

Delayed Release of Body-Cam Video from Cincinnati Police Shooting Was Reasonable (p. 3)

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# CNO REVIEW

January 2017



## UNJUST COSTS

The lives of many poor, non-violent offenders have been upended and their futures jeopardized by unaffordable court fines, fees, and bail. (Story on p. 6)

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# Cases

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## Supreme Court of Ohio

### Law Enforcement Dash-Cam Videos Are Public Records Subject to Redaction

Ohio law enforcement dash-cam recordings are public records that cannot be shielded in their entirety, but portions considered “investigatory work product” can be withheld, the Ohio Supreme Court ruled unanimously on Dec. 6.

The Court determined that the Ohio State Highway Patrol should have promptly released to the Cincinnati Enquirer more than an hour of video from three dash-cam recordings of a January 2015 police chase and subsequent crash. The patrol did not release the video until May, two months after the driver’s conviction for fleeing and other crimes.

In the lead opinion, Justice **Judith L. French** announced the Court declined to adopt a rule that all dash-cam video can be withheld by law enforcement until a suspect is prosecuted, or that recordings in their entirety are public records subject to prompt release. A case-by-case review is necessary to determine how much of a recording must be disclosed, she wrote.

Of the three state patrol recordings requested by the Enquirer of the chase of Aaron Teofilo, only 90 seconds from one trooper’s dash cam could be considered investigatory work product under the state public records law, the Court concluded.

The Court declined to award the Enquirer attorney fees, damages, and court costs, noting the patrol acted in good faith based on a 2014 court of appeals opinion that found the dash-cam recordings were not public

record. Justice **William M. O’Neill** wrote the he would have awarded attorney fees to the newspaper.

State ex rel. Cincinnati Enquirer v. Ohio Dept. of Public Safety  
[Slip Opinion No. 2016-Ohio-7987](#)

### Delayed Release of Body-Cam Video from Cincinnati Police Shooting Was Reasonable

The Hamilton County prosecutor acted reasonably when he publicly released a University of Cincinnati police body-cam video six business days after receiving it, the Ohio Supreme Court ruled Dec. 20.

The Supreme Court denied six media outlets’ requests for statutory damages and attorney fees. The news organizations had filed a lawsuit to require Prosecutor Joe Deters to release video of Officer Ray Tensing’s fatal shooting on July 19 of Samuel DuBose. Deters provided the media the video on July 29 after securing a grand jury indictment of Tensing.

Writing for the majority, Justice **Judith Ann Lanzinger** noted Ohio’s public records act, R.C. 149.43, does not set a deadline for a public office responses to requests for public records, but only requires that a copy be made available in a reasonable period of time. The Court decision does not address claims by the prosecutor’s office that body-cam footage is exempt from the public records law.

Justice Lanzinger noted that Deters released the video on July 29, two days after the complaint was filed, and noted it was released “immediately after the grand jury concluded its deliberations” and indicted Tensing.

The opinion noted that statutory

damages may be awarded if the records are not provided promptly. Justice Lanzinger explained while there is no deadline in the law for providing the records, public offices are required to make them available in a reasonable period of time.

Citing a 2009 case, Justice Lanzinger noted that the Court found the law gives a public office an opportunity to examine the records prior to release in order to make redactions of material that is exempt under the records act.

State ex rel. Cincinnati Enquirer v. Deters  
[Slip Opinion No. 2016-Ohio-8195](#)

### Damage Caps Constitutional When Applied to Sexual Assault of Minor

Capping damages awarded in a civil lawsuit to a teenage victim of a sexual assault did not violate the girl’s constitutional rights, the Supreme Court ruled Dec. 14.

The Court affirmed the Fifth District Court of Appeals decision allowing a \$3.6 million jury verdict in favor of Jessica Simpkins to be reduced to \$500,000 when the trial court applied limits on “noneconomic damages,” which the Ohio General Assembly enacted as part of a 2005 “tort reform” law.

Writing the Court’s lead opinion, Justice French wrote there may be a set of circumstances where the statutory damages caps would prove unconstitutional, but the law “as applied to the facts before us” is constitutional.

Simpkins and her father sued their church and former church leaders claiming that in March 2008, Brian Williams, the senior pastor of Sunbury Grace Brethren Church, forced oral

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# Cases

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and vaginal intercourse with Simpkins who was 15 years old at the time. Williams was convicted of two counts of sexual battery and sentenced to two four-year prison terms.

In separate dissenting opinions, Justices **William M. O’Neill** and **Paul E. Pfeifer** argued that the General Assembly’s caps on jury awards are unconstitutional and can only be imposed by an amendment to the Ohio Constitution.

Simpkins v. Grace Brethren Church of Delaware, Ohio  
[Slip Opinion No. 2016-Ohio-8118](#)

## Post-Conviction DNA Testing Appeals Process Unconstitutional

The Supreme Court ruled Dec. 21 that part of the state law that limits the appeals of capital offenders seeking DNA testing after a conviction is unconstitutional.

The statute violates constitutional rights to equal protection because it creates a different appellate process for capital and noncapital offenders by giving offenders sentenced to death only the possibility, rather than the right, to have their appeal heard, Chief Justice **Maureen O’Connor** explained in the 4-3 decision. The statute has no rational basis for this distinction, the Court held.

To fix the unconstitutional provision, the Court severed part of the statute, and the law now gives eligible capital offenders an appeal of right to the Ohio Supreme Court when challenging a trial court’s denial of a request for post-conviction DNA testing.

Chief Justice O’Connor rejected an argument by the Portage County prosecutor that the separate appellate paths for capital and noncapital offenders provide for the expeditious enforcement of court judgments. The Court reviewed the timeframes for filing appropriate paperwork and

briefs with the Supreme Court in a discretionary appeal and an appeal of right and found that an appeal of right reaches the merits stage more quickly than the discretionary appeal currently afforded to capital offenders.

With this ruling, Tyrone Noling, who was convicted of the 1990 murders of a Portage County couple, is entitled to have his post-conviction DNA testing appeal heard by the Supreme Court. He has 45 days to file a brief arguing the merits of his case.

Justice **Terrence O’Donnell** agreed with the majority that the different appeals processes are unconstitutional, but dissented from the remedy. He would sever the relevant statute, R.C. 2953.73(E), in its entirety.

State v. Noling  
[Slip Opinion No. 2016-Ohio-8252](#)

## Mandatory Transfer of Juveniles to Adult Courts Is Unconstitutional

The Supreme Court ruled Dec. 22 that mandatory transfer of juveniles to the common pleas courts violates juveniles’ right to due process as guaranteed by the Ohio Constitution and also ruled that Ohio statutes allowing the discretionary transfer of juveniles older than 14 years to common pleas courts are constitutional and satisfy due process guarantees.

In the lead opinion, Justice Lanzinger explained that “fundamental fairness” in juvenile proceedings is key to protecting due process. The Court in 2012 held in *In re C.P.* that fundamental fairness requires the juvenile court judge to decide the appropriateness of an adult penalty for juvenile acts and that additional procedural protections may be required for juveniles to meet the juvenile court system’s goals of rehabilitation and reintegration.

The Court ruled that because children are constitutionally required to be treated differently from adults for purposes of sentencing, juvenile procedures also must account for the differences between children and adults.

Further, the Court said the mandatory-transfer statutes preclude a juvenile court judge from taking any individual circumstances into account before automatically sending a child who is 16 or older to adult court. Instead, the Court ruled that juvenile court judges must be allowed the discretion that the General Assembly permits for other children and should be able to distinguish between those children who should be treated as adults and those who should not.

Because the Court determined that the mandatory-transfer provisions of R.C. 2152.10(A) and 2152.12(A) are unconstitutional, it severed those provisions from the law.

State v. Aalim  
[Slip Opinion No. 2016-Ohio-8278](#)

## Most Criminal Investigation Records Become Public When Trial Concludes

Most law enforcement records involving the investigation of a suspect become public record once the suspect’s trial concludes, the Supreme Court ruled Dec. 28.

The Court ruled that most of the records sought by the Ohio Innocence Project from the Columbus Division of Police since 2013 must be turned over, and that the city owes an attorney seeking the records \$1,000 in damages, along with court costs and reasonable attorney fees.

The city argued the records could be withheld until “all proceedings” are concluded, even if Saleh was no longer actively appealing his case.

Writing for the Court majority, Justice Pfeifer determined that

Continued on p. 9.

# HappeningNow

News and Notes from Courthouses Across the Buckeye State

## Board of Professional Conduct Elects Officers for 2017

The Ohio Board of Professional Conduct announced the election of officers for calendar year 2017.

Commissioner **David L. Dingwell** was selected by the board to serve as its chair. He has served on the board since 2012 and has chaired one of the board's two probable cause panels. Dingwell is a partner in the Canton firm of Tzangas, Plakas Mannos, where his practice focuses on litigation, probate and estate planning, and employment law. From 2012-2013, he served as president of the Stark County Bar Association and chaired the association's certified grievance committee from 2006-2008. Commissioner Dingwell is a graduate of the University of Kansas and the University of Akron Law School, and was admitted to practice in Ohio in 1992.

Commissioner **Sanford E. Watson II** was elected to serve as vice chair. He was first appointed to the board in 2011 and has chaired the board's Advisory Opinion Committee since 2015. He is a partner with the Cleveland firm of Tucker Ellis, practicing in the areas of business litigation, product liability, and public law. Watson previously served as chief prosecutor and director of public safety for the city of Cleveland and is a past president of the Norman S. Minor Bar Association. He is a graduate of Morehouse College and the Georgetown University Law Center and was admitted to the Ohio bar in 1988.

Commissioners Dingwell and Watson replace board chair **Paul M. De Marco** from Cincinnati and vice chair **William J. Novak** from Cleveland, both of whom are leaving the board after nine years of service.



Dingwell

Watson

## UPL Board Elects Officers for 2017

The Ohio Supreme Court board that investigates the unauthorized practice of law elected its 2017 leadership in late December.

**Leo M. Spellacy Jr.**, partner at Porter, Wright, Morris & Arthur in Cleveland, will serve as chair of the Board on the Unauthorized Practice of Law while **Renisa Dorner**, a labor/employment lawyer at Spengler Nathanson in Toledo, will be vice chair. Spellacy moves up after serving as vice chair in 2016 and 2015.

**Robert V. Morris II**, administrative magistrate at Franklin County Probate Court, concluded his service as chair for the past two years. The board bid farewell to outgoing members **Ben Espy**, **Randy Solomon**, and **F. Scott O'Donnell**, who each served two terms.

Established by Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio, the board consists of 13 members who are appointed to three-year terms by the Supreme Court. The board conducts hearings, preserves the record, and makes findings and recommendations to the Court in cases involving the alleged unauthorized practice of law.

The board is also authorized to issue informal, nonbinding advisory opinions on matters concerning the unauthorized practice of law.



Spellacy



Dorner

## Attorneys Asked to Document Their Pro Bono Work

Ohio attorneys registered for active, corporate, or emeritus status will be contacted this month by the Ohio Supreme Court to voluntarily report their 2016 pro bono activities.

Each attorney will receive an email with a link to a website where pro bono information can be

reported. The portal is open until March 31, 2017. All information submitted will be collected anonymously.

Attorneys are encouraged to begin collecting records of any pro bono work from 2016, including financial contributions to organizations that provide

legal services to people of limited means.

The Ohio Legal Assistance Foundation compiles the responses and uses the data to improve the delivery of civil legal services to low-income Ohioans. The information is shared with the Supreme Court, bar

associations, and legal aid organizations across the state.

Participating attorneys in 2015 reported more than 76,000 hours of pro bono legal services valued at more than \$10 million.



# UNJUST COSTS

The 2014 shooting of Michael Brown by a police officer in Ferguson, Missouri, led the U.S. Department of Justice to investigate other practices of law enforcement and courts in the St. Louis neighborhood. The department's scathing [report](#), issued in March 2015, revealed that local courts were imposing fines and fees on people arrested for minor offenses, and boosting the prices for those charges over the years to generate revenue for city coffers. The report helped propel into the national spotlight the issue of burdensome court costs heaped on many who can least afford it, shining a brighter light on the economics of justice in the United States.

Last month, national talk show host Tavis Smiley devoted two episodes of his public television show to the topic of fines, fees, and bail with an Ohio panel comprised of the state's chief justice, a former justice, and two municipal court judges. Smiley asked the panel whether people of color and poor people are disproportionately punished by fines, fees, and bail as they're currently being assessed by courts.

"I think there's no question that is what's occurring," Ohio Chief Justice **Maureen O'Connor** responded. "The courts [in Ferguson] were literally an ATM for the municipalities, at the direction of the governance of the municipality instructing police in concert with the courts to raise revenue."

## A National Topic

Chief Justice O'Connor explained, though, that the problem extends beyond Ferguson to the nation. The Buckeye State itself has grappled with the issue. An April 2013 report by the

American Civil Liberties Union of Ohio identified seven counties that jailed people who couldn't pay court fines. In response, the Ohio Supreme Court developed a [bench card](#), released in early 2014, citing the laws that govern how courts must handle the imposition and collection of court costs and fines, and offering guidance to local courts in appropriate approaches.

Willing to face the challenges and concerns head on, Chief Justice O'Connor now leads a national effort to address the matter as co-chair of the National Task Force on Fines, Fees, and Bail Practices.

## Cycle of Incarceration

Once certain fines or fees are imposed, people who come into contact with the courts often find themselves caught in a maddening revolving door with the system.

"The reality is, if you're sitting on the bench, you may think \$100 fine is no big deal because you're not that \$7-an-hour worker where a \$100 fine is extraordinary," former Justice **Yvette**

**McGee Brown**, one of the panelists, said. "So then they can't pay the fine, they get a warrant issued for them, they lose their job."

The effect on an individual can be devastating. Many courts have imposed fines, which are financial punishments for certain offenses, and fees, which are payments assessed for court operations, without considering whether the offender has the resources to pay. The debt pushes some offenders to choose between a court obligation and needed purchases for themselves and their families. Numerous offenders who haven't paid fines and fees have been arrested and jailed.

Advocates, researchers, and court officials are questioning what purpose is served by jailing people who don't have the money to pay and who pose little danger to the community.

"The jail is a scarce resource," panelist and Lakewood Municipal Court Judge **Patrick Carroll** pointed out. "You want to keep it for repeat offenders, violent offenders, people that can affect the safety of the community .... It's not a collection agency for fines."

## Lives in Turmoil

Incarceration, even for a few days, can jeopardize many other aspects of a person's life, such as keeping a job and maintaining custody of children.

"If you look at it from any objective standard, you come to the conclusion that for people who are low income, low risk, that those people are absolutely being preyed upon," Cleveland Municipal Court Judge **Ronald B. Adrine** told the Tavis Smiley show audience. "Once they fall into that crack, we kind of compile additional problems on top of them so that they don't get an opportunity to ever climb back out of the hole."

"Many times, the government doesn't actually collect the fines because the people can't pay them," Judge Carroll added. "Nonetheless,

those fines ... keep piling up and piling up, and now somebody can't get a driver's license."

### **Burdens of Bail**

Holding defendants before trial because they can't make bail raises the same concerns. Courts set bail to ensure that a person appears for a future proceeding or to protect the public. However, more and more people are being held in jail because they can't pay a bail bond. A [2015 report by the Council of Economic Advisers](#) noted a 59 percent escalation nationwide in the number of arrested individuals held in jail without a conviction between 1996 and 2014. Municipal courts often set rigid bail schedules, too. The schedules define specific bail amounts based only on the level of misdemeanor or felony.

who has a lot of money is able to get out."

As a result, Judge Adrine has made some dramatic changes at the Cleveland Municipal Court. Now a person charged with a nonviolent misdemeanor who has no other charges pending can be released on his or her own signature. Judge Adrine and his colleagues are also taking steps to develop better risk-assessment tools to make more suitable judgments about bail for serious charges.

"Judges need discretion to fashion a remedy for the person standing in front of them," McGee Brown said.

### **Adequate Funding Needed**

But fundamental fairness in the court system also will require greater financial investment.

"The courts [in Ferguson] were literally an ATM for the municipalities, at the direction of the governance of the municipality instructing police in concert with the courts to raise revenue."

- Chief Justice Maureen O'Connor

"Bail schedules are one of the most unjust ways of treating an individual coming before the court," Chief Justice O'Connor said.

Judge Adrine added: "When you set them arbitrarily – where you just set up the dollar amount according to the charge as opposed to the individual and what that individual's risk factors are – then somebody who has no money, but also poses no risk, ends up staying in jail while somebody

"You cannot have justice in an under-funded system such as we have in many, many instances," Chief Justice O'Connor stressed. "Because you do have the overburdened public defender. You do have the prosecutor that is moving cases along according to a formula all too often. You've got a judge who is watching the clock and determining, 'How many cases do I have yet to hear in this morning's session?'"

To tackle the problem, the national task force aspires to provide practical resources – including draft model statutes, court rules, and policies for setting, collecting, and waiving fines, fees, and bail – to lessen any unfair burdens placed on people who find themselves navigating the court system.

"This is truly a paradigm shift in many respects with how business is done in our courts, and that requires education and training and consistency," the chief justice said. "Those are the hallmarks of a successful change."

## Courting Justice



The "Tavis Smiley Show" featured Ohio judges as part of series called "Courting Justice," a multi-city town hall co-hosted by Smiley's show and the National Center for State Courts. Panelists (*pictured above, left to right*) were Chief Justice **Maureen O'Connor**, Judge **Ronald B. Adrine**, Judge **Patrick Carroll**, and former Justice **Yvette McGee Brown**.

The three-part show in Ohio was recorded before a live audience in Cleveland in December 2016. Two episodes aired on television, and the third was archived on the Tavis Smiley Show website. All are available through the links below:

▶ [PART 1](#), broadcast Dec. 13

▶ [PART 2](#), broadcast Dec. 14

▶ [PART 3](#), Web-only extra segment



## 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.

### **HB 185 – Rep. Kyle Koehler (R-Springfield)**

To eliminate lack of the property owner's consent as an element of arson when the property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense.

**STATUS:** Signed by the governor on Dec. 19, 2016. Effective 90 days from signature.

### **HB 347 – Rep. Robert McColley (R-Napoleon) and Rep. Tom Brinkman (R-Cincinnati)**

To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures.

**STATUS:** Passed by Senate on Dec. 8, 2016, and sent to the governor for his signature.

### **HB 388 – Rep. Gary Scherer (R-Circleville)**

To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses.

**STATUS:** Passed by Senate on Dec. 6, 2016, and sent to the governor for his signature.

### **HB 436 – Rep. Bob Cupp (R-Lima) & Rep. John Rogers (D-Mentor)**

To authorize a judge who grants limited driving privileges to a second-time OVI offender to order the termination of the mandatory immobilization order.

**STATUS:** Passed by Senate on Dec. 7, 2016, and sent to the governor for his signature.

### **HB 471 – Rep. Lou Blessing (R-Cincinnati)**

To formally abolish certain boards and commissions that have completed their work, and extend the deadline of the Criminal Justice Recodification Committee recommendations to June 30, 2017.

**STATUS:** Signed by the governor on Dec. 19, 2016. Effective immediately.

### **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 post-conviction relief in death penalty cases or in appeals of denials of such relief, to provide for depositions and subpoenas during discovery in post-conviction relief proceedings, and to require a judge hearing a post-conviction relief proceeding to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted.

**STATUS:** Passed by House on Dec. 6, 2016, and sent to the governor for his signature.

### **SB 227 – Sen. Kevin Bacon (R-Minerva Park)**

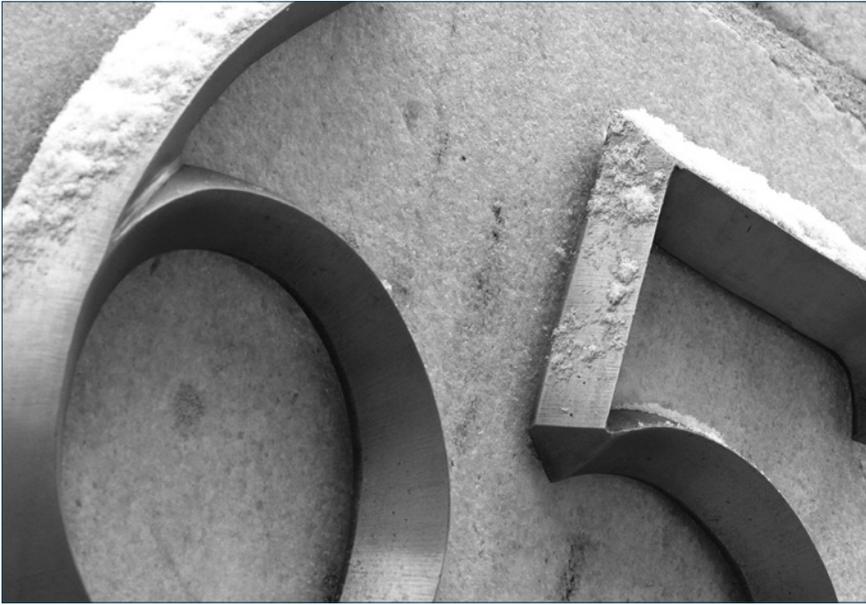
To make various changes to the laws governing the duties and functions of the attorney general, to clarify court authority/duty to take fingerprints, and to modify judgment dormancy law.

**STATUS:** Passed by House on Dec. 6, 2016, and sent to the governor for his signature.

### **SB 319 – Sen. John Eklund (R-Chardon)**

To revise certain laws regarding the regulation of drugs, the practice of pharmacy, the provision of addiction services, and authorizes provision of access to time-limited recovery support as part of medication-assisted treatment.

**STATUS:** Passed by House on Dec. 7, 2016, and sent to the governor for his signature.



## Cases

Continued from p. 4.

position violated the Ohio Public Records Act.

The decision addressed an interpretation of the act first adopted by the Court in a 1994 case that prevented criminal defendants from using the public records act to access information from police and prosecutors that they were not entitled to under the rules for criminal discovery at the time. Justice Pfeifer noted that a broad reform of the discovery rule in 2010 grants a defendant far greater access to the state's files, and the restrictions on public access to the material should be loosened.

The Court concluded that the records should be exempt only until the completion of the trial for which the information was gathered. The Court granted the appellant's writ and found the police must provide the records, but can redact information that is protected by other provisions of the law, such as those that protect against revealing the identities of uncharged suspects, witnesses, and confidential informants who may be endangered if they are named.

In a concurring opinion, Chief Justice O'Connor wrote that the majority goes too far in narrowing the specific investigatory work product exemption and she would permit records that contain the "theories, impressions, and strategies," used by law enforcement to remain exempt.

Justice O'Donnell dissented, stating he would not overrule any portion of the 1994 case. Justices French, O'Neill, and **Sharon L. Kennedy** joined Justice Pfeifer's opinion, and Justice Lanzinger joined Chief Justice O'Connor's opinion.

State ex rel. Caster v. City of Columbus  
[Slip Opinion No. 2016-Ohio-8394](#)

## Rule Amendment Summary

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

### Court-Appointed Lawyers

The Court amended statewide rules governing court-appointed lawyers to place an emphasis on distributing appointments widely. The rules took effect on Jan. 1, 2017. Rule 8 of the Rules of Superintendence for the Courts of Ohio requires courts to make sure there's an "equitable distribution" when it comes to appointing a lawyer for an indigent criminal defendant. The amendment defines equitable as "a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner" from a list of pre-qualified lawyers. The rule changes also include a set of five factors a court must take into account when making appointments.

### Military Spouse Rule

Until Jan. 18, 2017, the Court will accept public comment on amendments to enable an attorney spouse of an active duty member of the U.S. military temporarily stationed in Ohio to practice law under certain conditions. The proposed amendments to the Rules for the Government of the Bar of Ohio outline the eligibility and application requirements, the approval process, and the limitations of the designation. To account for military spouses currently in Ohio seeking to practice law on a temporary basis, the Court adopted amendments that took effect on Jan. 1, 2017.

### Judicial Campaign Contribution Limits

Several changes to the Code of Judicial Conduct, including an increase in judicial campaign contribution limits, took effect Jan. 1, 2017. Changes to Jud.Cond.R. 4.4(J) and (K) enact the 4.37 percent increase (rounded to the nearest \$100) in the Consumer Price Index for campaign contribution limits that occurred over the four-year period since the rules last required the director of the Ohio Board of Professional Conduct to compute the percentage change for consideration by the Court.



## Pfeifer Named Judicial Conference Executive Director

Retired Ohio Supreme Court Justice **Paul E. Pfeifer** is the new Ohio Judicial Conference executive director.

Justice Pfeifer served on the Supreme Court from Jan. 2, 1993 to Jan. 1, 2017. Justice Pfeifer could not run again for another term because of Ohio's constitutional age restriction for judges.

Before his initial 1992 election to the Supreme Court, Justice Pfeifer served in both houses of the Ohio General Assembly, including one term in the House of Representatives and four terms in the Senate. He held a variety of leadership posts in the Senate, and served as chairman of the Senate Judiciary Committee for 10 years.

"I think I'm bringing a unique perspective to this position," Justice Pfeifer said. "I'll be able to draw on my experience in both the judiciary and the General Assembly, and I will be working with our judges to help members of the General Assembly better understand the impact that legislative proposals can create at the courthouse."

Justice Pfeifer grew up on his family's dairy farm near Bucyrus. His first job after graduating from The Ohio State University College of Law was as an assistant attorney general under William

Saxbe, trying eminent-domain cases associated with the building of Ohio's highway system. In 1972, he became a partner in the law firm of Cory, Brown & Pfeifer, where he practiced – primarily as a trial and tax lawyer – for 20 years. He also served several years as an assistant prosecutor for Crawford County.

"Early in my career, I had the good fortune of trying cases all over our state," Justice Pfeifer said. "Now, after 24 years on the Supreme Court, this position – representing the more than 700 judges of the Ohio Judicial Conference – offers new challenges and exciting opportunities. I'm looking forward to getting started."

Conference Chair and Clermont County Juvenile/Probate Court Judge James A. Shriver said that "the Ohio Judicial Conference is honored to be led by a great icon of the Ohio judiciary. His vast judicial experience and knowledge and his robust energy and ideas will serve both the judiciary and the citizens of Ohio quite well."

Justice Pfeifer and his wife, Julie, have two daughters, Lisa and Beth; a son, Kurt; four granddaughters; and one grandson. Justice Pfeifer still lives near Bucyrus, and he and his family raise purebred Angus cattle on their Crawford County farm.

## Governor Fills Cleveland Municipal Court Vacancy

Former Cuyahoga County Common Pleas Court magistrate **Jimmy L. Jackson Jr.** took the bench on Jan. 3. He was appointed on Dec. 2 by Gov. John Kasich.

Jackson must win in the 2017 general election in November to retain the seat for the remainder of the unexpired term, which ends Jan. 2, 2022. Jackson replaces former Judge **Ed Wade**, who died Sept. 26.

Jackson received his bachelor's and law degrees from the University of Akron. He has served as a magistrate since 2005. He was admitted to the practice of law in Ohio on May 9, 2005.

Jackson is a member of the Cleveland Metropolitan Bar Association and a past member of the Cuyahoga County Bar Association and the Independence Charter Review Commission.

## Erie County Judge to Lead Juvenile Court Judge Association in 2017



DeLamatre

Erie County Juvenile Court Judge **Robert C. DeLamatre** took office on Dec. 1 as president of the Ohio Association of Juvenile Court Judges for 2017. He and the other officers were sworn in during the group's annual winter conference business meeting in December.

Since his election in 2000, Judge DeLamatre has been re-elected to two additional six-year terms on the bench.

Previous to serving as judge, he was in private practice for 14 years and worked as an assistant prosecutor, assistant law director, and magistrate. He earned his law degree from the University of Toledo College of Law.

"I am honored to be able to serve the association and our juvenile judges," said Judge DeLamatre. "I intend to work with my colleagues and other stakeholders to improve the administration of juvenile justice. I believe this is the best way to assist in improving the lives of the children and families we come into contact with."

The association consists of common pleas judges having juvenile court jurisdiction. The association promotes common business interests and provides leadership for a just and effective juvenile court system throughout the state of Ohio. The association also addresses issues affecting juvenile abuse, dependency, and neglect; unruly juveniles (status offenders); and juvenile delinquency, as well as court administration aspects of these issues.

## Ohio Association of Juvenile Court Judges 2017 Officers

### President

**Hon. Robert C. DeLamatre**

*Erie County Juvenile Court*

### Vice President

**Hon. Timothy J. Grendell**

*Geauga County Probate/Juvenile Court*

### Treasurer

**Hon. Thomas S. Moulton**

*Gallia County Probate/Juvenile Court*

### Secretary

**Hon. David B. Bender**

*Fayette County Probate/Juvenile Court*

### Immediate Past President

**Hon. Kathleen Dobrozi Romans**

*Butler County Juvenile Court*

## Matia to Lead Common Pleas Judges in 2017



Matia

Cuyahoga County Common Pleas Court Judge **David T. Matia** will serve as president of the Ohio Common Pleas Judges Association for 2017 following his election during the group's annual winter conference in December.

Chief Justice **Maureen O'Connor** administered the oath of office to Judge Matia and other judges elected to leadership positions, and delivered remarks.

Judge Matia has been involved in the OCPJA as a trustee and officer for six years. As president, Judge Matia also will be the host of the 2017 OCPJA summer meeting, which will be held in the Cleveland Hilton Hotel.

"I look forward to holding next summer's meeting in downtown Cleveland, something that has not happened here in more than three decades," said Judge Matia. "I am also pleased to be serving Ohio's common pleas court judges with my friend and Cuyahoga County colleague, Judge Michael Donnelly."

The common pleas judges association's membership includes all general division judges of the state's 88 common pleas courts, and its mission is "to improve the law, the legal system, and the effective administration of justice."

## Ohio Common Pleas Judges Association 2017 Leadership

### President

**Hon. David T. Matia**

*Cuyahoga County Common Pleas Court*

### Second Vice President

**Hon. Michael P. Donnelly**

*Cuyahoga County Common Pleas Court*

### Secretary

**Hon. Barbara P. Gorman**

*Montgomery County Common Pleas Court*

### President-Elect

**Hon. Linda J. Jennings**

*Lucas County Common Pleas Court*

### Third Vice President

**Hon. Jeffrey L. Reed**

*Allen County Common Pleas Court*

### Treasurer

**Hon. Mark K. Wiest**

*Wayne County Common Pleas Court*

### First Vice President

**Hon. Jody M. Luebbers**

*Hamilton County Common Pleas Court*

### Fourth Vice President

**Hon. Robert C. Hickson Jr.**

*Morrow County Common Pleas Court*

### Immediate Past President

**Hon. Thomas M. Marcelain**

*Licking County Common Pleas Court*

# 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](http://judicialecademy.ohio.gov)

Jan. 10

### Probation Officer Training Program

Probation Officers  
Perrysburg

Jan. 11

### Guardian ad Litem Continuing Education Course: Substance Use

Guardians ad Litem  
Columbus  
8:30 a.m. to Noon OR 1 to 4:30 p.m.

Jan. 12

### Fundamentals of Adult Guardianship Broadcast

Adult Guardians  
6-Hour Broadcast  
to various Ohio Sites

Jan. 18

### Probation Officer Training Program

Probation Officers  
Columbus

Jan. 23

### Judicial Candidates Seminar in conjunction with the AMCJO Winter Conference

Judicial Candidates  
Columbus  
3:45 to 5:45 p.m.

Jan. 24

### Probation Officer Training Program

Probation Officers  
Akron

Jan. 25

### Guardian ad Litem Pre-Service Course

Guardians ad Litem  
Columbus

Feb. 1

### Guardian ad Litem Continuing Education Course: Domestic Violence

Guardians ad Litem  
Dayton  
12:30 to 4 p.m.

### Guardian ad Litem Pre Service Course

Guardians ad Litem  
Dayton

Feb. 3

### Paternity/Custody/Child Support Course Web Conference

Judges & Magistrates

## Local Court Roundtables

[sc.ohio.gov/JCS/roundtables](http://sc.ohio.gov/JCS/roundtables)

**Note: All meetings are at the Thomas J. Moyer Ohio Judicial Center in Columbus**

Jan. 13

### Court of Appeals Administrators All Districts

## Supreme Court of Ohio

[sc.ohio.gov](http://sc.ohio.gov)

Jan. 10 & 11

### Oral Arguments

Jan. 17

### Late Application Deadline to Register as a Candidate for the July 2017 Bar Exam

## Conferences

Jan. 23 - 25

### Association of Municipal/County Judges of Ohio (AMCJO) Winter Conference

Member Judges

Ohio Center for Law-Related Education  
[ocle.org](http://ocle.org)

Jan. 20

### High School Mock Trial District Competition

Various Locations in Ohio

Jan. 27

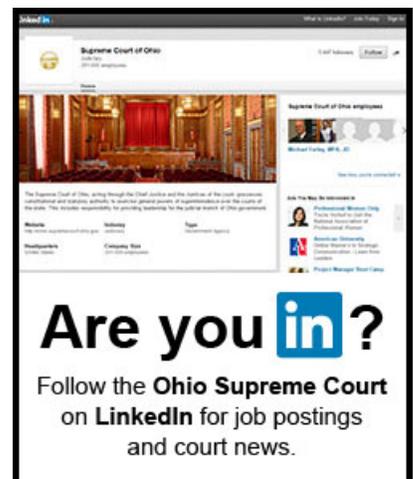
### High School We the People State Competition

Ohio Statehouse

Jan. 28

### High School Mock Trial District Competition Make-Ups

Various Locations in Ohio



The image shows a screenshot of the Supreme Court of Ohio's LinkedIn profile. The page header includes the court's name and location (Columbus, Ohio). Below the header is a photo of the court's interior. A prominent banner at the bottom of the screenshot reads: "Are you in? Follow the Ohio Supreme Court on LinkedIn for job postings and court news." The banner features the LinkedIn logo and the text "Are you in?" in a large, bold font.