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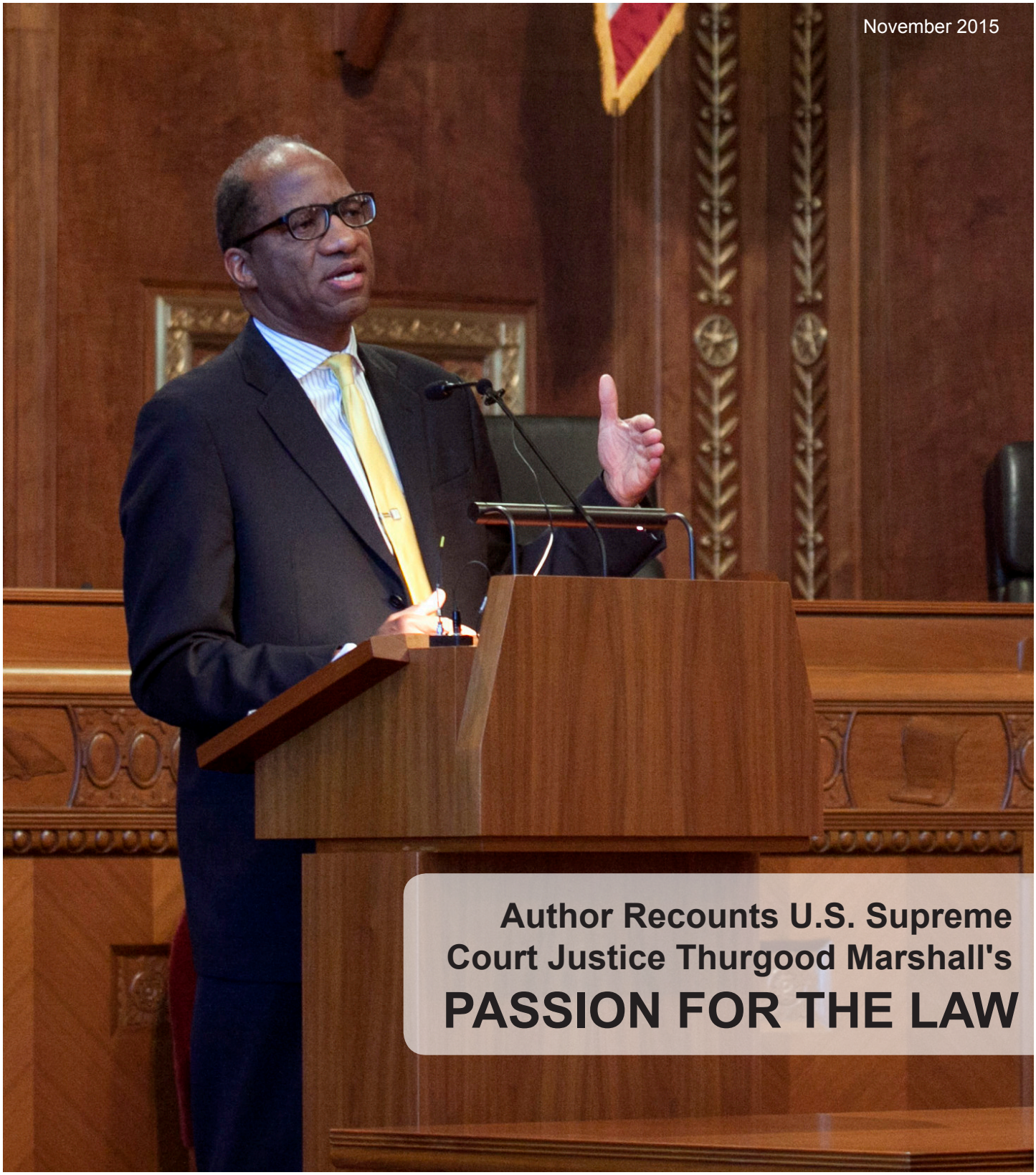
Body Cameras, Drones Present New Challenges for Media and Courts (p. 4)

CNO REVIEW

November 2015



Author Recounts U.S. Supreme Court Justice Thurgood Marshall's PASSION FOR THE LAW

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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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Cases

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

Supreme Court of Ohio

Amendment to Wrongful Imprisonment Statute Applies Retroactively

A Hocking County man released from prison after spending six years on death row had his hopes of being declared wrongfully imprisoned revived by the Supreme Court on Oct. 28. Dale Johnston, who was convicted in 1984 for the murders of his stepdaughter and her fiancé, seeks compensation from the state for his imprisonment. On behalf of a unanimous Court, Justice **Terrence O'Donnell** wrote that a 2003 amendment to the state's wrongful imprisonment law expanding the definition of a wrongfully imprisoned individual applies retroactively, thus allowing claims to be brought based on procedural errors made after sentencing even though an earlier wrongful imprisonment claim asserting actual innocence had been rejected. Johnston's convictions were overturned after he went to prison because the state failed to disclose some potentially important evidence to the defense and because witness testimony refreshed by hypnosis was improperly admitted. The Court ruled that Johnston was permitted to file a second claim for wrongful imprisonment because the 2003 amendment applies retroactively and he was able to show a post-sentencing procedural error. The decision reverses the Tenth District Court of Appeals' judgment on that issue, but the case now returns to the appeals court for review of the state's other legal arguments that had been declared moot by that court.

Johnston v. State
Slip Opinion No. 2015-Ohio-4437

Springfield Man's Convictions and Death Sentence Upheld

After a four-day crime spree in 2005, **Jason Dean** was convicted of killing one man and attempting to murder six other people in Springfield. The Court affirmed Dean's convictions and imposition of the death penalty on Oct. 27. Dean was indicted on two counts of aggravated murder, six counts of attempted murder, and several other crimes, including firearm specifications. The jury convicted Dean on all charges, and the court imposed the death penalty. However, on appeal, the Supreme Court concluded in 2010 that he did not receive a fair trial from an impartial judge, and the Court reversed the decision and ordered a new trial. At that trial, a second jury found Dean guilty on all charges, and he was sentenced to death. On Oct. 27, the Court reviewed and rejected each of the 15 arguments presented in Dean's appeal. Writing for the Court, Justice **Judith Ann Lanzinger** reviewed the errors Dean claimed occurred at trial because of the admission of irrelevant evidence. But given the extensive evidence of Dean's guilt, the impact of any irrelevant evidence was minimal and did not affect the outcome of the trial, the Court concluded. Justice Lanzinger also addressed a claim that the jury received an improper instruction about "transferred intent" related to the attempted murders of those who were not injured. The jury asked the court during deliberations whether it mattered if the victims were the intended target. "We hold that that the doctrine of transferred intent was properly applied to the attempted-murder charges," Justice Lanzinger wrote. "Attempted murder, like murder, requires a purpose to kill. The victims of the transferred intent are readily identifiable because they were standing on the porch or seated in the front seat of the car. A showing of harm is unnecessary since the 'intent is what is transferred, not the harm.' … Thus, we hold that the trial court's instruction was proper."

State v. Dean
Slip Opinion No. 2015-Ohio-4347

Courts of Appeals

Seventh District: Jury Should Determine if Christian Camp Can Fire Employee for Moving In with Her Boyfriend

A jury should consider whether the leaders of a Christian youth leadership development program and sports camp broke a promise by firing an employee after she and her boyfriend moved in together, the Seventh District Court of Appeals ruled on Oct. 2. The court reversed a Jefferson County Common Pleas Court decision finding that Brightway Center, Inc. was within its right to terminate **Jennifer Trehar** after her boyfriend moved in with her because it objected on religious grounds. Writing for the appellate court, Judge **Gene Donofrio** wrote that while Ohio is an "at-will" employment state that allows a job to be terminated for any reason not contrary to law, promissory estoppel is an exception to the rule. In Trehar's case, Judge Donofrio noted that clear promises can either be statements that were made or silence when the person ought to speak out. He ruled that there is evidence that Brightway Chief Executive Officer **Daryle Griffin** should have spoken up when information was presented and "his silence can be construed as a promise that no adverse employment action would come as a result of her move." The Seventh District cautioned that by remanding the case to the trial court, it was not indicating that Trehar proved Brightway promised not to fire her for moving in with her boyfriend.

Trehar v. Brightway Ctr.
2015-Ohio-4144

HappeningNow

News and Notes from Courthouses Across the Buckeye State

Body Cameras, Drones Present New Challenges for Media and Courts

The rapidly growing public and media interest in newsworthy events captured by drone aircraft and police-worn body cameras comes as policy makers, courts, and the press hash out the legal and ethical issues involved with new technology, said experts in the field talking to a gathering of Ohio legal and media professionals on Oct. 16.

Nearly 80 percent of the nation's police agencies are considering using body cameras, including many in Ohio. State lawmakers and local law enforcement agencies are starting to deal with issues such as access to the footage, protecting privacy rights of those recorded, and how police departments will organize and retain the footage, said **Jonathan Peters**, chairman of the Ohio State Bar Association (OSBA) Media Law Committee as he led a session to kick off the OSBA's 2015 Law & Media Conference.

Former Ohio Department of Rehabilitation and Correction Director **Reginald Wilkinson** reminded the group that body cams are just the latest iteration of law enforcement video use, and the science and policies surrounding best use of the technology will evolve with time. Wilkinson, now a consultant with his own firm, Connecting the Dots, LLC, was named to lead a panel by Ohio Attorney General **Mike DeWine** on law enforcement training that was assembled in response to recent officer-involved shootings in the state.

Wilkinson said public demand for body cams is borne for a need to improve police interactions with the community and build trust. He cautioned that while video from stationary sources has been helpful, including solving the Boston Marathon bombings, all video has its shortcomings and hashing out how it will be most effective from the law enforcement and public's point of view will take time.

"I hesitated on whether I would say this, but a lot is going to be decided through case law," he said.

Jeffrey Clark, assistant Ohio attorney general in the Constitutional Offices Section, advises local law enforcement and state agencies on the public record aspects of police video. He said there are several exemptions to the state's public records law that can keep much of body cam video out of public view. However, he said it's been his experience that once a trial is over, a plea is accepted, a grand jury has taken action, or a case is closed, police and prosecutors have been prompt in turning video over to the media. He expects that to continue.

One key issue raised by panelists is the right to protect the privacy of citizens caught on police cameras. Unlike most of the video taken today that is in public areas, body cams will be used in private homes where citizens have an expectation of privacy.

To address privacy concerns, **Adam Marshall**, legal fellow at the Reporters Committee on Freedom of the Press based in Washington, D.C., noted that in recent weeks, body camera manufacturers have developed software that allows police to blur out sensitive materials, such as the faces of bystanders or personal identification information throughout the police interaction.

Marshall said states are moving ahead with laws governing the use of body cams, with some going as far as to make the footage completely confidential.

Story continues on p. 11

Domestic Relations and Juvenile Forms Now Translated in Five Languages

To benefit limited English proficient Ohioans, the Supreme Court translated more than two dozen domestic relations and juvenile forms in five additional languages. The translated forms allow parties to have a better understanding of court cases involving children and families.

Besides English, the forms are now available in the most-used languages in Ohio, including Spanish, Russian, French, Chinese, and Arabic. When individuals need a domestic relation form in one of these languages, they can click on "Select Another Language" on the forms page (*sc.ohio.gov/JCS/CFC/DRForms*). There, they will find both a Word document and PDF file in the languages.

Stephanie Graubner Nelson, the Supreme Court's Children & Families Section manager, said having the forms translated into different languages allows all courts across the state to use the same standardized forms for those who don't speak English as their first language.

"The Supreme Court of Ohio is working on all fronts, Domestic Violence, Children and Families, and Language Services to make justice accessible for all the families in the State of Ohio," Chief Justice **Maureen O'Connor** said.

These forms are in addition to the Language Services Program Forms Translation Project that made 27 common court forms available in five languages, including Arabic, Chinese, Russian, Somali, and Spanish. These forms are recommended to be used by parties to enhance their understanding of legal information and to advance the work of court interpreters by allowing them to provide the same precise information to everyone.

Capital Law Students Watch Professional Misconduct Hearing at School

For first-year law school student, Andrew Tinn, watching a Supreme Court Board of Professional Conduct disciplinary hearing at his school on Oct. 15 was inspiring.

"It's just an enriching experience, just seeing both parties make their arguments and seeing how an actual courtroom works, and it honestly is a great experience to see what's expected in the future for me as a 1L," Tinn said.

The board held a disciplinary hearing at a law school for just the second time since 2012. Usually judges and attorneys charged with professional misconduct have their cases heard at the Thomas J. Moyer Ohio Judicial Center in Columbus.

Capital University Law School students were able to watch the three-judge hearing panel and see what happens during a discipline hearing.

"I think many of our students come here and they've seen lawyers on TV and they kind of know what criminal litigation looks like, but beyond that, they don't have a lot of experience with the legal system," Rachel Janutis, Capital University Law School interim dean, said. "This gives them an opportunity to kind of understand those rules of professional responsibility a little bit more deeper and in a little bit more meaningful way."

The students heard a Columbus attorney explain to the board panel why he didn't think he improperly withdrew from representing his client. His client, who was hit by a car while he was crossing the street, also claimed his attorney failed to communicate with him in regard to timely re-filing his lawsuit.

"It makes me think how one's due diligence is crucial and paramount to one's own practice of how an individual handles every single one of their cases and every single case must be handled with the most amount of care," Tinn said.

Heidi Dorn, counsel to the board, said observing the hearing in action gives students a better understanding of ethics in the legal setting, which she hopes means they won't end up before the disciplinary board someday.

"The more knowledge students have and the more understanding of the ethics rules, I think the better lawyer they're going to be because they'll have that and can hit the ground running verses trying to learn it after they've made a mistake," Dorn said.

Dorn said the board would like to continue to promote ethics with its outreach efforts and hold hearings at other law schools across the state.

FREE CLE OPPORTUNITY

Court of Claims to Present Crime Victims Compensation Seminar

The Ohio Court of Claims has jurisdiction to hear appeals from victims making a claim to the Ohio Victims of Crime Compensation Program. Last year, nearly 80 appeals were filed.

The Court of Claims will host a free seminar for attorneys, victims' advocates, and the general public to learn more about the program and the appeals process. The seminar will be Tuesday, Dec. 15, at the Thomas J. Moyer Ohio Judicial Center, and has been approved for four hours of general continuing legal education credit.

Registration details are available at www.ohiocourtofclaims.gov.

ELECTION DAY IS
NOVEMBER 3, 2015

Polls are open from 6:30 a.m. to 7:30 p.m.

Ohio Supreme Court Hosts Midwest Chief Justices

State supreme court chief justices, associate justices, and administrators from 10 states attended a regional meeting on October 15-16 at the Thomas J. Moyer Ohio Judicial Center in Columbus. The Conference of Chief Justices and the Conference of State Court Administrators of the Midwest region met to discuss current issues, including policy implications of police body cameras, trends in judicial campaign ethics, and equal access to justice. In addition to Ohio, other states represented at the meeting were Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Author Recounts U.S. Supreme Court Justice Thurgood Marshall's Passion for the Law

"History can be a little tricky," best-selling author and Columbus native **Wil Haygood** told a gathering of more than 150 central Ohio high school students at the Ohio Supreme Court.

Relating the tense 1967 confirmation hearings of **Thurgood Marshall** to become the first African-American on the U.S. Supreme Court required a few tricks from Haygood.

Haygood veered off his book-signing tour on Oct. 20 to speak at a special high school edition of the Supreme Court's Forum of the Law lecture series. He wanted an opportunity to relate to students parts of his life story and that of Marshall's captured in his new book, *Showdown: Thurgood Marshall and the Supreme Court Nomination that Changed America.*

Haygood said that for nearly a century prior to Marshall's nomination, no Supreme Court confirmation hearing lasted more than four hours. Marshall's hearing lasted five days as a bloc of Southern segregationist senators worked fervently to thwart President **Lyndon B. Johnson's** nomination of Marshall, a famed civil rights attorney and federal judge, who at the time was serving as the U.S. Department of Justice's solicitor general.

One sharp critic of Marshall's appointment was **Sen. John McClellan** of Arkansas. While doing research for his book, Haygood came across a letter sent to Sen. McClellan from Texarkana, Ark., resident **Barbara Ross**. When Ross determined McClellan was going to vote against Marshall's confirmation, she typed him a letter.

Haygood relayed a portion of the letter to the students.

"It has been made quite clear which side you are on," she wrote. "We all know why you and the other southern senators don't want him to be on the Supreme Court, and it's not because of the Constitution. It's because of the color of his skin. Stop covering up behind some excuses. Chances are that the nomination will be turned down. But we hope and pray that you will open up your heart and let all the hatred out and let Mr. Marshall's record speak for itself. Color doesn't make the person, Senator. It is character that makes the man."

Haygood said he recently called the Texarkana county clerk in hope of locating Ross' heirs, assuming she was an older, prominent member of the community.

He was surprised to reach Ross herself, who told him that she was an 18-year-old college student when she wrote that letter. Even though she was warned by professors not to write because she might get into trouble, Ross told Haygood she did it anyway because she felt so compelled to let her voice be heard.

"She wasn't far removed from your age," he told students. "So just look at that. That's what we do. That's democracy. That's how it works. You write a letter. You can influence someone."

It was the fight for justice and the civil rights of people like Ross that drove Marshall to achieve what he did, the author said. He was "just a simple student" in high school when he started to gain a passion for the law.

When introducing Haygood to the students, Chief Justice **Maureen O'Connor** recounted that as a young man, Marshall was probably more well known for his sense of humor than for his academics. He first learned the Constitution in high school, but not as the result of an AP or honors class.

"You see, when Marshall got in trouble for something he did at school, he was made to memorize parts of the Constitution," she said. "Evidently, he got in more than a little trouble because by the time he graduated high school at 16, he knew the entire Constitution by heart."

Bringing Haygood to the Court was part of a program designed to help students understand the impact the Court and the judicial system has on their lives.

"I recognize that many of you

Author Wil Haygood answers students' questions during a special edition of the Supreme Court's Forum on the Law lecture series on Oct. 20.

aren't sure what we do here, or how it impacts you. Yet each year, in this very courtroom, the justices of this Court decide all kinds of cases that have direct impact on your daily lives," she said. "This Court has decided things like whether the police need a search warrant to search your smart phone and whether you are treated as a juvenile or as an adult when the police allege you committed a crime. It has decided everything from whether schools can tell you what to wear, to whether teachers can discuss religious beliefs with you, to whether you can be stopped and frisked. And it will continue to decide cases that will have very real consequences to all of you."

As Marshall may not have focused on a career in law while in high school, Haygood too did not always dream of a career as a writer. In high school, he said, his love was basketball. He told the teens he came to hang out with them and to show off his jumpshot form (which he demonstrated with a smooth upward motion and a limp-wrist follow-through).

When asked by a student if "he was any good" as a player, Haygood confessed he was good enough to be on the team, but not a star. He took the opportunity to talk about trying out for the basketball team at Miami University and getting cut. He shared that when he asked the coach for a second chance, he was told to come to practice that night. The coach told Haygood that if he was cut a second time, to never knock on his door again.

"After practice, the coach said, 'I want everyone back tomorrow.' I asked the coach if that meant me, too. He said, 'Didn't I say everybody?'"

Haygood said he learned an important lesson: Ask for a second chance when you need it.

"I was proud to have asked for a second chance. Life is about second chances, but only if you ask for it. So if you get a bad grade on a test ask your teacher if you can make it up or something. Second chances are important, so you've got to ask," he said.

Haygood went on to tell the students it was Marshall's mother who drilled the Constitution into him as punishment, and she worked hard to get him into law school, Haygood said. When the Baltimore native learned that the University of Maryland law school would not accept African-American students in the 1930s, he went to the Howard University School of Law in Washington, D.C., where he graduated at the top of his class. Law firms weren't hiring African-American candidates, so he began working at the NAACP and prompted them to found the NAACP Legal Education and Defense Fund.

"Marshall fell in love with the Constitution, fell in love fighting in the court system. He loves students, books, and he loved brave people who were just brave for a righteous cause," Haygood said.

As an NAACP and private attorney, Marshall won 29 of the 32 cases he argued before the U.S. Supreme Court. Some of his cases were landmark decisions that outlawed racial discrimination in voting in national election primaries, and the removal of deed restrictions preventing African-Americans from owning homes in certain neighborhoods. His most famous victory was the *Brown v. Board of Education* decision ending "separate but equal" segregated schools.

Haygood said Marshall was driven by a love of justice and was not afraid of the negative consequences he faced for seeking it out.

"In Marshall's mind, the truth needs no defense. Equality is important. Opportunity is important," he said.

The concept of "the truth needs no defense," struck a chord with **Marie Pendley**, a senior at Big Walnut High School who attended the lecture.

"That really stuck out to me because there have been so many times in history where truth really does need defense and you know Marshall defended the truth … and that just really stands out to me that overwhelming concept of the truth," she said.

She found the message Haygood delivered through Marshall's story inspiring.

"Everyone can be something great. I think this really proves it, and it's such a good example of it," she said.

Taking questions from the students, Haygood was asked what he thought Marshall would say about the world today.

"I think he would be very happy that we showed the world something about racial fairness when we elected [President] Obama in 2008. I think now the first family has been a model of leadership and citizenship for the whole world, and that was quite a history, civics lesson," he said. "I think he would be disappointed about some of the things happening on the social front. There are too many people in jail for minor crimes and that we should be finding other ways to help these people."

When asked why he chose to write about Marshall, Haygood said he writes about people he likes and would like to have a conversation with. He is the author of several books including the best-seller *The Butler: A Witness to History*, which was adapted into an award-winning movie. He is a former Pulitzer Prize-nominated newspaper reporter whose career included 30 years with *The Boston Globe* and *The Washington Post*. Haygood reported first-hand on the release of Nelson Mandela after 27 years of imprisonment, was taken hostage by Somalian rebels while covering the war there, and spent 33 straight days reporting from New Orleans post-Hurricane Katrina.

The Forum on the Law was established in 2009 by the late Chief Justice **Thomas J. Moyer** as an ongoing lecture series. Events feature regional or national speakers who address contemporary or historic legal topics.

ON THE BENCH

Mahoning County Judge and Community Partners Attend Program in Nation's Capital

Mahoning County Juvenile Court Judge **Theresa Dellick** was among a group who attended the Georgetown University School-Justice Partnership Certificate Program in Washington, D.C. on Sept. 28 – Oct. 2.

The School-Justice Partnerships Certificate Program is a professional development opportunity providing school and district staff, court professionals, law enforcement, and other child-serving community leaders with the knowledge and understanding necessary to address the immediate and long-term needs of students known to, or at risk of entering, the juvenile justice system. The program's goals are to promote an ongoing engagement in school among youth at risk, re-engage students who have been disconnected, and improve academic outcomes for all.

"We are very fortunate to have been selected from a large list of applicants to participate in this program," Judge Dellick said. "It has become more evident to me and the entire juvenile justice system that the best and most productive efforts for our children's future are those that divert juveniles away from any involvement with the justice system and to staying in school. This certificate program provides an incredible learning opportunity with the additional benefit of having an extensive group of valuable resources available to the team."

The Mahoning County team included representatives from the Youngstown City School District, the Mahoning County Mental Health and Recovery Board, and the Youngstown/Warren Regional Chamber.

Participants received instruction from national experts on cutting-edge ideas, policies, and practices from across the country focused on the development of systems that take a holistic approach to the educational process.

As part of the program, participants are required to develop and submit a Capstone Project, a set of actions designed to initiate or continue information sharing reform efforts. After the Capstone Project is developed and approved by Georgetown University, participants are offered technical assistance from instructors to aid in the implementation of their projects.

Judge Dellick and her partners were able to attend the training with funding from House Bill 153 and the Ohio Department of Youth Services.

PICTURED, LEFT TO RIGHT: Dr. Milton Walters, assistant superintendent, Youngstown City Schools; **Jennifer Whittemore**, superintendent, Mahoning County High School; **Duane Piccirilli**, executive director, Mahoning County Mental Health and Recovery Board; **Nick Santucci**, manager, Education & Workforce Development, Youngstown/Warren Regional Chamber; **Larry Ellis**, president, Youngstown Education Union; **Shay Bilchik**, director of Georgetown University Center for Juvenile Justice Reform; **Joseph McGeorge**, executive director, Warriors, Inc.; Chief **William Morvay**, chief of security, Youngstown City Schools; and Judge **Theresa Dellick**, Mahoning County Juvenile Court.

Cleveland Judge Honored for Leadership to End Domestic Violence

Ohio Domestic Violence Network Executive Director Nancy Neylon (left) and Elsa Croucher (right) present Cleveland Municipal Court Judge Ronald Adrine with the 2015 Croucher Family Award for Outstanding Leadership.

The Ohio Domestic Violence Network (ODVN) on Oct. 7 presented Cleveland Municipal Court Judge **Ronald Adrine** with the 2015 Croucher Family Award for Outstanding Leadership. The event in the Statehouse Atrium kicked off Domestic Violence Awareness Month.

Judge Adrine was selected for his commitment to ending domestic violence. The award honors Tina Croucher and her parents Elsa and Tim. Tina was murdered by an abusive ex-boyfriend, and the Crouchers created a dating-abuse program and worked to pass the "Tina Croucher Act" that requires Ohio public school districts to incorporate and address dating violence in their policies and programming.

First elected to the municipal court bench in 1981, Judge Adrine has served on local and national domestic violence boards and chaired the effort to bring a Family Justice Center to Cleveland to assist victims. He also lectures extensively on domestic violence issues and co-authored the reference volume Ohio Domestic Violence Law.

Domestic Violence Awareness Month evolved from the "Day of Unity" held in October 1981 and conceived by the National Coalition Against Domestic Violence to connect advocates across the nation who work to end violence against women and their children.

ODVN was created in 1989 to support and strengthen Ohio's response to domestic violence through training, public awareness and technical assistance, and to promote social change through public policy.

Judicial Candidates:
Required Seminar Dates Announced

Ohio judicial candidates who seek election in 2016 must attend a campaign practices seminar and will have their first opportunity to satisfy this requirement on Dec. 3.

The Ohio Supreme Court Board of Professional Conduct has scheduled six seminars for judicial candidates. Those wanting to run for judicial office next year, including incumbent judges, must attend one of the seminars as set forth by Rule 4.2(A)(4) of the Code of Judicial Conduct.

The free, two-hour program covers the ethics rules governing political and campaign activity by judicial candidates. The seminar includes information about campaign conduct, standards, communications, solicitations and contributions, and campaign finance reporting and disclaimers.

"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," **Rick Dove**, board director, said. "The seminar presentations focus on rules that are unique to judicial campaigns and address questions that frequently are asked by judicial candidates."

The Dec. 3 session will occur in conjunction with the Ohio Common Pleas Judges Association meeting, but Dove noted that it's open to all 2016 candidates. Judicial candidates are encouraged to bring their campaign chairperson, volunteers, and treasurer to the seminar they attend.

All Ohio judges are elected to six-year terms. In 2016, there will be elections for the Ohio Supreme Court, appeals courts, common pleas courts, and county courts.

For a complete listing of sessions, visit: **sc.ohio.gov/Judiciary/candidates/notices/notice2016.pdf**. Contact the Judicial College at 614.387.9445 for more information or questions.

Rule Amendment Summary

A summary of select significant rule amendments proposed or enacted by the Ohio Supreme Court

Traffic Rule. The Ohio Supreme Court requests public comment by Nov. 12 on a proposal to repeal Ohio Traffic Rule 16. Traf.R. 16 states that the Code of Judicial Conduct applies to all judges and mayors, but the code defines a judge as "a lawyer who is authorized to perform judicial functions within a court…" Because the rule doesn't apply to non-lawyer mayors, who conduct a mayor's court, the Ohio Supreme Court's Board of Professional Conduct has no jurisdiction of the non-attorney and, therefore, the traffic rule can't be enforced. The Commission on the Rules of Practice and Procedure in Ohio Courts recommends repealing the entire rule, which also gets rid of the sentence: "It shall be the obligation of each mayor to conduct his court and his professional and personal relationships in accordance with the same standards as are required of judges of courts of record."

The Agenda

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

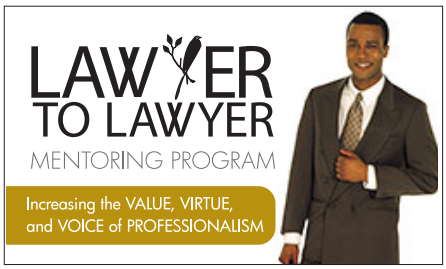
Conferences & Meetings

Dec. 1 – 3
Ohio Clerk of Courts Association Winter Conference
Columbus
occaohio.com

Dec. 2 – 4
Ohio Common Pleas Judges Association (OCPJA) Winter Conference
Member Judges
Columbus

Dec. 3 & 4
Ohio Association of Juvenile Court Judges (OAJCJ) Winter Conference
Member Judges
Columbus

Ohio Prosecuting Attorneys Association Annual Meeting
Columbus
ohiopa.org



Judicial College Courses

judicialecademy.ohio.gov

Nov. 10
Probation Officer Training Program: Professional Communication
Probation Officers
Toledo/Perrysburg

Nov. 13
Criminal Procedure for Acting Judges, Judges & Magistrates (3 of 4)
Acting Judges, Judges & Magistrates
Dayton/Beavercreek

Paternity, Custody & Child Support Web Conference
Judges & Magistrates

Nov. 17
Guardian ad Litem Continuing Education Course: Psychiatric Disorders in Children
Guardians ad Litem
Cincinnati
1 p.m. – 4:30 p.m.

Probation Officer Training Program: Introduction to Offender Skill Building
Probation Officers
Akron

Nov. 18
2015 Probate Web Conference
Judges & Magistrates

Fundamentals of Adult Guardianship Course – Laypersons
Adult Guardians
Columbus

Guardian ad Litem Continuing Education Course: Psychiatric Disorders in Children
Guardians ad Litem
Cincinnati
8:30 a.m. – Noon

Nov. 18 & 19
Court Executive Team Seminar, Part II
Judges & Court Personnel
Columbus

Nov. 19
Fundamentals of Adult Guardianship Course – Professionals
Adult Guardians
Columbus

Probation Officer Training Program: Professional Communication
Probation Officers
Columbus

Nov. 20
Pretrial Services in Ohio: Past, Present and Future
Judges, Magistrates & Court Personnel
Columbus

Dec. 1
Guardian ad Litem Pre-Service Course (9 of 9)
Guardians ad Litem
Columbus

Probation Officer Training Program: Introduction to Offender Behavior Management
Probation Officers
Dayton/Beavercreek

Dec. 2
Fundamentals of Adult Guardianship Course – Laypersons
Adult Guardians
Akron

Dec. 3
Fundamentals of Adult Guardianship Course – Professionals
Adult Guardians
Akron

Judicial Candidates Seminar
Judicial Candidates
Columbus
3:45 p.m. – 5:45 p.m.

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

Nov. 12 & 13
Parenting Coordination
Columbus

Dec. 1
Using Emotional Intelligence to Resolve Disputes
Columbus

Dec. 2
Roundtable for Court-Connected Mediators
Columbus

Language Services Training

sc.ohio.gov/JCS/interpreterSvcs

Nov. 14
Introduction to Court Reporting
Akron

Dec. 4 & 5
Orientation Training for Written Exam
Columbus

Supreme Court of Ohio

sc.ohio.gov

Nov. 16
Bar Admissions Ceremonies
Ohio Theatre
Columbus
10:30 a.m. and 2 p.m.
Watch live video stream at *sc.ohio.gov*

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BODY CAMS: Continued from p. 4

"Some states are exempting them completely and some states are focusing on privacy issues. I would say the majority are focused on privacy," Marshall said.

Wilkinson said the demand for body cams represents a citizen demand for more transparency and accountability from law enforcement.

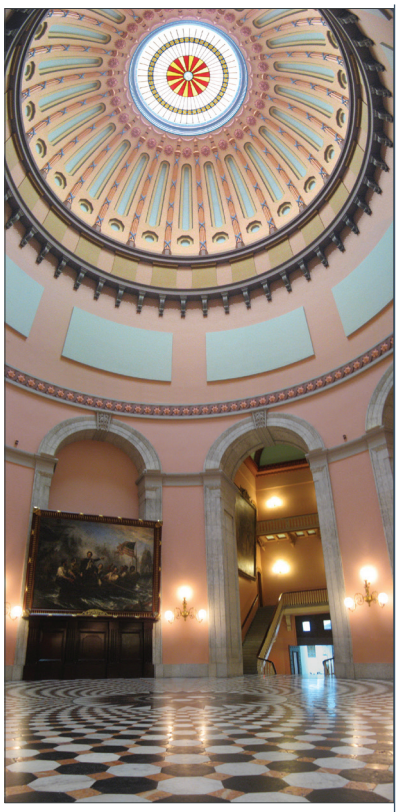
Jim Siegel, statehouse reporter for the Columbus *Dispatch*, reiterated that point and said Ohio media outlets will continue to be interested in obtaining body cam footage, especially in high-profile police encounters.

"From the media perspective, this is going to be one more public record we are going to be fighting about," he said.

Privacy issues were raised also during discussions about drones. Panels discussed the potential legal issues regarding the use of drones and how recent Federal Aviation Administration regulations govern media outlets using footage obtained by drones. Even if rules permit media outlets from obtaining footage, news providers still must consider traditional laws from invasion of privacy and trespassing to wiretap statutes depending on the video and audio capabilities of the drones.

Alex Bongiorno, news director for WCPO-TV in Cincinnati, said she is already developing a list of ways the station could use drones in news coverage. She was told to be prepared to have a discussion with the station's legal counsel on all the potential ramifications of those usages before they begin using drones for stories.

The conference drew a record attendance of attorneys, judges, professional journalists, student journalists, and educators. Other panels included accessing public records; defamation and libel; reporting on courts; and building a bench-bar forum where media, lawyers, judges, and law enforcement can candidly discuss effective justice reporting in their communities.



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 11, Rep. Andy Brenner (R-Powell); Rep. Margaret Ann Ruhl (R-Mt. Vernon)

To create a domestic relations division of the Delaware County Court of Common Pleas, to create a judgeship for that division, to require payments to retired assigned judges under certain specified circumstances, and to declare an emergency.

STATUS: Introduced in the House on Jan. 28, 2015. Passed the House on March 17, 2015 (93-0). Passed the Senate on Sept. 23, 2015 (33-0); amended to include an emergency clause (33-0). House concurred with Senate amendments on Sept. 30, 2015 (90-0) and concurred with the emergency clause (88-0). Signed by the Governor on Oct. 19, 2015. Effective immediately.

HB 56, Rep. Kirk Schuring (R-Canton); Rep. Stephen Slesnick (D-Canton)

To limit the use of criminal records in the hiring and employment practices of public employers.

STATUS: Introduced in the House on Feb. 10, 2015, and referred to the House Commerce & Labor Committee. Passed the House on Sept. 30, 2015 (89-1). Referred to the Senate State & Local Government Committee on Oct. 7, 2015. Its first Senate committee hearing was Oct. 20, 2015.

HB 123, Rep. Greta John (D-Akron); Rep. Robert Cupp (R-Lima)

To change the time for notification of an alibi defense in a criminal case, to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor, and to request the Supreme Court to modify Criminal Rule 32.2 to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor.

STATUS: Introduced in the House on March 17, 2015, and referred to the House Judiciary Committee. Passed the House on May 19, 2015 (96-1). Referred to the Senate Criminal Justice Committee on May 27, 2015. Its second committee hearing was Oct. 7, 2015.

HB 359, Rep. Mike Duffy (R-Worthington); Rep. Anne Gonzales (R-Westerville)

To create the address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery and other crimes.

STATUS: Introduced in the House and referred to the House Government Accountability & Oversight Committee on Oct. 6, 2015. Its first committee hearing was Oct. 20, 2015.

SB 139, Sen. Bill Seitz (R-Cincinnati); Sen. Sandra Williams (D-Cleveland)

To require the clerk of a common pleas court to retain a copy of the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to modify the time for filing an amended postconviction relief petition in death penalty cases, to provide for depositions and subpoenas during discovery in postconviction relief proceedings in death penalty cases, and to require a judge hearing a postconviction relief proceeding in a death penalty case to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted.

STATUS: Introduced in the Senate on April 6, 2015, and referred to the Senate Criminal Justice Committee. Passed the Senate on Oct. 7, 2015 (32-0).