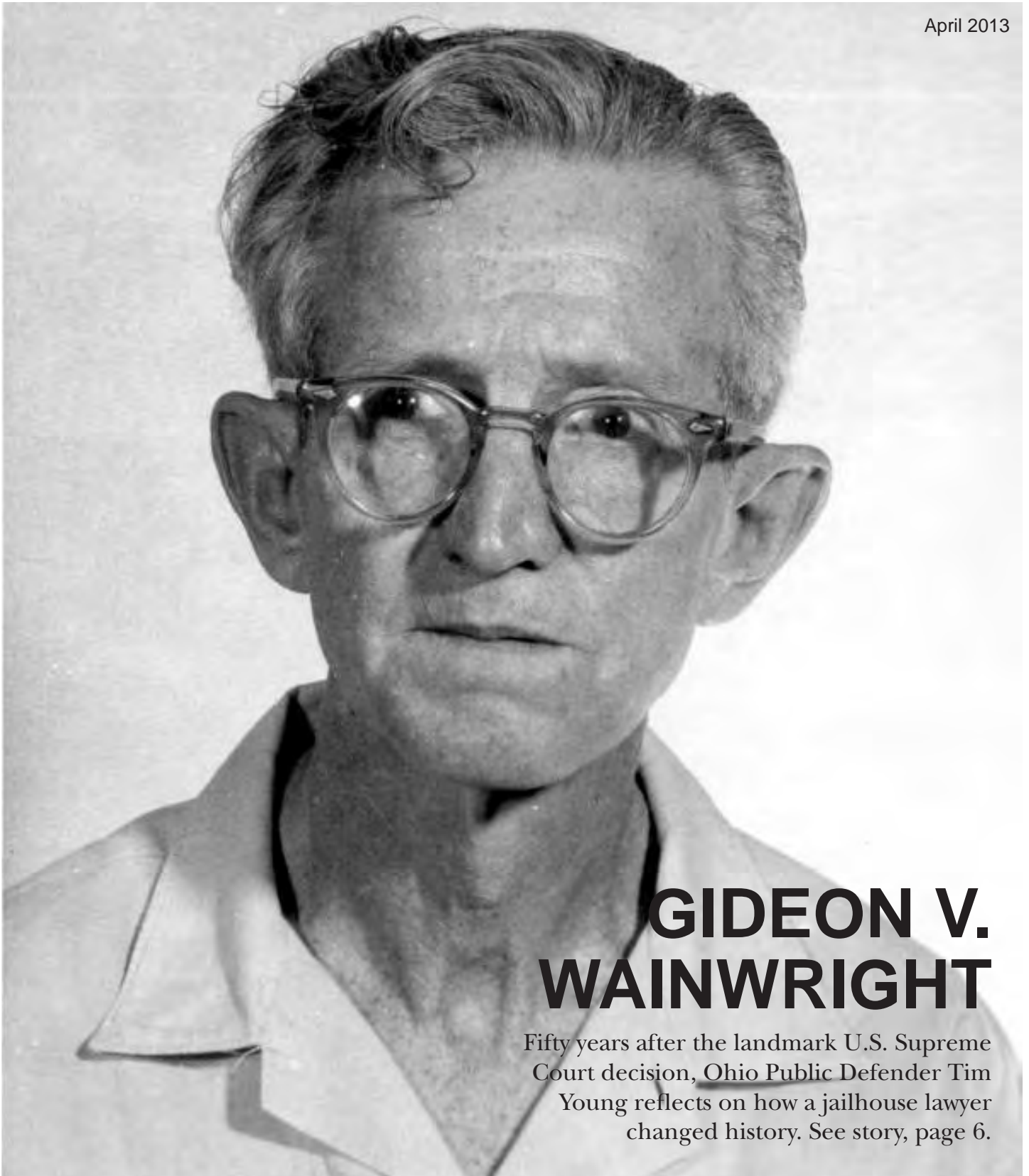


# CNO REVIEW

April 2013



## GIDEON V. WAINWRIGHT

Fifty years after the landmark U.S. Supreme Court decision, Ohio Public Defender Tim Young reflects on how a jailhouse lawyer changed history. See story, page 6.

## About Court News Ohio

Court News Ohio is a service of the Office of Public Information of the Supreme Court of Ohio and Ohio Government Telecommunications. Court News Ohio includes a website (courtnewsOhio.gov), a monthly print publication (CNO Review), a television program (CNO TV), a Facebook page (facebook.com/courtnewsOhio) and a Twitter feed (@courtnewsOhio).

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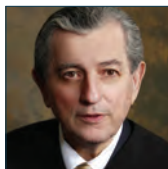
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## On the Cover

In 1963, Florida resident **Clarence Earl Gideon** was charged with breaking and entering with the intent to commit a misdemeanor. Gideon was forced to serve as his own counsel. After being sentenced to five years in prison, he appealed to the Supreme Court, arguing that his Fourteenth Amendment rights had been violated. Read the full story on page 6.

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# Cases

Visit [courtnewsohio.gov](http://courtnewsohio.gov) for the most current decisions from the Ohio Supreme Court, Court of Claims, and courts of appeals.

## Supreme Court of Ohio

### Supreme Court Rules in Worker's Comp Case

On March 12, the Supreme Court affirmed a court of appeals decision ordering the Ohio Industrial Commission to reinstate an award of temporary total disability benefits to a truck driver based on a finding that the driver's firing for an excessive number of traffic accidents did not constitute a "voluntary abandonment of employment." In a 4-3 majority opinion, the court followed and reaffirmed its 2007 holding in *State ex rel. Gross v. Industrial Commission (Gross II)* that an employee's firing for a violation of workplace rules causing the worker's qualifying injury is not a voluntary abandonment of employment that renders the injured worker ineligible to continue receiving workers' compensation benefits.

State ex rel. Haddox v. Indus. Comm., Slip Opinion No. 2013-Ohio-794

### Attorneys Disciplined

In five separate disciplinary cases in March, the Supreme Court suspended four attorneys and disbarred one. On March 20, the court suspended Painesville attorney Leo J. Talikka for two years with one year stayed. On March 19, the court suspended Cleveland Heights bankruptcy attorney Barbara C. Brown-Daniels for one year with six months stayed. On March 12, the court suspended Michigan attorney John C. Stewart for two years with one year stayed. On March 6, the court indefinitely suspended Eaton attorney Andrew

F. Siehl. Also on March 6, the court permanently revoked the law license of Cleveland attorney Kenneth Jeff Freeman.

Visit the [courtnewsohio.gov](http://courtnewsohio.gov) "Cases" archive to read more about these disciplinary actions.

## Court of Claims

### Court Approves UT Medical Center Patient's Settlement

The failure to diagnose and treat a Toledo man's bleeding on the brain that led to a stroke will cost the University of Toledo Medical Center nearly \$500,000. The Court of Claims approved the \$499,900 settlement on February 27. Because of the negligence, the patient, Adrian Fitzgerald, cited several "permanent and partially disabling" serious injuries including "traumatic brain injury, damage to the left visual field of both eyes, and loss of motor function." The complaint also cited the "loss of services and consortium" for his wife and two sons.

Adrian Fitzgerald, et al. v. University of Toledo Medical Center, Case No. C2013-00009

## Court of Appeals

### Prisoner Who Fell from Top Bunk Wins Appeal

The Tenth District ruled on March 14 that the Court of Claims should not have granted summary judgment to the Ohio Department of Rehabilitation and Correction in a case involving a prisoner who sued after he fell from his bed. The appeals court reexamined its own precedent on the application of "discretionary

immunity." Judge Julia L. Dorrian wrote the unanimous decision: "Many state employees are called upon to exercise a high degree of discretion while working. Were we to find that discretionary immunity applies every time a state employee exercises discretion in performing his or her job, we would be vastly expanding the scope of the discretionary immunity doctrine while simultaneously limiting the scope of the state's waiver of sovereign immunity from liability as established by the Court the Claims Act."

State v. Dugan, 2013-Ohio-447

### Court Cannot Issue Lifelong Ban to Ohio Man

The Ninth District Court of Appeals ruled February 28 that the Medina County Court of Common Pleas cannot issue a lifelong ban to a Florida man from entering Ohio. As part of a plea agreement, George Mose pleaded guilty and "agreed never to return to the State of Ohio during his lifetime other than for parole requirements." The trial court accepted the agreement and sentenced Mose to three years of prison with credit for time served. Judge Carla Moore wrote the unanimous decision, stating: "We agree that Mr. Mose's lifelong banishment from the State of Ohio is contrary to law ... While we understand that Mr. Mose agreed to this sanction, the trial court was without authority to impose a punishment which is not authorized by statute. As such, we must vacate only that portion of Mr. Mose's sentence."

State v. Mose, 2013-Ohio-635

# Happening Now

News and notes from courthouses around the Buckeye State.

## ABA Opinion Offers Guidance on Judges and Social Media

Judges' use of social media doesn't compromise their ethical obligations any more than other modes of social interaction if they're careful, according to a recent opinion from the American Bar Association. The ABA opinion's conclusions are very similar to an Ohio advisory opinion from 2010.

In addition to addressing the issue in general terms in relation to the ABA Model Code of Judicial Conduct, Formal Opinion 462 discusses social media use in judicial campaigns.

As for disclosure or disqualification concerns, the opinion bases that line call on the context of the situation.

"A judge who has an ESM (electronic social media) connection with a lawyer or party who has a pending or impending matter before the court must evaluate that ESM connection to determine whether the judge should disclose the relationship prior to, or at the initial appearance of the person before the court," according to the opinion. "Simple designation as an ESM connection does not, in and of itself, indicate the degree or intensity of a judge's relationship with a person."

The opinion includes several precautions for judges or judicial candidates:

- Avoid personally creating or maintaining social media campaign sites by leaving those duties to campaign committees.
- Be aware that clicking "like" on other sites may run afoul of prohibitions against endorsing or opposing candidates.
- Manage privacy settings to restrict how many people can access the judge's or judicial candidate's site.

A December 2010 advisory opinion from the Ohio Supreme Court Board of Commissioners on Grievances & Discipline came to similar conclusions as the ABA opinion. The opinion advised that social media use is permitted, but must be done with caution, and it offered wide-ranging, specific guidance to judges on how to navigate the new waters of social media without violating judicial canons that require judges to avoid even the appearance of bias or impropriety.

## LADY JUSTICE: Appeals Court Makes History with All-Women Membership



In honor of National Women's History Month, it's interesting to note that five Ohio appellate courts have female majorities including the Ohio Supreme Court. But only one has an all-female court: the Ninth District Court of Appeals, which serves Lorain, Medina, Summit, and Wayne counties.

Judge **Jennifer L. Hensal** (*pictured, left*) began her term on the Ninth District on February 9 after defeating two-term Judge Clair E. Dickinson, the only male on the court, in the November election. She joined fellow female colleagues **Donna J. Carr**, **Carla D. Moore**, **Eve V. Belfance**, and **Beth Whitmore**.

It appears this is the first fully-staffed Ohio appeals court to be ruled only by women.

Presiding Judge Moore talked about the significance of the makeup of the bench.

"While it has been said that justice is blind, it is important in fostering public confidence that those who sit on the bench represent the population we serve," she said. "Not long ago, it was an anomaly to have a woman judge on the Ninth District Court of Appeals. It is now the order of the day. I hope it serves as inspiration to every young woman law student and lawyer."



About 15 years ago Judge Carr was the only woman serving on the court. Even though that has changed dramatically, she said the judges have always worked well together to decide cases and function as a court through the years.

Administrative Judge Belfance also pointed to the historic moment.

“Who would have thought even a generation ago that an entire Ohio court of appeals would consist of all female judges?”

“Who would have thought even a generation ago that an entire Ohio court of appeals would consist of all female judges?” she asked. “It was only one generation ago that women were beginning to enter the legal field, opening the doors for women to become jurists.”

That generation included Judge Belfance’s mother, Kathryn A. Belfance, who was the only woman practicing bankruptcy law in Akron at the time and who became the first bankruptcy trustee in the Northern District of Ohio. Law firms wouldn’t hire her, so she shared an office with another woman attorney. Between them, they had eight children. Breaking the glass ceiling in the then male-dominated legal arena posed many challenges. Ultimately, Mrs. Belfance convinced her office mate to run for domestic relations judge. That’s how retired Judge Judy Nicely became the first female domestic relations judge in Summit County.

Statistics maintained by the Supreme Court’s Office of Attorney Services show that only around a quarter of Ohio’s nearly 700 judges and about 30 percent of the state’s roughly 44,000 active attorneys are women. As a reference point, Ohio’s population is 51.2 percent female, according to the U.S. Census.

In the 210-year history of the Ohio Supreme Court, only 10 of the 156 justices who have served on the court were women, and 4 of those are on the current bench.

## Guide Assists Potential Court Interpreters

The Ohio Supreme Court published an eight-step guide for those who wish to complete the process to serve as a certified foreign language interpreter in Ohio courts. Applications are being accepted for 20 different languages.

Ohio began the certification of court interpreters in 2010. The rules provide the mechanism to screen, test, and certify interpreters. Bilingual individuals are able to obtain the credential by completing training, taking written and oral exams, and complying with the professional standards provided by the court.

In addition to meeting a set of requirements, eight steps are needed to complete the process:

- Submit an application to take the written exam.
- Attend a two-day orientation training.
- Take the written exam.
- Attend a two-day modes of interpretation training.
- Submit to a background check.
- Take the oral exam.
- Sign an oath to comply with the code of ethics.
- Agree to be listed on the certified court interpreter roster.

The guide provides detailed information on completing each step and is available on the Supreme Court website: [www.sc.ohio.gov/JCS/interpreterSvc/certification/becomingCertified.pdf](http://www.sc.ohio.gov/JCS/interpreterSvc/certification/becomingCertified.pdf).

## Ohio Supreme Court Employees Honored



The Ohio Supreme Court recognized three employees on March 12 for their professionalism and outstanding service to the court in 2012 during a ceremony before justices and staff. The annual awards are the highest honors given to Supreme Court staff.

PICTURED: 2012 Employee Excellence Award winners (from left) Stephanie Tansill, James Bumbico, and Melissa Pierre-Louis.



## State Public Defender Reflects on Gideon 50 Years Later

Last month the nation recognized the 50th anniversary of the U.S. Supreme Court's decision in *Gideon v. Wainwright*, the landmark case requiring states to provide counsel for indigent defendants under the Fourteenth Amendment.

Ohio Public Defender **Tim Young** marked the occasion by attending an event in Washington, D.C., featuring U.S. Attorney General **Eric Holder**.

The next edition of the Supreme Court of Ohio "Forum on the Law" lecture series will feature Young and other experts in a panel discussion in the courtroom of the Thomas J. Moyer Ohio Judicial Center on May 23.

Earlier in March, Young spoke to the CNO Review about the historic case and the current state of representation for the poor in Ohio.

Unabashedly passionate about his work and this case, Young likes to share one of his favorite quotes about the *Gideon* case from Attorney General Robert F. Kennedy:

*If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court, and if the Supreme Court had not taken the trouble to look for merit in that one crude petition among all the bundles of mail it must receive every day, the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter. The Court did look into his case and he was retried with the help of a competent defense counsel, found not guilty, and released from prison after two years of punishment for a crime he did not commit, and the whole course of American legal history has been changed.*

Created in 1976, the Office of the Ohio Public Defender is the state agency responsible, in conjunction with the counties, for providing legal representation and other services to those accused of a crime who cannot afford to hire their own attorney.

Before *Gideon*, Young said it was the exception rather

than the rule for poor defendants to have a lawyer. But the government always brought great resources to bear to try its case. This unbalance created some "incredibly unfair outcomes," and the U.S. Supreme Court was on the lookout for a case to address this perceived unfairness.

In 1963 the court found the "perfect" case in *Gideon*, Young said.

Gideon was charged with breaking and entering with the intent to commit a misdemeanor, which is a felony under Florida law. At trial, he appeared in court without an attorney, and in open court, he asked the judge to appoint counsel for him because he could not afford an attorney. The trial judge denied the request because Florida law only permitted appointment of counsel for poor defendants charged with capital offenses.

Young said Gideon lost on appeal in the Florida courts, but fortunately, the procedural issue at the center of the case – the right to counsel – remained.

The Supreme Court ultimately ruled in *Gideon*'s favor but Young said the decision only applied to felony cases. He said two other subsequent cases on different aspects of the right to counsel were equally important. *In re Gault* (1967) recognized the right to counsel for juveniles, and *Argersinger v. Hamlin* (1972) recognized the right for defendants accused of any jailable offense (misdemeanors).

"These cases really changed the face of criminal cases in the United States," Young said. "They tested the boundaries of most of the Bill of Rights. It's *Gideon* and its progeny that gives life to those rights."

While the significance of *Gideon* is profound, Young said he refrains from celebrating the anniversary because of the failures in the structure and funding of Ohio's indigent defense system.

“We are a long way from truly meeting Gideon’s promise today,” Young said. “We have made good progress, but the guaranteed right to counsel is an unfulfilled constitutional right.”

The structural problem with Ohio’s system results because it’s funded and delivered at the county level and no two counties operate in the same way, Young said. That leads to “dramatic differences” in efficiency, quality, and in justice for the accused, he said.

Fifty Ohio counties don’t have a public defender, so they make use of appointed counsel. This process causes significant concerns, Young said, because the court “picks and pays the lawyer” and must evaluate a defendant’s case before trial.

With only minor exceptions, attorneys in the 30-some counties with public defender’s offices are paid less than their prosecutor counterparts, and the disparity in the appointed counsel system may even be worse, he said. In some counties, rates for appointed counsel representation have not increased in 30 years, and in most the rate systems are over 10 years old, Young said.

Even in counties that have raised rates there are caps in place, Young said. With overhead and staff support costs to pay, the available room under the funding cap shrinks quickly.

These limitations in pay result in good lawyers leaving public defender offices and appointed counsel lists, he said. The knowledge drain and retraining expenses result in “downstream” costs in the system, such as increased incarceration rates, fewer taxpaying citizens, and more demands on social services.

Young is part of working group meeting to address some of the concerns with the indigent defense system. The group includes the Ohio State Bar Association, Ohio Judicial Conference, public defenders, and county commissioners. The goal of the group is to take the system out of its home-rule origins and make it a state obligation, just like required in *Gideon*, he said.

The system would continue to use local lawyers, be fully state funded, and regionalize the back-end functions for investigators, social workers, human resources, and information technology – those areas that are heavily tilted in favor of the prosecution now.

With a statewide system, Young said, there would be a unified case management and document management system, unified training, and the ability to measure quality.

He said the best states are those with statewide systems, and study after study has supported this approach.

None of Young’s concerns are new or novel. In 1992, former Justice **Craig Wright** headed a group that issued a report on indigent defense, stating: “We have concluded

the present system is neither efficient nor cost-effective in many areas throughout Ohio.” The Wright Report further stated: “Because crimes are prosecuted in the name of the state and prosecutors are representing the state ... the state should make a firm commitment to gradually assume the responsibility for funding all expenses associated with providing representation of indigent defendants.”<sup>1</sup>

In 2006, another task force made similar findings: “It is the opinion of this task force that the system of providing counsel to indigent criminal defendants is inefficient and ineffective, and in need of significant improvements. The time has come for systemic changes to occur. The absence of a fully-funded, effective system creates the risk of denying an individual’s constitutional right to counsel.”<sup>2</sup>

Young said there’s a tendency for those in the Midwest to look down at the Southern states for how they operate. But he argued we should look up to many of them for their indigent defense systems because these states have undergone reform while Ohio has not.

Part of that reform concerns funding the indigent defense system. The state reimburses counties 35 percent of their indigent defense costs regardless of how their county systems are set up, their quality, or their efficiency, Young said.

In his February testimony on the Fiscal Year 2014-15 budget bill, Young advocated increasing that reimbursement to 40 percent as recommended in the governor’s budget request. He also asked members of the House Finance Transportation Subcommittee to consider returning the state’s share to half the cost as originally designed “to bring relief to counties struggling to provide this constitutionally mandated service.”

Under a legal system in which the accused are presumed innocent until proven guilty, Young said the only way “to make that presumption real is they’ve got to have an effective lawyer.”

That lack of a lawyer was at the very heart of the *Gideon* case and exaggerated the poor’s lack of a voice where there already existed a lack of resources, Young said.

<sup>1</sup> *Report of the Supreme Court Task Force to Study Court Costs and Indigent Defense*, submitted to the Ohio General Assembly by Justice Craig Wright, September 1992.

<sup>2</sup> *Report and Recommendations of the Ohio Supreme Court Task Force on Pro Se & Indigent Litigants*, April 2006.



## 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 9, Rep. Peter Stautberg (R-Cincinnati)**

To add to and clarify the powers of a receiver and to provide a procedure for a receiver's sale of real property.

**STATUS:** Introduced January 30, 2013 and referred to House Judiciary Committee. Substitute bill accepted and reported out of House Judiciary Committee on March 13, 2013.

### **HB 49, Rep. Mike Dovilla (R-Berea); Rep. Wes Retherford (R-Hamilton)**

To revise the laws governing the provision of adult protective services.

**STATUS:** Introduced on February 12, 2013 and referred to the House Judiciary Committee. Second committee hearing continued on March 13, 2013.

### **HB 59, Rep. Ron Amstutz (R-Wooster)**

The state's Budget Bill, which authorizes operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015, as well as providing authorization and conditions for the operation of state programs, includes a provision to limit liability damage awards against the state. Specifically, the provision would prevent the Court of Claims from awarding punitive damages and would prohibit non-economic damages in excess of \$250,000, except for wrongful death actions.

**STATUS:** Introduced on February 12, 2013. Fifth hearing of the House Finance and Appropriations Committee was on March 21, 2013.

### **HB 61, Rep. Dorothy Pelanda (R-Marysville)**

Allows adopted persons within a specified time period to access their adoption records.

**STATUS:** Introduced in the House on February 12, 2013. Reported out of the House Judiciary Committee on March 13, 2013, after three hearings.

### **HB 69, Rep. Ron Maag (R-Lebanon)**

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

**STATUS:** Introduced in the House on February 20, 2013 and reported to the House Transportation, Public Safety & Homeland Security Committee. First committee hearing on March 19, 2013.



**HB 86, Rep. Tracy Heard (D-Columbus)**

To require a court that becomes aware that there is a risk of abduction of a child by one parent during a custody or domestic relations proceeding to consider certain specified factors to determine whether preventative measures are necessary and to permit a court to take certain actions if the court determines preventative measures are necessary to prevent the abduction of the child.

**STATUS:** Introduced in the House on February 27, 2013. Referred to the House Judiciary Committee on March 6, 2013.

**HB 103, Rep. Matthew Huffman (R-Lima)**

To specify the manner of sending a notice of intent to file a medical claim and to provide a procedure for the discovery of other potential defendants within a specified period after the filing of a medical claim.

**STATUS:** Introduced in the House on March 13, 2013.

**SB 7, Sen. Chris Widener (R-Springfield); Sen. Bill Beagle (R-Tipp City)**

To require that a court report certain information to the local law enforcement agency for entry into the appropriate National Crime Information Center file if the court approves the conditional release of a person found incompetent to stand trial or not guilty by reason of insanity or orders a person convicted of an offense of violence to receive mental health treatment and to name this act the Deputy Suzanne Hopper Act.

**STATUS:** Introduced in the Senate on February 12, 2013. Second hearing held by the Senate Criminal Justice Committee on March 20, 2013.

**SB 23, Sen. Bill Beagle (R-Tipp City); Sen. Dave Burke (R-Marysville)**

Allows adopted persons within a specified time period to access their adoption records.

**STATUS:** Introduced in the Senate on February 12, 2013. First hearing held by the Senate Medicaid, Health and Human Services Committee on March 6, 2013.

**SB 29, Sen. Tim Schaffer (R-Lancaster)**

To enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.

**STATUS:** Introduced in the Senate on February 12, 2013. First hearing held by the Senate Ways and Means Committee on February 27, 2013.

**SB 47, Sen. Bill Seitz (R-Cincinnati)**

To revise the Election Law, in part, by restricting the time in which petition organizers can collect signatures.

**STATUS:** Introduced in the Senate on February 19, 2013. Passed Senate on March 6, 2013 (23-10).

**SB 61, Sen. Bill Beagle (R-Tipp City)**

To prohibit a law enforcement agency from making available to the general public on the internet a motor vehicle accident report that contains a minor's personal information without redacting or encrypting the personal information.

**STATUS:** Introduced in the Senate on March 5, 2013. First hearing of the Senate Public Safety, Local Government and Veterans Affairs Committee held on March 13, 2013.

**SB 64, Sen. Bill Beagle (R-Tipp City); Sen. Gayle Manning (R-North Ridgeville)**

To require as an element of the offense of criminal child enticement that the offender solicit, coax, entice, or lure the child for an unlawful purpose and to otherwise modify the offense.

**STATUS:** Introduced in the Senate March 7, 2013. Second hearing by Senate Criminal Justice Committee held on March 20, 2013.

**SB 83, Sen. Nina Turner (D-Cleveland)**

To provide that there is no period of limitation for the prosecution of an offense of rape or sexual battery.

**STATUS:** Introduced in the Senate March 14, 2013.



## SPRING CONFERENCES

April 4  
**Ohio Jury Management  
Association Conference  
& Annual Meeting**  
Thomas J. Moyer Ohio  
Judicial Center  
[www.ohiojury.org](http://www.ohiojury.org)

April 12-14  
**Ohio Court Reporters  
Association Annual Conference**  
Columbus  
[www.ocraonline.com](http://www.ocraonline.com)

April 24 - 26  
**Ohio Association of Magistrates  
Spring Conference**  
Association Magistrates, Dayton

May 7-10  
**Ohio Association for Court  
Administration Spring  
Conference**  
OACA Members, Perrysville  
[ohiocourtadministration.org](http://ohiocourtadministration.org)

May 9 & 10  
**Ohio Community Corrections  
Association Annual Conference**  
Dublin  
[www.occaonline.org](http://www.occaonline.org)

# 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

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

April 3  
**Guardian ad Litem Pre-Service Course  
(3 of 9)**  
Guardians ad Litem, Akron

April 4  
**Current Issues in Jury Management**  
Judges & Court Personnel, Columbus

April 11  
**Managing a Diverse Workforce  
(1 of 2)**  
Court Personnel, Columbus

April 12  
**Acting Judge Course: Small Claims  
(1 of 3)**  
Judges, Magistrates & Acting Judges  
Dayton

**Managing a Diverse Workforce  
(2 of 2)**  
Court Personnel, Columbus

**Introduction to Housing Options  
Available to People with Mental Illness  
(1 of 2)**  
Judges, Magistrates & Court Personnel  
Self Study, CLE Webinar  
Noon to 1 p.m.

April 15-19  
**New Judges Orientation, Part II**  
New Judges, Columbus

April 17-19  
**Court Management Program (CMP)  
2014A Scarlet Class: CourTools**  
CMP 2014A, Columbus

April 18  
**Ohio Guardian ad Litem Education  
Program: Understanding CPS**  
Guardians ad Litem, Toledo  
1 to 4:30 p.m.

April 19  
**Ohio Guardian ad Litem Education  
Program: Understanding CPS**  
Guardians ad Litem, Toledo  
8:30 a.m. to Noon

April 25-26  
**Court Executive Team Part II**  
Judges & Court Personnel, Columbus

April 30  
**Ohio Guardian ad Litem Education  
Program: Domestic Violence**  
Guardians ad Litem, Columbus  
1 to 4:30 p.m.

May 1  
**Court Clerks Course**  
Court Clerks, Columbus

**Ohio Guardian ad Litem Education  
Program: Domestic Violence**  
Guardians ad Litem, Columbus  
8:30 a.m. to Noon

May 2-3

**Capital Cases**

Judges, Columbus

May 3

**Sex Offender Management Course**

Probation Officers, Columbus

**Introduction to Housing Options  
Available to People with Mental  
Illness (2 of 2)**

Judges, Magistrates,  
& Court Personnel

Self Study, CLE Webinar

Noon to 1 p.m.

May 10

**Civil Procedure By The Numbers  
Part IV: Discovery**

Judges & Magistrates, Columbus

**Interpreter Services  
Training**

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

April 26 & 27

**Orientation for Written Exam**

Columbus

May 4

**Interpreter Ethics**

Columbus

**Dispute Resolution  
Training**

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

April 8-12

**Specialized Family/Divorce Mediation**

Toledo

April 18 & 19

**Domestic Abuse Issues: Training for  
Mediators & Other Professionals**

Cincinnati

April 22 & 23

**Domestic Abuse Issues: Training for  
Mediators & Other Professionals**

Columbus

May 1-3 & 6-7

**Specialized Family/Divorce Mediation**

Cleveland

**Supreme Court of Ohio**

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

April 9, 10 & 23

**Oral Arguments**

April 24

**Oral Arguments**

**Off-Site Court Program**

Bellefontaine (Logan County)

April 26

**February 2013 Bar Examination  
Results Released**

May 6

**Bar Admissions Ceremony**

Columbus

May 10

**Late Application Deadline  
to Take the July 2013 Bar Exam**

**Ohio Center for Law  
Related Education**

[www.ocltre.org](http://www.ocltre.org)

April 11 & 12

**Middle School Mock Trial Showcase**

April 12

**Registration Deadline: We the People  
Middle School State Showcase**

May 7

**Youth for Justice Summit**

**Miscellaneous**

April 9 -12

**Ohio Prosecuting Attorneys  
Association: The Reid Technique  
of Interviewing**

Union County Sheriff's Office

[www.ohiopa.org](http://www.ohiopa.org) | Marysville

April 18 & 19

**Ohio Prosecuting Attorneys  
Association Spring Training**

[www.ohiopa.org](http://www.ohiopa.org) | Columbus

**Local Court Roundtables**

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

April 4

**Juvenile Administrators**

Midsized & rural courts

April 5

**Municipal Administrators**

Urban courts, urban  
environment

April 11

**Probate**

Midsized & rural courts, rural,  
and midsized counties

April 12

**Juvenile Chief Deputy Clerks**

Midsized & urban courts, more  
than 60K

April 30

**Domestic Relations Magistrates**

Rural & midsized counties

May 3

**Domestic Relations Magistrates**

Urban & suburban counties

May 10

**Common Pleas Judges**

Rural counties

May 17

**Juvenile Chief Deputy Clerks**

Rural courts, less than 60K

## Friends, Family Mourn Passing of Lake County Judge

Former Lake County Probate Court Judge **Ted Klammer** instilled a love for the law and a desire to serve in his two children. Friends and family gathered at a funeral mass on March 18 to honor Judge Klammer, who died March 13.

Eastlake Law Director **Randy Klammer** and Mentor City Prosecutor **Lisa Klammer** each spoke of the lessons they were taught.

According to a story in the Willoughby News-Herald, Randy Klammer said his father's entire life was defined by kindness and tireless advocacy for those unable to help themselves. Lisa Klammer said her father was constantly telling his children to always be honest and always do the right thing.

Judge Klammer, 66, died at home of natural causes.

He began his judgeship on February 9, 2003, after winning a three-person race for the job in the November 2002 election. Judge Klammer was re-elected to a second six-year term in 2008. Sadly for probate court staff, this was the second time a judge had died in recent years before the completion of his term. Judge **Frederick Skok**, who chose not to run again in 2002 and whom Judge Klammer replaced, died on January 10, 2003.

After earning his law degree from Cleveland State University's Cleveland-Marshall College of Law in 1970, Judge Klammer practiced law for 32 years in federal and state courts, according to his biography on the probate court's website. Prior to serving on the court, Judge Klammer was an acting municipal court judge, assistant county prosecutor, township solicitor, city law director, and special counsel.



## Long Elected Chair of Judicial College Board of Trustees

Judge **Jan Long** was recently elected as chairman of the Ohio Supreme Court Judicial College Board of Trustees. Judge **Tom Marcelain** of Licking County Common Pleas Court was elected vice-chair, and Magistrate **Bill Rickrich** of Licking County was elected secretary.

Judge Long has served on the Pickaway County Court of Common Pleas Probate and Juvenile Division in Circleville since 1996. Prior to taking the bench, he was a state senator for the 17th District of Ohio. Judge Long also served as the Pickaway County assistant prosecutor.

"I am honored to serve as chairman of the Judicial College Board of Trustees," Long said. "I believe that through the dedication and efforts of our staff, Ohio offers the finest continuing judicial education to our judges throughout the state. I look forward to serving as the chairman to continue these efforts."

Judge Long serves as co-chairman of the Ohio Judicial Conference Probate Law and Procedure Committee and co-chairman of the OJC Legislative Committee. He is also on the conference's Executive and Juvenile Law and Procedure committees. Judge Long graduated from Capital University Law School.

## Judicial Appointments

The governor's office continues to fill the large number of judicial vacancies left after dozens of judges retired from the bench last year.

Gov. John Kasich on March 7 appointed **Scott N. Barrett** and **Steven D. Christopher** to serve on the Hardin County Court of Common Pleas.

On March 4, the governor appointed Judge **Craig R. Baldwin** of Licking County Domestic Relations Court to the Fifth District Court of Appeals. He also appointed **David A. Schroeder** to serve the Ashtabula County Court Western District.

On March 13, the governor announced the appointment of **Margot B. Halcomb** to serve on the Butler County Domestic Relations Court. Halcomb will assume office on April 2, 2013.

All five new appointees will have to run in the November 2014 election in order to retain their seats for the unexpired terms. According to Gov. Kasich's office, there are 20 more judicial vacancies left to fill across Ohio at the time CNO Review went to press.