



# *for the* **RECORD**

**NEWS FOR THE OHIO COURTS**

## Judicial Compensation

Now is the appropriate time for a candid conversation with your local legislators regarding the specifics of the proposal for an inflation adjustment to judicial and county elected officials' salaries. In collaboration with the entire universe of county elected officials, the Judicial Conference is requesting four annual 6% increases in compensation beginning January 1, 2025, and continuing through 2028. The 4 x 6% request would replace the current 1.75% increases provided in current law and is calculated to achieve recovery in the wake of unprecedented inflation.

If you need them, the OJC can provide talking points to help guide your conversations with members of the General Assembly. If you do not have a comfortable relationship with your local legislators, please work with other judges or county officials to at minimum convey the message that you are politely asking for legislative support. Our goal is to be certain that no legislator can say to their leadership that they have not heard from their judges.

Legislative leaders, while supportive, were clear that compensation discussions should be deferred until the November elections were over. Both the Senate and House have discussed compensation this past week in their caucus meetings. Do not expect final resolution until mid-December. There is no shame in asking. Please let us know what response you receive. Our task now is counting votes and getting this past the finish line.

Paul  
419-563-4966

***Modernizing the Modern Courts Amendment:  
Raising Ohio's Judicial Age Limit to 75***

**Judge Eugene A. Lucci**  
11<sup>th</sup> District Court of Appeals

In 1968, the Modern Courts Amendment to the Ohio Constitution was passed, setting an age limit of 70 for commencement of judicial service. This decision, made at a time when life expectancy hovered around 70 years, was rooted in the belief that cognitive decline would soon follow. However, the realities of modern medicine and our understanding of aging have dramatically changed since then, rendering this threshold outdated. To reflect contemporary health outcomes, it is time for Ohio to adopt a constitutional amendment extending the age limitation for judicial service from 70 to 75 years.

First, significant advances in healthcare and lifestyle improvements have increased life expectancy. In 1968, life expectancy was around 70 years; today, it approaches 80. Many individuals well into their 70s now lead active, professionally engaged lives. Judges, in particular, rely on their vast legal knowledge and experience, and it is often in their later years that they possess the wisdom necessary for rendering sound decisions. A mandatory retirement age of 70 unjustifiably forces the removal of capable and experienced jurists.

Judges aged 70 to 80 can offer a wealth of experience accumulated over decades of service. The bench benefits from their seasoned perspectives, particularly in handling complex legal issues. Removing them based solely on age, without considering their mental acuity, results in the premature loss of invaluable judicial talent. Raising the age limit to 75 would retain this expertise while ensuring Ohio's judiciary remains robust and capable.

To address concerns about cognitive decline, I propose the amendment includes a critical safeguard: the establishment of a Judicial Performance Commission. This body would oversee the cognitive fitness of judges over 70, requiring biennial assessments to ensure continued competence. Regular cognitive evaluations, peer reviews, and case performance assessments would provide a more tailored approach to maintaining judicial quality than a blanket age limit. Judges found to have mild impairments could be given additional support, while those unable to perform their duties would be removed.

The proposed amendment also aligns Ohio with modern trends in other professions and states. Many other professions, including the legal profession and the federal judiciary, do not impose strict retirement ages. Federal judges often serve into their 70s, 80s, or even 90s, and the median age of federal judges is 68. Ohio's judiciary should similarly recognize that age alone is not a reliable indicator of capability. Implementing this amendment would modernize the state's approach, reflecting the broader professional reality where experience is highly valued and mandatory retirement is increasingly questioned.

Economically, extending the retirement age for judges offers significant benefits. Experienced judges who serve longer reduce the need for new appointments, lowering recruitment and training costs. These seasoned jurists also contribute to greater judicial efficiency, as their deep knowledge of the system and legal matters leads to quicker resolutions and fewer retrials. Further, delaying retirement can relieve short-term financial pressure on the state's pension system, as active judges continue to contribute while deferring benefits. The electorate should recognize that a judge with 30 years of judicial experience—or 46 years in the practice of

law—who is 70 years old, earns the same salary as a 30-year-old judge with no judicial experience and only six years in legal practice.

Given the evolution of life expectancy, professional standards, and cognitive assessment tools, raising the judicial retirement age to 75 is not only reasonable but necessary. The amendment's introduction of regular cognitive evaluations will ensure that only those judges fit for service remain on the bench, preserving the integrity of and public confidence in Ohio's judiciary. This proposal allows Ohio to benefit from the wisdom and expertise of senior judges while safeguarding against any potential decline in cognitive abilities. It's time for Ohio to modernize its judicial system and extend the age limit for commencement of judicial service to 75.

## Opportunity Port - Statewide Record Sealing and Expungement Application Assistance Program

The effects of having a criminal record can persist long after a formal sentence is completed and can even be felt when cases are dismissed. The issue of collateral consequences is pervasive, as nearly one-third of adults in the United States have a criminal record, and nearly half of all children have a parent with a criminal record. These effects are felt not only by the individuals, but also impact Ohio's labor market and the health of communities around us. In response, the General Assembly has adopted broad record relief laws to mitigate the consequences a criminal record can have on personal and professional endeavors, such as securing housing, employment, business loan or volunteering.

In the last decade, Ohio's record sealing and expungement statutes have undergone many modifications. Most recently, the Ohio General Assembly changed record sealing and expungement statutes in two important ways. First, Senate Bill 288 and House Bill 33 (which went into effect in April and October 2023 respectively) eliminated the requirement for the courts to assess an applicant's entire criminal record to determine whether the applicant was an "eligible offender"; instead, in most instances courts are now required to consider each case on an individual basis. Second, Senate Bill 288 greatly expanded eligibility for the expungement of criminal records, which was previously limited to criminal records for victims of human trafficking and certain convictions relating to firearms. While the changes expanded available record relief provisions, *determining* eligibility remains complicated, and the varied administration of these statutes across jurisdictions adds another layer of complexity.

Over the last three years, the Drug Enforcement and Policy Center (DEPC) at The Ohio State University Moritz College of Law, has been on a mission to improve access to record relief through its service engagement project, Opportunity Port. Opportunity Port is an online portal that connects Ohioans in all 88 counties with legal help to determine their eligibility for sealing and expungement and assists them with completing their applications. The program is user-friendly, and the entire process, from registration to the appointment with an attorney, can be completed using a smartphone. To register, a user provides their information through the website ([opportunityport.org](http://opportunityport.org)) and is then assigned to an attorney. The attorney reviews the user's criminal record and discusses the user's eligibility for record relief during a phone appointment. If the user does not have any cases eligible for sealing or expungement, the attorney explains what other record relief remedies may be available, such as a Certificate of Qualification for Employment, Certificate of Qualification for Housing, or a pardon. If the user has eligible cases, the attorney prepares their record sealing/expungement applications for all pertinent courts. The user is then expected to file the applications *pro se* and represent themselves at any resulting court hearings.

Since launching, Opportunity Port has assisted 1,422 users and prepared 1,930 applications for filing at 66 of the 88 Ohio Common Pleas Courts and 125 of the 164 Ohio Municipal and County Courts.

Opportunity Port's statewide presence has enabled DEPC to observe the administration of record relief laws across Ohio courts. While there are numerous advantages to a non-unified court system, one drawback is the potential that residents in different jurisdictions will be subjected to different interpretations of the law, resulting in disparate treatment across courts, and thus inconsistent access to a needed remedy. As it pertains to sealing and expungement laws, these differences have manifested in three primary ways: some courts charge higher fees than what is authorized (Section 2953.32 (D)(3)), some courts do not have updated applications for sealing *and* expungement, and some courts do not provide applications at all. High filing fees and lack of access to up-to-date forms can

directly impact one's ability to apply for record sealing or expungement. To ensure more consistent administration of Ohio's sealing and expungement laws, and to increase the uptake of sealing and expungement applications, we thus recommend the following:

- 1.) **Update individual court fee schedules.** Section 2953.32 (D)(3) allows for multiple cases to be filed on one application and limits the total filing fee (including local fee) to \$100 for sealing and expungement of convictions. Additionally, many court fee schedules do not differentiate between fees for sealing and expungement of convictions versus sealing and expungement of dismissals, not guilty findings, and no bills. However, Section 2953.33 (B)(1) does not authorize filing fees for sealing and expungement of dismissals, not guilty findings, and no bills.
- 2.) **Update individual court forms.** Many courts' current forms do not list expungement as a possible remedy. Local forms should reflect the availability of sealing of the record of conviction; sealing of the record of dismissals, not guilty findings, and no bills; as well as expungement of the record of convictions and expungement of dismissals, not guilty findings, and no bills.
- 3.) **Accept a generic form.** The Ohio Supreme Court has not updated its rules of Superintendence to reflect Senate Bill 288 and House Bill 33. Therefore, there is no standard form for expungement of convictions or of dismissals, not guilty findings, and no bills. In instances where jurisdictions do not have updated local forms or do not provide local forms, Opportunity Port's attorneys have created a generic form for their clients to file. The generic form is modeled after the Franklin County Municipal Court's local form for sealing and expungement and has been authorized by judges across many Ohio jurisdictions as a legitimate application for the sealing or expungement of official records. It is our hope that jurisdictions will continue to accept the generic form, and that jurisdictions with their own local forms will consider being flexible in the types of forms they accept, including the generic form prepared by Opportunity Port's attorneys.

These recommendations do not require significant financial investment, can be implemented quickly, and will go far to improve the sealing and expungement ecosystem. Though the overarching theme of these recommendations may be 'standardization,' it is not our intent to challenge jurisdictional autonomy. Rather, we believe alignment and flexibility across courts will lend itself to more efficiency in the processing and adjudication of sealing and expungement matters. Navigating revised code is one hurdle; figuring out the filing practices for clients with cases in multiple jurisdictions is another. Consistency in filing practices will lend itself to increased participation of legal service providers, like Opportunity Port, in the preparation of sealing and expungement applications. The easier it is for qualified legal professionals to assist applicants with sealing and expungement matters, the likelier courts will receive quality applications.

Article provided by the Drug Enforcement and Policy Center of the Ohio State University Moritz College of Law

Diary of a Brand New Judge:

Dear Diary:

Its election night and I'm home waiting for the results to come in. No fancy watch-party, just us and the Board of Elections website up. I'm hitting refresh way too many times. The numbers start appearing! I'm ahead, wait, I'm trailing. *It's OK, It's my first run. Whatever happens; it'll be OK.*

It's later now, and I hit refresh again, (*refer to above playing like a broken record in my brain*). I walk away from my phone, when I hear it ring, I pick up, and it's my friend, "OMG YOU WON!" and its true! I fall to my knees; my kids, husband and dog all huddled around me in a giant hug.

It's Nov 30, 2023, I say goodbye to my old job in Juvenile Court and all these kids I love, and so many friends. As a goodbye gift, I'm presented with a photo album filled with years of memories, and I fight back tears (and do a crummy job of it). Time to turn the page. My judge walks me to my car. It's ~~really~~ a bit overwhelming to say goodbye -

It's December, 2023, judge school begins, and a lot to learn. I've been on the bench for a long time; all feels good until I hear a word or two I haven't heard since law school days (*a million years ago*). I'm amazed at how many judges offer their personal contact information, and let you know you can call them anytime for help. There's such a positive vibe in the room, served with a side order of nervous excitement.

It's swearing-in day, my commission arrives; it's signed by the governor. I'm the new municipal judge of my hometown, in walking distance from my home. It's been an amazing journey thus far.

It's Day 1: January 2, 2024, I arrive at the court at 7:45 a.m. I'm so excited. I'm greeted by everyone; my first day went off without a hitch. Everyone was so nice and friendly. I'm so excited to start this new chapter as judge - I feel so lucky and blessed. I'm ready!

It's Day 2: January 3, 2024, I arrive at 8:00 a.m.; everyone is already at their desks working away and acting super friendly. First question: *Are there really 118 cases set for arraignment in one hour? Is this normal?* I then take a few changes of plea, and it's now 10:30 a.m. *How many jail videos again?* Sign here there and everywhere. Here comes a small claims case, more signing, prep for sentencings tomorrow. Read, read, read, repeat.

It's Day 100: And I got this. I'm starting to love the tempo. A 15 minute break between hearings somehow feels like a leisurely pace now. I've had three jury trials already, a few suppressions, and a lot of different cases. I brought in a tissue box and set it down at the defense table, right next to the new rights form I developed.

It's Day 200: The tissue box is nearly empty; I've seen a lot of tears in this room.

It's Day 300: I feel like I'm right where I belong. Just like in Juvenile Court, people want to be heard, treated fairly, with knowledge and compassion. I trust myself to be their judge.

It's Day 305: 8:30 a.m. Arraignment Day: I walk into my courtroom, take the bench and look up to see a familiar face, but slightly older now. And I recall.

Susana Lewis,  
(the new) Judge, Wadsworth Municipal Court



# Judicial College Offerings

The Judicial College CLE schedule is available online. To view the calendar and sign up for courses, please visit this [site](#)

VISIT THE OHIO JUDICIAL CONFERENCE WEBSITE!

[WWW.OHIOJUDGES.COM](http://WWW.OHIOJUDGES.COM)

CONTACT JUSTIN LONG AT THE OHIO JUDICIAL CONFERENCE FOR LOGIN ASSISTANCE

[justin.long@sc.ohio.gov](mailto:justin.long@sc.ohio.gov)

## OHIO JUDICIAL CONFERENCE

The screenshot shows the Ohio Judicial Conference website homepage. At the top, there is a navigation menu with links for HOME, ABOUT US, RESOURCES, LEGISLATIVE, COMMITTEES, and DIRECTORY. The main content area features a large banner for the "Guardianship Guidebook" with a map of Ohio in the background. To the left, there is a "WEEKLY FYI" section with sub-sections for "NATIONAL NEWS" and "STATE NEWS", each containing a list of recent articles. To the right, there is a "MEMBER LOGIN" section with fields for User Name and Password, and a "Log In" button. Below the login section, there are several quick links: LEGISLATIVE ENACTMENTS, PUBLICATIONS, DIRECTORY, OTHER LINKS, CONTACT US, and FAQ's. The website has a professional, blue and white color scheme.



## Ohio Judicial Conference Staff

### **Executive Director**

Hon. Paul Pfeifer, Retired 614-387-9762  
[Paul.Pfeifer@sc.ohio.gov](mailto:Paul.Pfeifer@sc.ohio.gov)

### **Legislative Counsel**

Marta Mudri, Esq. 614-387-9764  
[Marta.Mudri@sc.ohio.gov](mailto:Marta.Mudri@sc.ohio.gov)

### **Deputy Legislative Counsel**

Joshua Williams, Esq. 614-387-9767  
[Joshua.Williams@sc.ohio.gov](mailto:Joshua.Williams@sc.ohio.gov)

### **Deputy Legislative Counsel**

Shawn Welch, Esq. 614-387-9765  
[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)

### **Fiscal/HR Officer**

Aleta Burns 614-387-9757  
[Aleta.Burns@sc.ohio.gov](mailto:Aleta.Burns@sc.ohio.gov)

### **Legislative Services Specialist**

Justin Long 614-387-9756  
[Justin.Long@sc.ohio.gov](mailto:Justin.Long@sc.ohio.gov)

### **Judicial Services Program Manager**

Trina Bennington 614-387-9761  
[Trina.Bennington@sc.ohio.gov](mailto:Trina.Bennington@sc.ohio.gov)

### **Judicial Services Program Manager**

Jennifer Whetstone 614-387-9766  
[Jennifer.Whetstone@sc.ohio.gov](mailto:Jennifer.Whetstone@sc.ohio.gov)