



# Ohio Judicial Conference

Legislative Platform  
2019-2020

&

Biennial Report  
2017-2018

# A Word from the Ohio Judicial Conference

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January 2019

The Honorable Mike DeWine, Governor  
Vern Riffe Building, 30th Floor  
77 South High Street  
Columbus, OH 43215

The Honorable Larry Obhof, President  
The Ohio Senate  
1 Capitol Square, Room 201  
Columbus, Ohio 43215

The Honorable Kenny Yuko, Minority Leader  
The Ohio Senate  
1 Capitol Square, Room 303  
Columbus, Ohio 43215

The Honorable Larry Householder, Speaker  
The Ohio House of Representatives  
Vern Riffe Building, 14th Floor  
77 South High Street  
Columbus, Ohio 4321

The Honorable Emilia Sykes, Minority Leader  
The Ohio House of Representatives  
77 South High Street, 14th Floor  
Columbus, Ohio 43215

Mark Flanders, Director  
Legislative Service Commission  
77 South High Street, 9th Floor  
Columbus, Ohio 43215

Enclosed is the 2019-2020 Legislative Platform and 2017-2018 Biennial Report of the Ohio Judicial Conference. We hope that you will consider the issues presented in the 2019-2020 Platform and contact us if you are interested in working together on one or more of them. Of course, we also stand ready to provide you with independent information or comment on any issues of interest to you that might impact Ohio's courts or the judiciary.

As a record of proceedings of the Conference for the past two years and a plan for the next two years, these materials constitute our statutory obligation to report and make recommendations for the improvement of the administration of justice. In addition to the legislative work of the Conference, the OJC was called on last year to take a position on a Constitutional amendment, something that is rarely done but something that was necessary in 2018 because of State Issue 1's enormous impact on the administration of justice.

Please visit our website at [www.ohiojudges.org](http://www.ohiojudges.org), where you will find additional information about the Conference and greater detail regarding the various issues raised in the legislative platform. To conserve resources, we have reduced our reliance on printed materials and increased reliance on our website. We hope you will visit it often.

Thank you for your time and consideration.

Sincerely,



Paul E. Pfeifer, Executive Director

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# Section 1: Governance

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# Officers

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The officers of the Ohio Judicial Conference are elected by the members to serve two year terms. Normally, an officer is first elected as 2nd Vice Chair, and then serves sequentially in the other officer positions.



Honorary Chair  
Chief Justice Maureen O'Connor  
Supreme Court of Ohio



Chair  
Judge Stephen W. Powell  
Twelfth District  
Court of Appeals



Chair Elect  
Judge Joyce A. Campbell  
Fairfield Municipal Court



First Vice Chair  
Judge Paula C. Giulitto  
Portage Co. Domestic  
Relations Court



Second Vice Chair  
Judge John J. Russo  
Cuyahoga Co. Common



Immediate Past Chair  
Judge James A. Shriver  
Clermont County  
Probate/Juvenile Court



Secretary/Treasurer  
Paul Pfeifer  
Executive Director



# Executive Committee

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The Judicial Conference Executive Committee meets quarterly to establish Judicial Conference policy, to receive updates, to consider recommendations from Judicial Conference committees, to review and make recommendations with regard to the work of Judicial Conference staff, and to adopt resolutions that express judicial consensus. All of the powers of the Ohio Judicial Conference, subject to the limitations of law, are exercised, controlled, and conducted by the Executive Committee.

The Executive Committee is comprised of approximately 50 judges. The Executive Committee consists of the officers of the Judicial Conference; the chairs of the committees of the Judicial Conference; the Chief Justice of the Supreme Court of Ohio; the Chief Justice and the Chief Justice-elect of the Courts of Appeals of Ohio; the presiding officer and the presiding officer-elect of each member judicial association; the Administrative Director of the Supreme Court of Ohio; and the Executive Director of the Ohio Judicial Conference.

## 2018 Executive Committee Members

### ***Officers***

#### *Chair*

Judge James A. Shriver

#### *Chair Elect*

Judge Stephen W. Powell

#### *First Vice Chair*

Judge Joyce A. Campbell

#### *Second Vice Chair*

Judge Paula C. Giulitto

#### *Immediate Past Chair*

Judge John M. Durkin

#### *Honorary Chair*

Chief Justice Maureen O'Connor

#### *Secretary/Treasurer*

Paul E. Pfeifer

### ***Standing Committees and Co-Chairs***

#### *Appellate Law & Procedure*

Judge Craig R. Baldwin

Judge Sean C. Gallagher

#### *Civil Law & Procedure*

Judge Robert G. Hart

Judge Gene A. Zmuda

#### *Community Corrections*

Judge Emanuella D. Groves

Judge Howard H. Harcha, III

#### *Court Administration*

Judge John J. Russo

Judge James A. Shriver

#### *Court Technology*

Judge Duane A. Goettemoeller

Judge James F. Stevenson

#### *Criminal Law & Procedure*

Judge Joyce A. Campbell

Judge Cynthia Westcott Rice

#### *Domestic Relations Law & Procedure*

Judge David Lewandowski

Judge Diane M. Palos

#### *Judicial Education*

Judge Paula C. Giulitto

# Executive Committee (contd.)

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## *Judicial Ethics & Professionalism*

Justice Mary DeGenaro  
Judge John M. Durkin

## *Ohio Jury Instructions*

Judge Patrick Carroll  
Judge Charles A. Schneider

## *Jury Service*

Judge Everett H. Krueger  
Judge Gary L. Yost

## *Juvenile Law & Procedure*

Judge Luann Cooperrider  
Judge Jim D. James

## *Legislative*

Judge Stephen W. Powell  
Judge John R. Willamowski

## *Magistrates*

Judge Beth W. Cappelli  
Judge Jeffery B. Keller

## *Probate Law & Procedure*

Judge Jan Michael Long  
Judge Jack R. Puffenberger

## *Public Confidence & Community Outreach*

Judge Eugene A. Lucci  
Judge Linda Tucci Teodosio

## *Publications*

Judge David A. Hejmanowski  
Judge Deborah J. Nicastro

## *Retired Judges*

Judge Margaret A. Clark, Retired  
Judge Mel Kemmer, Retired

## *Specialized Dockets*

Judge Teresa Lyn Ballinger  
Judge Maureen Ann Sweeney

## *Traffic*

Judge Jonathan Starn  
Judge Janet Dyar Welch

## ***Judicial Associations and Leadership***

### ***OCAJA***

Judge Mark L. Pietrykowski, Chief Judge  
Judge Frank D. Celebrezze, Jr., Chief Judge Elect

### ***OCPJA***

Judge Linda J. Jennings, President  
Judge Jody M. Luebbers, President Elect

### ***OADRJ***

Judge Paula Giulitto, President  
Judge Dana S. Preisse, President Elect

### ***OAJCJ***

Judge Timothy J. Grendell, President  
Judge Thomas S. Moulton, Jr., Vice President

### ***OAPJ***

Judge Dixilene N. Park, President  
Judge Richard P. Carey, President Elect

### ***AMCJO***

Judge Brian F. Hagan, President  
Judge Gary Dumm, First Vice President

Stephanie Hess

Interim Administrative Director  
The Supreme Court of Ohio

# Staff Organization

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**Ohio Judicial Conference Staff, Back Row from Left; Josh Williams, Esq., Shawn Patrick Welch, Esq., Marta Mudri, Esq., Paul E. Pfeifer, Aleta Burns, Justin Long. Front Row; Judge John J. Russo, Judge Joyce A. Campbell, Judge Stephen W. Powell, Judge Paula C. Giulitto, Judge James A. Shriver.**

## Staff Organization

The Legislative staff is responsible for preserving the independence of the judiciary. The Ohio Judicial Conference is composed of 22 working committees that evaluate bills with a potential impact on Ohio courts and the administration of justice. Recommendations for improving a given bill and for ameliorating any negative impact on the courts will be conveyed to bill sponsors through the committee. Legislative staff keeps all judges informed of pending and newly enacted legislation.

Administrative staff is responsible for implementation of the strategic plan goals that involve providing information and services to judges. Responsibilities of the administrative staff include the day-to-day operation of the Judicial Conference office and monitoring the office budget.



# Staff Organization (contd.)

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## Staff Biographies

**Marta Mudri, Esq.** is the Legislative Counsel. She is responsible for the day-to-day management of the Conference's legislative services. She, along with the Executive Director, is the liaison to the Supreme Court and the judicial associations. She provides liaison with other government offices, professional organizations, and the Ohio General Assembly. She staffs the Judicial Conference's Civil Law and Procedure Committee, Specialized Dockets Committee, Legislative Committee, Community Corrections Committee, and Jury Service Committee. Marta earned her law degree from The Ohio State University Moritz College of Law.



the Judicial Conference in September of 2016. He is a graduate of Case Western Reserve University, where he majored in English and History, and earned his law degree from The Ohio State University Moritz College of Law. His prior legal experience includes five years with the Office of the Ohio Public Defender and four years with the Ohio Criminal Sentencing Commission.

**Aleta Burns** is the Fiscal/HR Officer and Office Manager. Aleta manages the daily office operations, physical inventory, and handles all fiscal matters including accounts payable and accounts receivable, the budget, and payroll and employee benefits. She is also the liaison to the Ohio Department of Administrative Services, the Ohio Auditor of State, the Ohio Treasurer of State, and the Ohio Administrative Knowledge System. Aleta is a graduate of Capital University, where she earned a degree in biology and Franklin University, where she earned her MBA. She worked at the Ohio State University for 16 years in various administrative roles.



**Josh Williams, Esq.** staffs the Appellate, Criminal, and Traffic Law and Procedure Committees as well as the Magistrates Committee and Court Administration Committee. He assists the Legislative Counsel with all aspects of the Conference's legislative services. Josh has been with the Judicial Conference since October of 2014. He is a graduate of Denison University, where he majored in political science, and earned his law degree from Case Western Reserve University School of Law. Prior to law school, Josh worked for several years as an aide to former State Senator Jason Wilson. Upon his admission to the bar in Ohio, Josh worked in consumer protection and foreclosure defense litigation.



**Justin Long** is the Legislative Services Specialist. He provides support for the legislative services, organizes the Judicial-Legislative Exchange Program, and edits and maintains the website. In addition, Justin staffs the Publications Committee, the Public Confidence and Community Outreach Committee, and the Judicial Ethics, Professionalism, and Diversity Committee. Justin is a graduate of Miami University where he majored in exercise science. He previously worked as a Legislative Liaison for the Ohio Department of Public Safety.



**Shawn Patrick Welch, Esq.** staffs the Domestic Relations, Juvenile and Probate Law & Procedure Committees, as well as the Ohio Jury Instructions Committee. He assists the Legislative Counsel with all aspects of the Conference's legislative services. Shawn started working for



# ORC Sections

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## R. C. 105.91 – THE OHIO JUDICIAL CONFERENCE

### **§105.91 OHIO JUDICIAL CONFERENCE; MEMBERS; DUTIES**

There is hereby established an Ohio judicial conference consisting of the judges of the supreme court, courts of appeals, common pleas courts, probate courts, juvenile courts, municipal courts, and county courts of Ohio organized and operated upon a voluntary membership basis for the purpose of studying the coordination of the work of the several courts of Ohio, the encouragement of uniformity in the application of the law, rules, and practice throughout the state and within each division of the courts as an integral part of the judicial system of the state; to promote an exchange of experience and suggestions respecting the operation of the judicial system; and in general to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement.

### **§ 105.911 JUDICIAL IMPACT STATEMENTS**

(A) If a bill or resolution introduced in the general assembly appears to affect the revenues or expenditures of the courts of Ohio, to increase or decrease the workload or caseload of judges or members of their staffs, or to affect case disposition, the Ohio judicial conference may prepare a judicial impact statement of the bill or resolution on its own initiative or at the request of any member of the general assembly. The Ohio judicial conference may prepare a judicial impact statement before the bill or resolution is recommended for passage by the house of representatives or senate committee of the general assembly to which the bill was referred and again before the bill or resolution is taken up for final consideration by either house of the general assembly. The judicial impact statement shall include an estimate, in dollars, of the amount by which the bill or resolution would increase or decrease revenues or expenditures and any other information the Ohio judicial conference considers necessary to explain the fiscal effect of the bill or resolution. The statement also shall include an analysis of the bill or resolution's administrative and procedural effects on the courts of this state.

(B) The Ohio judicial conference shall distribute copies of a judicial impact statement as follows:

(1) For consideration by the senate or house of representatives rules committee, or the standing committee to which a bill is referred, two copies to the chairman together with a copy to each member of the committee;

(2) For final consideration, a copy to each member of the house that is considering the bill.

If the member who introduced the bill or resolution or who requested the statement is not a member of the house or rules committee considering the bill, the Ohio judicial conference shall send the member a copy.

(C) In preparing a judicial impact statement the Ohio judicial conference may request any court, department, division, institution, board, commission, authority, bureau, or other instrumentality or officer of the state or of a county, municipal corporation, township, school district, or other governmental entity of the state to provide any of the following information:

(1) An estimate, in dollars, of the amount by which the bill or resolution would increase or decrease the revenues or expenditures received or made by the court, instrumentality, officer, or entity;

(2) Any other information the Ohio judicial conference considers necessary for it to understand or explain the fiscal, administrative, and procedural effects of the bill or resolution.

The Ohio judicial conference first shall contact the Ohio legislative budget office for information regarding the fiscal effects of the bill or resolution. If the Ohio legislative budget office does not have the fiscal information sought by the Ohio judicial conference, then the Ohio judicial conference and the Ohio legislative budget office jointly may request any of the entities described in division (C) of this section to provide the fiscal information.

A court, instrumentality, officer, or entity shall comply with a request for information as soon as reasonably possible after receiving it. The Ohio judicial conference

# ORC Sections (contd.)

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shall specify the manner of compliance in its request and, if necessary, may specify a period of no longer than five days for compliance. The Ohio judicial conference may consider any information provided under division (C) of this section in preparing a judicial impact statement.

(D) The failure of the Ohio judicial conference to prepare a judicial impact statement before a bill or resolution is taken up for consideration by the house of representatives or senate committee, or by either or both houses for final consideration, shall not impair the validity of any bill or resolution passed by either or both houses of the general assembly.

(E) This section does not affect the duty of the Ohio legislative budget office to prepare fiscal analyses pursuant to section 103.14 of the Revised Code.

(F) As used in this section:

(1) With regard to a bill or resolution, “procedural effects” includes all court-related procedures, including pretrial, trial, and post-trial proceedings.

(2) With regard to a bill or resolution, “administrative effects” includes matters pertaining to the business of the courts, including clerical processes, records management, planning and research, changes in court personnel, calendar management, facilities and equipment, workload distribution, court reorganization, and the creation or addition of judgeships.

## **§ 105.92 COMPATIBILITY OF OFFICE**

Membership in the Ohio judicial conference does not constitute holding another public office.

## **§ 105.93 PUBLICATION OF REPORTS**

The Ohio judicial conference may publish reports and recommendations and at its election sell and distribute the same upon such terms and conditions as may be authorized by its executive committee.

## **§ 105.94 GRANTS, GIFTS, BEQUESTS AND DEVISES**

The Ohio judicial conference may receive grants, gifts, bequests, and devises and expend them for expenses of members in attending executive and standing

committee meetings and for special research or study relating to the administration of justice. The conference shall file annually, but not later than the fifteenth day of March, with the supreme court, a full report of all grants, gifts, bequests, and devises received during the preceding calendar year, when received, and to whom and for what expended.

## **§ 105.95 BIENNIAL REPORTS TO GENERAL ASSEMBLY**

On or before February 1, 1965, and biennially thereafter the Ohio judicial conference shall submit in writing to the general assembly and to the governor a report of the proceedings of the conference together with any recommendations for legislation.

## **§ 105.96 PERSONNEL; COMPENSATION, EXPENSES**

The Ohio judicial conference may employ personnel and such research assistants as may be required to carry out the purposes of the conference. Their compensation and necessary expenses shall be paid from the state treasury out of funds appropriated therefore. All disbursements shall be by voucher approved by the chairman of the conference.

## **§ 105.97 JUDGES NOT REIMBURSED FOR COURSE FEES**

A judge who attends any continuing education program or course offered by the Ohio judicial conference shall pay the requisite fees associated with the program or course and shall not receive reimbursement for the fees from moneys appropriated by the general assembly to the conference.

The background of the slide features a large, light blue, semi-circular seal of the Ohio Judicial Branch. The seal contains the text "OHIO JUDICIAL" in a circular arrangement at the top, a large "OJ" in the center, and a banner at the bottom with the word "CREATED".

## Section 2: Legislative Activities

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# Legislative Activities

## LEGISLATIVE ACTIVITIES

### **The Judicial Conference Assists Legislators with Legislative Initiatives and Constituent Inquiries.**

The Ohio Judicial Conference works, at all points in the lawmaking process, to communicate with the Ohio General Assembly about ways to improve the administration of justice. The Judicial Conference works with legislators who request judicial input on their initiatives early in the lawmaking process. These legislators present their proposals to Ohio judges for analysis prior to introduction. During the 132nd General Assembly, many legislators approached the Judicial Conference to discuss their legislative ideas prior to and immediately after introduction. Feedback from our various committees helped those legislators to realize the practical impact that their proposals would have on Ohio courts.

### **The Judicial Conference Identifies the Legislative Priorities of Ohio Judges.**

The Ohio Judicial Conference submits a Legislative Platform to each General Assembly. The platform outlines initiatives that the Judicial Conference supports and recommends for adoption by the General Assembly during its two-year session. Some highlights of our 2017-2018 Legislative Platform include changes to statutes concerning community corrections and changes to probate guardianship laws. The 2019-



**Judge Hagan testifies on HB 439 in March, 2018.**

20 Platform can be found on our website ([www.ohiojudges.org](http://www.ohiojudges.org)).

**The Judicial Conference Monitors Legislation that Impacts the Judiciary.** The Judicial Conference reviews all legislation that is introduced in the General



**Paul Pfeifer testifies on HB 354 in February. Judges Repp and Kelbley wait to testify.**

Assembly to determine whether a bill may affect the administration of justice. This information is published electronically in the bi-weekly Legislative Newsletter, which is sent to our membership, and The BillBoard, which is sent monthly to the legislature. Our law and procedure committees meet regularly to analyze and discuss how various legislation improves or weakens the administration of justice. The Legislative Committee meets every month to discuss all topics legislative. Letters and emails are frequently sent to sponsors and Senate and House committee chairs to convey concerns, recommendations, or support.

### **The Judicial Conference Releases Judicial Impact Statements.**

Under statutory authority granted in section 105.911(A) of the Revised Code, the law and procedure committees provide the Ohio General Assembly with information on legislation that significantly impacts Ohio courts. The Judicial Conference communicates regularly with bill sponsors through judicial impact statements that describe the effect the bill will have on the judiciary, and when possible, provide recommendations for improving bills. Judicial Impact Statements convey detailed information on how the bill affects court workload, case dockets, administrative or judicial procedures, revenues, and other relevant matters and are approved by the Judicial Conference's Executive Committee. Copies of Judicial Impact Statements from the 132nd General Assembly as well as from past General Assemblies can be found on our website ([www.ohiojudges.org](http://www.ohiojudges.org)).



# Legislative Activities (contd.)



**Judge Hejmanowski testifies to the Senate Judiciary Committee on HB 283.**

**The Judicial Conference Releases Information on Laws Passed.** The Ohio Judicial Conference regularly distributes information on laws as they pass and become effective. Enactment News, bench aids, or special mailings inform judges about changes to the law that affect the courts and the administration of justice in Ohio. The Ohio Judicial Conference acts as the central repository for all information on enactment of statutes that impact Ohio's judiciary. Our website ([www.ohiojudges.org](http://www.ohiojudges.org)) contains effective dates, summaries, & forms for all such legislation.

**The Judicial Conference Promotes Inter-branch Collaboration.** The Legislative Committee of the Judicial Conference plans and organizes several programs designed to foster collaboration and partnership between the branches of government. These programs include:

- **New Legislator Program.** The Judicial Conference makes presentations before House and Senate committees to help legislators understand the role the Judicial Conference plays in providing information and analysis of bills with a judicial impact. Judges often attend meetings with caucus staff to present our Legislative Platform, to answer questions that legislators may have about the conference, and to get acquainted with members so that aides and other staff know who to call when they have a question about Ohio courts and judges. We also work with the

Supreme Court of Ohio and Ohio State Bar Association to co-sponsor a reception for new legislators at the Ohio Judicial Center.

- **Round Table & Panel Discussions.** The Judicial Conference Annual Meeting is often an opportunity for judges and legislators to come together. Frequently the Judicial Conference Legislative Committee plans and organizes a roundtable or panel discussion of an issue of mutual interest to legislators and judges, or other criminal justice communities and judges. This takes place during the educational portion of the Annual Meeting.

- **Judicial-Legislative Exchange Program.** The Judicial-Legislative Exchange Program facilitates reciprocal visits between judges and legislators. In this program legislators visit judges at their courts, observing court sessions and other aspects of the judges' work and judges visit legislators at the Statehouse, attending committee hearings and session. The exchanges are opportunities for both judges and legislators to better appreciate each other's day-to-day work as well as to build personal relationships that promote communication and cooperation.

All of the legislative activities and publications are completed with the help and guidance of the OJC Legislative Committee, which was co-chaired by Judges Stephen Powell and John Willamowski, 2017-2018.



**Judge Tornichio answers questions about HB 355.**

# Legislative Platform

## 2019-2020 Ohio Judicial Conference Legislative Platform

The Ohio Judicial Conference works to encourage legislation that supports several core principles. The Ohio Judiciary is a co-equal branch of Government that, under the Constitution, cannot be marginalized by the Executive or Legislative branches. The Ohio Revised Code should be as easy as possible for a layperson to understand and should not contain provisions which have not withstood constitutional scrutiny. The fair administration of justice requires appropriate funding for quality defense of indigent defendants.

### CRIMINAL LAW AND COMMUNITY CORRECTIONS:

**TCAP (Targeted Community Alternatives to Prison) and RC 2929.15.** TCAP is not working as intended and needs to be reviewed and altered. The 90- and 180-day sanctions caps in RC 2929.15, in many cases, undermine the purpose of probation.

**Criminal Code, Traffic/DUI Law, and Drug Law Simplification.** Title 29, Title 39 (Drug Laws), and Title 45 (Traffic Laws/DUI Law) should be revised and simplified.

**Definition of Drug of Abuse.** Review 4511.19, 3719.011, and 4511.181 and clarify references to “drugs of abuse,” “harmful intoxicants,” and “dangerous drugs,” especially with regard to the establishment of impairment in OVI cases.

**Re-Offender Sentencing.** Unless the journal entry provides otherwise, a sentence imposed pursuant to R.C. § 2929.141 (Person On Release Committing a Felony) shall be served before any other sentence, including specifications. Various specifications (such as gun specifications) state that the sentence shall be served consecutively and prior to the underlying sentence, but no such direction is given regarding post-release control.

**State v. Nucklos (2009).** The definition of “affirmative defense” should be changed to correspond with recent case law.

### JUVENILE JUSTICE:

**Juvenile Justice Reform.** Reform last drafted as 132 HB 394 should be adopted. It includes altering mandatory bindover for juveniles to adult court.

**“Safe Harbor” Provision for Trafficked Juveniles.** Currently, the law allows a charge against a juvenile to be held in abeyance if the juvenile is a victim of human trafficking but allows only a 90-day time frame for the abeyance, with the possibility of 2 extensions. This time frame should be extended or left open-ended to allow for the extensive treatment necessary for a trafficked juvenile.

# Legislative Platform (contd.)

## FAMILY LAW:

**Parenting Time Enforcement.** A procedural mechanism is necessary to permit a parent to file a motion for parenting time enforcement, as an alternative to a motion for contempt.

**Parental Duty of Support-Age Limit and School Enrollment.** A court should have the authority to continue a child support order beyond age 18 if, among other things, the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday.

**Unemployment of Child Support Obligor.** To develop an automatic adjustment of a child support obligation when the obligor goes on unemployment.

**Social Security Benefits.** To clarify that receipt of social security benefits does not require the judge to find a person legally disabled in domestic relations court.

**Planned Permanent Living Arrangements (PPLA).** Amend 2151.353 and 2151.415 to permit juvenile courts to order PPLA if not requested by children services agencies in response to *In re A.B.*, 110 Ohio St.3d 230, 2006.

**Public Pension Reform and Marital Property.** Title 31 should clarify that Deferred Retirement Option Plan (DROP) funds constitute marital property and that certain post-divorce and post-dissolution disability benefits are marital property. Pre-retirement rights of survivorship should be codified (*Cosby v. Cosby* (96 Ohio St.3d 228, 2002)), and the state retirement systems should automatically implement court division of property orders.

## TRAFFIC AND OVI LAW:

**Review and Modernization of License Suspensions and Reinstatement Fees.** Unnecessary or ineffective suspensions should be removed from Title 45; reinstatement fees should be uniform – not vary based on reason for suspension; barriers to legal driving privileges should be removed, including for child support suspensions. Language prohibiting driving under suspension of a license should include the language “or whose privilege to obtain a license has been suspended.”

**Insurance Verification Modernization.** The Department of Public Safety Financial Responsibility Study Committee report (2014) recommends eliminating random verification of financial responsibility. Insurance verification has a tremendous impact on the municipal court caseload and real-time electronic insurance verification method should be implemented. Proof of insurance should also be required upon renewing or obtaining vehicle registration.

**Title 45 Corrections.** Several drafting errors/ambiguities were identified in Title 45, including F3 OVI Sentencing; enhanced penalties for speeding; and an affirmative defense for emergencies when driving under suspension; and huffing a harmful intoxicant should be considered an impairing drug of abuse in OVI cases.

**US/Canada Reciprocity.** The Ohio BMV should be authorized to enter into an agreement with Canada or the province of Ontario for the purposes of reciprocal enforcement of traffic violation sanctions.



# Legislative Platform (contd.)

## PROBATE LAW:

**Probate Modernization.** There is a need in many counties for additional mental health professionals to have the authority to testify for involuntary commitment and continued commitment hearings.

## COURT ADMINISTRATION:

**Municipal Court Funding and Revenue.** RC 1901.31(C)(1) provides that the salary of certain municipal court clerks is set by either the court or the local legislative authority, depending upon whether the court brings in enough revenue to pay for itself. The court should set the salary of its clerk, and the salary and who sets it should not be dependent upon the court's revenue. Retired judges filling in for municipal court judges should be able to more easily complete paperwork for compensation and the county should be collecting the reimbursement from the Supreme Court.

**Uniform Computerization Fees.** The 129<sup>th</sup> GA passed an increase in computerization fees for Common Pleas General Division only. Similar provisions in other sections regarding other court jurisdictions should be increased as well.

**Court Costs in Transferred Cases.** Levying a cost in a case when the juvenile is transferred should not automatically create a final disposition of the case.

**Court Reporting and Transcripts.** Sec. 2301.18 through .26 should be consistent with current practices and should be able to accommodate future technological changes in court technology.

**Segregation of Funds Collected by Courts.** State and county auditors should keep all monies collected by a court in a segregated account, separate from the general revenue funds at the state, county, and local levels.



**Annual Meeting Legislative Panel with Judges Powell and Willamowski and Legislators Rep. Cupp, Sen. Obhof, Sen. Schiavoni, and Rep. Galonski.**

## Section 3: Judicial Services

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# Judicial Services

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## **Bench Books**

The Judicial Services staff provides support to judicial associations in the development and distribution of bench books. In 2015, the Common Pleas Judges Association re-established a bench book committee that had met monthly throughout the year to update their Criminal Bench Book. The Committee continues to meet regularly and edits are made on an ongoing basis. The Association of Municipal/County Court Judges re-established a bench book committee in 2016 and plans to make some major revisions and updates to their Association's bench book. Both bench book committees are staffed by Ohio Judicial Conference staff and both bench books are available to OCPJA and AMCJO member judges through the Ohio Judicial Conference website.

## **Ohio Judges Resource Manual**

The Ohio Judges Resource Manual provides judges with general and practical information about the business of being a judge. For example, articles include: winding up a law practice, material items that a new judge should consider, retirement considerations, the role of a judge, judicial authority, court management, the Supreme Court of Ohio administrative structure and the role of the Judicial Conference.

The first Ohio Judges Resource Manual was published in 1977 by the Judicial College and supplemented thereafter until 1984. The Ohio Judicial Conference then began publishing this manual in 1984 and supplements were provided until 2000, when a new edition was published. In 2004, the Judicial Conference published a completely new and revised 243-page edition.

The Ohio Judges Resource Manual is an ongoing project; articles have been reviewed and updated on a rolling basis and the revision date is included on each article. There have also been additional topics added to the manual, including: a Judge's Guide to the Service member's Civil Relief Act, an article on the Judicial Advisory Group, and a checklist/sample case management order form for visiting judges.

The latest version of the manual appears on the password protected portion of the Ohio Judicial Conference website for quick and easy access to Judicial Conference members.

## Section 4: Committees

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# COMMITTEE MEMBERSHIP

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## Appellate Law and Procedure Committee

### Co-Chairs

Hon. Craig R. Baldwin  
Hon. Sean C. Gallagher

### Members

Hon. Donna J. Carr  
Hon. Mary DeGenaro  
Hon. Eileen T. Gallagher  
Hon. W. Scott Gwin  
Hon. Jennifer Hensal  
Hon. Beth A. Myers  
Hon. Colleen Mary O'Toole  
Hon. Stephen W. Powell  
Hon. Cynthia Westcott Rice  
Hon. Carol Ann Robb  
Hon. Melody J. Stewart  
Hon. Thomas A. Teodosio  
Hon. G. Gary Tyack  
Hon. John R. Willamowski

### Others

Mr. Michael Walsh

## Civil Law & Procedure Committee

### Co-Chairs

Judge Robert G. Hart  
Judge Gene A. Zmuda

### Members

Hon. Richard Edward Berens  
Hon. Mary J. Boyle  
Hon. David Branstool  
Hon. Michael P. Donnelly  
Hon. William R. Finnegan  
Hon. Richard A. Frye

Hon. Duane A. Goettemoeller  
Hon. David M. Gormley  
Hon. William T. Goslee  
Hon. Michael R. Goulding  
Hon. Reeve W. Kelsey  
Hon. Steven E. Martin  
Hon. Jerome J. Metz, Jr.  
Hon. Eileen Paley  
Hon. Jeannine N. Pratt  
Hon. Brendan J. Sheehan  
Hon. Keith M. Spaeth  
Hon. Kenneth R. Spanagel  
Hon. Jonathan Starn  
Hon. Diane S.A. Vettori  
Hon. Stephen Wolaver

## Community Corrections Committee

### Co-Chairs

Hon. Emanuella D. Groves  
Hon. Howard H. Harcha, III

### Members

Hon. Dick Ambrose  
Hon. Teresa Lyn Ballinger  
Hon. Scott N. Barrett  
Hon. Tina Boyer  
Hon. Forrest W. Burt  
Hon. John A. Connor, Retired  
Hon. James L. DeWeese  
Hon. J. Patrick Foley, III  
Hon. Nancy A. Fuerst  
Hon. Jonathan P. Hein  
Hon. T. Shawn Hervey  
Hon. Michael J. Holbrook  
Hon. Mark Kerenyi  
Hon. Everett H. Krueger  
Hon. Jill Flagg Lanzinger  
Hon. Jerry R. McBride  
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Hon. Maureen Ann Sweeney  
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Brian Gentile, Esq.  
Jennifer Hansen, Esq.  
Shawn K. Judge, Esq.  
Mary Jane Trapp, Esq.  
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Hon. Mary Pat Zitter

### Others

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Magistrate Brandie Swickrath

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Magistrate Judy Levy  
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Magistrate Nancy Miller

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Judge Paula Giulitto  
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Judge David E. Henderson, Retired  
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Hon. Mary Lynn Wiseman  
Hon. Gary L. Yost

### Others

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Hon. Philip M. Vigorito  
Hon. Curt Werren

### Others

Magistrate Edward J. Fink  
Magistrate Anthony Sertick

# COMMITTEE REPORTS

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## Appellate Law and Procedure Committee

The Appellate Law & Procedure Committee analyzes pending legislation with a judicial impact on laws regarding appeals, courts of appeals, and appellate procedure, and reviews issues and proposals of relevance to judges with appellate jurisdiction. The Committee makes recommendations to improve the Ohio Revised Code, Ohio Rules of Appellate Procedure, and relevant Supreme Court Rules of Superintendence.

Much of the Committee's attention over this biennium was on proposals to change R.C. 2953.08, appellate review of felony sentences. As the Criminal Justice Recodification Committee worked on updating this section, this Committee reviewed drafts of those recommendations and provided feedback to Recodification Committee staff. The version of 2953.08 that the Recodification Committee ultimately passed contains some improvements, but also needs work in clarifying vague and obscure phrases that could potentially open the door to additional litigation.

In addition to the proposal to update R.C. 2953.08, the Committee reviewed a Marsy's Law bill that would create a process for victims to appeal a trial-court decision that they believe denies them rights afforded under Marsy's Law. The Committee also weighed in on H.B. 394 which would, among other things, make all juvenile bindovers discretionary, and would create an interlocutory appeal for bindover decisions.



**Judge Grendell speaks at a Geauga County press conference on State Issue 1. Judges Stupica and Burt also in attendance.**



# COMMITTEE REPORTS (contd.)

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## **Civil Law & Procedure Committee**

The Civil Law and Procedure Committee is responsible for tracking and analyzing legislation that will affect the policies and procedures of courts with jurisdiction over civil matters. The Committee reviews bills both pre-introduction, as requested by legislators, and as bills are introduced and concerns are raised. It also drafts bench cards and bench aids on relevant topics.

Members of the Civil Law and Procedure Committee participated in the Ohio Civil Justice Reform Task Force, which produced a report and recommendations submitted to the Supreme Court's Commission on Rules of Practice and Procedure. The Task Force's goal was to reduce the time and expense associated with the civil justice system to allow more cases to be decided on their merits. The Civil Law and Procedure Committee adopted a position of support for the recommendations of the Task Force.

## **Community Corrections Committee**

The Community Corrections Committee provides a judicial perspective and advice on legislation and innovation in the field of community corrections. The committee reviews community corrections programs, policies and proposals, makes recommendations to the judiciary and provides input as needed into the planning of various workshops, trainings and forums for judges, and court personnel on the subject of community corrections, jails, sentencing alternatives & other related topics. The Committee monitors agency rule changes to the Ohio Administrative Code, as well. During its 2017-18 term, the Community Corrections Committee dedicated a remarkable amount of time to a TCAP (Targeted Community Alternatives to Prison) program rolled out by ODRC in the 132nd General Assembly biennial budget (HB 49).

The Community Corrections Committee was part of the discussions in shaping TCAP in HB 49; it organized a roundtable for judges to discuss implementation problems after TCAP was enacted; with cooperation from ODRC, it developed a guideline for understanding and implementing the Sec. 2929.15 prison time caps; and the Committee continues to discuss best practices for TCAP and Sec. 2929.15 implementation, and whether those new laws need to be corrected to operate properly, while stressing the need for an independent judiciary with appropriate discretion.

## **Court Administration Committee**

The Court Administration Committee reviews issues and proposals concerning general court administration and court reform. The work includes analyzing court staffing needs, establishing facility and equipment standards, and facilitating efficient court operations. The Committee also analyzes pending legislation with an impact on court administration and makes recommendations to improve the Ohio Revised Code, Ohio Rules of Practice and Procedure, and the Rules of Superintendence governing Ohio courts.

The majority of bills the Court Administration Committee tracked during the 132nd General Assembly deal with guns, and a court's authority to set and enforce its own security policies and procedures. Bills that infringe upon the autonomy of the judicial branch are highly likely unconstitutional on separation-of-powers grounds. In response to the regularity with which bills of this nature have been introduced, the Court Administration

# COMMITTEE REPORTS (contd.)

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Committee prepared, and the OJC Executive Committee approved, a Policy Statement on Court Security and Weapons in Court Facilities, which is available on the OJC website.

Another bill that garnered a great deal of judicial discussion is H.B. 439, which would have reformed how bail determinations are made in Ohio, requiring courts to use and consider the results of certain risk-assessment tools when setting bail in criminal cases. The bill, as introduced, also required courts to collect a variety of data. These data-reporting requirements would have a tremendous impact on courts, their staffs, and their budgets.

Finally, the Committee was actively involved in the passage of H.B. 341, which will include judges as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet. At the request of the OJC, the bill was amended to also include magistrates. This is an item on the OJC's Legislative Platform, and we are pleased that it passed through both chambers of the legislature and will be signed by Governor Kasich in January of 2019.

## **Court Technology Committee**

The Court Technology Committee explores new developments in court technology and policies related to it, and serves as a resource to help Ohio judges effectively use technology.

The Committee sponsors an Annual Court Technology Committee each year. The 2017 and 2018 conferences each attracted over 200 judges, court administrators, technology specialists, and other court professionals. The theme for the 2017 Conference was "Keeping Data and Court Infrastructure Safe." "Artificial Intelligence and the Courts" was the theme of the 2018 Court Technology Conference.

The Committee has collaborated with the Supreme Court's Commission on Technology and the Courts to send a joint cover letter recommending the findings of the work group on technology standards. The work group intends to undertake a thorough and ongoing inventory of the way that data is stored and shared across Ohio's courts, and develop best standards guidelines and practices going forward.

## **Criminal Law & Procedure Committee**

The Criminal Law and Procedure Committee is responsible for tracking and analyzing legislation and rule amendments that will affect the policies and procedures of courts with jurisdiction over criminal matters.

Occupying much of the Committee's time and attention during the last several months of the 132nd General Assembly was Issue 1 on the November 2018 ballot. The proposed constitutional amendment would have enacted sweeping reforms to drug-sentencing and other criminal-justice policies. The overwhelming consensus from judges, prosecutors, law enforcement, attorneys, and those in the medical and recovery communities was that this measure would greatly hinder judges' ability to steer addicts to treatment and would have a devastating effect on Ohio's drug courts. Judges worked tirelessly to share these concerns with their communities and to highlight the proposal's flaws. The measure went on to be overwhelmingly defeated by voters.

# COMMITTEE REPORTS (contd.)

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## **2018 Ohio Judicial Conference Annual Meeting judicial education.**

In the Statehouse, legislators of the 132nd General Assembly introduced over 60 bills that the Criminal Law and Procedure Committee tracked. While many of these bills reflected policymaking decisions on which the Judicial Conference typically does not take a position, such as increases in penalties for existing offenses, several bills would have impacted a judge's ability to effectively administer justice. For example, bills creating mandatory sentences will always be a concern for the Criminal Law and Procedure Committee.

A number of bills would also have created mandatory registries based on the commission of specific offenses. In response to the increase in the number of similar bills over the past several general assemblies, the Criminal Law and Procedure Committee adopted a Policy Statement on Registries and Databases, which the OJC Executive Committee adopted in May of 2018. The Policy Statement suggests that rarely are mandatory, offense-based registries effective in protecting the public, and that if the legislature deems such registries to be appropriate, they must recognize the role the judiciary should play in this process.

The Committee has also spent time reviewing the recommendations of the Criminal Justice Recodification Committee, which were finalized in early 2017.



# COMMITTEE REPORTS (contd.)

## Domestic Relations Law & Procedure Committee

The Domestic Relations Law & Procedure Committee reviews issues and proposals of relevance to judges with domestic relations jurisdiction and analyzes pending legislation with judicial impact on family law and procedure. The committee meets jointly with the Executive Committee of the Ohio Association of Domestic Relations Judges on a quarterly basis.

During the 132nd biennium, the Committee spent significant time on two bills, H.B. 1 (Dating Violence) and H.B. 366/S.B. 125 (Child Support). The Committee continues to work on H.B. 1 implementation, including the creation of petition form templates for temporary use until the Supreme Court finalizes new forms in 2019.

H.B. 366 makes numerous changes to the child support statutes, including the creation of a “parenting time adjustment” that will automatically reduce child support by 10% if the court orders parenting time to the noncustodial parent of 90 or more overnights. The OJC testified in both the House and Senate, and judges, OJC staff, and OADRJ advocate Tom Pappas participated in several meetings and calls with the sponsors and other interested parties with the goal of amending the additional deviation provision. The Committee is monitoring bill’s implementation.

The “Domestic Relations-Juvenile Jurisdiction Transfer” proposal, which was developed by a subcommittee of judges from this Committee and the Juvenile Law & Procedure Committee, will ease the transfer of cases between domestic relations and juvenile courts. Previously, when a juvenile court touches a case involving children, that case remains with the juvenile division. This creates the unintended consequence of families too often having open cases, governing the same children, in both the domestic and juvenile divisions. This is expensive and very confusing, especially for self-represented litigants. The proposal passed as an amendment in H.B. 595.

The Committee formed a subcommittee at the beginning of the biennium to review the language used in the Supreme Court’s standard domestic relations forms, and is working on finalizing its form change proposals before submitting them to the Supreme Court of Ohio.



**Paul Pfeifer with Judge Shuff, Justice French and Judge Kelbley at the Seneca County Justice Center Dedication in May, 2018. The passage of HB 354 allowed a multi-jurisdictional drug court to operate in the center.**

# COMMITTEE REPORTS (contd.)

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## **Judicial Education Committee**

The Judicial Education Committee works with the Executive Committee, the judicial associations, and the Ohio Judicial Conference staff to develop, organize, and present the Annual Meeting Education Program. The committee works closely with the Judicial College so all attending judges may receive Judicial College credit for attending this educational event. The 2017 Annual Meeting was held August 31-September 1. The theme was “Adapting Justice to a Dynamic Society.” 334 Judges registered. The 2018 Annual Meeting took place September 12-13. The theme was “Today’s Trends, Tomorrow’s Rulings.” A record 374 judges, more than half of Ohio’s Judiciary, registered for this event.

## **Judicial Ethics and Professionalism Committee**

The Judicial Ethics & Professionalism Committee reviews ethics opinions, advisory opinions, judicial canons, and rules of professional conduct. The committee comments on proposed amendments to the Code of Judicial Conduct and serves as a judicial resource on ethics and professionalism. The Judicial Advisory Group (JAG) is a group of judges, within the Judicial Ethics and Professionalism Committee, who work with the Ohio Lawyers Assistance Program (OLAP) to provide confidential assistance to judges concerning mental health, substance abuse, general stress, and judicial temperament.

## **Ohio Jury Instructions**

The Ohio Jury Instructions (OJI) Committee drafts pattern civil and criminal jury instructions for use by all Ohio judges and lawyers. Instructions are drafted or revised based on legislative enactments and controlling case law as well as requests from attorneys and judges. The OJI Committee is the oldest and one of the most active Judicial Conference committees, meeting on a Friday and Saturday seven times a year plus a three-day summer retreat. The Committee is divided into civil and criminal subcommittees. The sub-committees are responsible for drafting new instructions and updates to existing instructions. The committee continues to work with the Ohio Jury Instructions publishers to provide and maintain accurate and current jury instructions in both print and on-line formats. OJI is available in print and online from Lexis Nexis, Westlaw, Bloomberg, and the OSBA’s Casemaker.

**Civil Subcommittee:** During the 2017 – 2018 Biennium, the Civil Subcommittee worked on instructions regarding, among other things, civil actions for criminal conduct, governmental immunity, liability of car owners, liability of parents/guardians/other responsible persons, liability of employers/employees, premises liability, & punitive damages. The Civil Subcommittee also worked with the Criminal Subcommittee on implicit bias instructions.

**Criminal Subcommittee:** During the 2017 – 2018 Biennium, the Criminal Subcommittee worked on instructions regarding, among other things, arson, contributing to the unruliness of a child, forfeiture, illegal drug dispensing, misuse of a credit card, misuse of criminal record information, nonsupport of dependents, telecommunications fraud, temporary protection orders, violent career criminals, and instructions for “Judy’s Law” (H.B. 63).



# COMMITTEE REPORTS (contd.)

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## Jury Service Committee

The Jury Service Committee examines all aspects of jury service and makes recommendations for the proper and efficient functioning of the jury system. Specifically, the committee is exploring how to broaden and diversify the jury pool and best practices for modern juries.

The Committee has been working with the Office of the Secretary of State to encourage communication between county jury commissioners and the county Boards of Elections to maintain voter (and therefore juror) rolls that are as up-to-date as possible. The Committee drafted language for the O.R.C. and the O.A.C. to achieve this end and is hopeful that the project can be completed in the next biennium.

The Committee continues to review case law from Ohio as well as discuss issues as they relate to jury service. Some of the recurring themes in case law were juror misconduct and replacing jurors after voir dire.

## Juvenile Law & Procedure Committee

The Juvenile Law & Procedure Committee analyzes pending legislation with a judicial impact on juvenile laws and procedures and reviews issues and proposals of relevance to judges with juvenile jurisdiction. It makes recommendations to improve the Ohio Revised Code, Ohio Rules of Juvenile Procedure, and relevant Rules of Superintendence for the Courts of Ohio.



**Judge Long testifies on HB 394 in March, 2018.**

During this biennium, this Committee, along with the Domestic Relations Law & Procedure Committee, spent significant time on H.B. 366/S.B. 125 (Child Support). The OJC testified in both the House and Senate, & the Committee is now monitoring the bill's implementation.

Members of this Committee, along with members of the Probate Law & Procedure Committee worked to clarify the jurisdictional issues highlighted by *State ex rel. Allen Cty. Children Servs. Bd. v. Mercer Cty. Common Pleas Court*, Probate Div., Slip Opinion No. 2016-Ohio-7382. That language was in H.B. 283, which failed to pass out in the 132nd General Assembly. The Committee plans to revisit the topic with other interested parties in 2019.

The Committee was instrumental in enacting the “Domestic Relations-Juvenile Jurisdiction Transfer” item on the OJC Legislative Platform, in cooperation with & discussed under the description of the Domestic Relations Law & Procedure Committee.

# COMMITTEE REPORTS (contd.)

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## Legislative Committee

The Legislative Committee meets monthly with the legislative staff of the Judicial Conference; also in attendance are the legislative counsel of each judicial association, the Government Relations counsel of the Supreme Court of Ohio, the legislative counsel for the OSBA, and the director and legislative counsel of the Sentencing Commission. The Legislative Committee advises the Judicial Conference staff and the Judicial Conference committees as they evaluate the judicial impact of legislation and respond to inquiries from legislators and others.

**Website, Publications, & Communication.** The Legislative Committee publishes a biweekly legislative newsletter that is sent to all sitting judges and several organizations within the justice community. The committee also publishes BillBoard, which contains links to judicial impact statements and testimony on bills and is sent to members of the legislature every month. The OJC Twitter account was launched in mid-2016 to highlight OJC accomplishments as they happen; the account tweets several times a week to 200 followers. The OJC website's content was re-organized and updated in 2018; it contains current information on enacted and pending legislation impacting the courts, resources such as bench aids and sentencing charts, and an archive of all OJC publications, including Citizens' Guides brochures.

**Platform.** The Legislative Committee developed a Legislative Platform for the 132nd General Assembly, which included some perennial topics such as indigent defense, judicial authority to operate the court, make hiring decisions and compensate court personnel, segregation of funds collected by courts, and the simplification of Title 45. The Platform also included new proposals such as being able to create a probate trust to age 25, removing duplicative language in the sentencing colloquy, and establishing a uniform process for determining indigence in civil filings. The Committee and OJC staff worked throughout the biennium to realize the items on the legislative platform, with a good amount of success. The 133rd General Assembly Legislative Platform was finalized and voted on at the OJC's Annual Meeting in fall 2018; it is included in this report.

**Legislation.** The Committee worked with individual legislators to assist them with bills before introduction, helped legislators develop responses to constituent concerns, and provided information to LSC to develop impact analyses of bills. The Legislative Committee and legislative staff made sure that the judicial perspective was represented and that improvements were made to bills wherever possible. Overall, judges made significant contributions to the legislative process.

**Judicial Impact Statements.** In an effort to respond more quickly to the needs of the legislature as a whole as well as individual bill sponsors, the Judicial Conference continues to draft judicial impact statements, which describe the effect a bill will have on the judiciary, and when possible, provide recommendations for improving the bill. Throughout the biennium, legislative staff prepare letters to legislators about bills, testimony to committees about bills, and impact statements on legislative platform items.

**Relationship Building.** Every two years, the Legislative Committee co-sponsors a New Legislator Reception with the Supreme Court and the OSBA. The Legislative Committee is also responsible for the annual Judicial-Legislative Exchange, which averages about 50 participants and provides a valuable opportunity for legislators and judges to learn from each other. Member organizations of the OCCO take turns organizing the annual OCCO Legislative Reception; the OJC last took its turn in 2015.

# COMMITTEE REPORTS (contd.)

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## Magistrates Committee

The Magistrates Committee consists of judges who have an interest in the role of magistrates in Ohio courts. This Committee collaborates with the Ohio Association of Magistrates on magistrate issues and examines magistrate qualifications, duties, training, and compensation. The committee also identifies those activities of magistrates that are of greatest importance to judges. The Committee receives regular updates from the OAM on matters important to Ohio's magistrates, and often provides feedback from the perspective of judges.

The Magistrates Committee has initiated a discussion in conjunction with the OJC's Specialized Dockets Committee as to whether magistrates should be permitted, even in limited circumstances, to preside over specialized dockets. Currently the Rules of Criminal Procedure do not seem to permit this, which can create difficulties in single-judge courts that have specialized dockets. The Committee looks forward to working with the Supreme Court's Commission on Specialized Dockets and the Commission on the Rules of Practice and Procedure for clarification of this policy.

## Probate Law & Procedure Committee

The Probate Law & Procedure Committee reviews issues and proposals of relevance to judges with probate jurisdiction and analyzes pending legislation and rule change proposals with an impact on probate laws and procedures.

In H.B. 223's modernization of the structured settlements law, the OJC drafted language to clarify probate court jurisdiction for structured settlement transfers.

H.B. 595, the "Probate Omnibus Bill," included two OJC Legislative Platform items: Guardianship Board Expansion which would allow county probate courts the authority to create & fund guardianship services boards (currently only Franklin County has this authority) and trust to age 25 authority for settlements involving minor beneficiaries.

The Committee also tracked H.B. 448, the Sibling Rights Bill, which would extend the sibling relationship beyond adoption and H.B. 527, which would allow "interested persons" to petition the probate court for visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied.



**Chief Justice Maureen O'Connor swears in the new officers at the 2018 Annual Meeting.**



# COMMITTEE REPORTS (contd.)

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## Public Communication and Community Outreach Committee

The Public Confidence and Community Outreach Committee promotes activities that instill public confidence in the Ohio Judiciary by helping judges educate the general public about the function and operation of the state's judicial system.

During the biennium, the Committee assisted in updating all of the Judicial Conference's Citizen Guide Brochures. The committee is also making website upgrades, which include a page for "Outreach That Works" to help judges share novel ideas for local public communication and community outreach.

## Publications

The Publications Committee provides guidance to Judicial Conference staff in its efforts to produce publications that meet the needs of Ohio judges by providing timely and relevant information, by encouraging dialogue, and by enhancing the Judicial Conference's ability to serve as the voice of Ohio judges.

The Publications Committee updates the OJC website & ensures judges have all the information they need about pending or recently-introduced legislation.



# COMMITTEE REPORTS (contd.)

## Retired Judges Committee

The Retired Judges Committee reviews and makes recommendations on issues faced by retired judges. The Committee monitors Ohio Public Employee Retirement System (OPERS), Ohio Public Employees Deferred Compensation Plan and judicial retirement issues in general. It also participates in the publication of the Ohio Retired Judges Directory, an annual publication of the Judicial Conference.

Retired judges in Ohio provide a pool of qualified jurists who can sit by assignment whenever a judge is unable to preside over his or her court.

Due to increased demand for continuing legal education geared specifically towards retired members, the Ohio Judicial Conference held two one-day retirement seminars in the springs of 2017 and 2018. These Retirement Seminars are designed and offered to help retired judges who are eligible to sit by assignment meet their continuing legal education requirements and stay current on matters that impact the day-to-day work of judges. Over 50 judges attended the retirement seminar held on April 21, 2017. On April 20, 2018, nearly 70 judges attended a six hour CLE course. On October 26, 2018 the Ohio Judicial Conference hosted a one-day “Jumping the Retirement Hurdle” seminar to sitting assist judges contemplating retirement.

The Committee has been continuously monitoring changes to retired judge health care coverage precipitated by the OPERS response to the Affordable Care Act, and periodically sending updates to retired members as well as proposals by the OPERS Retirement Study Council to reduce the COLA for existing retirees. The Committee responded to a request for feedback on a proposal to change the rules for the use of acting judges in municipal courts.

## Specialized Dockets Committee

The Specialized Dockets Committee exchanges ideas and recommends policies related to the operation and administration of Ohio courts with specialized dockets (mental health courts, drug courts, re-entry courts, etc.). The Specialized Courts Committee works to identify additional resources for and to facilitate the continued operation of these dockets.

Because of the continuing addiction epidemic, there has been a great deal of legislative interest in specialized dockets, diversion programs, and collateral consequences for drug offenses. The Specialized Docket Committee has reviewed various bills that impact funding as well as functioning of treatment programs that impact the population within the criminal justice system that is addicted to drugs or alcohol. Medicaid Behavioral Health Redesign has the possibility to tremendously impact the availability of drug, alcohol, and mental health treatment and peoples’ access to it. Policy decisions about who will continue to have access to



**Judges Patton and Fuerst pose in the Senate chambers with Sen. Skindell and Sen. Sykes during the 2017 Judicial-Legislative Exchange.**



# COMMITTEE REPORTS (contd.)

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the recently-expanded Medicaid and what will be reimbursed could significantly change how many people can benefit from a specialized docket that seeks to solve the underlying cause of problem behavior.

Each year, the Supreme Court's Specialized Dockets Commission organizes a Practitioners Network Conference and the Committee organizes a Judges' Dinner on the eve of the Conference. The events have provided judges with specialized dockets an opportunity to have informal, in-depth discussions on best practices for the administration of specialized dockets.

## Traffic Law & Procedure Committee

Over the course of the 132nd General Assembly, the Traffic Law and Procedure Committee tracked roughly a dozen traffic-related bills. The topic of driving privileges and reinstatement fees has been of particular interest to legislators, with several bills introduced that intend to remove hurdles that are preventing people from driving legally. While judges greatly support this intention and agree that license suspensions and exorbitant reinstatement fees are more detrimental than effective, some of the bills, as introduced, have sparked concerns over judicial discretion and the role the judicial branch should play with regard to BMV fees. Looking forward to the 133rd General Assembly, the Traffic Law and Procedure Committee hopes to work in tandem with legislators' interest in reforming suspension and reinstatement policies and evaluate how these areas of the law can be updated and improved so that they no longer do more harm than good.

Finally, the Committee has been working on a set of proposals to consolidate Ohio's existing driving-under-suspension offenses. Under current law, there are multiple offenses all prohibiting the same general conduct: operating a motor vehicle when not legally permitted to do so, either as a result of a suspension of some kind or a failure to obtain (or maintain) a valid license. The Traffic Law and Procedure Committee has been working to consolidate these numerous offenses into a smaller list that would be easier for courts, law enforcement, and defendants.



**Officers and attendees thank Judge Durkin for his service as OJC Chair at the 2018 Annual Meeting.**



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