

# CNO REVIEW

March 2014



## Domestic Relations Courts Reaching for the

# Summit

**W**ith a goal of minimizing conflict for Ohio children and families, teams of domestic relations court judges and their justice system partners from counties across the state participated recently in regional conferences in preparation for a statewide summit next month.

These teams met throughout 2013 and the first part of this year to assess their case management systems and examine their resources leading up to the Domestic Relations Summit on April 23, 24, and 25 in Columbus.

Ohio Supreme Court Chief Justice **Maureen O'Connor** charged the judges to lead delegations of four additional key community leaders who have the vision and ability to affect real change in the lives of children and families in transition. Community justice system partners include: members of the bar, guardian ad litem or custody evaluators, mediators, child support enforcement agency representatives, victim service providers, and court and/or clerk staff. (Story continues on page 11).

## About Court News Ohio

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

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# Cases

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

## Supreme Court of Ohio

### PUCO Decision Allowing Electric Charges Stands

On February 13, the Supreme Court rejected arguments from an industrial association and a consumer advocacy group disputing and seeking refunds of hundreds of millions of dollars in electric charges collected by an Ohio power company. Writing for the court's majority, Justice **Judith Ann Lanzinger** concluded that the two parties on appeal did not show that the Public Utilities Commission of Ohio erred in denying a refund of \$368 million in charges that had been collected by the operating companies of American Electric Power from April 2009 through May 2011.

In re Application of Columbus S. Power Co.  
Slip Opinion No. 2014-Ohio-462

### Tenants' Guests Protected by Ohio's Landlord-Tenant Law

Ohio landlords have the same obligation to their tenants' guests as they do to tenants to keep the common areas of their premises safe and sanitary, the Supreme Court ruled on February 12. In a unanimous decision, the court also held that the relevant provision in the Ohio Landlord-Tenant Act sets forth a specific standard of care, so a violation of the law automatically proves that a landlord has breached his or her duty (called negligence per se). Negligence per se does not automatically impose liability. Even if a landlord were legally negligent, an injured party would still have to demonstrate that the landlord's breach of duty proximately caused the injured party to suffer damages.

Mann v. Northgate Investors, L.L.C.  
Slip Opinion No. 2014-Ohio-455

## Appeals Court Must Reconsider Damages in Public Records Case

On February 18, the Supreme Court ordered an appeals court to determine the amount of damages to award to a woman who waited two months for the city of South Euclid to respond to a public-records request and eight months to have the records provided in their entirety. The court determined, however, that the woman is ineligible under state law to be compensated for her attorney fees in this matter and in a separate public-records case in which she waited six months for the city to fulfill her request.

State ex rel. DiFranco v. S. Euclid  
Slip Opinion No. 2014-Ohio-538

State ex rel. DiFranco v. S. Euclid  
Slip Opinion No. 2014-Ohio-539

## Courts of Appeals

### Third District Finds Problems in Marion Arsonist's Case

On February 10, an appeals court found errors in the sentencing and restitution orders against a man serving a sentence for a 2011 arson and burglary that affected multiple Marion businesses. In a 2-1 decision, the Third District Court of Appeals ruled that some of the counts against **Craig A. Love** should have been merged by the Marion County Court of Common Pleas and that damages some of the 2011 fire victims claimed should not have been allowed.

State v. Love  
2014-Ohio-437

## Co-Worker Entitled to Fellow Employee Immunity in Parking Lot Accident

An employee of a southeastern Ohio manufacturing plant will not receive more than \$700,000 in economic damages he was awarded at trial for a parking lot accident after a ruling on January 28 by the Fourth District Court of Appeals. Judge **William H. Harsha III** noted that the appeals court agreed with **Steven E. Jeffers** that the trial court erred by overruling his motion for judgment notwithstanding the verdict because Jeffers established that he was entitled to immunity under the terms of R.C. 4123.741 as a matter of law.

Bungard v. Jeffers  
2014-Ohio-334

## Court of Claims

### Court of Claims approves UT Medical Center Settlement

Applying radiotherapy to the wrong sites to treat a Michigan woman's cervical and endometrial cancer will cost the University of Toledo Medical Center more than \$200,000. The Court of Claims of Ohio approved the \$214,403.55 settlement agreement on January 24.

Meigan Maher v. University of Toledo  
Medical Center  
Case No. 2012-08818

## New Bench Card Offers Guidance on Collection of Court Fines, Costs

In an effort to better educate judges and court personnel about the collection of fines and court costs, the Ohio Supreme Court has published a reference guide.

**T**he bench card briefly explains the differences between court costs and fines, when enforcing fines by incarceration is appropriate, and the process for a court to substitute community service as payment for court costs. It also includes citations to state statutes and court cases.

Judges who attended the annual three-day winter conference of the Association of Municipal/County Judges of Ohio in early February received copies of the bench card. Copies were mailed to judges unable to attend.

The bench card begins with a general statement about fines and court costs and appropriate collection methods.

“Fines are separate from court costs. Court costs, restitution and fees are civil, not criminal, obligations and may be collected only by the methods provided for the collection of civil judgments. Sole authority exists under R.C. 2947.14 for a court or magistrate to commit an offender to jail for nonpayment of fines in a criminal case. An offender CANNOT be held in contempt of court for

refusal to pay fines. Accordingly, unpaid fines and/or court costs may neither be a condition of probation, nor grounds for an extension or violation of probation.”

Supreme Court staff developed the bench card in consultation with a workgroup that included Ohio Public Defender **Tim Young** and three experienced Ohio trial court judges: Lakewood Municipal Court Judge **Patrick J. Carroll**, Defiance Municipal Court Judge **John T. Rohrs III**, and Fairborn Municipal Court Judge **Beth W. Root**.

Judge Root, as president of the Association of Municipal/County Judges of Ohio, spoke of the value of having this reminder handy.

“As judges, we strive to implement fairness and justice,” she said. “This bench card is a useful tool for judges to ensure that the law is being properly applied to those who owe fines and court costs.”

View the bench card at: [www.supremecourt.ohio.gov/Publications/JCS/finesCourtCosts.pdf](http://www.supremecourt.ohio.gov/Publications/JCS/finesCourtCosts.pdf).

## Chief Justice Appoints Commission to Consider Athens Co. Sheriff Suspension

After waiting the required 14 days, Chief Justice **Maureen O'Connor** on February 19 appointed a special three-judge commission to consider the suspension of Athens County Sheriff **Patrick Kelly**, who was charged with felonies relating to official conduct in office.



Patrick Kelly

The Ohio Attorney General filed an action at the Ohio Supreme Court February 4 to commence the suspension proceedings. The retired judges named to the commission are:

- Retired Franklin County Common Pleas Court Judge **John F. Bender**
- Retired Warren County Common Pleas Court Judge **Neal B. Bronson**
- Retired Belmont County Common Pleas Court Judge **Jennifer L. Sargus**.

Ohio Revised Code section 3.16 spells out the process for such actions and establishes that the commission must include retired judges or justices, one of whom must be of the same political party as the public official.

Within 14 days, the special commission must make a preliminary determination about whether Kelly should be suspended from office. Kelly may contest the preliminary determination – if it recommends a suspension – within 14 days of being notified and appear at a commission meeting to present his case. That meeting must be held within 14 days of the notice by Kelly to contest the preliminary findings. At the conclusion of the meeting, the special commission would then issue its final determination and issue a written report.

Pursuant to R.C. 3.16(C)(2), “all meetings of the special commission shall be closed to the public” and “the records of the special commission shall not be made available to the public

# HappeningNow

News and notes from courthouses across the Buckeye State

for inspection or copying until the special commission issues its written report.”

R.C. 3.16 most recently was used in November 2013 when a special prosecutor for the Ohio state auditor asked the chief justice to begin suspension proceedings against Fairfield County Clerk of Courts Deborah K. Smalley, who was indicted on felony charges of mispending public money for political purposes.

In that case, Chief Justice O'Connor appointed a panel to consider the suspension, but Smalley resigned on December 5 before the panel issued its findings.

The case announcement of the appointment of the special three-judge commission in *In re Kelly* is available online.

## Efficiency Increases Highlight 2013 Disciplinary Board Annual Report

The Ohio Supreme Court's Board of Commissioners on Grievances & Discipline substantially reduced its active pending caseload for the second consecutive year according to its 2013 annual report. The board also appointed a new Disciplinary Counsel for the first time in 16 years.

**Richard A. Dove**, secretary to the board, said in the report. “The number of pending cases was reduced by more than 25 percent for the second consecutive year, and the implementation of a new probable cause meeting schedule allowed for more prompt review and certification of new matters to the board.”

The report stated that 82 matters were filed with or referred to the board, while it completed 89 cases and placed another 13 cases on inactive status. The three-commissioner hearing panels conducted 56 hearings throughout the year, which the commissioners then reviewed and made recommendations to the Supreme Court. The board ended 2013 with 50 active cases pending on its docket.

## ADVISORY OPINION:

### Extent of Judicial Campaign Activities of Lawyer with Case Before Judge Determines Disqualification

A judge is required to recuse from a case handled by a lawyer who participates in the judge's campaign if there's a “substantial political relationship” with the lawyer during the campaign fundraising period, according to an Ohio Supreme Court Board of Commissioners on Grievances & Discipline advisory opinion.

Opinion 2014-1 covers Rule 2.11 of the Ohio Code of Judicial Conduct. The lawyer requesting the advisory opinion also asked the board to re-examine a 1992 Advisory Opinion, which addressed some aspects of disqualification questions under the former code. Based on its updated view, the board withdrew the advice given in Advisory Opinion 92-9.

*Jud. Cond. R. 2.11 requires disqualification 'in any proceeding in which the judge's impartiality might reasonably be questioned,' according to the opinion. The political reality in Ohio is that judges are publicly-elected officials. Lawyers are charged with advancing the administration of justice, which includes participation in the evaluation of candidates for judicial office. This participation often takes the form of supporting a judge during an election campaign.*

*Given this framework, the Board is of the opinion that a lawyer's mere participation in a current judicial election campaign does not create a reasonable question as to the judge's impartiality when the lawyer is before the judge.*

*However, if a lawyer's current campaign activities evidence a substantial political relationship with a judge, a reasonable person would question the judge's impartiality in cases involving the lawyer.*

Rather than creating a “bright-line test” regarding the judicial campaign activity of lawyers, the opinion lays out

the factors for a judge to consider – on a case-by-case basis – to determine whether a substantial political relationship exists.

If a judge concludes that he or she has a substantial political relationship with a lawyer involved in a case before the judge, disqualification is warranted for the duration of the current campaign fundraising period.

The opinion goes on to detail criteria for determining when a lawyer's participation in a campaign is substantial.

*Factors relevant to determining if a lawyer's campaign activity creates a substantial political relationship with the judge include the length and level of campaign involvement, including whether the lawyer has campaign management responsibilities, the extent of the lawyer's fundraising activities, whether the lawyer's name appears on solicitation letters, emails, and the like, whether the election is contested, and the type of election (statewide, multi-county, or local). A lawyer's title in a judicial campaign may be indicative of a substantial political relationship with the judge, but is not a determining factor in a disqualification analysis.*

The board further stated that “[a]ny political ties between the lawyer and judge occurring outside the campaign are also relevant.”

In offering this revised guidance to candidates and lawyers involved in campaigns, the board opinion specifically rescinded an earlier opinion from 1992 that had been based on the former Code of Judicial Conduct that was repealed in 2007.

*Because the Board now concludes that under the current Code and affidavit of disqualification cases decided after Opinion 92-9, a lawyer's campaign involvement may require disqualification if there is a substantial political relationship between the judge and lawyer, ... we withdraw Opinion 92-9 in its entirety.*

## ON THE BENCH

## IN MEMORIAM

**ROBERT S. DAVIDSON.** Former Marion County Court of Common Pleas Judge **Robert S. Davidson** died February 20 at the age of 60. Judge Davidson served on the bench from 1997 through 2012. He received his bachelor of arts degree from the University of Dayton and his law degree from Ohio Northern University. Dr. Bob Finney, a Marion dentist, called Judge Davidson “a tough, but fair judge and someone I admired for his very even temperament.” The judge also served as president of the Marion County Bar Association.

**ROBERT L. MOORE.** Kettering Municipal Court Judge **Robert L. Moore**, 68, who served as an official in the courtroom and on the gridiron, died February 1. Elected to his first six-year term in 1995, Judge Moore also served as an NFL official (as a back judge) for 13 years. Judge Moore also officiated baseball and basketball games in the Dayton area. A 1963 Chaminade High School graduate, Judge Moore was inducted as a distinguished alumnus of the school in 2011 for his professional achievement and community involvement.

**RICHARD A. SWAIN.** Retired Judge **Richard A. Swain**, who served on the Mentor Municipal Court for more than 25 years, died on February 18 in Mentor. Judge Swain, who was 80 years old when he died, was a graduate of Capital University Law School. He was elected to the Mentor Municipal Court in 1975 and remained on the court until his retirement at the end of 2001. While on the bench, Judge Swain enjoyed working with students and teaching them about the court system. He served numerous times as a judge during local mock trial competitions, as well as during national mock trial competitions.

**WILLIAM MCCLAIN.** Legal trailblazer **William McClain** died on February 4, just a few weeks after his 101st birthday. McClain had many firsts in his legal career: First black in the United States to hold the post of city solicitor; first black Hamilton County Common Pleas Court judge in 1975; first black member of any major Cincinnati law firm; and the first black member of the Cincinnati Bar Association, years after it initially rejected his membership.

**THOMAS M. HERBERT.** Former Supreme Court of Ohio Justice **Thomas M. Herbert** died on February 23 at the age of 86. Herbert served in the Ohio House of Representatives in the early 1960s and was elected to the Tenth District Court of Appeals in 1966. He was elected to the Supreme Court in 1968, succeeding his father, Paul M. Herbert, who retired. In 1978, he sought election as chief justice, but lost to Frank Celebrezze. Herbert resigned from the Supreme Court on July 31, 1980, and joined Porter, Wright, Morris, and Arthur. He later served as a judge on the U.S. Bankruptcy Court for the Southern District of Ohio.



## Judicial Appointment

On February 7, Gov. **John R. Kasich** appointed **Brent N. Robinson** to Richland County Common Pleas Court bench. Robinson took the bench February 10, replacing Judge **James D. Henson**, who retired February 7.

Robinson must win in November's general election to retain the seat for the remainder of the unexpired term, which ends January 1, 2017. Since 2006, he has served as first assistant prosecuting attorney in the Richland County Prosecutor's Office.

Robinson received his bachelor's degree from Otterbein College and his law degree from Capital University Law School. He was admitted to the practice of law in Ohio on November 14, 1994.

Robinson previously served as chief criminal assistant prosecuting attorney in the prosecutor's office, criminal assistant prosecuting attorney in the common pleas court, and as juvenile assistant prosecuting attorney in the county juvenile court.



Which 1950s/60s TV character sparked Judge Sheila Farmer's love of the law? Find the answer and learn more about her path to the Fifth District Court of Appeals in the latest "Judicial Profile" interview at [courtnewsOhio.gov/bench/2014/farmerProfile\\_020414.asp](http://courtnewsOhio.gov/bench/2014/farmerProfile_020414.asp).

## Association Elects Municipal, County Judges as Officers

Leaders among Ohio's municipal and county court judges took the oath of office on February 3 after being elected as officers of their statewide association.

Ohio Supreme Court Chief Justice **Maureen O'Connor** administered the oath at a luncheon during the group's annual three-day winter conference. The chief justice also detailed her proposal to expand the scope of the Ohio Criminal Sentencing Commission and rename it the Ohio Criminal Justice Commission.

The 2014 officers of the Association of Municipal/County Judges of Ohio, including president, Judge **Beth W. Root**, are listed to the right.

Raised in Fairborn and a Fairborn High graduate, Judge Root last month began her second, six-year term on the bench after her re-election in November's general election. Before serving as a judge, she was a magistrate at the court for 12 years.

"It is an honor to serve my fellow judges," Judge Root said. "As president of the association, I will continue the association's tradition of promoting the fair and effective administration of justice, providing quality education, and encouraging the exchange of ideas."

The educational portion of the winter conference included sessions devoted to an Intoxilyzer 8000 case law update; the ins and outs of chemical testing; and issues in domestic violence.

2014 OFFICERS



PRESIDENT  
**Judge Beth W. Root**  
Fairborn Municipal Court



FIRST VICE PRESIDENT  
**Judge William A. Grim**  
Athens County Municipal Court



SECOND VICE PRESIDENT  
**Judge Deborah A. LeBarron**  
Euclid Municipal Court



SECRETARY  
**Judge Carl S. Henderson**  
Dayton Municipal Court



TREASURER  
**Judge Michael T. Brandt**  
Franklin County Municipal Court



### Rule Amendment Summary

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

#### Practice & Procedure Rules

The court opened a second comment period for proposed amendments to the annual update to the Rules of Practice and Procedure. The proposed amendments concern a criminal procedure rule about issuing and executing tracking-device search warrants and a civil procedure rule about the timing of voluntary dismissals in civil cases.

#### Protection Order Forms

The court adopted changes to Rule 10.03 of the Rules of Superintendence and 30 protection order forms that take effect March 1. A civil rule of procedure that clarifies magistrates' involvement in civil protection order proceedings

and discovery related to protection order cases necessitated some of the changes to the standardized forms.

#### Judicial Consent Rule

The court opened for comment proposed changes to rules and forms concerning judicial consent to an abortion by a minor without notification of a parent, guardian, or custodian that will bring them in line with recent legislative changes.

#### Disciplinary Rules

The court opened for comment amendments to disciplinary procedure rules and regulations of the Board of Commissioners on Grievances & Discipline. The amendments clarify and modernize

case-related procedures and include several significant changes to the Supreme Court Rules for the Government of the Bar of Ohio.

#### Judicial Emergency Rule

The court opened for comment proposed changes to rules that deal with judicial emergencies and the temporary relocation of courts. The proposals come after questions arose from emergency-related events, such as the 2012 wind storm that closed the Logan County Courthouse, and whether current Ohio law and court rules adequately address such emergencies.

*More information is available at [sc.ohio.gov/ruleamendments](http://sc.ohio.gov/ruleamendments).*



## CNO Legislative Digest

Each month, Court News Ohio Review tracks bills and resolutions pending in the Ohio General Assembly that are of interest to the judicial community.

Photo courtesy of the Ohio Statehouse Photo Archive

### **HB 49, Rep. Mike Dovilla (R-Berea); Rep. Wes Retherford (R-Hamilton)**

To revise the laws governing the provision of adult protective services.

**STATUS:** Introduced in the House February 12, 2013 and referred to the House Judiciary Committee. Reported out of committee on December 10, 2013 with substitute language. Amended bill passed the House on February 12, 2014 (83-6). Referred to the Senate Civil Justice Committee on February 19, 2014.

### **HB 69, Rep. Ron Maag (R-Lebanon)**

To prohibit the use of traffic law photo-monitoring devices by municipal corporations, counties, townships, and the State Highway Patrol to detect traffic signal light and speed limit violations.

**STATUS:** Introduced in the House and referred to the House Transportation, Public Safety & Homeland Security Committee on February 20, 2013. Reported out of committee with amended language on June 25, 2013. Passed the House on June 26, 2013 (61-32). Referred to the Senate State Government Oversight & Reform Committee on September 24, 2013. Third Senate committee meeting was February 19, 2014.

### **HB 74, Rep. Marlene Anielski (R-Independence)**

To expand the offenses of menacing by stalking and telecommunications harassment and to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person.

**STATUS:** Introduced and referred to the House Judiciary Committee on February 20, 2013. Reported out of committee with substitute language

on November 20, 2013. Passed the House on December 4, 2013 (89-3). Referred to the Senate Criminal Justice Committee on January 8, 2014. First Senate committee hearing was February 4, 2014.

### **HB 162, Rep. Mike Dovilla (R-Berea); Rep. Marlene Anielski (R-Independence)**

To add extortion and perjury and certain federal offenses to the offenses committed by a public retirement system member while serving in a position of honor, trust, or profit that may result in forfeiture of retirement system benefits or the termination of retirement system disability benefits.

**STATUS:** Introduced in the House on May 14, 2013 and referred to the House Judiciary Committee. Substitute language added during the third committee hearing on December 4, 2013. The bill was reported out of committee on January 22, 2014.

### **HB 261, Rep. Jim Butler Jr. (R-Oakwood)**

To modernize and streamline the Court of Claims of Ohio.

**STATUS:** Introduced in the House on September 10, 2013 and referred to the House Judiciary Committee. Amended language added and bill was reported out of committee on December 4, 2013. Passed the House on January 29, 2014 (89-0). Referred to the Senate Civil Justice Committee on February 4, 2014. The first Senate committee meeting was February 19, 2014.

### **HB 309, Rep. Dorothy Pelanda (R-Marysville)**

To prohibit the taxation of interpreter's fees as court costs if the party to be taxed is indigent and require payment of the fees by the legislative authority of the court, to

eliminate the requirement that a court of common pleas evaluate the qualifications of an interpreter for a mentally retarded or developmentally disabled person before appointing the interpreter, to provide that no fee, cost, deposit, or money may be charged to a person who seeks a protection order for the modification, enforcement, dismissal, or withdrawal of a domestic violence, anti-stalking, sexually oriented offense, or other type of protection order or consent agreement.

**STATUS:** Introduced in the House on October 22, 2013 and referred to the House Judiciary Committee. Amended language added and bill was reported out of committee on January 22, 2014. Amended bill passed the House on February 12, 2014 (92-0). Referred to the Senate Criminal Justice Committee on February 19, 2014.

**\*\*NOTE: Collectively, HB 321 through HB 324 are known as the DataOhio Initiative.**

**HB 321, Rep. Mike Duffey (R-Worthington); Rep. Christina Hagan (R-Alliance)**

To create the DataOhio Board, and to specify requirements for posting public records online.

**HB 322, Rep. Mike Duffey (R-Worthington); Rep. Christina Hagan (R-Alliance)**

To require the Auditor of State to adopt rules regarding a uniform accounting system for public offices.

**HB 323, Rep. Mike Duffey (R-Worthington); Rep. Christina Hagan (R-Alliance)**

To establish an online catalog of public data at data.Ohio.gov.

**HB 324, Rep. Mike Duffey (R-Worthington)**

To establish the Local Government

Information Exchange Grant Program and to make an appropriation.

**STATUS OF HB 321 THROUGH HB 324:** Introduced in the House on October 29, 2013 and referred to the House State & Local Government Committee. The fourth committee hearing was February 11, 2014.

**HB 397, Rep. Brian Hill (R-Zanesville)**

To increase the penalty for violations of failure to stop after an accident and failure to stop after a nonpublic road accident that result in the death of a person or serious physical harm to a person.

**STATUS:** Introduced in the House on December 23, 2013 and referred to the House Judiciary Committee. The second committee hearing was February 19, 2014.

**SB 98, Sen. Larry Obhof (R-Medina)**

To expand the list of entities that may serve as statutory agents.

**STATUS:** Introduced in the Senate on April 9, 2013 and referred to the Senate Civil Justice Committee. Amended language added and bill was reported out of committee on November 13, 2013. Amended bill passed the Senate on June 27, 2013 (32-0). Referred to the House Judiciary Committee on September 19, 2013. Reported out of House committee on November 13, 2013. Passed the House on January 29, 2014 (89-0). Signed by the Governor on February 18, 2014.

**SB 143, Sen. Bill Seitz (R-Cincinnati); Sen. Shirley Smith (D-Cleveland)**

To revise criminal law.

**STATUS:** Introduced in the Senate on June 12, 2013 and referred to the Senate Criminal Justice Committee.

Amended language added and bill was reported out of committee on November 13, 2013. Passed the Senate on November 19, 2013 (31-2). Referred to the House Judiciary Committee on December 4, 2013. The second House committee hearing was January 29, 2014.

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

To require that certain pre-birth adoption notifications be sent to each putative father; to permit a person to advertise that the person will adopt children; to define for purposes of an adoption, "living expenses" of a birth mother, to specify how they must be paid.

**STATUS:** : Introduced in the Senate on December 4, 2013 and referred to the Senate Civil Justice Committee. The second committee hearing was February 12, 2014.

**SB 261, Sen. Kevin Bacon (R-Columbus); Sen. Gayle Manning (R-North Ridgeville)**

To provide that a person who recklessly violates a protection order issued upon a petition alleging that the person committed an act of domestic violence, menacing by stalking, or a sexually oriented offense, is guilty of the offense of violating a protection order.

**STATUS:** Introduced in the Senate on January 2, 2014 and referred to the Senate Criminal Justice Committee. The third committee hearing was February 11, 2014.

## LOCAL COURT ROUNDTABLES

[[sc.ohio.gov/JCS](http://sc.ohio.gov/JCS)]

March 13

### **Municipal/County Administrators & Clerks**

Rural courts; Counties with 41K  
or less population

March 14

**General Division Administrators**  
Urban Courts; Counties with  
urban environment

### **Juvenile Chief Probation Officers**

Counties with less than 100K  
population

March 25

### **Municipal/County Administrators & Clerks**

Mid-sized courts; Counties with  
42K – 69K population

April 1

### **Municipal/County Administrators & Clerks**

Large courts; Counties with more  
than 70K population

April 3

### **Juvenile Administrators**

Mid-sized & rural courts; Mid-  
sized & rural counties

April 4

### **General Division Administrators**

Mid-sized courts; Courts with 1 to  
5 judges

### **Juvenile Chief Deputy Clerks**

Mid-sized & urban courts;  
Counties with more than 60K  
population

# The Agenda

Upcoming events, training opportunities, and  
conferences for judges and court staff.  
For more information, contact the event  
sponsor at the website provided.

## **Judicial College Courses**

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

March 6

### **Judicial Candidate Seminar**

Judicial Candidates, Columbus  
1:30 p.m. to 3:30 p.m.

March 11

### **Probation Officer Training Program: Introduction to Offender Behavior Management (018)**

Probation Officers, Toledo

March 12

**CMP Class of 2014 Scarlet (A):  
Module V: Managing Technology  
Projects & Technology**  
CMP Class of 2014 Scarlet (A),  
Columbus

March 12 – 14

**New Magistrate Orientation 2014**  
Magistrates, Perrysville

March 14

**Jury Trial Skills**  
Judges & Magistrates, Columbus

March 18

**Guardian ad Litem Continuing  
Education Course: Divorce: The  
Impact on Children: What a GAL  
Needs to Know**  
Guardians ad Litem, Toledo  
1 p.m. to 4:30 p.m.

### **Probation Officer Training Program: Introduction to Cognitive Behavioral Interventions (015)**

Probation Officers, Dayton

March 19

### **Guardian ad Litem Continuing Education Course: Divorce: The Impact on Children: What a GAL Needs to Know**

Guardians ad Litem, Toledo  
8:30 a.m. to Noon

March 20 & 21

**All About Delinquency (Juvenile  
Judges/Magistrates Spring Seminar)**  
Judges & Magistrates, Columbus

March 25

### **Probation Officer Training Program: Introduction to Offender Behavior Management (018)**

Probation Officers, Columbus

March 26 – 28

**Court Management Program  
(CMP) 2016 Class: Module 1 –  
Court Performance Standards with  
CourTools**  
CMP 2016 Class, Columbus

March 27

**Acting Judge Essentials 2014:  
Domestic Violence & Traffic Issues  
(1 of 4)**  
Judges, Magistrates & Acting Judges  
Toledo

April 1  
**Probation Officer Training**  
**Program: Introduction to**  
**Motivational Interviewing (016)**  
 Probation Officers, Dayton

April 2  
**Guardian ad Litem Pre-Service**  
**Course (3 of 9)**  
 Guardians ad Litem, Cincinnati

April 8  
**Probation Officer Training**  
**Program: Introduction to**  
**Assessment & Case Planning (013)**  
 Probation Officers, Toledo

April 10  
**The Human Side of Jury Service**  
 Judges & Court Personnel,  
 Columbus

April 10-11  
**Capital Cases**  
 Judges, Columbus

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

March 6 & 7  
**Basic Mediation/Uniform Mediation**  
**Act Training**  
 Toledo

March 24 & 25  
**Domestic Abuse Issues:**  
**Training for Mediators**  
**& Other Professionals**  
 Toledo

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

March 15  
**Introduction to Court Interpreting**  
 Columbus

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

March 11 & 12  
**Oral Arguments**

April 1  
**Deadline to submit application to**  
**take the July 2014 bar exam**

### Miscellaneous

March 21 - 23  
**Ohio Court Reporters Association**  
**Annual Conference**  
 ([ocraonline.com](http://ocraonline.com))  
 Columbus

April 3  
**Ohio Community Corrections**  
**Association ([occaonline.org](http://occaonline.org))**  
 Training: Introduction to Effective  
 Assessment & Case Planning in  
 Community Corrections

April 10  
**Ohio Jury Management Association**  
**Conference & Annual Meeting**  
 ([ohiojury.org](http://ohiojury.org))  
 The Human Side of Jury Service  
 (*register through Judicial eCademy*)  
 Judges & Court Personnel  
 Columbus

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

March 6 – 8  
**Mock Trial State Competition**

March 31 – April 2  
**Middle School Mock Trial**  
**State Showcase**  
 Moyer Judicial Center, Columbus

### DR Summit, Continued from page 1.

To assess the current state of their court, using a facilitator provided by the Supreme Court, teams completed assessments of their local case management practices by identifying tasks that each party performs to advance a case through the entire caseflow process. The goal of the analysis is to streamline, combine, or reorganize steps in the process. Following the analysis stage, teams assessed their resources to ensure their optimal use. Finally, teams worked to identify challenges and solutions.

The summit will shine a light on Ohio's domestic relations courts, which have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children, according to **Stephanie Nelson**, policy and research counsel in the Children, Families & the Courts Section at the Supreme Court.

At the summit, teams will learn about promising state and national practices to promote discussions on improving the case management for parties appearing before the court. Presentations will focus on caseflow management, minimizing conflict by promoting the well-being of families and the best interest of the children, protecting families from abuse, and dispute resolution. Teams also will have time to devote to facilitated planning at the summit.

Modeled after the National Summit on Children, the idea for the DR Summit came about after the success of the Supreme Court's *Beyond the Numbers* project, which primarily focused on improving court processes for the benefit of children and families.

The Supreme Court enjoyed similar success with its Ohio Summit on Children and Ohio Summit on Aging. As with the DR Summit, the

Story continues on page 12.

**DR Summit, Continued from page 11.**

Summit on Children brought together teams of county-level professionals to seek out ways to improve the safety and well-being of children in Ohio. The same was true for the Summit on Aging, where probate judges and representatives from Adult Protective Services, the legal community, law enforcement, advocates, service providers, and funding agencies discussed and explored options to more effectively respond to the increasing number of reports of elder neglect, fraud, and abuse.

Nelson said the DR Summit was the next logical collaboration after assisting courts that work with youth and older populations. As the liaison to the 18-member planning committee, Nelson said the committee settled on four educational tracks that it hopes will plant seeds with local courts to weave into their local initiatives. The tracks include case management, domestic violence, dispute resolution, and child-centered decision-making.

Marion Family Court Judge **Deborah A. Alspach** serves on the planning committee. She said the committee is focused on providing a great experience that will “address many of the issues judges, litigants, and attorneys face in matters involving families who are separating or divorcing.”

The built-in time for county-level participants to meet as a team will help them examine their individual strengths and challenges, Judge Alspach said. Breakout sessions on different topics will enable teams to learn more about and find solutions for their particular concerns.

As for Marion County’s focus and what it hopes to accomplish at the summit, Judge Alspach said her team is always looking for ways to improve its 3-year-old Early Neutral Evaluation approach to custody matters.

“We hope to expand it to financial matters and perhaps to dependency, neglect, and abuse in the future,” she said. “Recently, (Cuyahoga County Domestic Relations Court Chief) Magistrate (**Serpil**) **Ergun** and I went to the National Center for State Courts in Denver. We worked on developing a ‘triage’ tool that will help courts better



PICTURED: County teams discuss caseload management at a pre-summit regional meeting held in Columbus on November 6, 2013.

direct families to services based on their level of need. The value in this is that families with a low level of need for services can be given what they need to move through the system easier and quicker. The idea is that will then allow the court the opportunity to give the high-need cases the time, attention, and services they need.”

Cuyahoga County Domestic Relations Court Judge **Diane M. Palos** serves as chair of the planning committee.

“In bringing together all the judges who have Domestic Relations jurisdiction to hear the latest information on case management, child-focused and alternative processes for decision-making in parenting cases and domestic violence, while providing a platform to share the information and to problem-solve with community partners, the Supreme Court is not only providing innovative content, but innovative interaction,” Judge Palos said. “The opportunity to learn and discuss new options within and among courts, court partners, and experts will lead to better processes and solutions in our local communities.”

Judge Palos said the team from Cuyahoga County Domestic Relations

Court includes the five judges, Chief Magistrate Ergun (a planning committee member), and attorneys with various types of practices, including domestic violence, mediation, and GAL work. The team hopes to expand community access to legal services and to pursue new options for delivery of the services, including unbundled services and clinics, she said.

Even when the DR Summit concludes, the work will go on. Post-summit education will continue in an attempt to spur local projects to completion, Nelson said.

Judge Alspach echoed this sentiment by noting her county participated in the summits on children and aging and continues to meet with community partners.

“We have found that the continued communication with our community partners has strengthened those relationships and improved services to our community,” Judge Alspach said. “The summits have opened communication between the court and supporting agencies to address issues and find solutions before they become problems. I am hopeful that the DR Summit will have the same result.”