



# BillBoard

OCTOBER 14, 2016  
LEGISLATIVE NEWS



The Ohio Judicial Conference Annual Meeting took place September 14 – 16 in Columbus. The event was attended by more than 350 judges from across the State and from all levels of the judiciary.

On Wednesday, September 14, twelve of the Conference's twenty-one standing committees held meetings throughout the day where judges discussed a wide range of topics including proposals for the Conference's 2017-2018 Legislative Platform, proposed changes to the Ohio Rules of Court, criminal sentencing trends, and pending legislation with an impact on Ohio courts.

On Thursday, September 15, judges attended a day long plenary education session that was a collaboration between the Judicial Conference Education Committee and the Supreme Court of Ohio's Judicial College. The keynote speaker was Judge Victoria F. Pratt, Chief Judge of the Newark Municipal Court in New Jersey who spoke about her efforts to change court culture and the justice system by improving procedural justice. In addition to the plenary education on Thursday, the President of the Ohio State Bar Association, Ronald S. Kopp, addressed the judges and presented the Ohio State Bar Association Innovative Court Practices Award and Thomas J. Moyer Award for Judicial Excellence. The Innovative Court Practices Award went to Judge David Hejmanowski and the Delaware County Probate/Juvenile Court for its GIRLS (Gaining Invaluable Relationships & Learning coping Skills) program. The Thomas J. Moyer Award for Judicial Excellence, which is awarded to a judge who displays outstanding qualities of judicial excellence went to Judge Linda Tucci Teodosio from the Summit County Juvenile Court. Thursday also saw Chief Justice Maureen O'Connor give her State of the Judiciary address in which she focused on the opioid epidemic in the state. Finally, the Judicial Conference held its Business Meeting where it elected its slate of Officers for the 2017-2018 biennium. Judge James A. Shriver of the Clermont County Probate/Juvenile Court was sworn in as the Chair of the Conference. Following him are the Chair-Elect, Judge Stephen W. Powell from the Twelfth District Court of Appeals, the First Vice-Chair, Judge Joyce A. Campbell of the Fairfield Municipal Court, the Second Vice-Chair Judge Paula C. Giulitto of the Portage County Domestic Relations Court, and the Immediate Past Chair, Judge John M. Durkin of the Mahoning County Common Pleas Court. This was the final year of Judge Jim D. James' 10 year service as a Conference Officer. On behalf of the Ohio Judicial Conference we would like to thank him for his service and dedication to the mission of the Conference.

On Friday, September 16, judges were offered six concurrent sessions of their choice for another half-day of education. The highlight of the day for our staff was the Legislative Panel with Senators Larry Obhof, John Eklund, and Joe Schiavoni, and Representatives Dorothy Pelanda and Nicholas Celebreeze serving as panelists. An article about the panel can be found later in this issue. Our sincere thanks to these legislators for taking time out of their busy schedules to spend the morning talking to Ohio judges about the work of the 131<sup>st</sup> General Assembly.

Ohio Judicial Conference Staff

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## OHIO JUDICIAL CONFERENCE FACT SHEET

### ***THE OJC IS AN INTEGRAL PART OF THE JUDICIAL BRANCH OF GOVERNMENT.***

With every sitting judge in Ohio in its membership, the Ohio Judicial Conference is *the* voice of Ohio’s judges. The Conference is organized into 20 working committees that review statutes, legislation, and court rules, and make recommendations aimed at improving the administration of justice. The Conference provides critical analysis of legislative initiatives and makes suggestions for reform and modernization through its legislative platform. The Conference publishes reports, impact statements, enactment news, policy statements, model rules, bench books, resource guides, and newsletters, and writes the Ohio Jury Instructions. The Conference advances judicial and legal education through continuing legal education events in collaboration with the Ohio Judicial College and Ohio State Bar Association.

### ***THE OJC GIVES YOUR LOCAL JUDGES A FORUM, A RESOURCE, AND A VOICE.***

The members of the Judicial Conference are kept apprised of legislative developments that impact court administration, criminal, civil, traffic, probate, domestic relations, and juvenile law. The Conference enables judges, who often have divergent opinions individually, to build consensus and speak with one voice. It acts as a forum for them to review and render opinions on the construction and effect of legislation, rules proposals, and other initiatives, and to suggest statutory and rule changes to address problems plaguing the administration of justice. It provides a meaningful way for judges to maintain effective communications with their colleagues, learn about changes in the law, and share ideas for implementation in Ohio’s diverse communities.

### ***THE OJC PROVIDES LEGISLATORS INSIGHT, INFORMATION, AND ANALYSIS.***

Judges solemnly respect the distinct and separate roles of the legislature, judiciary, and executive branches of government. The Ohio Judicial Conference was statutorily created to serve the Ohio Legislature by providing insight into proposed legislation that could impact courts. The Conference strives to be a resource to the members of the General Assembly. All legislators have access to the Ohio Judicial Conference as a source of judicial feedback, research, and recommendations. Judges are in a unique position to provide early insight and perspectives on the practical impact of changes in the law that will help to avoid unintended consequences and protracted litigation. The combined experience of the Conference’s judges give legislators insight that otherwise might be overlooked, to the detriment of the legislative process and the uniform administration of justice.

### ***THE OJC HELPS TO INSTILL PUBLIC CONFIDENCE IN THE JUDICIARY.***

Public confidence in the judiciary is one of the priorities of the Ohio Judicial Conference. When the Conference reviews bills, a significant and practical focus is how that bill will impact the public’s access to the courts, their ability to obtain justice, and their right to be treated fairly under the law. Another of the Conference’s priorities is to provide the General Assembly with insight on how legislation impacts court caseload and workload, insight that helps control the costs to the public of operating Ohio’s courts.

## OHIO JUDICIAL CONFERENCE STANDING COMMITTEES

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Lou Tobin



Marta Mudri



Joshua Williams



Shawn Welch



Justin Long

## OJC Legislative Review Panel Discussed Potential DRC-DYS Merger, Opioid Crisis, Lame Duck Priorities, Other Items



The OJC invited a panel of five state legislators to comment on trending legislative topics during the Annual Meeting. The panel consisted of Rep. Nicholas Celebrezze (D-Parma), the Assistant House Minority Leader, Rep. Dorothy Pelanda (R-Marysville), the House Majority Whip, Sen. John Eklund (R-Munson Township), Chair of the Senate Criminal Justice Committee, Sen. Larry Obhof (R-Medina), the Senate President Pro Tempore, and Sen. Joe Schiavoni (D-Boardman), the Senate Minority Leader.

## **DRC-DYS Merger**

Regarding the rumored DRC-DYS merger, Sen. Schiavoni stated that he has not heard details, but has great concerns. He said he has already had discussions with the Ohio Civil Service Employees Association (OCSEA). Sen. Eklund said the possible merger proposal is still unknown, but he would be willing to evaluate it for savings and efficiencies. Sen. Eklund emphasized that he recognizes the different purposes of the two systems and that he was cautious from a fiscal standpoint, particularly the need to avoid touching juvenile courts' RECLAIM funds. Sen. Obhof concurred with Sen. Eklund that he would consider a proposal that increased efficiencies and savings while providing the same level of service. He stated he must first see the plan, which he said could come early next year.

## **Opioid Crisis**

Rep. Pelanda said Ohio's opioid crisis was a top priority in the House of Representatives during the current 131<sup>st</sup> General Assembly. She cited H.B. 4, which expanded access to Naloxone for opioid-related overdoses, H.B. 230, which updated standards and requirements for the Ohio Chemical Dependency Professionals Board, and the leadership of Rep. Robert Sprague (R-Findlay), who was a co-sponsor of both enacted bills. Both Sen. Eklund and Rep. Pelanda said they are looking for effective programs from other states, like the HOPE program from Hawai'i. Sen. Eklund also discussed H.B. 59 from the 130<sup>th</sup> General Assembly that created drug court pilot programs to provide addiction treatment to criminal offenders who are dependent on opioids, alcohol, or both.

Rep. Celebrezze stated that his wife is a pathologist and is now conducting daily autopsies of opioid overdose victims. Sen. Schiavoni said there needs to be proper funding for education, rehabilitation, and rehousing. He said he hopes there are conversations about the crisis during the upcoming lame duck session. Sen. Obhof said this will be a priority in the next budget cycle, but wonders where the money will come from. He cited to his own prior attempt to add more law enforcement resources that was line-item vetoed.

## **Medical Marijuana**

Sen. Schiavoni said medical marijuana in Ohio is going to be a slow-moving process. He said it has to be kept out of the hands of children. Rep. Celebrezze said there are meetings regarding implementation coming up, with deadlines coming next May. Sen. Obhof stated that he voted against H.B. 523, but worked to improve it. He said he wanted to prevent issues with marijuana candies, like they have in Colorado. He said Ohio will have significant restrictions, unlike Colorado and Washington.

## **Recodification Committee**

Sen. Eklund described the Recodification Committee as taking a comprehensive look at the entire criminal code through a "smart on crime" lens, and to make the code internally consistent. He said the comprehensive legislation from the Committee will be enormous with zero-percent chance of passing this year. He said components could become stand-alone bills, especially regarding opiates. He said time and legislative prerogative will be obstacles to passing anything this year.

Rep. Pelanda said the Committee had initial consensus, but was divided on certain substantive issues. She said the only way to pass it may be in subsections. She said there are important questions to consider: Do we divide it into separate bills to pass some of it this year? And does the Committee expire by operation of law this year?

## **Expungement**

Sen. Obhof said some work has been done and cited S.B. 17 from the 129<sup>th</sup> General Assembly that authorized expungement of a prior conviction of improperly handling firearms in a motor vehicle. He said there have been discussions concerning human trafficking. Rep. Pelanda discussed enacted H.B. 164, a bill she co-sponsored that allows for retroactive sealing for certain convictions that were not previously sealable. Sen. Schiavoni discussed an issue with a medical student who had his record sealed, but his conviction continued to show up. Sen. Eklund discussed the issues with collateral consequences.

## **Grand Jury Task Force**

Rep. Celebrezze said nothing will happen this year, but it will be revisited next year. Sen. Eklund said the possibility of lifting the veil of secrecy is a big step, counter to the original purpose of the grand jury. He said you cannot inappropriately compromise the process. He also stated that some changes could be done through the rule-making process.

## **Lame Duck Priorities**

Sen. Schiavoni reminded the audience that when you are in the minority, your priority might be playing defense. Rep. Pelanda said the biggest priorities were unemployment compensation and renewable energy standards. She said she was also looking at a school truancy bill.

Sen. Obhof said he believes the legislature has passed too many bills already. He said he would have passed about 10 bills total, but he noted 92% of enacted bills were bipartisan. He said his default consideration for the lame duck session is that there is likely a reason why a bill did not pass in the first 22 months of the session. Sen. Eklund discusses a bill he sponsored, S.B. 319, which is aimed at the opioid crisis. Sen. Obhof stated that S.B. 319 is an exception to his default rule for lame duck bills because it was introduced later in the session.

## **The Election's Impact and the Next General Assembly**

Sen. Eklund said his priorities include juvenile offender parole eligibility and consideration of the recommendations from the Death Penalty Task Force. He also said Ohio's tax code is a priority. Sen. Schiavoni said his priorities are improving blighted neighborhoods and revitalizing city centers. Rep. Pelanda said about one-third of the legislature will be new because of term limits. She said her personal philosophy is to improve the health of Ohio's families.