



Supreme Court: Stark County Sheriff
Not Qualified to Hold the Office (p. 3)



Russo Selected as Cuyahoga County Common
Pleas Court Administrative Judge (p. 9)

CNO REVIEW

December 2013



CLE Changes Coming in 2014

—————> Story on Page 6

About Court News Ohio

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Content is produced and edited by the Public Information staff with video production assistance from the staff of Ohio Government Telecommunications. The views expressed in CNO content do not necessarily reflect those of the justices of the Supreme Court of Ohio, and the justices do not exercise direct editorial control over the content.

Submissions can be e-mailed to CNO@sc.ohio.gov or sent through the U.S. mail to:

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Inside

the December Issue



3 Cases

Eighth District Reverses Part of Murderer's Conviction



4 Happening Now

County Teams Participate in Domestic Relations Summit Regional Meeting

6 Cover Story

CLE Changes Take Effect
January 1, 2014

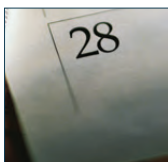
8 On the Bench

Voters Elect 77 Municipal Court Judges



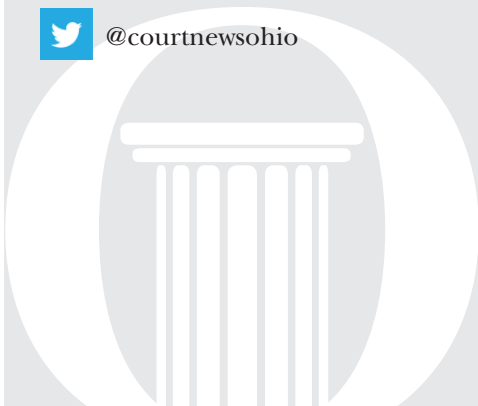
10 Legislative Digest

A compilation of bills and resolutions introduced by the Ohio General Assembly that are of interest to the judicial community



12 The Agenda

New Judges Orientation, Part I:
December 9-12.



Cases

Visit courtnesohio.gov for the most current decisions from the Ohio Supreme Court, Courts of Appeals, and Court of Claims.

Supreme Court of Ohio

Science Teacher Cannot Display Religious Material in Classroom

While a public school district violated a science teacher's First Amendment rights when ordering him to remove a Bible from his desk, the teacher's firing was valid because his refusal to eliminate other religious symbols from the classroom was insubordination, the Supreme Court ruled on November 19. The court was limited to reviewing the lower court decisions for "abuse of discretion." Those courts did not err when they determined that the Mount Vernon City School District Board of Education had "good and just cause" to terminate John Freshwater's teaching contract. Because the case was resolved by determining that Freshwater was legally fired for being insubordinate, it was unnecessary for the court to address whether he was unconstitutionally injecting his personal religious beliefs into his class instruction.

Freshwater v. Mt. Vernon City School Dist. Bd. of Edn., Slip Opinion No. 2013-Ohio-5000

Court Issues Disciplinary Sanctions in Three Cases

In three separate disciplinary cases, the Supreme Court issued sanctions against a judge and two attorneys. On November 19, Gallia County Common Pleas Court Judge David Dean Evans received a one-year stayed suspension for failing to disqualify himself from a case in which he had a conflict with defense counsel. In a 5-2 per curiam decision (not authored by any particular justice), the court rejected the sanction of a six-month stayed suspension recommended by the Board of Commissioners on Grievances & Discipline, and instead imposed a full year stayed suspension. On November

21, in a 4-3 per curiam decision, the court adopted the findings of the Board of Commissioners on Grievances & Discipline, which determined that Canfield attorney Michael J. Wagner engaged in dishonest or fraudulent conduct and in actions prejudicial to the administration of justice for his role in the submission of false loan applications when he was the title agent for seven real estate transactions in 2005 and 2006 in Mahoning and Trumbull counties. Also on November 21, the court unanimously adopted the board's sanction of an indefinite suspension after determining that James C. Wrentmore of Mayfield Heights violated several professional conduct rules when he mishandled funds in four cases and did not pay for continuing legal education seminars.

Ohio State Bar Assn. v. Evans, Slip Opinion No. 2013-Ohio-4992; *Mahoning Cty. Bar Assn. v. Wagner*, Slip Opinion No. 2013-Ohio-5087; and *Cleveland Metro. Bar Assn. v. Wrentmore*, Slip Opinion No. 2013-Ohio-5041

Stark County Sheriff Not Qualified to Hold the Office

On November 6, the Supreme Court ordered the removal of the Stark County sheriff from office because he does not meet the legal qualifications to be sheriff. In its 5-2 per curiam decision, the court reinstated the prior acting county sheriff until a qualified candidate can be appointed.

State ex rel. Swanson v. Maier
Slip Opinion No. 2013-Ohio-4767

Courts of Appeals

Eighth District Reverses Part of Murderer's Conviction

A 21-year-old Cleveland man serving 18 years to life in prison for murder,

had part of his conviction overturned October 31 by the Eighth District Court of Appeals. However, the court upheld most of Dominique King's convictions, and he remains in prison.

State v. King, 2013-Ohio-4791

Some Records of Internet Sweepstakes Café Investigation Must Be Produced

Some information and records compiled by law enforcement and the county prosecutor's office during an investigation into Internet sweepstakes cafés are subject to discovery, the Eighth District Court of Appeals ruled on October 31. However, the court ruled that some of the information is privileged and not subject to discovery.

J&C Marketing, L.L.C. v. McGinty
2013-Ohio-4805

Court of Claims

School Construction Dispute Settled for Nearly \$1 Million

A Michigan construction company has settled its breach of contract claims for nearly \$1 million with the Ohio School Facilities Commission over work performed on the new elementary and high schools in Reynoldsburg. The Court of Claims approved the \$979,054.27 settlement on November 5. In the agreement among the parties approved by the Court of Claims, the lawsuit is dismissed, Synergy forgoes \$560,990.93 in payment under the contract, and the Reynoldsburg City School District agrees to release the remaining \$979,054.27 to Synergy.

Synergy Group, Inc. v. Ohio School Facilities Commission, Case No. 2012-05606

HappeningNow

News and notes from courthouses across the Buckeye State



County Teams Participate in Domestic Relations Summit Regional Meeting

With a goal of minimizing conflict for Ohio children and families, 56 county teams of domestic relations court judges and their justice system partners participated in four regional conferences in early November in preparation for a statewide summit.

Teams from across Ohio have met throughout the year to assess their case management systems, examine resources, and share promising practices leading up to the statewide Domestic Relations Summit in April 2014.

Chief Justice **Maureen O'Connor** asked domestic relations judges to lead a delegation of four key leaders from their communities who have the vision and ability to affect real change in the lives of children and families in transition. Community justice system partners may include: a member of the bar, guardian ad litem or custody evaluator, victim service provider, and court and/or clerk staff.

To assess the current state of their court, using a facilitator provided by the Supreme Court, teams will complete an assessment of their local case management practices by identifying tasks that each party performs to advance a case through the entire caseload process, according to **Stephanie Graubner Nelson**, policy and research counsel in the Supreme Court's Children, Families, and the Courts Section. Teams will analyze the case management system for steps that can be streamlined, combined, or reorganized. Then, teams will assess their resources to ensure their optimal use. Finally, Nelson said, teams will identify challenges and solutions.

The summit will shine a light on Ohio's domestic relations courts, which have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children.

Regional meetings were held in Akron, Cincinnati, Columbus, and Toledo.

263

Attorneys Suspended for Failure to Register

The Ohio Supreme Court on November 1 suspended the Ohio law licenses of 263 attorneys who failed to register with the Office of Attorney Services for the biennium that began September 1, 2013, and ends August 31, 2015. This number represents .006 of 1 percent of the total number of active and corporate attorneys in the state who are required to register.

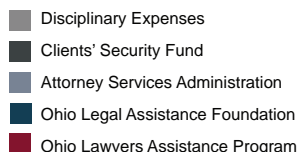
In 2011, 294 attorneys failed to register and were suspended.

A suspended attorney is barred from practicing law until satisfying the registration requirements and paying all registration fees and a \$300 reinstatement fee. Any attorney who continues to practice law while under suspension may be referred for investigation for the unauthorized practice of law. The suspended attorneys were notified in July and again in October of the registration deadline.

Attorneys engaged in the practice of law in Ohio are required by Gov.Bar R. VI to register with the Supreme Court biennially and pay a \$350 registration fee. In July, the Office of Attorney Services sent all attorneys who currently were registered with the state for active or corporate status a certificate of registration for the upcoming biennium and directed them to register for the next biennium by September 1.

The attorneys suspended were sent letters in October alerting them of their noncompliance, but they did not file evidence of compliance with Rule VI or come into compliance with the rule (by paying the original \$350 fee, plus a \$50 late fee) on or before October 31 within the late-registration period.

Attorney Services Fund Releases Annual Report



About 60 percent of the Ohio Supreme Court's Attorney Services Fund in Fiscal Year 2013 was used to support the attorney discipline process, according to an annual report published November 1. All attorney registration, late registration, and reinstatement fees are paid into the fund. The fund also receives revenue from other sources pursuant to the Rules for the Government of the Bar.

The Supreme Court allocated \$9,152,553 from the Attorney Services Fund at the beginning of fiscal year 2013. According to the report, the fund expended \$8,484,938 in the same time period. Of that total, more than \$5 million was used for disciplinary-related expenses, including \$2.6 million for the operations of the Office of Disciplinary Counsel.

Additional expenditures supported:

- The administration of the Attorney Services Division, which oversees the delivery of services to Ohio attorneys and assists the Supreme Court in the exercise of its constitutional duty to regulate the practice of law.
- The Clients' Security Fund to compensate clients of dishonest attorneys.
- The Supreme Court Reporter of Decisions to publish attorney discipline legal notices in newspapers.

The fund also provides grants to two nonprofits that assist organizations providing legal services for the poor and aid lawyers who suffer from alcoholism, substance abuse, or mental illness.

View the complete report at www.supremecourt.ohio.gov/Publications/attyreg/2013/annrep13.pdf.

Reed Appointed Clerk of Court



The Ohio Supreme Court justices approved the appointment of **Mark H. Reed** as the Clerk of Court. He replaced Kristina Frost, who retired August 31. In the interim, Director of Legal Resources **Kent Shimeall** was appointed by the justices, effective September 3, to serve as the clerk of court, pro tempore until Reed was appointed.

The Clerk of Court for the Supreme Court oversees the Office of the Clerk, which is responsible for administering the filing of cases and documents before the court and other important functions of case management, and provides senior management oversight for the Office of Legal Resources, Office of the Reporter, and the Law Library.

Reed had served as the Clerk of Court for the Court of Claims of Ohio since August 15, 2011.

Supreme Court Chief Justice **Maureen O'Connor**, who administered the oath to Reed, praised his leadership, noting the transformation that took place at the Court of Claims under his direction.

"Mark will bring the same kind of energy and managerial experience to his new duties at the Supreme Court that have proven beneficial to the Court of Claims," she said. "I expect the transition to be seamless."

Earlier this year, the Ohio Association for Justice recognized Reed and Chief Justice O'Connor for reducing the time it takes the Court of Claims to decide cases and other efficiencies.

Previously, Reed was the administrator of the Hamilton County Juvenile Court. He received his bachelor's and law degrees from the University of Kentucky. He is a member of the National Association for Court Administration, the Ohio Association for Court Administration, and the Ohio State Bar Association.

Daniel R. Borchert, deputy clerk with the Court of Claims, was named interim clerk until a permanent replacement is appointed.



FEATURED VIDEO

Working Ohio State football game days with the Franklin County Sheriff's Office on the heightened enforcement called STOP are the Columbus and Ohio State police departments and the Ohio Department of Public Safety. A unique aspect to the effort is the Franklin County Municipal Court's mobile location on Lane Avenue, as Clerk of Courts Lori Tyack and her staff work onsite to process the 50 to 60 arrests on an average game day.

See more about the work they do on game days at www.courtnewsOhio.gov/happening/2013/STOPProgram_103113.asp



New Year Brings CLE Changes

Ohio Attorneys and judges will benefit from continuing legal education (CLE) improvements that take effect next month.

The Ohio Supreme Court adopted changes in October 2012 to double the number of online credit hours attorneys could earn, to allow attorneys to earn a portion of their CLE hours by engaging in approved pro bono activities, and to eliminate the requirement to file final reporting transcripts.

In June 2012, when the proposed CLE changes were published for public comment, **Susan Christoff**, director of the Supreme Court's Attorney Services Division, said the changes to Gov.Bar R. X resulted from a year-long study by the Commission on Continuing Legal Education. Those changes incorporated feedback from a survey of the state's judges and active attorneys about what changes they would like made to CLE requirements.

Under the rule changes, the self-study credit hours an attorney can earn each biennial period will increase from 6 to 12 hours.

Supreme Court Chief Justice **Maureen O'Connor** spoke about the self-study aspect, the other CLE changes, and how the time had come to reexamine some of the rules at the outset of the process during her annual address in 2011 to the Ohio State Bar Association.

"Gov.Bar R. X imposes 'caps' on certain types of activities, which means that attorneys, including judges, cannot receive credit over a pre-determined limit," Chief Justice O'Connor said at the time. "For example, judges and lawyers cannot receive credit for more than 6 hours of self-study, or 'online' education. In an increasingly interconnected world where online instruction has proven as good or in some cases

better than in-person instruction, shouldn't we consider expanding the amount of online credit allowed for CLE?" she asked.

As for the coming CLE changes regarding pro bono credit, Christoff said attorneys can receive 1 hour of CLE credit for every 6 hours of pro bono service up to a maximum of 6 credit hours for service performed during a biennial compliance period. To be eligible for such credit, the attorney's pro bono service must be verified by a bar association or other organization recognized by the CLE commission as providing pro bono programs and services in Ohio and must occur on or after January 1, 2014.

One thing that will not change is the amount of hours attorneys will need to complete in a biennium. Christoff said they still will be required to earn 24 hours every 2 years and be subject to monetary sanctions and suspensions for failing to meet the minimum hour requirement. However, attorneys no longer will be required to file a final reporting transcript.

Other CLE changes include:

- Awarding credit for presentations that occur concurrent with the consumption of a meal.
- Lowering the range of recommended sanction fines for noncompliant attorneys for hour deficiencies with the upper limit reduced from \$500 to \$300.
- "Unbundling" attorney "professional conduct" instruction (i.e., instruction on ethics, professionalism, and substance abuse) to allow attorneys more flexibility in choosing courses that most closely meet their professional and practice needs. Courses on mental health issues and access to justice and fairness in the courts also would qualify for "professional conduct" credit.

As for judges, Christoff noted, their 40-hour CLE requirement remains unchanged. As part of the total, they will be required to obtain 3 hours of "judicial conduct" instruction through courses offered by the Ohio Judicial College. Judicial conduct includes instruction on judicial ethics, professionalism, access to justice and fairness in the courts, and/or alcoholism, substance abuse, or mental health issues. Judges will no longer be required to take 2 separate hours of instruction on access to justice and fairness in the courts, but may include such instruction toward their 3-hour judicial conduct requirement.

Because Ohio's attorneys and judges are split in two groups according to the alphabetical listing of their last name for compliance purposes, A-through-L attorneys and

judges still will be required to comply with the current CLE rule and requirements for the biennial compliance period that ends December 31, 2013, Christoff said. The changes will apply to this group beginning with the 2014/2015 biennial compliance period, which runs from January 1, 2014, to December 31, 2015.

To provide guidance to Ohio's legal professionals about what the CLE changes entail, and how to compare what's required now with what will be required come January, the Office of Attorney Services has compiled several reference guides on its website.

There are separate charts to compare the current and amended rules for attorneys, judges, magistrates, and new lawyers. There are also FAQs with several frequently asked questions and answers about the current and amended CLE rules for attorneys, judges, and new lawyers.

As the division that assists the Supreme Court in exercising its constitutional jurisdiction over the admission to and regulation of the practice of law and overseeing compliance by Ohio attorneys with their basic licensing requirements, including registration and CLE, Christoff expects Attorney Services to field many calls from attorneys and judges at first about the changes.

"For a year and half we've been publicizing the coming changes," she said. "So hopefully the number of those unaware of the new requirements will be few and far between."

She encouraged any attorney or judge to call the Office of Attorney Services at 614.387.9325 with any CLE question.

"We certainly don't want the changes to be a surprise to anyone," she said. "We are more than happy to walk attorneys and judges through the changes and make sure they know when their compliance with the changes will occur."

NOTE: While all Ohio attorneys will benefit from the CLE rule changes starting January 1, it is important to note that those attorneys and judges with last names beginning with A-L, whose two-year compliance period ends December 31, 2013, still must report their CLE hours for that compliance period under the old rules. Attorneys and judges with last names beginning with M-Z, whose two-year compliance period ends December 31, 2014, will be subject to the new rules.

QUESTIONS? Please call Attorney Services at 614-387-9325, or visit sc.ohio.gov and click the button marked CLE Changes.

Voters Elect 77 Municipal Court Judges

After counting additional timely, valid absentee and provisional ballots from the November 5 election, amended, unofficial vote totals from the Summit County Board of Elections now show that Akron Municipal Court Judge Katarina V. Cook leads Jon A. Oldham by 17 votes for judge.

Results on election night showed that Oldham, a magistrate/judicial attorney in Summit County Probate Court, was leading Judge Cook by 16 votes for a full six-year term that will begin January 1, 2014.

There were 76 other municipal court judgeships up for grabs in the general election, but 61 of the total (79 percent) were uncontested. A handful stood out:



Absentee and provisional ballots turned the race for Akron Municipal Court Judge in favor of sitting Judge Katarina V. Cook. Election night results showed Jon A. Oldham winning.

Toledo Municipal Court

Two Lanzingers will continue to serve on the bench in Ohio, after Judge **Joshua W. Lanzinger's** victory in the race to begin a full six-year term in Toledo Municipal Court in January. He is the son of Ohio Supreme Court Justice **Judith Ann Lanzinger**. Gov. **John Kasich** appointed Judge Lanzinger to the municipal court on September 11. According to final unofficial results from the Lucas County Board of Elections, Judge Lanzinger received 21,228 votes compared to 17,621 votes for **Gretchen S. DeBacker**, and 6,087 votes for **Kenneth W. Phillips**.

Oakwood Municipal Court

Oakwood Municipal Court claimed the most competitive race in the state with eight candidates vying to replace retiring Judge **Robert L. Deddens**, who was constitutionally barred from running again because of his age. **Margaret M. Quinn** won, receiving 724 votes out of 3,174 votes cast, according to final unofficial results from the Montgomery County Board of Elections.

Cleveland Municipal Court

A seat on the Cleveland Municipal Court for an unexpired term ending January 4, 2018, had six candidates on the ballot. The seat became vacant after Judge **Michael J. Ryan** was elected in November 2012 to the Cuyahoga County Juvenile Court. The current seat-holder appointed by the governor was not on the ballot. **Edward S. Wade Jr.** won, receiving 12,593 votes out of 42,168 votes cast, according to final unofficial results from the Cuyahoga County Board of Elections.

Tiffin-Fostoria Municipal Court

With his November 5 election, Judge **Mark E. Repp** officially became the first judge to preside over the consolidated Tiffin-Fostoria Municipal Court. He was unopposed in the election. The governor signed legislation earlier this year combining the Tiffin and Fostoria municipal courts and outlined the timing of an election. Judge Repp, initially elected to the Tiffin court, has served as a visiting judge in Fostoria since July 2012, following the death of Judge **Barbara L. Marley**.

All judges in Ohio are elected to six-year terms. Elections for municipal court judgeships occur in odd-numbered years, while elections for the Ohio Supreme Court, appeals courts, common pleas courts, and county courts occur in even-numbered years.

Supreme Court staff members assemble the election results from the local county boards of elections for administrative purposes, to communicate with new judges about payroll, benefits, and other information.

View all the municipal court election information, including judgeships on the ballot, who ran, and who won: www.courtnewsOhio.gov/bench/2013/election_110613.pdf

6 Seminars Scheduled for 2014 Judicial Candidates

In the cycle for judgeships up for election every even-numbered year, 2014 will be the one with the most on the ballot that occurs every six years. To assist the many judges who will be on the ballot next year, the first of six judicial candidate seminars will be December 4 in Dublin.

Jud. Cond. R. 4.2(A)(4) requires all judicial candidates, including incumbent judges, who are seeking election in 2014 to attend a campaign-practices seminar. Candidates must satisfy the requirement within one year before or 30 days after their candidacy is certified by the board of elections.

All judges in Ohio are elected to six-year terms. With 2014 being an even-numbered year, there will be elections for the Ohio Supreme Court, appeals courts, common pleas courts, and county courts.

Rick Dove, secretary of the Board of Commissioners on Grievances & Discipline and one of the faculty members teaching the course, said participants have included incumbents and challengers, campaign volunteers, and paid consultants. In fact, judicial candidates are encouraged to bring their campaign chairpersons and treasurers with them to the seminar.

“The judicial campaign seminars foster a greater understanding of and compliance with the requirements of the Code of Judicial Conduct that are applicable to judicial candidates,” Dove said. “The seminar presentations focus on rules that are unique to judicial campaigns, discuss cases in which judicial candidates were sanctioned for violating the rules, and address questions that frequently are asked by judicial candidates.”

The December 4 session will occur in conjunction with the Ohio Common Pleas Judges Association meeting, but Dove noted that it’s open to all 2014 candidates.

The free seminars cover the ethics rules governing political and campaign activity by judicial candidates, including campaign conduct, standards, communications, solicitations and contributions, and campaign finance reporting and disclaimers. Faculty members include **Michelle Hall**, senior counsel to the Board of Commissioners on Grievances & Discipline, and a representative from the Ohio Secretary of State’s office. Two hours of general CLE credit were requested for the seminar, and no preregistration is required.

The June 12 and August 14 sessions next year will be conducted via video, while the February 5, 19, and March 6 sessions next year will be live presentations.

Additional information and resources can be found on the Supreme Court website: www.sc.ohio.gov/Judiciary/candidates/notices/notice2014.pdf. Check out The Agenda on page 12 of this publication for a listing of all six seminars.



Rick Dove, secretary of the Board of Commissioners on Grievances & Discipline, and Michelle Hall, senior counsel to the Board of Commissioners on Grievances & Discipline, serve as faculty members teaching the judicial candidate seminars.

Croce Appointed to Summit County Common Pleas Court



The Barberton Municipal Court’s presiding judge was appointed by the governor on November 15 to the Summit County Common Pleas Court. Judge **Christine L. Croce** took the county bench on November 27.

She replaces retired Judge **Judith L. Hunter**. Judge Croce must run in 2014 to serve a full six-year term that begins February 10, 2015.

Russo Selected as Cuyahoga County Common Pleas Court Administrative Judge



Cuyahoga County Common Pleas Court Judge **John Russo** was chosen by his peers as the court’s next administrative judge. His term begins January 1, 2014. The administrative judge is responsible for appointing committees, presiding over the docket of the court’s general division, and speaking about court policy.

Judge Russo has served on the court since January 2005. Prior to serving on the bench, he was in private practice as a civil and criminal litigator for 12 years.

Judge Russo currently serves as co-chairperson for the Ohio Judicial Conference Court Administration Committee and is on the Judicial Advisory Committee. He also serves on the Joint Task Force to Review the Administration of Ohio’s Death Penalty and on the Board of Commissioners of the Clients’ Security Fund of Ohio.

Current presiding Judge **Nancy A. Fuerst** will continue her administrative duties until Judge Russo takes over. She served four terms as the court’s administrative judge.



CNO Legislative Digest

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

Photo courtesy of the Ohio Statehouse Photo Archive

HB 69, Rep. Ron Maag (R-Lebanon) Companion Bill SB 196, Sen. Tom Patton (R-Strongsville)

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

STATUS: Introduced in the House on February 20, 2013. Passed the House on June 26, 2013 (61-32). Referred to the Senate State Government Oversight & Reform Committee on September 24, 2013. Second committee hearing was on November 19, 2013.

COMPANION BILL STATUS: Introduced in the Senate on September 26, 2013 and referred to the Senate State Government Oversight & Reform Committee. First committee hearing was on November 19, 2013.

HB 126, Rep. Stephanie Kunze (R-Hilliard), Rep. Michael Stinziano (D-Columbus)

To allow a person who creates a durable power of attorney for health care to authorize the attorney in fact to obtain health information about the person, to make an individual who is designated as an alternate attorney in fact ineligible to witness the instrument that creates a durable power of attorney for health care, to permit the principal to nominate a guardian in a durable power of attorney for health care, and to establish a presumption that a valid living will declaration revokes all prior declarations.

STATUS: Introduced in the House on April 16, 2013. Passed the House on June 12, 2013 (93-0). Referred to the Senate Civil Justice Committee, where it was reported out of committee during the fifth hearing on November 13, 2013.

HB 213, Rep. Dorothy Pelanda (R-Marysville), Rep. Nicholas Celebrezze (D-Parma) Companion Bill SB 152, Sen. Peggy Lehner (R-Kettering)

To permit a court to grant a motion for permanent custody of a child to a movant

if the child or another child in the custody of the parent has been adjudicated an abused, neglected, or dependent child on three separate occasions, to require the court to appoint a guardian ad litem in any proceeding concerning an alleged dependent child, to require the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child to file any motions and other court papers in accordance with rules adopted by the Supreme Court, to require foster caregivers to use a reasonable and prudent parent standard when authorizing a foster child to participate in activities, to exempt the caregiver from civil or criminal liability that results from a foster caregiver's or agency's decisions made in good faith, and to limit the circumstances under which a child is placed into a planned permanent living arrangement.

STATUS: Introduced in the House on June 18, 2013 and referred to the House Judiciary Committee. The fourth committee hearing was on November 20, 2013.

COMPANION BILL STATUS: Introduced in the Senate on June 25, 2013 and referred to the Senate Civil Justice Committee. The fifth committee hearing was on November 20, 2013.

HB 238, Rep. Jim Butler Jr. (R-Oakwood)

To provide transparency in contracts between the state and private attorneys.

STATUS: Introduced in the House on July 31, 2013 and referred to the House Judiciary Committee on September 19, 2013. The fifth committee hearing was on November 20, 2013.

HB 251, Rep. Nick Barborak (D-Lisbon)

To eliminate the special sentencing mechanism that applies for most felonies of the fourth and fifth degree and that generally provides for a community control sanction for such offenses.

STATUS: Introduced in the House on August 21, 2013 and referred to the House Judiciary Committee on September 19, 2013. The second committee hearing was on November 13, 2013.

HB 261, Rep. Jim Butler Jr. (R-Oakwood), Rep. Michael Stinziano (D-Columbus)

Companion Bill SB 219, Sen. Larry Obhof (R-Medina)

As suggested by the Supreme Court, this legislation seeks to abolish the office of the Court of Claims commissioner, to transfer the powers of a judge of the Court of Claims to the court; to specify certain powers of a Court of Claims magistrate, to modify the Attorney General's annual report on the crime victims compensation program, to conform existing law to the existing filing period for filing a claim for reparations by an adult, to eliminate the procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead include the disqualification of a judge of a municipal or county court and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, a judge of a court of appeals, and a judge of the court of common pleas, and to change the basis of the per diem compensation of a retired judge who serves on the Court of Claims from the annual compensation of a judge of a court of appeals to the annual compensation of a judge of a court of common pleas.

STATUS: Introduced in the House on September 10, 2013 and referred to the House Judiciary Committee on October 16, 2013. The second committee hearing was on November 20, 2013.

COMPANION BILL STATUS: Introduced in the Senate October 29, 2013. Referred to Senate Civil Justice Committee on October 30, 2013. The first committee hearing was November 20, 2013.

HB 285, Rep. John Becker (R-Union Twp.), Rep. Matt Lynch (R-Chagrin Falls)

To provide that an individual retiring on or after the effective date of this act from one of the state's public retirement systems who is reemployed as a public employee will not receive the pension

portion of the retirement allowance for the period of employment.

STATUS: Introduced in the House on October 2, 2013. Referred to the House Committee on Health and Aging on November 12, 2013.

HB 349, Rep. Bob Hackett (R-London)

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.

STATUS: Introduced in the House on November 13, 2013.

SB 121, Sen. Jim Hughes (R-Columbus)

To double the mandatory prison term for an offender who is convicted of a firearm specification and previously has been convicted of a firearm specification; to similarly double the period of authorized or mandatory commitment to the Department of Youth Services of a delinquent child who is guilty of a firearm specification and previously has been adjudicated a delinquent child for committing an act that would constitute a violation of a firearm specification if committed by an adult; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance; and to require a mandatory prison term for a violent career criminal convicted of committing a violent felony offense while armed with a firearm.

STATUS: Introduced in the Senate on May 7, 2013 and referred to the Senate Criminal Justice Committee on May 8, 2013. The second committee hearing was on October 22, 2013.

SB 143, Sen. Bill Seitz (R-Cincinnati)

To permit the Attorney General to authorize the release of information relating to certain arrests and

delinquent child adjudications pursuant to a request for a criminal records check; to regulate the confidentiality of personal information related to community service block grants; to clarify the authority of boards of county commissioners to establish a community alternative sentencing center; to modify the procedure for sentencing and admitting an eligible offender to a community alternative sentencing center; to clarify that an eligible offender must successfully complete any term in a center as a condition of a community residential sanction; to include the best interests of the person as a reason for which an alleged or adjudicated delinquent child who is at least 18 but younger than 21 may be held in an adult detention facility; to eliminate the six-month waiting period for making a motion or application for the sealing of a juvenile court record; to specify that the fact of admission and confinement in an adult detention facility of a person under 21 generally is confidential; to authorize a court to order restitution if a person convicted of driving under suspension or driving under financial-responsibility-law suspension or cancellation fails to provide proof of financial responsibility; to authorize a person charged with multiple offenses in connection with the same act to apply for the sealing of records pertaining to an acquitted charge; to modify the requirements regarding testing for HIV of persons charged with specified sex offense; to increase the sentence of imprisonment that disqualifies an inmate from participating in the prison nursery program; and to amend the version of section 109.57 of the Revised Code that is scheduled to take effect January 1, 2014, to continue the provisions of this act on and after that effective date.

STATUS: Introduced in the Senate on June 12, 2013. Reported out of the Senate Criminal Justice Committee with amendments during the seventh committee hearing on November 13, 2013. Passed the Senate on November 19, 2013 (31-2).

WINTER CONFERENCES

December 13
**Ohio Bailiffs and Court Officers
Association 2013 Winter
Conference** (ohiobailiffs.com)
Columbus

Judicial Candidate SEMINARS

*The Supreme Court of Ohio Board
of Commissioners on Grievances &
Discipline scheduled the following
seminars for judicial candidates who
will be on the ballot in 2014.*

December 4, 2013
3:45 to 5:45 p.m.
Embassy Suites Dublin

February 5, 2014
1:30 to 3:30 p.m.
Holiday Inn/Fairborn

February 19, 2014
1:30 to 3:30 p.m.
Holiday Inn/Strongsville

March 6, 2014
1:30 to 3:30 p.m.
Moyer Judicial Center, Columbus

June 12, 2014
1:30 to 3:30 p.m.
Moyer Judicial Center, Columbus

August 14, 2014
1:30 to 3:30 p.m.
Moyer Judicial Center, Columbus

*More information is available at
[www.sc.ohio.gov/Judiciary/
candidates/notices/notice2014.pdf](http://www.sc.ohio.gov/Judiciary/candidates/notices/notice2014.pdf)*

The Agenda

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

Judicial College Courses

judicialecademy.ohio.gov

December 9 – 12
New Judges Orientation, Part 1
New Judges, Columbus

December 11
**Guardian ad Litem
Pre-Service Course (9 of 9)**
Guardians ad Litem, Cleveland

December 13
Judicial Ethics Video Teleconference
Judges, 1 to 3:15 p.m.

**Guardian ad Litem Continuing
Education Course: Understanding
Child Development: Tools for the
GAL**
Guardians ad Litem, Columbus
1 p.m. to 4:30 p.m.

December 19
**Guardian ad Litem Continuing
Education Course: Understanding
Child Development: Tools for the
GAL**
Guardians ad Litem, Columbus
8:30 a.m. to noon

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

December 5, 6, 9 & 10
Child Protection in Mediation
Napoleon

December 19
**Ethics, Professionalism, and
Substance Abuse: Special Issues
in Mediation**
Cincinnati

January 7 & 8, 2014
**Basic Mediation/Uniform
Mediation Act for Interpreter
Certification**
Toledo

January 9 & 10, 2014
**Domestic Abuse Issues: Training for
Mediators & Other Professionals**
Toledo

Supreme Court of Ohio

www.sc.ohio.gov

December 10
**Deadline for Late Application to
take the February 2014 Bar Exam**

December 10 & 11
Oral Arguments

December 25
Court Closed for Holiday

January 1, 2014
Court Closed for Holiday

January 7 & 8, 2014
Oral Arguments