



for the

Fourth Quarter 2014

RECORD

NEWS FOR THE OHIO COURTS

NEW VIDEO PREPS POTENTIAL JURORS

For Ohioans called to jury duty who may have questions about their role in the courtroom, an informative new video is now available. The jury service video is a collaborative effort of the Ohio Judicial Conference, the Ohio Supreme Court, the Ohio State Bar Association, and the Ohio Channel.

“The video gives an overview of Ohio’s court system and explains what jurors should expect when they are called to serve,” Delaware Municipal Court Judge David Gormley, who co-chairs the Ohio Judicial Conference’s Public Confidence & Community Outreach Committee, said. “The goal is to make the video available to all Ohio judges and courts as a way to educate the public about the key role that jurors play in our judicial system.”

Chief Justice Maureen O’Connor provides the video introduction, in which she states the importance of devoting the time to answer the call to jury service: “We are privileged to live in a country where our state and federal constitutions guarantee the right to a trial by a jury of our peers.”

“In addition to the public education the video provides our courts, this is also a great tool for teachers to talk with students about our third branch of government,” Ohio State Bar Association President Martin E. Mohler said. “It is never too early, or too late, to learn why jury service is so important to our democracy.”

Information in the video includes what to expect during the jury selection process, procedures for jury deliberations, and proper courtroom behavior. The video is available on the Ohio Judicial Conference [website](#). Judges who would like DVD copies should contact Justin Long at Justin.Long@sc.ohio.gov or 614.387.9756.



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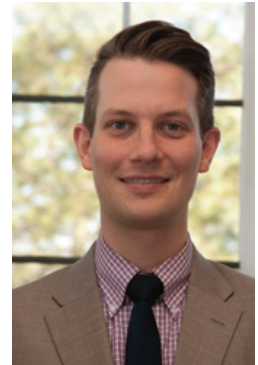
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OHIO JUDICIAL CONFERENCE NEWS

Welcome Josh Williams!

Josh Williams, Esq. joined the Ohio Judicial Conference as Deputy Legislative Counsel on October 27, 2014. Josh 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 served as a Legislative Service Commission Fellow and as an administrative aide at the Ohio Senate. He was admitted to the Ohio bar in November of 2013, and, prior to joining the Judicial Conference, worked as a litigation associate focusing on consumer law and foreclosure defense.



Ohio Judicial Conference 2015 Annual Meeting

September 3 - 4
Hilton Columbus at Easton

Save the Date!

OHIO UPDATES RECEIVERSHIP CODE

JUDGE RICHARD A. FRYE AND MARTA MUDRI, ESQ.

Receiverships in Ohio have been governed by a handful of provisions in Revised Code Chapter 2735 that date back to 1853, together with any local rules of the trial court in which the action was commenced, and a relatively small number of appellate decisions. Interestingly, few appeals occur in receivership cases because judges have had broad discretion to tailor relief to individual cases and generally seem to have done so to the satisfaction of all parties.

During the recent so-called Great Recession, lenders and other parties involved in troubled commercial projects significantly increased use of receivership proceedings in Ohio trial courts. The presence of “Commercial Docket” programs in four large counties also contributed to increased filing of such cases. As a result, leaders in the Ohio General Assembly recognized a need to update Ohio receivership law. As finally enacted in December 2014 in House Bill 9, Ohio now has laid out a sensible template for receivership practice without imposing procedures that may be unduly expensive or unnecessary in individual cases. With one omission that the General Assembly will study further in 2015, discussed below, the updated statutes appear to offer the bench and bar a sensible, cost-effective remedy as an alternative to Bankruptcy Court proceedings.

The Ohio Judicial Conference was pleased to actively participate in multiple interested party meetings to address updating this remedy, and to have offered testimony in both the House and Senate on various iterations of the Bill. To help achieve the openness and transparency which receiverships demand – now incorporated in the statutes - OJC had earlier endorsed a model local rule for receiverships in September 2011. In coming months that model rule will be updated by OJC to dovetail with the new statute.

Key components of the new law include:

- explicit recognition that ordinarily a receiver may not be someone with any financial interest in a property [2735.02];
- that priority consideration in selecting a receiver be afforded to qualified persons nominated by the party seeking a receivership – which usually occurs already [2735.02];
- that a receiver has authority to sell property by private sale, public or private auction, or any other method a court deems likely to maximize the return to the receivership estate [2735.04(D)];
- that sale may be free and clear of liens, so that liens then simply attach to the proceeds of sale [2735.04(D)(3)];
- that in selling property a receiver has authority to reimburse, subject to court approval, a prospective but ultimately unsuccessful purchaser for expenses that brought value to the estate (like an environmental audit of a site) sometimes called a “break-up” fee [2735.04(D)(1)(c)]; and
- that, subject to existing lien rights, a receiver may complete a construction project where that is in the best interests of parties [2735.04(B)(4)].

More information about this and other recently enacted bills is available in Enactment News on the OJC website.

Continued on next page...

The only significant item left unaddressed in H.B. 9 involves the authority of judges to order utilities to reconnect and resume service to property held in a receivership. For about a decade, some Ohio utilities have demanded that court-appointed receivers bring unsecured old utility charges current, and make substantial monetary deposits toward future utility service before allowing resumption of service. This drained receiverships of cash. Essentially, it also gave that utility a super priority over real estate taxes and secured creditors. Ohio judges sometimes sought to intervene and ameliorate such demands but in return found themselves sued. Meanwhile, the PUCO offered no help.

Unfortunately no agreement on utility reconnection was reached during many months of negotiation leading to enactment of H.B. 9. As a result – in the words of one member of the H.B. 9 Conference Committee – the legislature “kicked that can down the road.” Uncodified §3 of the Bill creates a new, six-member Study Committee in the General Assembly to continue gathering information in 2015 on utility reconnection.

Readers having anecdotal experience (preferably in recent 2012 – 2014 receiverships) with difficult utility reconnection issues (or any other matter left unclear by H.B. 9) are strongly encouraged to contact Marta Mudri at Marta.Mudri@sc.ohio.gov or by phone at 614-387-9764. She will collect information and forward it to the Study Committee.



The poster is for the 2015 Court Technology Conference. It features a blue background with white and red text. The title "Court Technology Conference" is in a large, white, serif font, with "2015" in a large, red, serif font to its right. Below the title, the date and time "Tuesday, April 7th 7:30am to 3:15pm" are written in a smaller, white, serif font. The venue "Crowne Plaza Columbus North" is written in a large, white, serif font. In the bottom right corner, there is a circular logo for the Ohio Judicial Conference (OJC) with the text "OHIO JUDICIAL CONFERENCE" around the top and "OJC" in the center. Below the logo, it says "CREATED 1963". At the bottom of the poster, it says "*Details and Registration to Follow".

**Court 2015
Technology
Conference**

Tuesday, April 7th
7:30am to 3:15pm

**Crowne Plaza
Columbus North**

OHIO JUDICIAL CONFERENCE
OJC
CREATED 1963

*Details and Registration to Follow

LOCAL RULE RECEIVERSHIPS

xx.01 APPLICABILITY

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

xx.02 MOTIONS FOR APPOINTMENT OF A RECEIVER

(A) The court has no closed-panel or “approved” list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.

(B) Parties seeking appointment must fully advise the court of the **entire** fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.

(C) Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an *ex parte* basis. The party (or parties) seeking a receivership should ordinarily consult all known secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the receivership hearing in a timely manner.

(D) The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

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xx.03 HEARINGS AND REQUESTS FOR PROCEDURAL ORDERS

(A) Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to chambers.

(B) Unless it is clear that service has already been made by the court using the e-filing system, the party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.

(C) For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.

D. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

xx.04 QUALIFICATIONS TO SERVE AS A RECEIVER.

(A) Every receiver appointed must be an individual who is resident of the state of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.

(B) Every out-of-state business involved in a receivership must be represented by counsel having an office within this County, or having familiarity with receivership practice in this court.

(C) Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that they will:

- 1) act in conformity with Ohio law and these local rules;
- 2) deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
- 3) avoid any conflict of interest;
- 4) not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
- 5) not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
- 6) otherwise act in the best interests of the estate.

xx.05 GENERAL DUTIES OF THE RECEIVER.

Unless the court specifically authorizes a receiver to continue a business, the receiver shall:

- (A) take control of the assets of the defendant debtor that are subject to the receivership;
- (B) give notice to all known creditors of the receiver's appointment;
- (C) afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the County a deadline or bar date for submitting claims;
- (D) cause the assets of the business to be preserved, inventoried and where appropriate appraised;
- (E) determine the validity and priority of creditors' claims;
- (F) take such other appropriate steps as may be timely, reasonable and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of sale; and
- (G) make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

xx.06 RECEIVERSHIP PLAN AND PROGRESS REPORTS

(A) At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court shall be provided with a written plan for the receivership. The plan shall, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.

(B) The initial receivership plan shall identify:

- 1) the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
- 2) whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;
- 3) the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
- 4) anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);
- 5) the anticipated duration of the receivership;

6) if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;

7) if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;

8) if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

(C) The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.

(D) Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy shall be submitted to chambers, together with a proposed entry approving the plan and report.

(E) Ordinarily, no approval of fees or other proposed action in a receivership will occur unless seven (7) days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.

(F) After consideration, the court shall approve or disapprove the plan and report by court entry.

(G) After filing the first plan and report, the receiver shall file updated plans and reports no less often than semi-annually. Each shall include a summary of action taken to date measured against the previous plan for the receivership; shall set forth proposed future action; and shall update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

xx.07 FAILURE TO ACT TIMELY.

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

(A) Removal of the receiver and/or attorney for the receiver; and/or

(B) Withholding of fees for the receiver and/or counsel.

xx.08 APPLICATIONS TO EMPLOY COUNSEL OR PROFESSIONALS

(A) A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property shall apply to the court. All such professionals must be disinterested persons with no business

relationship with the Receiver, unless otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such applications shall be given to the debtor, all parties that have appeared and all those for whom service of process remains pending.

(B) The retention agreement between a receiver and every professional shall be in writing. Every professional whose retention is approved by the court is, and shall remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.

(C) Applications for authority to retain professionals to assist a receiver shall summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:

- 1) all necessary licenses are in good standing and not under suspension;
- 2) appropriate “conflict” checks have been made by the professional;
- 3) as to lawyers, professional liability insurance in an amount equal to the minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and
- 4) the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise or sell through the receivership.

(D) Applications to employ professionals shall also set forth:

- 1) the professional’s usual and customary hourly rate or fee;
- 2) their proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;
- 3) whether any fees were paid to the professional during the one (1) year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and
- 4) the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

(E) No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

xx.09 EXPENDITURE AUTHORITY OF THE RECEIVER.

(A) A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.

(B) A receiver taking charge of an operating business shall have authority to pay reasonable wages to employees and all reasonable and customary business related expenses, subject to periodic accounting to the court.

(C) All fees, compensation or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court.

(D) All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$ 2,500 per month, or such other threshold as set by order in the specific receivership.

xx.10 DISPOSITION OF PROPERTY

(A) With court approval after such notice as the court deems appropriate a receiver may use, sell, or lease property other than in the ordinary course of business.

(1) Unless otherwise ordered, a receiver shall serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice shall be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.

(2) If any party or person having an interest in the property to be sold or leased files an objection within fourteen days of service of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.

(3) The receiver shall have the burden of proving the commercial reasonableness of a proposed disposition of property.

(4) If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

(5) The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security

interests, or other liens encumbering the property shall attach to the proceeds of disposition (net of the reasonable expenses incurred in sale of the property) in the same order, priority, and validity as the liens had with respect to that receivership property immediately before sale.

(B) Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures.

xx.11 PAYMENT OF RECEIVER AND PROFESSIONAL FEES.

(A) Fee applications shall be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver shall attach to each fee application a brief, updated plan and progress report, consistent with Local Rule 66.06, together with a billing summary concisely reflecting:

- (1) the dates on which work was performed;
- (2) a description of work performed;
- (3) the name of each individual performing the work; and
- (4) the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.

(B) Fees allowed for services by a receiver, counsel, and professionals employed by a receiver shall be within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

(C) An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

xx.12 FINAL REPORT TO THE COURT AND CREDITORS.

When the final fee application is submitted, it shall be accompanied by a Receiver's Final Report that includes all of the following information:

- 1) (a) the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of funds;
- 2) total funds previously disbursed to creditors;
- 3) the amount of money or any property remaining on hand;
- 4) the status of all known secured and unsecured creditors' claims;
- 5) the approximate number and admitted balances due creditors but remaining unpaid;
- 6) the approximate number and total of creditors' claims that remain open or unresolved;

- 7) proposed final distributions to creditors and the date by which receiver proposes to make them and close out the case;
- 8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;
- 9) the amount of additional administrative expense sought to be paid in the final fee application; and
- 10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

xx.13 TRADE SECRET OR PRIVILEGED INFORMATION

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work-product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document shall be submitted to the court for *in camera* review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should be disclosed in the public case file or for attorney-eyes only.

xx.14 EFFECTIVE DATE

Local Rule xx shall take effect on (date), and governs further proceedings in receiverships then pending, except to the extent that its application in a particular case would not be feasible or would work injustice.

**WANT TO CONTRIBUTE TO THE NEXT
EDITION OF FOR THE RECORD?**

OJC ALWAYS NEEDS TIMELY AND RELEVANT ARTICLES TO PUBLISH.

CONTACT [JEFF JABLONKA](mailto:JEFF.JABLONKA@SC.OHIO.GOV) AT THE JUDICIAL CONFERENCE

JEFF.JABLONKA@SC.OHIO.GOV

ENACTMENT NEWS

FROM THE 130TH GENERAL ASSEMBLY

The 130th General Assembly came to a close last month. The Ohio Senate adjourned sine die on December 18, 2014 and the Ohio House of Representatives adjourned sine die on December 30, 2014. The end of the year, colloquially termed “lame duck,” brought a flurry of passed bills, amendments, and last-minute defeats. Below is a list of bills significant to the Ohio Judicial Conference that passed in the eleventh hour of the 130th General Assembly, along with explanations of the bill’s provisions. Also below is a list of bills of note that did not pass – these bills could be reintroduced in the 131st General Assembly, which started on January 5, 2015.

H.B. 9/Receivership (Rep. Stautberg)

House Bill 9, which authorizes the powers of a receiver, was signed into law by the Governor on December 19, 2014 and will become effective on March 19, 2015.

The bill prohibits any party, attorney, or party interested in a receivership action from being appointed receiver except by consent of all parties and all persons holding a recorded ownership interest in or lien on the receivership property (R.C. 2735.02).

Currently, one of the conditions for appointing a receiver is that the property is probably insufficient to discharge the mortgage debt – the bill adds the possibility of a receivership if the mortgagor has consented in writing to a receivership (R.C. 2735.01(A)).

The bill defines a receiver’s powers to include (R.C. 2735.04):

- (1) enforcement of a contractual assignment of rents and leases;
- (2) execution of deeds, leases, and other documents of conveyance;
- (3) opening and maintenance of deposit accounts in the receiver’s name;
- (4) entering into contracts, including sale and lease, and contracts for construction so long as existing lien rights are not impacted (funds expended are treated as administrative expenses);
- (5) sale and transfer of real or personal property (requirements for sale are outlined in the bill), subject to a court’s approval, a receiver may sell property free and clear of liens by private sale, by private auction, by public auction, or by any other method determined by the court to be fair;
- (6) if a receiver is appointed in attachment proceedings or the examination of a judgment debtor in proceedings in aid of execution, the receiver has the same powers as specified in the bill for receivership proceedings

The powers of the receiver are to be specified in the court’s order appointing the receiver – the court can modify a receiver’s powers (R.C. 2735.04(A)).

- A court can order that real property be sold free and clear of liens, at the request of the receiver and after a finding that such a sale is in the best interest of the receivership estate
- The court order approving a receiver’s application to sell real property must set a reasonable time (not less than three days) for all parties to exercise any equity of redemption or be forever barred from exercising it
- Until the date set by the court in the order, a fee owner may redeem the property from the sale by paying the receiver either the sale price or an amount equal to the total of all liens that were cancelled by the sale (whichever is greater)

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The bill clarifies that leases, licenses, and assignments by which any right is granted to operate, sink, or drill wells for natural gas or petroleum create an interest in real estate. Further, such leases, licenses, and assignments fall under the category of leases that a county recorder is required to keep (R.C. 5301.09).

This bill had been amended in the Senate to include a “utility provision” – a provision that aimed to prevent a utility from unilaterally stopping service to a receivership property, despite adequate assurance of payment, in a maneuver that would allow the utility to be treated as a secured creditor and be paid ahead of all other secured creditors. That provision was removed during conference committee and the enacted bill does not contain it. Instead, the bill creates a Study Committee on Receivership Laws to study matters related to receiverships and payment of public utility services.

S.B. 177/Companion Animals (Sens. Skindell, Hughes)

On December 19, 2014, the Governor signed Senate Bill 177, which clarifies that companion animals may be included in certain protection orders. The bill will become effective on March 19, 2015.

The bill clarifies a judge’s ability to include a companion animal in certain protection orders by adding language to Revised Code provisions governing those protection orders similar to the following:

The court may include within a protection order issued under this section a provision requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a provision authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

(Please note that language in current criminal statute contains the terms “complainant or the alleged victim” instead of “person to be protected by the order,” as well as “alleged offender” instead of “respondent.”)

The bill language is added to:

- R.C. § 2151.34(E)(1)(a) Protection order against a minor
- R.C. § 2903.213(C)(1) Protection order as a pretrial condition of release of the alleged offender
- R.C. § 2903.214(E)(1)(a) Protection order in menacing by stalking cases
- R.C. § 2919.26(C)(1) Temporary protection order
- R.C. § 3113.31(E)(1)(h) Protection order in domestic violence cases

The bill was amended in Senate Criminal Justice to include a filing fee of \$26 to all filings in the Domestic Relations division of Courts of Common Pleas to fund legal aid through the Ohio Legal Assistance Foundation. This was accomplished by removing language that previously exempted “proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters” from the blanket requirement for a \$26 fee for legal aid in all Common Pleas filings contained in R.C. § 2303.201(C). The bill creates an additional \$15 filing fee in the juvenile division for “custody, visitation and parentage actions,” also to fund legal aid through the Ohio Legal Assistance Foundation.

S.B. 207/Parental Rights (Sens. Manning, Patton)

On December 19, 2014, the Governor signed Senate Bill 207, which deals with the termination of parental rights for a parent who conceives a child as a result of rape. The bill will become effective on March 19, 2015.

The bill prohibits a man alleged or alleging himself to be a child's father from filing an action to establish a father and child relationship under R.C. 3111.04 if: (1) The man was convicted of or pleaded guilty to rape or sexual battery; (2) The victim of the rape or sexual battery was the child's mother; and (3) The child was conceived as a result of the rape or sexual battery (R.C. 3111.04(A)(2)).

S.B. 207 creates R.C. 3109.501 through 3109.507, which authorize a person who is the victim of rape or sexual battery, from which a child was conceived, to bring an action to declare the person who was *convicted of* or *pleaded guilty to* the offense to be "the parent of the child conceived as a result of rape or sexual battery." The bill states that any action under R.C. 3109.501 shall be continued until the criminal action for rape or sexual battery and all appeals have been exhausted (R.C. 3109.502).

The bill requires that any action under the newly created R.C. 3109.501 shall be filed in a court with jurisdiction over juvenile matters unless the victim and the respondent are married at the time of the action (R.C. 3109.501(D)). If the couple is married, the action may only be raised pursuant to a proceeding for divorce, dissolution, separation or annulment (R.C. 3019.501(C)).

Under the bill, a court may make a declaration under R.C. 3109.501 if the following are established by clear and convincing evidence:

- 1) The other person was convicted of or pleaded guilty to the rape or sexual battery;
- 2) The person bringing the action was the victim of the rape or sexual battery;
- 3) The child was conceived as a result of the rape or sexual battery;
- 4) Both persons are the parents of the child established pursuant to genetic testing conducted in different places or at different times or as provided in Chapter 3111 of the Revised Code (R.C. 3109.501(B)).

Under the bill, if any other court has granted parental rights to a parent who has conceived the child as a result of rape, the victim bringing an action under R.C. 3109.501 must notify the court of the other outstanding order (R.C. 3109.503(A)). If a court makes a declaration under R.C. 3109.501 and another court has previously granted parental rights to the person subject to the declaration, the declaring court must send notice of the declaration to the previously ordering court (R.C. 3109.503(B)). Upon receipt of this notice, the court that authored the previous order shall terminate its original order (R.C. 3109.504(B)). Further, after a court has made a declaration under R.C. 3109.501, no other court may issue an order granting parental rights to the parent who is the subject of the declaration regarding the child conceived as a result of rape (R.C. 3109.504(A)).

The bill specifies that a relative of a person whose parental rights have been terminated, denied, or limited under the above provisions may be granted only those rights consented to by the other parent, e.g. visitation, (R.C. 3109.506). Further, if a court issues a declaration under R.C. 3109.501, no court may revoke or modify the order, except upon motion of the victim of the rape or sexual battery requesting the revocation or modification made in the court that issued the order (R.C. 3109.507(A)).

The bill clearly provides that the denial, termination, or limitation of parental rights under the above mentioned provisions does not relieve the person of any debts – including child support – owed to the other parent or the child prior to the denial, termination, or limitation (R.C. 3109.50(A) and R.C. 3109.507(B)).

The bill requires a court or magistrate to notify a person accused of rape or sexual battery of the possible consequences faced under the bill's provisions described in the preceding sections (R.C. 2937.02).

H.B. 247/Automated External Defibrillation (Rep. Stebelton) **(With amendment re: Affidavit of mental illness)**

On December 19, 2014, the Governor signed House Bill 247, which provides that any person may use an automated external defibrillation device. Before passage, the bill was amended to correct unintended consequences of Senate Bill 43 (effective 9/15/2014). H.B. 247 will become effective on March 19, 2015.

After the passage of S.B. 43, an Affidavit of Mental Illness contained in R.C. 5122.111 had to be filed with “the probate court in the county where the mentally ill person subject to court order resides.” Upon the effective date of H.B. 247, the language “in the county where the mentally ill person subject to court order resides” will be removed from the Revised Code. As a result, affiants will no longer be restricted to filing only in the county of residence. For example, if a hospital in Franklin County is treating a Licking County resident and wishes to file this affidavit, it will no longer be necessary to send a representative to Licking County for filing. Instead, the affidavit may be filed in Franklin County.

Additionally, the bill will allow notaries to authenticate an Affidavit of Mental Illness. After the passage of S.B. 43, each affidavit had to be signed before the judge or a deputy clerk of the court. The additional option available in H.B. 247 will make it easier for hospitals with notaries on site to submit these affidavits.

S.B. 250/Adoption (Sens. Jones and LaRose)

On December 19, 2014, the Governor signed Senate Bill 250, which deals with adoption reform. The bill will become effective on March 19, 2015.

The bill shortens, from 30 to 15 days, the period after a child's birth by which a putative father must register with the Putative Father Registry in order to preserve his right to consent to the minor's adoption (R.C. 3107.055(F)). The bill changes, from one year to six months, the period after which an adoption decree generally cannot be questioned. (R.C. 3107.16(B)).

The bill permits an agency, attorney representing a person seeking to adopt a child, or attorney representing the birth mother, to send actual notice, called “pre-birth notice,” to a putative father that the birth mother is considering placing the child for adoption (R.C. 3107.067). Actual notice under this section requires the putative father to actually receive the pre-birth notice and any action using this section must include proof of such notice (R.C. 3107.069). This notice must substantially reflect the form outlined by the newly created R.C. 3107.0611. Upon receipt of pre-birth notice, a father may file an action to establish a father-child relationship under R.C. 3111.04. If pre-birth notice is served to a putative father, a court shall not accept a certified document from the ODJFS regarding a putative father's registration status with the Putative Father Registry unless the date on the document is 16 days or more after the date the pre-birth notice was served (R.C. 3107.064(A)).

S.B. 250 creates a requirement that if, after a requested search of the Putative Father Registry, ODJFS provides the mother, an attorney, or an agency with a putative father's registration form, the department shall send the father notice explaining that: (1) He may be the child's father; (2) The minor is being placed for adoption; and (3) He has the right to consent or refuse to consent to the adoption (R.C. 3107.063(B)).

The bill permits the biological parent of a child to advertise the child's availability for placement for adoption to a qualified adoptive parent (QAP). Under the bill, a QAP may advertise availability for placement for the purpose of adopting the child. The bill also permits a government entity to advertise its role in the placement of children for adoption or other information that would be relevant to a QAP (R.C. 5103.17).

Unless otherwise permitted by law, the bill prohibits:

- A person from offering money or anything of value in exchange for the placement of a child for adoption; and
- A biological parent from requesting money or anything of value in exchange for placement of the parent's child with a QAP (R.C. 5103.17(F)).

The bill clarifies that the following are "living expenses" that may be paid to a birth mother on behalf of a petitioner by an attorney or agency arranging a minor's adoption:

- Rental or mortgage payments;
- Utility payments; and
- Payments for products or services required for the birth mother's or minor's sustenance or safety including food, household goods, personal care items, and the costs of transportation to work or school (R.C. 3107.055(A)).

The bill requires an attorney or agency paying these expenses to make a reasonable and good faith effort to make payments directly to the entity providing the service or item (R.C. 3107.055(E)).

The bill contains a modification of the tax credit against the state income tax for a taxpayer's legal adoption of a minor child. The credit cannot exceed \$10,000 and is to be the greater of \$1,500 or the amount of expenses incurred for the adoption (R.C. 5747.37(B)(1)).

S.B. 255/Proof of Insurance (Sen. Brown)

Senate Bill 225, which was signed by the Governor on December 19, 2014, will become effective on March 19, 2015. The bill would permit a person to present proof of financial responsibility to the Registrar of Motor Vehicles, a peace officer, a traffic violations bureau, or a court through use of an electronic wireless communications device (R.C. 4509.101, 4509.13, and 4509.45). No other content on the electronic device can be viewed when determining proof of financial responsibility and the owner of the wireless electronic device assumes risk of damage to the device, unless the viewer acts purposely, knowingly, or recklessly to cause damage (R.C. 4509.101(N)).

Several insurance providers, such as GEICO, Allstate, State Farm, and Nationwide, currently offer either online account access, downloadable insurance identification cards, or a phone app with policy information. Proof of insurance that is required to be filed with the registrar during a suspension cannot be submitted in electronic format (R.C. 4509.45(D)).

S.B. 342/Traffic Cameras (Sen. Seitz)

On December 19, 2014, Governor Kasich signed into law Senate Bill 342, which establishes procedures by which local authorities may utilize traffic law photo-monitoring devices, also known as "traffic cameras." Specifically, the bill requires a law enforcement officer to be present at the location of the traffic camera at all times during the operation of the camera. The law takes effect on March 19, 2015.

S.B. 342 requires law enforcement officers to be present at the location of traffic cameras at all times during the operation of the camera. The officer who is present at the location may issue a ticket for a traditional traffic violation if the officer personally witnesses the violation, or a local authority may issue a ticket for an administrative civil violation if the violation was captured by the camera and the law enforcement officer at the scene did not issue a ticket. The bill

Continued on next page...

also establishes certain signage requirements for all traffic cameras, including a provision that invalidates tickets that are issued before the required signs have been erected (R.C. 4511.092, 4511.093).

S.B. 342 also establishes certain procedural requirements governing the implementation of traffic cameras and the issuance of tickets for civil violations. Local authorities wishing to implement traffic cameras must conduct safety studies of each location being considered for a traffic camera, conduct a public information campaign, and publish certain notices regarding the locations of cameras and the dates they will become operational (R.C. 4511.095(B)(1)). The bill also further clarifies that civil traffic violations issued as a result of the use of a traffic camera are not moving violations, do not result in points assessed against the person's driver's license, and shall not appear on the person's driving record or be reported to the bureau of motor vehicles (R.C. 4511.097(A)).

Upon receipt of a ticket for a civil violation, the registered owner of the vehicle may pay the civil penalty, provide the local authority with an affidavit stating that another person was operating the vehicle or that the vehicle was in the care or custody of another person without the owner's permission (R.C. 4511.092(A), 4511.098(A)), or contest the ticket through an administrative hearing process. The bill sets forth the procedures for such a hearing, and specifies that written decisions of the hearing officer may be appealed to the municipal or county court with jurisdiction over the location of the violation (R.C. 4511.099).

Shortly after the passage of S.B. 342, the Supreme Court of Ohio issued its decision in *Walker v. Toledo*, Slip Opinion No. 2014-Ohio-5461, in which the Court ruled that municipalities have home-rule authority to impose civil liability on traffic violations through the use of traffic cameras, and to establish administrative hearings in furtherance of traffic ordinances.

S.B. 361/Mens Rea (Sen. Seitz)

On December 19, 2014, Governor Kasich signed into law Senate Bill 361 (Seitz), which creates certain *mens rea* requirements for new criminal offenses, and modifies when the default *mens rea* of "recklessness" applies to certain elements of existing offenses. The law will become effective March 19, 2015.

S.B. 361 requires all statutes creating new criminal offenses to specify the degree of mental culpability, or *mens rea*, required for the commission of the offense. If no such *mens rea* is specified, then the offense is void (R.C. 2901.20(A)). This requirement does not apply to traffic offenses, to existing criminal offenses for which *mens rea* is already clearly stated, or to offenses that plainly indicate a purpose to impose strict liability. Further, the bill clarifies that the fact that one division of a section plainly indicates a purpose to impose strict liability for an offense in that division does not, by itself, indicate a purpose to impose strict liability for offenses defined in other divisions of the section that do not specify the required *mens rea* (R.C. 2901.21).

Existing law establishes "recklessly" as the *mens rea* that is sufficient when no culpability or intent to impose strict liability is indicated. The bill clarifies that the "recklessly" default applies when language in a statute defining an element of an offense that is related to knowledge or intent, or to which *mens rea* could fairly be applied, neither specifies the required culpability nor plainly indicates the intent to impose strict liability (R.C. 2901.21(C)).

S.B. 361 modifies the existing definitions of the mental states of "knowingly" and "recklessly." When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact (R.C. 2901.22(B)). The bill clarifies that a person acts recklessly when the person disregards a "substantial and unjustifiable" risk (R.C. 2901.22(C)).

The Judicial Conference worked with the sponsor of S.B. 361 to include an amendment that would change the definition of “affirmative offense” in response to the Supreme Court’s decision in *State v. Nucklos*, 121 Ohio St.3d 3232, 2009-Ohio-792, 904 N.E.2d 512. The amendment was ultimately not included in the bill, as some legislators felt the issue should be addressed as a stand-alone bill during the next General Assembly.

H.B. 290/Civil Immunity (With amendment re: Sup. R. 14-14.02 // Rep. Stebelton)

House Bill 290 provides civil and criminal immunity regarding the use of school district premises when permitting members of the public to use school premises. The bill was amended in the Senate Civil Justice Committee to include a provision that addresses the temporary relocation of Ohio court proceedings due to natural disaster or civil emergency, as contemplated in the recently approved Sup.R. 14 – 14.02. In the event of a natural or man-made disaster, civil disorder, or any extraordinary circumstance that interrupts or threatens to interrupt the orderly operation of a municipal court within the territorial jurisdiction of the court, the administrative judge of the court may issue an order authorizing the court to operate at a temporary location that may be outside the territorial jurisdiction of the court. The legislation applies to municipal courts, county courts, and courts of common pleas (R.C. 1901.028, 1907.04, and 2301.04). H.B. 290 was signed on December 19, 2014 and will become effective on March 19, 2015.

H.C.R. 55 (Rep. McGregor) and S.C.R. 27 (Sen. Seitz): Discretionary Driving Suspensions

House Concurrent Resolution 55 and Senate Concurrent Resolution 27 were sent, along with a certificate from the Governor, to the Federal Highway Administration as the first step in the process by which the state of Ohio can opt out of a federal mandate that requires all drug convictions to result in license suspension, regardless of circumstances. The FHA forwarded the resolutions and certificate to its Chief Counsel and Office of Public Safety on December 29, 2014 for approval. Because these resolutions were passed by their respective chambers and sent to the FHA, the Ohio legislature may soon be free to pass legislation that will allow judges discretion in determining whether a license suspension is warranted in a particular case. The Judicial Conference will continue to work on this platform item in the 131st General Assembly.

Bills of Note That Did Not Pass During Lame Duck:

H.B. 49 – ADULT PROTECTIVE SERVICES (Reps. Dovilla and Retherford) To revise the laws governing the provision of adult protective services.

H.B. 92 – SYRINGE EXCHANGE (Reps. Antonio and Sears) To authorize the establishment of syringe exchange programs.

H.B. 225 – CIVIL ACTION SETTLEMENT PROCEDURE (Rep. Butler) To create a procedure for settling civil actions between parties other than natural persons and providing for an award of reasonable attorney’s fees and litigation expenses by motion or by a separate action in certain situations in which a judgment is entered against a party that rejects an offer of settlement.

S.B. 261 – PROTECTION ORDERS (Rep. Bacon and Manning) 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 if the person has actual notice of the protection order, notwithstanding that the person has not been served with a copy of the protection order and to increase the penalty for violating a protection order or consent agreement issued or entered into in order to protect a family or household member from domestic violence.

H.B. 276 – UNANTICIPATED MEDICAL OUTCOME/“I’M SORRY” STATUTE (Rep. Stautberg) To provide that certain statements and communications made regarding an unanticipated outcome of medical care are inadmissible as evidence, to require a plaintiff in a medical claim to establish that the defendant’s act or omission is a deviation from the required standard of medical care and the direct and proximate cause of the alleged injury, death, or loss, to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered, and to grant civil immunity to a health care facility for injury, death, or loss caused by a health care practitioner who is not an employee or agent of, and provides medical services at, the facility.

H.B. 334 – SCHOOL EXPULSION (Reps. Hayes and Hottinger) To permit the authorization of a district superintendent or equivalent of the community or STEM school to expel a student for not more than 180 school days for actions that pose “imminent and severe endangerment to the health and safety” of other students or school employees; and to require the superintendent to assess the student at the end of the expulsion period to determine whether the student has shown “sufficient rehabilitation” to be reinstated and to permit the superintendent to extend the expulsion for another period not to exceed 90 school days, subject to further reassessment and extensions.

H.B. 343 – EDUCATIONAL PROGRAMS (Rep. Stebelton) To require a school to send a letter home if a student has 60 cumulative hours (10 days) of unexcused absence; the letter must include a statement that if the student reaches 105 cumulative hours (17.5 days), a truancy complaint must be filed in juvenile court.

H.B. 349 – DESTINY’S LAW (Rep. Hackett) To require an additional definite term of imprisonment of 5 to 10 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm and to establish a procedure for the Attorney General to award additional reparations to a claimant if a victim suffered catastrophic disabling harm from the injury sustained due to the criminal conduct giving rise to the claim.

H.B. 438 – TEMPORARY POWERS OF ATTORNEY FOR CHILDREN/“RE-HOMING” (Reps. Grossman and Pelanda) To require persons listed in the statute that governs reports of known or suspected child abuse or neglect to notify the county public children services agency when an attorney-in-fact under a document that purports to grant parental rights requests services from those persons, to require the agency to investigate the child’s placement with the attorney-in-fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child.

H.B. 469 – OVI OFFENSE LAW (Reps. Johnson and Scherer) To require a first-time alcohol-related OVI offender to drive with an ignition interlock device rather than under court-ordered limited driving privileges, to eliminate the fifteen-day period in current law during which such an offender is subject to a driver’s license suspension without limited driving privileges, and to make other changes to the law governing OVI offenses.

H.B. 508 – EXPANSION OF MURDER/PROVIDING DRUGS (Rep. Bulter) To expand the offense of murder to also prohibit causing the death of another as a proximate result of providing the person with a controlled substance or controlled substance analog when the death is caused by the use of that controlled substance or controlled substance analog and to provide special life sentences for a violation of the prohibition.

H.B. 573 – PATENT INFRINGEMENT (Rep. Roegner) To prohibit a person from making a bad faith assertion of patent infringement, to permit a person aggrieved by a bad faith assertion of patent infringement to bring a tort action, and to authorize the Attorney General to investigate and to institute a civil action if the Attorney General believes a person has made a bad faith assertion of patent infringement.

H.B. 586 – JUDICIAL SALES/PRIVATE SELLING OFFICERS (Rep. Stautberg) To permit private selling officers to conduct judicial sales of real property.

H.B. 595 – DELAWARE COUNTY COURT – DOMESTIC RELATIONS (Reps. Brenner and Ruhl) To create a domestic relations division of the Delaware County Court of Common Pleas and to create a judgeship for that division.

H.B. 620 – DOPO (Rep. Huffman) To provide for payment to an ex-spouse of part of any survivor benefits or return of contributions payable to the surviving spouse of a state retirement system member who dies prior to retirement and to modify eligibility requirements for benefits provided to survivors of deceased members of the State Teachers Retirement System and the Public Employees Retirement System.

H.B. 624 – WARD BILL OF RIGHTS (Rep. Pelanda) To provide a ward’s bill of rights and to require that a guardian receive the Ohio Guardianship Guide prepared by the Attorney General and acknowledge such receipt.

H.B. 661 – GENERAL ASSEMBLY & EXECUTIVE OFFICER COST OF LIVING INCREASE (Rep. Stebelton) To reinstate the cost of living adjustment for members of the General Assembly and statewide elected executive officers; to increase the compensation of justices and judges of the courts, county elected officials, township trustees and fiscal officers, and board of elections members and to reinstate the annual cost of living adjustment to their compensation; and to reduce the number of population classifications used to determine the compensation of county elected officials.



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WEEKLY FYI:

NATIONAL NEWS:

- West Virginia Elects America's Youngest State Lawmaker
- Are Our Courts for Sale?
- 'Soft on Crime' TV Ads Affect Judges' Decisions, Not Just Elections
- Are Law Schools Getting Less Gloomy About the Future?

STATE NEWS:

- Cleveland, Maple Heights voters smack down red-light cameras
- French, Kennedy retain seats on Supreme Court
- Unofficial Judicial Election Results
- Ohio State psychologist says drug addicts are no longer the people you love

Citizens Guide Brochure Series

The Ohio Judicial Conference has created a series of brochures to help judges inform the public about Ohio's judicial system. The series consists of eight tri-fold brochures with general information regarding aspects of the judicial system as well as one 25-page guide to small claims court.



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SUPREME COURT OF OHIO JUDICIAL COLLEGE

COURSE SCHEDULE

(for Judges, Magistrates, Acting Judges, Court Personnel, Judicial Candidates, and Guardians ad Litem)

Note: Listed judicial conduct hours are projections. Refer to course announcements for final and approved CLE/CJE hours. Judicial conduct credit hours will apply toward the professional conduct requirement for magistrates.

<u>DATE</u>	<u>COURSE</u>	<u>FOR</u>	<u>LOCATION</u>	
January 2015				
6	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
13	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
14	Wed	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus
15	Thu	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Columbus
21	Wed	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
26	Mon	Judicial Candidates Seminar (in conjunction with the AMCJO meeting) (3:45 - 5:45 p.m.)	Judicial Candidates**	Columbus
26 - 28	Mon - Wed	Association of Municipal and County Judges of Ohio (AMCJO) Winter Conference (Judicial conduct hours will be requested)	Judges*	Columbus
27	Tue	Probation Officer Training Program	Probation Officers	Columbus
28	Wed	Guardian ad Litem Pre Service Course (1 of 9)	Guardians ad Litem	Columbus
February 2015				
3	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
4	Tue	Guardian ad Litem Continuing Education Course 1:00 - 4:30 p.m.)	Guardians ad Litem	Dayton/Beavercreek
5	Wed	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Dayton/Beavercreek
5 - 6	Thu - Fri	Court Executive Team Seminar, Part I	Judges & Court Personnel	Columbus
10	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
11	Wed	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates**	Dayton/Fairborn
18	Wed	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
19	Thu	Guardian ad Litem Pre Service Course (2 of 9)	Guardians ad Litem	Toledo/Perrysburg
February 2015				
19	Thu	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates**	Cleveland

Continued on next page...

19	Thu	Understanding Ohio's Court Ordered Outpatient Treatment Law – SB43 Web Conference (1:00 – 3:00 p.m.)	Probate Judges & Magistrates	Web Conference
24	Tue	Probation Officer Training Program	Probation Officers	Columbus
25	Wed	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Toledo/Perrysburg
26	Thu	Appellate Judges Seminar (Judicial conduct hours will be requested)	Judges	Columbus
26	Thu	Guardian ad Litem Continuing Education Course (8:30 - noon)	Guardians ad Litem	Toledo/Perrysburg
26 - 27	Thu - Fri	Intercourt Conference	Juvenile Court Personnel	Columbus
27	Fri	Attorney Fees in Municipal/Common Pleas Courts Web Conference	Judges, Magistrates & Acting Judges	Web Conference

March 2015

3	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
10	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
11 - 13	Wed - Fri	Court Management Program (CMP) 2016 Module III	CMP 2016 Class	Columbus
11 - 13	Wed - Fri	New Magistrate Orientation (NMO) (Judicial conduct hours will be requested)	Magistrates	Mt. Sterling
17	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus
17	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
18	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Columbus
19 - 20	Thu - Fri	Juvenile Advanced Abuse, Neglect & Dependency Spring Seminar (Judicial conduct hours will be requested)	Judges & Magistrates	Columbus
24	Tue	Probation Officer Training Program	Probation Officers	Columbus
25	Wed	Supervisor Series (1 of 2)	Court Personnel	Columbus
26	Thu	Criminal Procedure for Acting Judges (1 of 4)	Judges, Magistrates & Acting Judges	Toledo/Perrysburg
26	Thu	Supervisor Series (2 of 2)	Court Personnel	Columbus

April 2015

1	Wed	Guardian ad Litem Pre Service Course (3 of 9)	Guardians ad Litem	Columbus
7	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek

April 2015

14	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Ashland
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14	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
15	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Ashland
15 - 17	Wed - Fri	Court Management Program (CMP) 2017 Level II, Module I	CMP 2017 Class	Columbus
16 - 17	Thu - Fri	Capital Cases	Judges	Columbus
21	Tue	Basic Defensive Tactics (1 of 2)	Probation Officers	London
21	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
21	Tue	Understanding Our Community: Communicating Effectively with All Court Users	Court Personnel	Columbus
22	Wed	Advanced Defensive Tactics (1 of 2)	Probation Officers	London
24	Fri	Domestic Relations Court Personnel Course	Court Personnel	Columbus
24	Fri	Domestic Relations Spring Seminar	Judges & Magistrates	Columbus
24	Fri	Interpreter Course (Judicial conduct hours will be requested)	Judges, Magistrates & Court Personnel	Columbus
28	Tue	Probation Officer Training Program	Probation Officers	Columbus
29	Tue	Guardian ad Litem Continuing Education Course 1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus
29 - 1	Wed - Fri	Ohio Association of Magistrates (OAM) Spring Conference (Judicial conduct hours will be requested)	Magistrates	Cambridge
30	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Columbus

May 2015

4 - 7	Mon - Thu	New Judges Orientation, Part II (Judicial conduct hours will be requested)	New Judges	Columbus
4 - 8	Mon - Fri	Probation Officer Firearms Course	Probation Officers	London
5	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
12	Tue	Guardian ad Litem Pre Service Course (4 of 9)	Guardians ad Litem	Cincinnati
12	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
15	Fri	Landlord/Tenant Issues in Municipal/Common Pleas Courts (1 of 2)	Judges & Magistrates	Strongsville/Cleveland
19	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
27	Wed	Probation Officer Training Program	Probation Officers	Columbus

May 2015

28	Thu	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus
29	Thu	Guardian ad Litem Continuing Education Course	Guardians ad Litem	Columbus

(8:30 a.m. - noon)

June 2015

1	Mon	Probate Judges Pre-Conference Seminar	Judges	Cincinnati
2	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
2 - 4	Tue - Thu	Probate/Domestic Relations/Juvenile Judges Associations Summer Conference (Judicial conduct hours will be requested)	Judges*	Cincinnati
9	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Beachwood/Cleveland
9	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
10	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Beachwood/Cleveland
16	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
18	Thu	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates**	Columbus
19	Fri	Landlord/Tenant Issues in Municipal/Common Pleas Courts (2 of 2)	Judges & Magistrates	Columbus
23	Tue	Guardian ad Litem Pre Service Course (5 of 9)	Guardians ad Litem	Dayton/Beavercreek
23	Tue	Probation Officer Training Program	Probation Officers	Columbus
24 - 26	Wed - Fri	Ohio Common Pleas Judges Association (OCPJA) Summer Conference (Judicial conduct hours will be requested)	Judges*	Columbus
25 - 26	Thu - Fri	Juvenile Court Clerks Conference	Juvenile Court Clerks	TBD

July 2015

7	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
8	Wed	Guardian ad Litem Continuing Education Course 1:00 - 4:30 p.m.)	Guardians ad Litem	Athens
9	Thu	Guardian ad Litem Continuing Education (8:30 a.m. - noon)	Guardians ad Litem	Cambridge
14	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
14 - 15	Tue - Wed	Supervisor Series (1 of 2)	Court Clerks	Columbus
16 - 17	Thu - Fri	Supervisor Series (2 of 2)	Court Clerks	Columbus
21	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn

July 2015

22	Wed	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus
22	Wed	Search Drills - Adult	Probation Officers	London
23	Thu	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Columbus

23	Thu	Search Drills - Juvenile	Probation Officers	London
24	Fri	Juvenile Detention Train-the-Trainer	Probation Officers	Columbus
27 - 29	Mon - Wed	Association of Municipal & County Judges of Ohio (AMCJO) Summer Conference (Judicial conduct hours will be requested)	Judges*	Mason
28	Tue	Probation Officer Training Program	Probation Officers	Columbus

August 2015

4	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
5	Wed	Guardian ad Litem Pre Service Course (6 of 9)	Guardians ad Litem	Columbus
6 - 7	Thu - Fri	Certified Court Manager Seminar	Court Managers	Columbus
7	Fri	Delinquency & Unruly Web Conference	Judges & Magistrates	Web Conference
11	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
13	Thu	Judicial Candidates Seminar (1:30 - 3:30 p.m.)	Judicial Candidates**	Columbus
14	Fri	2015 Probate Seminar	Judges & Magistrates	Columbus
18	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
19	Wed	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Dayton/Beavercreek
20	Thu	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Dayton/Beavercreek
25	Tue	Probation Officer Training Program	Probation Officers	Columbus
26 - 28	Wed - Fri	Court Management Program (CMP) 2016 Module IV	CMP 2016 Class	Columbus

September 2015

1	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
2	Wed	Ohio Courts of Appeals Judges Association (OCAJA) Fall Conference (Judicial conduct hours will be requested)	Judges*	Columbus
3	Thu	Official Court Reporters Course	Court Reporters	Columbus
3 - 4	Thu - Fri	Ohio Judicial Conference (OJC) Annual Meeting (Judicial conduct hours will be requested)	Judges*	Columbus
9	Wed	Guardian ad Litem Pre Service Course (7 of 9)	Guardians ad Litem	Boardman/Youngstown

September 2015

9	Wed	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
10	Thu	Criminal Procedure for Acting Judges (2 of 4)	Judges, Magistrates & Acting Judges	Strongsville/Cleveland
11	Fri	Abuse, Neglect & Dependency Web Conference	Judges & Magistrates	Web Conference
14	Mon	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Toledo/Perrysburg

15	Tue	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Toledo/Perrysburg
15	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
16 - 18	Wed - Fri	Court Management Program (CMP) 2017 Level II Module II	CMP 2017 Class	Columbus
18	Fri	Criminal Procedure By the Numbers: Part III	Judges & Magistrates	Columbus
22	Tue	Probation Officer Training Program	Probation Officers	Columbus
25	Fri	Traffic Law (1 of 2)	Judges, Magistrates & Acting Judges	Columbus
29	Tue	Supervisor Series (1 of 2)	Court Personnel	Columbus
30	Wed	Supervisor Series (2 of 2)	Court Personnel	Columbus
30 - 2	Wed - Fri	Ohio Association of Magistrates (OAM) Fall Conference (Judicial conduct hours will be requested)	Magistrates	Columbus

October 2015

2	Fri	Sex Offender Management	Probation Officers	Columbus
6	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Cleveland
6	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
7	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Cleveland
9	Fri	Juvenile Traffic Web Conference	Judges & Magistrates	Web Conference
13	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
16	Fri	A Practical Look at Contempt in Municipal/Common Pleas Courts Web Conference	Judges, Magistrates & Acting Judges	Web Conference
20	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
21	Wed	Guardian ad Litem Pre Service Course (8 of 9)	Guardians ad Litem	Cleveland
22	Thu	Traffic Law (2 of 2)	Judges, Magistrates & Acting Judges	Cleveland

October 2015

23	Fri	Judicial Conduct Course (Judicial conduct hours will be requested)	Judges & Magistrates	Cleveland
27	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Boardman/Youngstown
27	Tue	Probation Officer Training Program	Probation Officers	Columbus
28	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Boardman/Youngstown
30	Fri	Evidence	Judges & Magistrates	Columbus

November 2015

3	Tue	Basic Defensive Tactics (2 of 2)	Probation Officers	London
3	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
4	Wed	Advanced Defensive Tactics (2 of 2)	Probation Officers	London
5	Thu	Domestic Relations Winter Meeting (precedes Association of Family and Conciliation Courts Regional Conference) (Judicial conduct hours will be requested)	Judges & Magistrates	Columbus
5	Thu	Interpreter Course (Judicial conduct hours will be requested)	Court Personnel	Columbus
10	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
13	Fri	Criminal Procedure for Acting Judges (3 of 4)	Judges, Magistrates & Acting Judges	Dayton/Beavercreek
13	Fri	Paternity, Custody & Child Support Web Conference	Judges & Magistrates	Web Conference
17	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Cincinnati
17	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
18	Wed	2015 Probate Web Conference	Judges & Magistrates	Web Conference
18	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Cincinnati
18 - 19	Wed - Thu	Court Executive Team Seminar, Part II	Judges & Court Personnel	Columbus
19	Thu	Probation Officer Training Program	Probation Officers	Columbus

December 2015

1	Tue	Guardian ad Litem Pre Service Course (9 of 9)	Guardians ad Litem	Columbus
1	Tue	Probation Officer Training Program	Probation Officers	Dayton/Beavercreek
2 - 4	Wed - Fri	Ohio Common Pleas Judges Association (OCPJA) Winter Conference (Judicial conduct hours will be requested)	Judges*	Columbus

December 2015

3 - 4	Thu - Fri	Ohio Association of Juvenile Court Judges (OAJCJ) Winter Conference (Judicial conduct hours will be requested)	Judges*	Columbus
7 - 10	Mon - Thu	New Judges Orientation, Part I (Judicial conduct hours will be requested)	New Judges	Columbus
8	Tue	Probation Officer Training Program	Probation Officers	Toledo/Perrysburg
11	Fri	Judicial Conduct Web Conference (Judicial conduct hours will be requested)	Judges & Magistrates	Web Conference
15	Tue	Guardian ad Litem Continuing Education Course (1:00 - 4:30 p.m.)	Guardians ad Litem	Columbus

15	Tue	Probation Officer Training Program	Probation Officers	Akron/Fairlawn
16	Wed	Guardian ad Litem Continuing Education Course (8:30 a.m. - noon)	Guardians ad Litem	Columbus
17	Thu	Criminal Procedure for Acting Judges (4 of 4)	Judges, Magistrates & Acting Judges	Columbus
17	Thu	Probation Officer Training Program	Probation Officers	Columbus

PLEASE NOTE:

This schedule is SUBJECT TO CHANGE. View the Judicial College homepage for course schedule updates, brochures, and additional information, via www.supremecourt.ohio.gov/Boards/judCollege/default.aspx.

To register for a Judicial College course or to view a course announcement, please visit our online registration site at www.judicialecademy.ohio.gov.

- 1. Every two years, as part of the required 40 hours of CJE/CLE, full-time judges, part-time judges, and retired judges eligible for assignment are required to obtain a minimum of 10 hours of instruction from the Judicial College, to include 3.0 hours of instruction in judicial conduct. (Gov.Jud. R. IV, §3 A-C) (effective 1.1.14)*
- 2. Every two years, magistrates are required to obtain 24 hours of CLE. Of the 24 hours of CLE, magistrates must obtain a minimum of 10 hours of instruction from the Judicial College and 2.5 hours of instruction in professional conduct. Magistrates may obtain professional conduct hours from the Judicial College or another approved provider. (Gov.Bar R. X, §12) (effective 1.1.14)*
- 3. Every two years, acting judges are required to obtain 24 hours of CLE. Of the 24 hours of CLE, acting judges must obtain a minimum of 10 hours of instruction from the Judicial College. Acting judges may obtain their 2.5 professional conduct hours from the Judicial College or another approved provider. (Gov.Bar R. X, §11) (effective 1.1.14)*
- 4. Full-day courses typically consist of 5.5 CJE/CLE credit hours and are from 9:00 a.m. - 4:00 p.m., unless otherwise noted. Video Teleconferences are now referred to as Web Conferences, typically consist of 2.5 CJE/CLE credit hours, and are from 1:00 p.m. - 3:45 p.m., unless otherwise noted.*

Please refer to the course announcement for the approved CJE/CLE credit hours and for course registration information.

- 5. The Judicial College cannot accept registration for courses until the course announcement has been e-mailed and online registration opened through Judicial eCademy.*
- 6. (*) Indicates course registration through an association. Please check the course announcement when it is distributed to confirm the credit hours to be offered.*
- 7. For all non-association courses, please check the Judicial College course announcement when it is emailed to confirm whether judicial and/or professional conduct hours will be offered.*
- 8. (**) Indicates no pre-registration or tuition for the Judicial Candidates Seminars; simply attend the session of your choice.*

Abbreviations: AJ = Acting Judge; CJE = Continuing Judicial Education; CLE = Continuing Legal Education; CM = Court Managers; CMP = Court Management Program; CP = Court Personnel; GAL = Guardian ad Litem; J = Judges; JC = Judicial Candidates; JCC = Juvenile Court Clerks; JCP = Juvenile Court Personnel; M = Magistrates; NJs = New Judges; OAM = Ohio Association of Magistrates; OPOTA = Ohio Peace Officers Training Academy; POs = Probation Officers; TBD = To be Determined



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