

Judges Consider Retirement as OPERS Reforms Take Effect in January



Second District Judge Thomas J. Grady is one of several Ohio judges retiring this year in anticipation of impending pension changes.

Judge **Thomas J. Grady** of the Second District Court of Appeals was ready to retire at the end of his term, but the sweeping changes in the state retirement system have bumped his decision up a month.

“Actually one month and 8 days,” he said. “I’m doing that because if you retire under the current law you retain the benefits of the current law.”

Judge Grady is in good company. From the trial courts to the Ohio Supreme Court, judges at every level this year have either announced their retirement or have already left the bench. As of October, six judges have retired, and a half dozen more are expected to leave by the end of the year.

While not the only reason, one factor for many of them is the changes in the pension system that were passed by the legislature this year and go into effect January 7.

When he announced his retirement at the end of July, Troy Municipal Court Judge **Mel Kemmer** also cited the pension changes in his retirement letter. “I regret the suddenness of all this, but it is imperative that I retire before the effective date of the pending OPERS legislation,” Judge Kemmer wrote.

Judge **Joseph Sundermann** of the First District Court of Appeals explained that while he was required by the constitutional age limit to retire at the end of his term this February, the impending pension changes caused him to move that up too.

Statewide, OPERS anticipates that almost 12 percent (5,000) of the state’s 43,000 public employees eligible to retire will do so by the end of the year and that many of them are being motivated by the pension reforms.

About Court News Ohio

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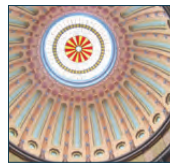
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Visit courtnewsohio.gov for the most current decisions from the Ohio Supreme Court, Court of Claims, and courts of appeals.

Supreme Court of Ohio

Massillon Judge Receives Stayed License Suspension

The Ohio Supreme Court suspended the law license of Massillon Municipal Court Judge Edward J. Elum for six months, with the full term of suspension stayed, for violations of the Code of Judicial Conduct and Rules of Professional Conduct in his handling of two cases. The court issued the stayed suspension on October 18 upon the recommendation of the Board of Commissioners on Grievances & Discipline in light of Elum's 35 years of law practice without prior disciplinary infractions, lack of a selfish or dishonest motive, full and free disclosure of his misconduct, cooperation with disciplinary authorities, and evidence of his good reputation in the community.

Disciplinary Counsel v. Elum,
Slip Opinion No. 2012-Ohio-4700

Defective Workmanship Claims Not Covered by Policy for 'Property Damage Caused by an Occurrence'

The Ohio Supreme Court on October 16 ruled that claims brought by a property owner against a contractor for alleged defective construction or workmanship are not claims insured under the provision in a commercial general liability (CGL) policy that provides coverage for "property damage" caused by a covered "occurrence." The 6 - 1 decision involved a dispute between the Westfield Insurance Company and a contractor, Custom Agri Systems, that purchased a CGL policy from Westfield.

Westfield Ins. Co. v. Custom Agri Sys.,
Inc., Slip Opinion No. 2012-Ohio-4712

Supreme Court holds Juveniles Not Entitled by Statute to Counsel Before Charges Filed

The Ohio Supreme Court on October 3 ruled that a provision of state law that entitles juvenile offenders to representation by legal counsel "at all stages of the proceedings" in delinquency cases refers only to court proceedings that take place after the filing of a complaint in juvenile court or upon an offender's initial appearance in juvenile court. Consequently, the court affirmed an Eighth District Court of Appeals decision holding that R.C. 2151.352 does not confer a statutory right to legal counsel on a juvenile offender during a police interrogation.

In re M.W.
Slip Opinion No. 2012-Ohio-4538

Court of Claims

Court of Claims Approves Ohio Department of Rehabilitation and Correction \$2 Million Settlement

The Ohio Department of Rehabilitation and Correction will pay a Gambier man \$2 million to settle a claim over a head-on collision caused by one of its employees that left the man with "catastrophic" injuries. The Court of Claims of Ohio approved the settlement agreement on September 13.

Elliot J. Bush v. Ohio Department of
Rehabilitation and Correction
Case No. C2011-13320

Courts of Appeals

Common Pleas Court Must Defer to Zoning Appeals Board's Interpretation of Zoning Ordinance Language

A common pleas court ruling that authorized the construction of a helipad at Cleveland's Fairview Hospital was reversed on October 4 by the Eighth District Court of Appeals because the lower court judge reviewing ambiguous language in a zoning ordinance should have deferred to the judgment of a zoning appeals board.

Cleveland Clinic Foundation
v. Cleveland Board of Zoning Appeals,
2012-Ohio-4602

Appeals Court Upholds Restitution Order Against Former Toledo Schools Official

The Sixth District Court of Appeals on September 14 affirmed a ruling by the Lucas County Court of Common Pleas ordering Daniel Burns, a former business manager of the Toledo City School District, to make full restitution for thefts from the school district totaling \$658,428. However, the court of appeals reversed a portion of the trial court's order that authorized two bonding companies to recover the portions of the restitution award payable to them through withholding from Burns' retirement account with the State Teachers' Retirement System.

State v. Burns, 2012-Ohio-4191

Happening Now

News and notes from courthouses around the Buckeye State.



Ohio Court Leaders Attend National Language Access Summit

Ohio court leaders attended a three-day national meeting on improving access to justice for litigants with limited English proficiency.

The National Summit on Language Access in the Courts in Houston allowed state court leaders to share successful strategies and evidence-based practices in order to develop state action plans for system improvements. State team planning sessions also enabled participants to share ideas and programs.

The five-person Ohio team, which was appointed by Ohio Supreme Court Chief Justice **Maureen O'Connor**, included Chief Justice O'Connor, Supreme Court Administrative Director **Steven C. Hollon**, Supreme Court Interpreter Services Program Manager **Bruno Romero**, Ashtabula Common Pleas Court General Division Judge **Gary L. Yost**, and Franklin County Municipal Court Judge **Andrea C. Peebles**.

Major themes of the conference included:

- Training for judges and court personnel
- Translation issues and best practices
- Establishing and enhancing credentialing programs for interpreters
- Funding and authorization for interpreter programs
- Use of technology to increase efficiency
- Collaboration models to increase available resources
- Outreach efforts.

Judge Yost called the opportunity to participate a valuable experience.

“It gave me an appreciation of the significant proactive steps the Ohio Supreme Court has already undertaken to prepare the courts of our state to meet the requirements of assuring access to justice for litigants with limited English proficiency, and a recognition of the scope of the challenge, going forward, to address increasing demands for interpreter services in the courts,” he said.

“I look forward to sharing insights and strategies learned at the summit with colleagues here in Ohio, to help us develop a workable plan for providing meaningful access to justice for litigants with limited English proficiency.”



Attorneys Urged to Seek Higher Return on IOLTAs

A large decrease in the amount of funds available for civil legal aid for low-income Ohioans has led the Ohio Legal Assistance Foundation to encourage attorneys to invest their IOLTA accounts with banks that pay higher interest.

Each Ohio attorney – or the attorney’s employer – who holds the funds of clients that are nominal in amount or for a short period of time must have an IOLTA. Interest from IOLTAs funds the foundation, which distributes these funds to the state’s legal aid societies to provide free legal aid to the poor.

The foundation created the “Prime Partners” program to recognize banks that pay a higher interest rate, said **Angela M. Lloyd**, foundation executive director. Key Bank and PNC are the first Prime Partners financial institutions.

Lloyd said the foundation has experienced about an 80 percent decline in IOLTA/IOTA revenue since 2007.

“Attorneys can still meet their ethical and legal requirements by banking on justice,” Lloyd said. “But at the same time, they can create more revenue to help more Ohioans have access to justice.”

For more information, visit the Prime Partners page on the foundation’s website (www.olaf.org).

Valuable Insight Given at OSBA Conference

The Ohio State Bar Association hosted its annual Law and Media conference October 12, welcoming judges, lawyers, reporters, faculty, students, and media professionals to its headquarters in Columbus.

The conference provided a chance for legal professionals to earn continuing education credits and everyone to get up to date on media law, social media and ethical issues. A session titled “Five Things Lawyers Hate about Journalists/Five Things Journalists Hate about Lawyers” opened the door to a robust and frank discussion on the sometimes strained relationship between the third branch of government and the fourth estate.

Aaron Marshall, who covers the statehouse for the Cleveland Plain Dealer, said his primary complaint of lawyers is “they don’t really speak English.” He said lawyers should remember to use clear language when they are speaking to reporters.

“Tell me a story,” he said. “Be simple. Be plain.”

Nick Selvaggio, Champaign County prosecutor, agreed that some lawyers are too verbose. But he said there is a more fundamental issue at play.

“We first have to understand the roles that we have. Lawyers have to prove facts. I see the journalist’s job as to tell a story,” he said.

Selvaggio pointed out that lawyers are bound by the rules of professional conduct. As a prosecutor, he is particularly limited by trial rule 3.6 on trial publicity and rule 3.8, which outlines the special responsibilities of the prosecutor, he said.

“You will see that the things we are allowed to talk about are boring stuff. It doesn’t make for good news copy,” Selvaggio said. “You guys want to hear motive. I can’t share motive because my job is to prove facts.” Reporters need to understand these limitations, he said.

Similarly, it would be helpful for lawyers to be aware of reporters’ limitations, which have changed with the 24-hour news cycle, Marshall said. “Understand my deadlines. I may not have until the end of the day like 10 years ago. I need to have some contact with you, and I need to have it as soon as possible,” Marshall said.

As for Selvaggio’s primary problem with reporters? “There are times that journalists forget that the people they cover are victims of crime.” He called the release of 9-1-1 tapes and the broadcasts of those tapes “unsettling,” noting the extra suffering they cause victims’ families.

Selvaggio also said he does appreciate journalists who do not establish relationships with those they are assigned to cover. “I always get surprised at how some reporters come in and expect instant access,” he said.

Both Selvaggio and Marshall agreed, however, that it is important for officials to take the same position with and provide the same information to all media, whether local, regional, or national.

HELLO CLEVELAND

Justices Take Their Show on the Road

For the first time in history, the Ohio Supreme Court held back-to-back sessions in Cleveland on September 25 and 26 during its biannual Off-Site Court program.

“It was inspiring to see so many engaged and intelligent young people from across the county learning about our judicial system,” said Chief Justice **Maureen O’Connor**. It was a homecoming of sorts for the Chief Justice and her colleague, Justice **Terrence O’Donnell**, as both grew up in the Cleveland area.

Off-Site Court enhances students’ understanding of the legal system by providing an opportunity for students to observe Supreme Court proceedings in person and to interact with the justices and attorneys.

Typically, high school students attend Off-Site Court, but at this session law students from Case Western Reserve University School of Law also were able to see the seven justices live in action when they held arguments in the school’s Moot Courtroom.

The two-day Off-Site Court program also helped celebrate the 100th anniversary of the Cuyahoga County Courthouse, where hundreds of high school students observed court in the Eight District Court of Appeals. This is the third time the court held Off-Site Court in Cuyahoga County. The justices traveled to Cleveland in 1988 and 1997.

“The people who helped make this possible are too numerous to mention by name,” Chief Justice O’Connor said. “But, we are indebted to the leadership of the bench and bar in Cuyahoga County, in particular the leaders and members of the Cleveland Metropolitan Bar Association. Special thanks also to the faculty and administrators of Case Law school, to the attorneys and Case Law students who volunteered their time to prepare the high school students, and to the safety and security forces of the university, the city, and the county.”

A slide show of the visit is online at courtnewsOhio.gov/happening/2012/offSiteCourt/.

Stark County Judge Leads Ohio Judicial Conference

Stark County Family Court Judge **Jim D. James** began his two-year term as chair of the Ohio Judicial Conference in October, saying he is looking forward to working with the Supreme Court of Ohio to strengthen the Ohio judicial branch.

"I am honored to accept the challenge of serving as chair of the conference and the privilege of leading its executive committee into the next decade of service to Ohio's judges," Judge James said. "Over the past 10 months, Judicial Conference officers have been meeting with Ohio Supreme Court Chief Justice **Maureen O'Connor** to improve communication and services within the judicial branch, identifying the respective complimentary roles of the Supreme Court and the Ohio Judicial Conference. With the Conference Strategic Plan as a roadmap, the relationship between the conference and the Supreme Court is strong. I deeply appreciate the Chief Justice's commitment to the conference and her sincere desire to improve the judicial branch."

He was among six judges elected as officers of the conference. The others include Mahoning County Common Pleas Court Judge **John M. Durkin** as chair-elect, Clermont County Municipal Court Judge **James A. Shriver** as first vice-chair, Twelfth District Court of Appeals Judge **Stephen W. Powell** as second vice-chair, Trumbull County Probate Court Judge **Thomas A. Swift** as immediate past chair, and Chief Justice O'Connor as honorary chair.

Judge James has served as an officer of the conference and chaired its Juvenile Law & Procedure and Domestic Relations Law & Procedure committees. As conference chair, Judge James will preside over the Conference Executive Committee.

Judge James serves as administrative judge of the Family Court's Juvenile Division. He has served on the court since 1999. He initiated and presides over its Juvenile Drug Court. Judge James is a past president of the Ohio Association of Domestic Relations Judges and past president of the Stark County Bar Association. He served on the Supreme Court's Court Security Advisory Committee and is a trustee of the Ohio Judicial College. Judge James is a graduate of Capital University Law School. He is a former firefighter/EMT, married, and the father of two sons.

As the organization of all Ohio judges, the conference coordinates the work of all courts in Ohio and promotes the administration of justice throughout the state. It was founded in 1963.



In Memoriam: Kathleen O'Malley

As a committed proponent of mediation, Cuyahoga County Domestic Relations Court Judge **Kathleen O'Malley** encouraged families to work together to settle disputes since January 1, 1999, when she joined the court. Judge O'Malley, 58, died October 20. She had very recently been diagnosed with cancer.

A graduate of the Cleveland-Marshall College of Law, Judge O'Malley was admitted to the practice in 1989. Before her election to the bench in 1998 she served as a Domestic Relations Court magistrate assigned to hear out-of-state child support cases under Ohio's version of the Uniform Interstate Family Support Act.

Re-elected twice more in 2004 and 2010, Judge O'Malley was in the second year of her third six-year term on the bench.

O'Malley is survived by her husband, Ray Gallucci, mother, Colleen, and three brothers and three sisters.

Judge O'Malley's brother, Cuyahoga County Juvenile Court Judge Thomas O'Malley told the Plain Dealer, "Anyone who was lucky enough to come into contact with my sister, would immediately realize the genuine warmth and compassion that flowed from her without effort."



Photo courtesy of the Cleveland Plain Dealer.



JUDICIAL PROFILE

RICHARD ROGERS

If experience is the best teacher, then Third District Court of Appeals Judge **Richard Rogers** has learned a lot over 30 years as a judge.

After working in private practice, as a city prosecutor, as a public defender, and as a county prosecutor, he began his judicial journey in municipal court in 1981.

He soon learned that municipal court required rapid-fire decisions without a lot of time to think through legal issues. He also learned that the same people can end up in court over and over.

“In a small community like Marion, you kind of end up living the lives of some of your regulars,” Judge Rogers said.

He saw a lot of those “regulars” again in common pleas court, which he didn’t consider a bad thing because it gave him some perspective to draw from on their backgrounds.

In 2004, Judge Rogers was elected to a vacant seat on the court of appeals, but only after he worked for it. He ran a couple of times for the judgeship and lost.

“I really am probably fortunate that I didn’t win the first couple of times because now I’m in the later years of my career,” he said.

Judge Rogers said the appellate bench is a more contemplative position compared to common pleas court and municipal court. It allows him to work at his own pace, but it also demands self-discipline.

He said his colleagues have described the job as having to go to the library every day.

“Well, some of us enjoy going to the library every day,” he said.

With three decades of service behind him, Judge Rogers has also learned a few final things. His favorite part is working with the “tremendous legal minds” of his fellow judges. He also pointed to two challenges: staying impartial and leaving cases behind at the courthouse when he goes home at night.

Look to CourtNewsOhio.gov for LIVE Election Results

There are 174 judicial seats on the November 6 ballot on courts at every level across the state:

- 3 on the Supreme Court
- 24 on the appeals courts
- 119 on the common pleas courts
- 28 on the county courts

Election results are available at CourtNewsOhio.gov and will be published in the December edition of CNO Review.

Governor Appoints Powell to Twelfth District Court of Appeals

Warren County Probate/Juvenile Court Judge **Mike Powell** has traded in that title after his October 4 appointment by Gov. John R. Kasich to the Twelfth District Court of Appeals.



Judge Powell fills the vacancy left by former Twelfth District Court of Appeals Judge Rachel Hutzel, who died in late August. He must run in November’s general election to retain the seat for the

unexpired term that ends February 9, 2017. His opponent on November 6 is **Raymond W. Lembke**, a civil litigation and dispute resolution attorney.

Judge Mike Powell joins another Judge Powell on the appeals court: Judge Stephen W. Powell, who has served on the court since 1995.

Since 2000, Judge Mike Powell has served on the probate/juvenile bench. For the 21 years before that, he worked as an assistant prosecutor and chief assistant prosecutor in the Warren County Prosecutor’s Office. Judge Powell also served as village solicitor and law director for two communities and in private practice.

The Twelfth District Court of Appeals serves Brown, Butler, Clermont, Clinton, Fayette, Madison, Preble, and Warren counties, and hears cases from county, municipal, and common pleas courts as well as original actions in habeas corpus, mandamus, prohibition, procedendo, and quo warranto.

According to Article IV, Section 13, of the Ohio Constitution, the governor has sole authority to fill all judicial vacancies in the state.



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

SB 160, Sen. Kevin Bacon (R-Columbus)

To require automatic notice to victims of first, second, or third degree felony offenses of violence of certain prisoner or alleged juvenile offender release or transfer proceedings; to expand victim participation in parole hearings; to make other changes in procedures effecting crime victims.

STATUS: Introduced in Senate April 28, 2011. Passed Senate May 3 (33-0). Pending in House Criminal Justice Committee since May 8.

HB 118, Rep. Lorraine Fende (D-Willowick)

To provide that residential and familial information of a probation officer is not a public record, to increase the penalties for certain offenses when a judge or magistrate is the victim, to prohibit a person from threatening a judge or magistrate, and to make the killing of a judge or magistrate an aggravating circumstance for the imposition of the death penalty for aggravated murder.

STATUS: Introduced in House and referred to House Criminal Justice Committee February 23, 2011. Passed House May 8, 2012 (78-17). Referred to Senate Judiciary Committee May 15, 2012.

HB 197, Rep. Stephen Slesnick (D-Canton)

To require that all moneys collected by the clerk of a municipal or county court be paid to the appropriate person, fund, or entity on or before the 20th day of each month; to permit a municipal or county court to collect unpaid court costs, fees, or fines from an obligor's state income tax refund; to require the auditor of state to create and maintain a chart detailing the distribution of court costs, fees, and fines collected by

municipal and county court clerks; to create the Committee on Court Costs; and to make other changes.

STATUS: Introduced in House April 12, 2011. Pending in House Judiciary & Ethics Committee.

Sub. HB 247, Rep. Jim Butler (R-Oakwood)

To authorize a court to cancel claims for uncollectible amounts due the court, to authorize a sentencing court to waive, suspend, or modify payment of the costs of prosecution, to define "case" in connection with the imposition of costs in a criminal case, and to abolish the Felony Sentence Appeal Cost Oversight Committee.

STATUS: Introduced June 1, 2011. Passed House December 6 (92-0). Amended and reported out of Senate Judiciary Committee June 6, 2012.

HB 265, Rep. Lynn Slaby (R-Copley Township); Rep. Sean O'Brien (D-Brookfield)

To authorize prosecuting attorneys to demand a jury trial in a criminal case, notwithstanding a defendant's waiver of trial by jury and over a defendant's objection.

STATUS: Introduced in House June 14, 2011. Passed House March 28, 2012 (50-41). Pending in Senate Judiciary Committee.

HB 279, Rep. Cheryl Grossman (R-Grove City), Rep. Denise Driehaus (D-Cincinnati) Companion Bill HB 576, Jay Hottinger (R-Newark)

To expand the class of persons who may execute a caretaker authorization affidavit or be designated as attorney in fact under a power of attorney for the purpose of exercising authority over the care, custody, and control of a child and to enhance Ohio's

policies regarding kinship caregivers.

STATUS: Introduced in House June 22, 2011. Amended and reported out of House Judiciary & Ethics Committee May 8, 2012.

HB 461, Rep. Gerald Stebelton (R-Lancaster)

To establish a statutory collaborative family law process to aid in the resolution of family law disputes.

STATUS: Introduced in House February 22, 2012. Passed House May 24, 2012 (95-0). Referred to Senate Judiciary Committee June 12, 2012.

HB 488, Rep. Nan Baker (R-Westlake), Rep. Lynn Slaby (R-Copley Township)

To generally impose an additional court cost of \$100 for a felony or misdemeanor in cases in which a person is convicted of a sexually oriented offense; to require the deposit of the additional court cost into the Rape Crisis Program Trust Fund administered by the Attorney General; to fund rape crisis centers out of the Fund; to increase to \$50 for a felony and \$15 for a misdemeanor the additional court cost that is charged to fund the Reparations Fund; and to add a representative of rape crisis centers as a member of the State Victims Assistance Advisory Committee.

STATUS: Introduced in House and referred to House Criminal Justice Committee March 20, 2012. Six hearings have been continued.

Rule Amendment Summary

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

Rules of Practice

Proposed changes to reorganize and renumber the Rules of Practice to mirror the flow of a case before the court were announced in October. The reorganization presents a more logical ordering of the rules for attorneys and self-represented litigants to help them locate filing requirements.*

Commercial Dockets

Proposed changes announced in October would make commercial dockets permanent in Ohio. The rules address which courts can operate commercial dockets, the training requirements for commercial docket judges, cases eligible for commercial dockets, managing the workload of judges assigned to commercial dockets and other issues.*

Expanded Military Representation

The court adopted a new rule that permits military attorneys stationed in Ohio to represent lower-ranking service members in Ohio tribunals as part of the Expanded Legal Assistance Program for Military Attorneys. The rule becomes effective January 1, 2013.

Practice & Procedure Rules

The court announced proposed amendments to the annual update to the Rules of Practice & Procedure in October. The proposed amendments concern changes to the rules of appellate procedure, civil procedure, criminal procedure, juvenile procedure, and the Ohio Rules of Evidence.*

Probate Forms

The court adopted amendments to revise probate court forms that concern appointing a guardian of an alleged incompetent and a name change application for an adult or a minor. Amendments to the Rules of Superintendence for the Courts of Ohio cover Probate Forms 17.0, 21.0 and 21.2. The new forms have an effective date of January 1, 2013.

Domestic Relations Forms

The court proposed 23 standardized forms so litigants not represented by an attorney can meaningfully participate in many family law related proceedings such as divorces, dissolutions, legal separations, and parenting plans in domestic relations and juvenile courts.*

* Public comment period ends November 13, 2012.



UPCOMING CONFERENCES

November 27 - 29
Ohio Clerk of Courts Association Winter Conference
Columbus

November 29
Ohio Specialized Dockets Practitioner Network 9th Annual Conference
Columbus

December 4
Ohio Association of Domestic Relations Judges Winter Conference
Columbus

December 5 - 7
Ohio Common Pleas Judges Association Winter Conference
Columbus

December 6 & 7
Ohio Association of Juvenile Court Judges Winter Meeting
Columbus

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

judicialedcademy.ohio.gov

November 8

Acting Judge Essentials: Avoiding Potential Minefields
Acting Judges, Magistrates & Judges
Cleveland

November 14

Guardian Ad Litem 6-Hour Pre-Service Course
GALs, Columbus

November 14

Probate Seminar
Magistrates & Judges
Video Teleconference

November 16

Common Evidentiary Issues
Judges & Magistrates, Columbus

November 16

Judicial Transitions
Court Personnel, Webinar

November 30

Magistrate Ethics, Professionalism, and Substance Abuse
Magistrates, Video Teleconference

December 5 - 7

Defensive Tactics Faculty Recertification
Invited Participants, London

December 6

Acting Judge Essentials Avoiding Potential Minefields
Acting Judges, Magistrates & Judges
Columbus

December 10 - 14

New Judges Orientation Part I
New Judges, Dublin - Columbus

December 11

Guardian Ad Litem 3-Hour Course
GALs, Columbus (1 to 4:30 p.m.)

December 12

Guardian Ad Litem 3-Hour Course
GALs, Columbus (8:30 a.m. – noon)

December 13

New Americans: Mexico Revisited
Court Personnel, Judges & Magistrates, Worthington

December 14

Ethics for Judges
Judges, Video Teleconference

December 18

Guardian Ad Litem 6-Hour Pre-Service Course
GALs, Columbus

Dispute Resolution Trainingsc.ohio.gov/JCS/disputeResolution

November 14 & 15

Parenting Coordination
Portsmouth

December 7

Ethics, Professionalism & Substance Abuse: Special Issues in Mediation
Columbus

December 11 & 12

Domestic Abuse Issues Training for Mediators & Other Professionals
Cleveland**Interpreter Services Training**sc.ohio.gov/JCS/interpreterSvcs

November 1 - 9

Interpreter Certification Oral Exam
Columbus

November 16

Interpreter Certification Written Application Deadline

December 6 & 7

Orientation for Written Exam
Columbus

December 8

Interpreter's Forum
Restricted to Certified & Provisional Interpreters Only**Supreme Court of Ohio**sc.ohio.gov

November 5

Bar Admissions Ceremonies
10:30 a.m. & 2 p.m.
Columbus

November 15

Deadline for Timely Application to Register as a Candidate for Admission to the Practice of Law
For applicants in the second year of law school

November 16

2012 Student to Lawyer Symposium
Columbus

December 10

Deadline for Late Applications to Take the February 2013 Bar Exam

CLE Deadline Approaching

Judges and attorneys whose last names begin with the letters M-Z are reminded to complete all of their continuing legal education (CLE) hours by December 31, 2012. The final CLE transcripts, which will be mailed in early December, need to be completed and returned to the Ohio Supreme Court. Final transcripts must be postmarked by January 31, 2013. Transcripts also may be submitted electronically through the Online Attorney Services Site.

Specialized Dockets Trainingsc.ohio.gov/JCS/specDockets

November 19 & 20

Creating Trauma Informed Systems of Care
Newark**Miscellaneous**

November 8

Office of Criminal Justice Services Free Grant-Writing Seminar
Columbus

November 13 & 14

Ohio Clerks of Courts Association Committee & Membership Meetings
Columbus

November 14

Ohio Center for Law-Related Education Middle School Mock Trial Professional Development
Columbus

November 15 & 16

Ohio Chief Probation Officers Association Training, Membership & CCA Meetings
Columbus

November 27

Ohio Community Corrections Association "Managing Offender Behavior"
Columbus

November 29 & 30

Ohio Prosecuting Attorneys Association Annual Meeting
Columbus

OPERS Reforms | Continued from page 1

As for Judge Grady, like many of his colleagues, he said the pension changes are just part of the equation for him.

“My health is pretty good. I’ve wanted to continue to fill out the term that I last ran for. I think if I’d been at it for many more years and under the right circumstances, or other circumstances, I might have retired earlier in the term, but I didn’t really have any inclination to,” Judge Grady said.

The need to reform the retirement system has been on the horizon for some time now, according to a report submitted to the Ohio Retirement Study Council in July.

“Like most systems in the country, investment returns for the last decade and particularly in late 2008 and early 2009 weakened the funding positions of the pension systems. Some of the systems had very little cushion to absorb the decline and were not particularly well funded prior to the investment losses. All systems are cutting back on the amount allocated to health care benefits, and if reductions are not made in retirement benefits, less and less (or none in some cases) will be available for retiree health care. Ultimately those health care benefits will by necessity be substantially reduced.”

Before the enactment of the reforms, OPERS estimated that its fund was losing nearly \$1 million every day due to its underfunded liabilities.

Major Changes

Introduced in May, three of the law’s major changes – which take effect January 7, 2013 – include:

- Eliminating the 3 percent automatic cost-of-living adjustment (COLA) and tying it to the consumer price index if it’s lower than 3 percent or capping it at 3 percent if the CPI is higher.
- Calculating the final average salary (FAS) by taking into account the 5 highest calendar years of earnable salary, instead of the 3 highest years previously.
- Including a new anti-spiking formula that caps benefits exceeding contribution amounts by 6 times, intended to cap benefits of members who have a formula benefit out of proportion with their contributions.*

* The Ohio Judicial Conference notes that many judges will be impacted by this provision because of early public service jobs as township trustees, law directors, county commissioners, part-time prosecutors, or other positions with lower salaries.

Transition Groups

The new law created three transition groups that determine what provisions apply:

Group A

- Members who are eligible to retire or will be eligible within 5 years of the bill’s effective date
- Grandfathered into the current plan provisions for age and service eligibility, benefit formula, FAS, and age-reduction factors
- Subject to the new COLA and anti-spiking measures.

Group B

- Members who will be eligible to retire within 10 years of the bill’s effective date or have 20 years of service credit
- Grandfathered into the current plan provisions for benefit formula and FAS
- Subject to the new COLA and anti-spiking provisions, new age and service retirement eligibility, and for those seeking an early retirement the new age reduction factors will apply.

Group C

- All other members and new employees
- All new plan provisions apply to these members.

Concerns and Additional Information

Chief Justice **Maureen O’Connor** addressed retirement concerns in her State of the Judiciary address in September.

“It is important to remember that these changes are necessary in order to ensure a solvent system into the future,” she said. “Before considering retirement, I encourage you take the time to understand exactly what the OPERS changes would mean to you and meet with a OPERS representative.”

In addition to speaking with an OPERS representative, there are several other resources to consult. They include the government relations page on the OPERS website (OPERS.org) and the Legislative Information/Bill Board page on the Ohio Judicial Conference website (OhioJudges.org). OPERS will mail each member materials based on retirement eligibility.