS TO WOMEN AT NATION'S LAW SCHOOLS

The year 2016 marked a notable landmark for women in the ranks of law schools nationwide. For the first time, women who were enrolled in juris doctor programs outnumbered men. Women's ranks reached 55,766 at accredited law schools, while men's totaled 55,059. Those numbers put women in a slight majority, at 50.32 percent.

In Ohio, only one law school – Case Western Reserve University School of Law in Cleveland – can say that women comprise more than half of its J.D. students. Case Western Reserve had 216 women and 206 men enrolled in its J.D. program in 2016, making women 51.2 percent of students – closely reflecting the female/male split in the U.S. general population.

The state's other eight law schools also hover around parity, ranging from about 44 to 49 percent women. (See chart.) In fact, law schools overall have had roughly equal numbers of men and women since 2001.

Case Western's Data

Dean Jessica Berg said Case Western

Reserve also has had a fairly level male/female balance throughout the 2000s, while noting the 2016 as well as a 2015 female majority. Among first-year students only, Berg reported that men took the lead at the law school for 12 of the last 17 years, but women have been outnumbering men for the last three years.

She suspects that the university's strong science, technology, engineering, and math (STEM) undergraduate programs explain the general tilt toward more men at the law school during those years. As the number of women grew in STEM courses, Berg believes the law school benefitted by more women seeking law degrees too. Berg explained that although Case Western Reserve doesn't target women specifically when recruiting for the law school, some of its highly ranked specialties, such as health law and international law, may be attracting aspiring female lawyers.

Decades in the Making

Professor Deborah J. Merritt of Ohio State University Moritz College of Law said the shift to a majority of women

in law schools is noteworthy and a fact to commemorate, but she sees a more complex picture beneath the statistic.

"What's most significant to me is how long it's taken for women to reach this milestone and that it's just 50 percent, given other data about women receiving undergraduate and graduate degrees," Merritt said.

She pointed out that Sandra Day O'Connor was appointed in 1981 as the first female justice on the U.S. Supreme Court, when women comprised more than a third of those working toward a law degree. It took 35 years to move from 1 in 3 students to levels that mirror the country's female majority, she noted.

"I do think law schools care about gender balance and gender equity, but it's not a primary driver," Merritt said. "They do want to be sure, though, that they're attracting talent."

More Women Seek Other Degrees

Interestingly, Merritt noted, research shows that women dominate now in obtaining other types of degrees. They earn 57 percent of undergraduate degrees, about 60 percent of master's degrees, and nearly 52 percent of the wide range of doctorates, which includes professional degrees such as medicine and optometry, according to [2013-2014 data from the National Center for Education Statistics](#).

"It seems that law schools aren't really reaching an important demographic in their applicant pool," Merritt said. She thinks law schools could benefit from identifying and talking to women undergraduates who decided against pursuing a J.D. to learn more about the reasons for their choices.

"We can speculate about why they aren't choosing law school in similar numbers to other graduate-level programs, but we don't know," she said.

Since 2010, combined enrollment for men and women seeking J.D.s has plummeted about 25 percent, according to [statistics from the American Bar Association \(ABA\)](#). Spurred by this decline, the Association of American Law Schools launched a project called "Before the JD" in 2016. Its leadership hopes to determine what factors cause potential law students to pursue or not pursue a J.D. degree.

Gender Composition of Ohio Law Schools, Fall 2016

Ranked from highest to lowest percentage of women.

LAW SCHOOL	Total Men	Percentage of Men	Total Women	Percentage of Women	Total Enrollment
Case Western Reserve University	206	48.8	216	51.2	422
University of Dayton	137	50.9	132	49.1	269
Ohio Northern University	88	50.9	85	49.1	173
Cleveland State University	173	51.5	163	48.5	336
Ohio State University	260	51.5	245	48.5	505
University of Toledo	120	53.6	104	46.4	224
University of Akron	233	53.7	201	46.3	434
University of Cincinnati	156	54.0	133	46.0	289
Capital University	210	55.6	168	44.4	378
STATEWIDE TOTAL	1,583	52.3	1,447	47.7	3,030

Source: ABARequiredDisclosures.org

A lawyer who runs a website called Associate's Mind noticed another possible dynamic when he [analyzed enrollment data](#). Although fewer men and women are enrolling in law school, men's numbers have dropped 29 percent since 2011, while for women the decrease was less, at 18 percent.

Law school officials saw a glimmer of stability, however, last year. Enrollment of first-year students showed a slight uptick – 36 more students nationwide over 2015.

Entering and Exiting Law School

Meanwhile Merritt and Kyle McEntee, executive director of a non-profit group called Law School Transparency, have been delving into the data. The low number of women who currently work in the legal profession – only 36 percent, the ABA reported in April 2016 – is often cited, and this dip after law school has been dubbed by some as the “leaky pipeline.” But Merritt and McEntee wondered whether something happens earlier on the path to becoming a lawyer that might lead to women's lagging representation later.

The disparity between women earning other degrees and those seeking J.D.s was one “leak” they uncovered in the statistics. They also found that in 2015

women applicants were less likely than men to be admitted to law school, by about 4 percentage points, and fewer women ended up with seats in the nation's top 50 law schools. To unravel why this happens, Merritt and McEntee examined several factors, including the role of law school admission test (LSAT) scores and undergraduate GPAs.

Both are critical indicators that law schools consider when reviewing applications, Merritt explains. Women typically earn higher GPAs as undergraduates than men, while men on average score higher on the LSAT. One might think that difference should even out the effect on admissions. But Merritt and McEntee suspect that coveted law school rankings assigned annually by U.S. News & World Report come into play in a way that favors men.

“Schools, especially those in the top half of the U.S. News ranking, stress LSAT scores over other admissions factors as they fight to maintain or improve their rankings. This disadvantages women, who have lower LSAT scores (on average) than men,” their [research summary](#) stated.

Looking at the other end of the law school experience, the number of women who complete their J.D.s is unclear. The ABA annually collects reams of data

from accredited law schools, including the gender and ethnic makeup at each school. The ABA also provides statistics about how many people earn J.D.s each year based on ethnicity, but a breakdown by gender isn't available to the public on [ABARequiredDisclosures.org](#).

Dropoff in Legal Profession

As women continue toward legal careers, their numbers indicate some dwindling. At Ohio's nine law schools, women made up 47.7 percent of students in 2016. Although these law students aren't among the 942 people who passed the state's bar exam and were admitted by the Ohio Supreme Court to practice law last year, it may be a sign of concern that women accounted for 44.8 percent of new lawyers, about a 3 percent difference.

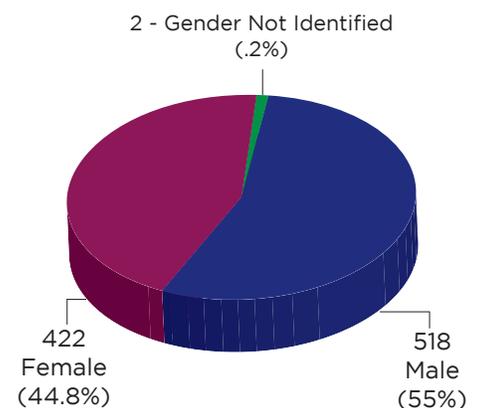
Further along the way, the gender gap widens to arrive at that 36 percent statistic for women practicing law.

Women also are underrepresented at the highest tiers of the profession. In 2016, women held 22 percent of partnership positions at law firms, represented 31 percent of law school

Story continues on p. 6.

Admitted to Practice Law in Ohio, 2016

In 2016, 942 people passed the bar exam and became Ohio lawyers when the Ohio Supreme Court admitted them to the practice of law.



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

Court Rejects Granting Libertarian Party Official Recognition

The Ohio Supreme Court rejected a request to grant the Ohio Libertarian Party official party recognition based on the votes received by presidential candidate Gary Johnson because he appeared as an independent candidate on the 2016 ballot.

John Fockler and four others nominated Johnson and vice-presidential candidate William Weld to be on the ballot and they received 3.17 percent of the vote. With the consent of the Libertarian Party, Fockler requested Secretary of State **Jon Husted** recognize the nominating committee as a political party under R.C. 3517.01. The Libertarian Party lost its official party recognition in Ohio in 2014 when it failed to properly nominate a candidate for governor. Husted refused to recognize the party, maintaining that the votes for the independent candidates could not be used to form a party.

In a per curiam opinion, the Court wrote that R.C. 3517.01 applies to existing recognized parties, and mandates the party receive at least 3 percent of the statewide vote in a presidential or gubernatorial election to remain a recognized party for four more years. The Court found the provision for seeking party recognition had to be read in conjunction with R.C. 3501.01(F)(2)(b), which defines minor political parties.

Based on the application of both statutes, the Court concluded the Libertarian Party would be considered a “new” party, and must follow a petition process in state law to gain party recognition.

Chief Justice **Maureen O'Connor** and Justices **Terrence O'Donnell**, **Patrick F. Fischer**, and **R. Patrick DeWine** joined the opinion. Justices **Sharon L. Kennedy** and **Judith L. French** concurred in judgment only. Justice **William M. O'Neill** dissented.

2016-1863. State ex rel. Fockler v. Husted
Slip Opinion No. 2017-Ohio-0224

BALANCE TIPS: Continued from p. 5

deans, and comprised about a third of federal and state judges, according to several sources of [data compiled and released in January](#) by the ABA's Commission on Women in the Profession.

In the climate that law schools and their students face, Merritt and McEntee conclude that addressing the issues they've identified might help the nation's law schools boost their tumbling enrollment by attracting new, talented applicants. They also think stemming the loss of women at the start of the journey to becoming a lawyer could help keep more women in the pipeline, potentially bolstering their numbers in the profession later.

THE SUPREME COURT OF OHIO BLACK HISTORY MONTH CELEBRATION



FREEDOM AND THE RULE OF LAW

Clarence G. Newsome, Ph.D.

President, National Underground
Railroad Freedom Center

Monday, Feb. 27, 2017

1 p.m. • Courtroom

Thomas J. Moyer Ohio Judicial Center
65 South Front Street
Columbus, Ohio 43215-3431

RSVP by Feb. 20, 2017

to forum@sc.ohio.gov or 614.387.9267

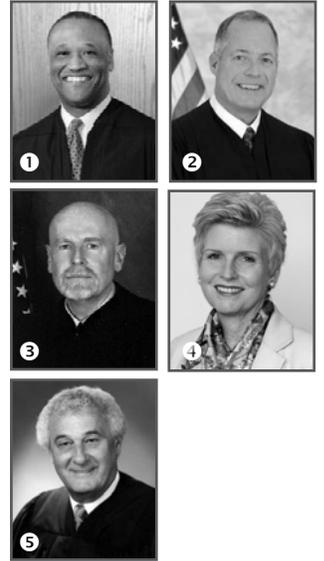
Association Elects Municipal, County Judges as Officers

Municipal and county court judges took the oath of office on Jan. 23 after being elected to leadership positions by the statewide membership of their association.

Chief Justice **Maureen O'Connor** administered the oath at a luncheon during the group's annual three-day winter conference. The chief justice also addressed the latest efforts to lessen the ongoing impact that court fines, fees, and bail practices have on economically disadvantaged communities across the United States. Chief Justice O'Connor serves as co-chair of the National Task Force on Fines, Fees and Bail Practices, created by the Conference of Chief Justices and the Conference of State Court Administrators.

The 2017 Association of Municipal/County Judges of Ohio officers are:

- ❶ Dayton Municipal Court Judge **Carl S. Henderson** – President
- ❷ Rocky River Municipal Court Judge **Brian F. Hagan** – First vice president
- ❸ Circleville Municipal Court Judge **Gary Dumm** – Second vice president
- ❹ Clark County Municipal Court Judge **Denise L. Moody** – Secretary
- ❺ Franklin County Municipal Court Judge **Michael T. Brandt** – Treasurer



Judge Henderson has been elected three times to the Dayton Municipal Court, most recently in 2015. He served as a court magistrate for 12 years and as an assistant county prosecutor for six years prior. He's a graduate of Wright State University and Howard University School of Law.

Judicial Appointments

Gov. John Kasich recently appointed the following judges to courts across Ohio.



Eric R. Mulford
Gallipolis Municipal Court

Former Gallia County Assistant Prosecutor **Eric R. Mulford** took the bench on Jan. 16. He must win in the November 2017 general election to retain the seat for a full six-year term commencing Jan. 1, 2018. He replaces Judge **Margaret Evans**, who was elected to the Gallia County Common Pleas Court.



Gwendolyn M. Bender
Hamilton County Municipal Court

Gwendolyn M. Bender took the bench on Feb. 6. She must win in the November 2017 general election to continue serving. She will vie to retain the seat for the remainder of the unexpired term, which ends Jan. 4, 2020. She replaces Judge **Melissa Powers**, who was elected to the Hamilton County Juvenile Court in November.



Jesse B. Kramig
Clermont County Municipal Court

Jesse B. Kramig, a senior attorney in the economic crimes division of the Ohio Attorney General's Office, filled the vacancy on the Clermont County Municipal Court on Feb. 6. **Kramig** must win in the November 2017 general election to retain the seat for the full six-year term commencing Jan. 1, 2018. He replaces former Judge **Anthony W. Brock**, who was elected to the Clermont County Common Pleas Court.



Jacqueline M. Ginocchio
Hamilton County Municipal Court

Jacqueline M. Ginocchio took the bench on Feb. 6. She must win in the November 2017 general election to continue serving. **Ginocchio** will vie to retain the seat for the full six-year term commencing Jan. 3, 2018. She replaces Judge **Lisa Allen**, who was elected to the Hamilton County Common Pleas Court in November. **Ginocchio** served as assistant prosecuting attorney for the Hamilton County Prosecutor since 2008.

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. 16

Administrative Judges Seminar

Judges
Columbus

Judicial Candidates Seminar

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

Feb. 22

Court Security Screening

OPOTA Course
Court Personnel
Grove City

Feb. 23

Adult Guardianship Guardian of the Estate BROADCAST

Adult Guardians
8:45 a.m. - Noon
OR 1 p.m. - 4:15 p.m.

Feb. 24

Bankruptcy in Common Pleas Court Web Conference

Judges, Magistrates & Acting Judges

March 1

Guardian ad Litem Continuing

Education Course: Child Development

Guardians ad Litem
Toledo
12:30 p.m. - 4 p.m.

March 2

Judicial Candidates Seminar

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

Local Court Roundtables

sc.ohio.gov/JCS/roundtables

Note: All meetings are at the Thomas J. Moyer Ohio Judicial Center in Columbus

March 1

Juvenile Judges & Child Welfare Directors

All Counties

March 2

General Division Administrators

Midsized & Rural Courts

Juvenile Chief Deputy Clerks

Rural Courts Less than 60K
Population

Language Services Training

sc.ohio.gov/JCS/interpreterSvc/

March 3

Introduction to Court Reporting

Columbus
No cost to attend

Supreme Court of Ohio

sc.ohio.gov

Feb. 6

Dedication Ceremony of the Hon. Judith Ann Lanzinger Portrait

2 p.m.
Live video: sc.ohio.gov

Feb. 7 – 9

Oral Arguments

Feb. 9

Swearing-In Ceremony of the Hon. R. Patrick DeWine

2 p.m.
Live video: sc.ohio.gov

Feb. 27

Black History Month Celebration featuring Dr. Clarence Newsome, President, National Underground Railroad Freedom Center

1 p.m.
Live video: sc.ohio.gov

Feb. 28 & March 1

Oral Arguments

March 1

Swearing-In Ceremony of the Hon. Patrick F. Fischer

2:30 p.m.
Live video: sc.ohio.gov

Conferences

Feb. 10

Ohio Association of Probate Judges Winter Conference

Member Judges
Columbus

Feb. 23

Ohio Courts of Appeals Judges Association (OCAJA) Winter Conference

Member Judges
Columbus

Ohio Center for Law-Related Education

ocle.org

Feb. 8 & 9

Ohio Government in Action

Moyer Judicial Center
Columbus

Feb. 10

High School Mock Trial Regional Competition

Various Locations