

CNO REVIEW

July 2013



Shale Litigation

Sitting and retired judges working in eastern Ohio recently gathered to talk about common issues in their courts caused by the influx of oil and gas litigation from Utica shale drilling.

(See full 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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Court News Ohio
65 S. Front Street
10th Floor
Columbus, Ohio 43215

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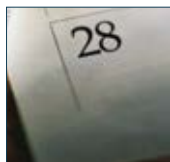


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Cases

Visit 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: “RICO” Statute Not Ambiguous

On June 11, the Supreme Court ruled that the sentencing statute penalizing certain violations of the state’s Racketeer-Influenced and Corrupt Organizations statute is not ambiguous, and that the provision requires the imposition of a mandatory 10-year prison sentence in cases where a defendant is found guilty of engaging in a pattern of corrupt activity that includes the commission of any first-degree felony. The court’s 4-3 majority decision, authored by Justice Judith L. French, reversed a ruling by the Ninth District Court of Appeals.

State v. Willan
Slip Opinion No. 2013-Ohio-2405

Attorneys Disciplined in Two Separate Cases

In two disciplinary cases, the Supreme Court in June indefinitely suspended one attorney and disbarred another. On June 13, the court indefinitely suspended the law license of Cincinnati attorney Thomas J. Leksan for more than 20 violations of state attorney discipline rules arising from his mismanagement of his law office trust account and misappropriation of client funds on deposit in that account between 2009 and 2011. On June 4, the court permanently revoked the law license of Cleveland attorney William L. Tomson Jr. for multiple violations of state attorney discipline rules in his dealings with two prison inmates from whom he collected more than \$13,000 in fees for promised postconviction legal services that were never performed.

Visit the courtnewsOhio.gov “Cases” archive to read more about these disciplinary actions.

Three-Judge Panel May Determine Whether Intra-District Conflict Exists, En Banc Review Required

On June 12, the Supreme Court ruled that when a litigant moves for en banc review of a district court’s decision, the three-judge panel that originally decided the case may determine whether an intradistrict conflict – the necessary predicate for en banc review – is present. The justices held that while the full court of appeals is also able to make this determination, it is simply not required to do so. The court’s 4-3 majority opinion was authored by Justice Judith L. French.

State v. Forrest
Slip Opinion No. 2013-Ohio-2409

Courts of Appeals

Cleveland Man Wins Sentencing Appeal

On June 12, the Eighth District Court of Appeals ruled that a Cleveland man who pleaded guilty to a drug offense so he could participate in a drug court diversion program should have been allowed to change his plea after a drug court judge later deemed him unqualified for the program. Judge Kathleen Ann Keough in the court’s opinion wrote: “We find that the drug court judge had jurisdiction over (Jonathan) Orlando’s case, but violated the local rules when the judge failed to return Orlando’s case to the docket of the originally-assigned judge prior to accepting Orlando’s plea.”

State v. Orlando
2013-Ohio-2335

Summary Judgment ‘Inappropriate’ for Negligence Claim

A negligence claim arising from a water main break and subsequent crash from ice on a roadway needs to go to trial instead of being resolved through summary judgment, according to a June 10 Twelfth District Court of Appeals ruling. Judge Michael E. Powell authored the unanimous decision that reversed and remanded the case from the Clermont County Common Pleas Court, calling its summary judgment ruling “inappropriate.”

Proffitt v. Tate Monroe Water Assn., Inc.
2013-Ohio-2278

Court of Claims

Man’s Family Receives \$500,000 Settlement from University Hospital in Cincinnati

Family members of a Hamilton County man who died one day after being discharged from University Hospital in Cincinnati will receive a \$500,000 settlement. Ryan Smith died after being treated there for a brain injury, and his family filed a wrongful death suit against the hospital. In February 2012, the Court of Claims found “the care and treatment Ryan received in the ER at University Hospital fell below the standard of care.” The Smith estate and the hospital settled on the \$500,000 amount before the case went to trial on the issue of damages.

Dean Smith, Admr. v. University of Cincinnati, Case No. 2008-11389

Happening Now

News and notes from courthouses around the Buckeye State.

Court of Claims Cites Achievements in 2012 Annual Report

The Court of Claims of Ohio in 2012 eliminated backlogs and cut costs by more than half a million dollars, according to the court's 2012 annual report released June 14.

The Court of Claims is given original jurisdiction to hear and determine all civil actions filed against the state of Ohio and its agencies.

Court of Claims Clerk **Mark Reed** said the court had a 102-percent clearance rate for cases last year. The court received 924 new or reactivated cases and closed 945 cases in 2012.

"Our staff has worked diligently to get cases closed and get cases out the door," Reed said.

In addition, cost-cutting measures – including reducing staffing levels by seven full-time employees – allowed the court to reduce expenditures in 2012 by more than \$500,000, or 13 percent.

"We reduced staffing to the correct size, through attrition," Reed said. "We've also been able to use some outsourcing of services that previously we did in-house, and then just over time we reduced our services and our vendor contracts. We do a lot of things internally now that we used to do externally."

Reed said he expects the court will save \$1.2 million by the end of 2013, and said his staff worked hard to be more efficient while still maintaining quality in the court.

"Here was a court that essentially had the potential to be a great court, but had not been sort of modernized as it should have been over time," Reed said. "We've brought those changes here, and this court is on its way to becoming a great court."

In February, the Ohio Association for Justice recognized Reed and Ohio Supreme Court Chief Justice **Maureen O'Connor** for the reduced time it takes the Court of Claims to decide cases and other efficiencies.



"Our staff has worked diligently to get cases closed and get cases out the door."

- Mark Reed, Clerk of Court

Augsburger Named First Woman OSBA Executive Director

On July 1, **Mary Amos Augsburger** became executive director of the Ohio State Bar Association, moving up from her position as legislative counsel.

She becomes the fourth executive director and first woman in the position in the OSBA's 133-year history. Before joining the OSBA, Augsburger served as chief counsel in the Ohio Senate, chief counsel for the Ohio Division of Financial Institutions within the Department of Commerce, and director of policy and public affairs for the Ohio Auditor.

Augsburger earned her law degree from Capital University and her undergraduate degree from The Ohio State University.

She succeeds **Denny L. Ramey**, who retired from the OSBA after 33 years, serving as executive director for 28 of those years. Nationally recognized as an innovative bar leader, Ramey focused on providing service to OSBA members, the public at large, and the profession as a whole. In addition to performing his duties as executive director, Ramey served as an officer and board member of many OSBA-affiliated organizations. He oversaw a staff of 70, an annual budget of \$12 million, and a membership totaling nearly 29,000.



Augsburger

More OSBA News

William K. Weisenberg, assistant executive director for public affairs, government relations, and diversity initiatives for the OSBA, was selected as the recipient of the 2013 National Association of Bar Executives Bolton Award, the 2013 American Bar Association Grassroots Advocacy Award, and the 2013 Ohio Center for Law Related Education Founders' Award.

60 Years and Counting

Law Firm Secretary Honored for Service

When **Rosemary Marie Latimer** began her current job, Dwight Eisenhower was president and the Korean War was still underway.

Latimer got a job as a secretary in 1953 at Roof Law Office in Kenton, now known as Roof and Barrett Law Office, shortly after graduating from LaRue High School. She's been there ever since, and she is now 78 years young.

Latimer said she likes her job because there's something different going on all the time.

"I always enjoy working with the different assignment commissioners of all the courts our attorneys worked in," Latimer said.

Latimer said her job has changed a lot over the past six decades.

"I had to take notes in shorthand at first, then later we went to a dictating machine, and everything would be put on a disk and I would listen via earphones and transcribe," Latimer said. "When I started, of course, we had a manual typewriter and had to use carbon paper. Then we went to an electronic typewriter, and, at long last, the computer."

Hardin County Common Pleas Court Judge **Scott Barrett** worked with Latimer for 39 years before he was appointed to the bench. He said Latimer was a delight to work with over the years.

"She was completely dependable and never missed work," Judge Barrett said. "She kept her work up-to-date, and had an incredible memory for names and clients."

Barrett said he wondered if Latimer would continue to work at the office when her typewriter broke.

"I remember when her electronic typewriter quit working, and I was not sure she would make the transition into the computer age," Judge Barrett said. "I asked her if she wanted to switch to a computer, and she said, 'Let's do it.' We did, and it worked out beautifully."

"I was afraid of it at first, and then I plunged in and loved it!" Latimer said.

Barrett always joked with Latimer, saying he would quit practicing law when she retired.

"However, I was the one to leave to serve as judge," Barrett said. "It was an emotionally difficult day for me when I left the office, and I miss Rose every day because we were not just co-workers, we were good friends."

Even after 60 years, Latimer said she's still enjoying the ride.



Rosemary Marie Latimer and former colleague Hardin County Common Pleas Court Judge Scott Barrett.

Reporting Requirements for Mentally Ill Offenders Signed Into Law

Gov. **John R. Kasich** signed into law June 4 a bill that requires judges to report to law enforcement when they order a mental-health evaluation or treatment instead of incarceration for a person convicted of a violent criminal offense, or if they approve a conditional release for an individual found incompetent to stand trial or not guilty by reason of insanity.



Widener



Beagle

Law enforcement will then enter that information into the law enforcement database so that responding officers will know that information about the offender.

Sponsored by President Pro Tempore **Chris Widener** and Sen. **Bill Beagle**, the idea for Senate Bill 7 resulted from the death of Clark County Sheriff's Deputy **Suzanne Hopper** on January 1, 2011.

She was shot and killed after responding to a call about gunfire at a trailer park in Enon. The suspect, Michael Ferryman, was also killed in the incident. After a previous similar standoff with authorities 10 years earlier, Ferryman was found not guilty by reason of insanity, committed to a mental health facility, and conditionally released.

The Ohio Judicial Conference was consulted on the bill and some amendments were made to improve the practical application of the legislation. Ohio courts will begin to implement this new requirement 90 days after the governor's signature.

The bill passed the Ohio Senate 32-1 on March 20 and the Ohio House of Representatives 92-0 on May 29. (*See Legislative Digest, page 11.*)

SHALE BOOM

INCLUDES RISE IN

LEASE LITIGATION

By any measurement, Carroll County is at the heart of the oil and gas production boom related to Utica shale drilling in eastern Ohio.

The latest Ohio Department of Natural Resources statistics show that Carroll County boasts nearly half the producing wells in the state and more than half of the oil and almost two-thirds of the natural gas produced from Utica wells.

As with any emerging and rapidly expanding industry, there are far-reaching impacts to a community. An April 28 story in *The (Canton) Repository* summarized the situation currently in Carroll County.

“Sales tax collections are up, and the unemployment rate is down. Fleets of heavy trucks run up and down the roads hauling equipment, water, and other drilling supplies. New companies, such as Rex Energy, have established offices in Carrollton (the county seat). Farmers have become millionaires.”

The oil and gas boom also affects the Carroll County court system. Oil and gas companies have reached agreements with thousands of landowners to lease land for drilling. These agreements have also spawned litigation.

Carroll County Common Pleas Court Judge **Dominick E. Olivito Jr.** said the court has seen more litigation in this area of law recently, even though a conflict prevents him from hearing the cases.

“I have a unique situation,” he said. “My wife and I own 53 acres with the oil and gas lease assigned to Chesapeake. I recuse myself from current oil and gas lease litigation due to my more than de minimis interest

in oil and gas lease interpretation litigation.”

Chief Justice **Maureen O'Connor** assigned three retired judges to handle the Carroll County oil and gas cases and assist in other counties: **Linton D. Lewis Jr.**, **Richard M. Markus**, and **Richard D. Reinbold Jr.**

Retired Stark County Common Pleas Court Judge Reinbold hears specific cases in Carroll County and has a blanket assignment in Columbiana County Common Pleas Court.

Reinbold said he needed a “crash course” on oil and gas and real estate matters as he had not had any experience in these areas of law when he served as a sitting judge. After handling his share of oil and gas cases, however, the language and terms are much more familiar.

He said there’s “not a lot of established law out there” and even cases from the 1960s and 70s under prior law didn’t have as much money at stake as today’s disputes.

Another challenging issue concerns the logistics of running a docket from afar, Reinbold said. He values the work of magistrates and office managers now more than ever because he doesn’t have access to them as a retired assigned judge. As a sitting judge, he could delegate the day-to-day work of managing the number of cases, drafting motions, and maintaining the pending calendar. He’s had to rely on the support staff of clerks’ offices and judges’ offices, which he labeled as “very helpful and cooperative.”

Reinbold said he communicates with the clerk’s offices and attorneys by e-mail and allows service through e-mail. He said he also issues orders by email, which relieves the clerk’s office from having to print orders and mail them. He types a copy of an order and sends it to the clerk for the file. The clerk’s office, in turn, scans and e-mails any new orders in a case.

Reinbold said he’s also tried to make it as easy as possible for opposing counsel to attend pre-trial conferences. He checks the location of the defense and plaintiffs’ attorneys and designates a half-way meeting spot. He said he’s also tried to accommodate out-of-state attorneys by minimizing their need to come to Ohio.

Retired Eighth District Court of Appeals and Cuyahoga County Common Pleas Court Judge Markus has specific case assignments and a blanket assignment in Carroll County. He said many of the cases involve multiple litigants filing jointly asserting the same claims.

Even with all the moving parts in these cases, Markus said “no one has complained that we’re slowing them down” and that he’s “moving as fast, if not faster, than counsel wants. They have to be ready.”

Retired Perry County Common Pleas Court Judge Lewis has specific case assignments in Carroll County too, as well as specific cases in Jefferson County. He also has blanket assignments in Belmont and Harrison counties.

Just like Reinbold, Lewis spoke of the importance of

Probate Judges Elected to Leadership Positions

Delaware County Probate/Juvenile Court Judge **Kenneth J. Spicer** will serve a two-year term as president of the Ohio Association of Probate Judges after his election during the group's summer conference on June 12.

"I am honored to have the opportunity to serve as president of the Ohio Association of Probate Judges and to continue the legacy of service to the probate community created by my predecessors," Judge Spicer said.

Ohio Supreme Court Chief Justice O'Connor administered the oath of office to Judge Spicer and other officers.

Judges also took courses to fulfill their continuing judicial education requirements. Topics included sessions for domestic relations and juvenile court judges on trauma's impact on the family and sessions on adoptions and managing access to records for probate court judges.

The other probate court judges elected to officer positions within the association are:

President-Elect
Judge Jan Michael Long
Pickaway County
Probate/Juvenile Court

Second Vice President
Judge Richard P. Carey
Clark County Probate Court

Treasurer
Judge James T. Walther
Lorain County Probate Court

First Vice President
Judge Dixie N. Park
Stark County Probate Court

Secretary/Historian
Judge Laura J. Gallagher
Cuyahoga County
Probate Court

Past President
Judge Kathleen L. Giesler
Ottawa County
Probate/Juvenile Court



Spicer

In addition, two at-large members were elected to the executive committee: Franklin County Probate Court Judge **Robert G. Montgomery** and Brown County Probate/Juvenile Court Judge **Margaret A. Clark**.

Ex-Judges Cannot Use Judicial Titles in Most Instances

Only under limited circumstances may former judges use judicial titles, according to a June 24 advisory opinion from the Ohio Supreme Court Board of Commissioners on Grievances & Discipline.

In a 1993 opinion, the board only considered the use of judicial titles by former judges upon their return to the private practice of law. The newly released Opinion 2013-3 addresses former judges' use of judicial titles in a variety of contexts.

The opinion's syllabus states that: "Former judges may not use judicial titles while practicing law, engaging in law-related or other business activities, working in government or other public sector positions, or providing charity or community services."

However, the syllabus notes that "former judges serving as retired assigned, acting, and private judges may use judicial titles in case-related entries, orders, decisions, and correspondence."

The opinion's conclusions were based on several rules of the Ohio Rules of Professional Conduct and Code of Judicial Conduct.

Recognizing that social etiquette rules adhere to the "once a judge, always a judge" adage, the opinion found that the philosophy "is misplaced in modern American legal and judicial ethics."

The opinion also discusses exceptions for former judges making factual statements about their prior judicial service and others using the judicial title to refer to the former judge as an honorific.

"To state it simply, a former judge is not a judge," the opinion states. "Judges are elected or appointed to a public office, occupy that office for a period of time, and then vacate the office either voluntarily and involuntarily.

"Because a former judge no longer holds office, a judicial title is not needed for identification purposes. Invariably, the use of a judicial title outside of judicial service is for personal gain or advantage or to create a benefit or recognition for another," the opinion continues.

Pool of Commercial Dockets Judges Expanded

As of July 1, common pleas courts that establish commercial dockets have the option of using retired judges to preside over these cases under rule amendments announced by the Ohio Supreme Court.

Commercial dockets resolve business-to-business disputes quicker and provide consistency to the process by judges developing expertise in this area. The types of cases that come before commercial docket judges include business liquidations, trade secret disputes, non-compete contracts, and shareholder disagreements.

As with the assignment of any retired judge, the constitutional authority to make assignments rests with the chief justice. The decision to use sitting judges or seek the assignment of a retired judge would be made by the local court.

Earlier this year, the Supreme Court adopted rules – also effective July 1 – that establish the framework for common pleas courts with six or more general division judges or that are located in a county with at least 300,000 people to establish commercial dockets. Pilot commercial dockets operate in common pleas courts in Cuyahoga, Franklin, Hamilton, and Lucas counties.

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 recently appointed the following judges to courts around Ohio.

Thomas Shawn Hervey | Harrison County Court of Common Pleas, General and Domestic Relations Divisions

Hervey took office on June 7, and must run in November 2014 to retain the seat for the full term commencing April 18, 2015. Hervey replaces Judge **Michael Nunner**, who retired.

Christopher J. Regan | Jackson County Common Pleas Court

Regan began serving as judge July 1 in the general and domestic relations divisions. He must run in the November 2014 general election to retain the seat for the remainder of the unexpired term, which ends December 31, 2016. Regan replaces retired Judge **Leonard Holzapfel**.

J. Curtis Werren | Stark County Common Pleas Court

Werren, who replaces retired Judge **Lee Sinclair**, must run in the November 2014 general election to retain the seat for the remainder of the unexpired term that ends January 1, 2017.

Jane M. Davis | Summit County Common Pleas Court

Davis was appointed June 18, and will take the bench on July 8. She must run in the November 2014 general election to retain the seat for the remainder of the unexpired term that ends January 4, 2017.



Rule Amendment Summary

A summary

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

Electronic Submission of Caseload Statistics. On July 1, some local courts began to submit caseload statistics electronically under rule amendments adopted by the Supreme Court. Once fully implemented, the new system will streamline the report submission process and will allow more current data to be available to the public. The first courts to submit statistics in electronic form are the general divisions of Ohio's 88 county common pleas courts. Case management staff members will communicate with local courts to plan for the roll out, to train local court personnel, and to allow plenty of lead time before submitting data.

Protection Order Forms. The Supreme Court will accept public comment until July 10 on proposed changes to a protection order form rule and 30 protection order forms. Changes to Civil Rule 65.1 – a civil rule that clarifies magistrates' involvement in civil protection order proceedings – necessitated some of the changes to the standardized forms. Changes to the forms also concern updating them to match current practices since the last update three years ago.

Domestic Relations Forms. On May 28, the Supreme Court announced the adoption of 23 standardized forms designed to increase access to justice in family-law related proceedings in domestic relations and juvenile courts. The forms concern divorces, dissolutions, motions for change in the allocation of parental rights and responsibilities (custody and visitation), child support, and parenting plans.



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 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. Amended and passed the House April 18, 2013 (61-35). Referred to the Senate Finance Committee on April 24, 2013. The Senate unveiled its substitute budget bill on May 28, 2013. Passed the Senate on June 6, 2013 (23-0). A conference committee hearing was June 18, 2013.

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

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

STATUS: Introduced in House on April 16, 2013, and referred to House Judiciary Committee on April 17, 2013. Passed the House on June 12, 2013 (93-0).

HB 130, Rep. Teresa Fedor (D-Toledo)

To authorize a judge or magistrate to order the testimony of a victim of trafficking in persons to be taken by closed circuit television equipment under certain circumstances, to prohibit the release of routine police reports that contain identifying information about minor crime victims or uncharged arrestees unless the identifying information is redacted, to specify that a public children services agency or private child placement agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, or return a child to the child's home and that a court find that a child cannot be placed with either parent under specified circumstances, to provide that a guardian ad litem can be appointed for a child in certain situations, to extend the period within which a prosecution for trafficking in persons must be commenced from six to twenty years after the offense is committed, to specify that the Rape Shield Law applies to evidence of a rape victim's involuntary sexual activity as well as evidence of a rape victim's voluntary sexual activity, to prohibit the admission of evidence pertaining to a victim's sexual activity in a case of trafficking in persons in the same manner as the Rape Shield Law does in a case of rape, to eliminate as an element of the offense of importuning the offender's knowledge or reckless disregard of the age of the person importuned when the person importuned is a victim of trafficking in persons who is 16 or 17 years of age, to provide that if a minor is a victim of trafficking in persons or human trafficking the state does not need to prove that the minor was compelled to engage in certain specified activities, to include in the offense of promoting prostitution certain specified activities that through electronic means promotes

or facilitates sexual activity for hire, to increase the penalty for soliciting when the person solicited is a minor, to require offenders convicted of solicitation when the person solicited is under 18 years of age to register as sex offenders, to prohibit including the term “massage” or any other term that implies a massage technique or method in advertisements unless certain circumstances apply, and to declare an emergency.

STATUS: Introduced in the House on April 16, 2013 and referred to the House Judiciary Committee. During its third hearing on May 29, 2013, the committee offered a substitute version and reported it out.

HB 138, Rep. Jeff McClain (R-Upper Sandusky); Rep. Tom Letson (D-Warren)

To make changes to the law governing the Board of Tax Appeals, including authorizing a small claims division within the Board, requiring the Board to institute measures to manage certain appeals, requiring the Board to receive notices of appeal and statutory transcripts electronically, providing pleading standards for appeals to the Board, granting the Board authority to grant summary judgments and consider motions, vesting hearing examiners with the authority to determine credibility of witnesses and issue statements of fact and conclusions of law separately, and authorizing the Board to require parties to engage in mediation, and to authorize the Tax Commissioner to expedite and issue a final determination for residential property value appeals with written consent of the parties.

STATUS: Introduced in the House on April 23, 2013 and referred to the House Ways & Means Committee. Passed by the House May 29, 2013 (93-0). Referred to the Senate Ways and Means Committee. Its second hearing was on June 18, 2013.

HB 141, Rep. Rex Damschroder (R-Fremont)

To abolish the Fostoria Municipal Court and the Tiffin Municipal Court, to create the Tiffin-Fostoria Municipal Court, and to declare an emergency.

STATUS: Introduced in the House on April 24, 2013 and referred to the House Judiciary Committee. Passed by the House on May 22, 2013 (90-1). Referred to the Senate Public Safety, Local Government and Veterans Affairs Committee. Passed by the Senate on June 20, 2013 (32-0).

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

Requires 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 names this act the Deputy Suzanne Hopper Act.

STATUS: Introduced in the Senate on February 12, 2013. Passed the Senate on March 20, 2013 (32-1). Referred to the House Judiciary Committee on April 10, 2013. Passed by the House on May 29, 2013 (92-0). Signed by the governor on June 4, 2013.

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

Requires 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 otherwise modifies the offense.

STATUS: Introduced in the Senate on March 7, 2013, and referred to the Criminal Justice Committee on March 12, 2013. Passed by the Senate on May 30, 2013 (30-2). Referred to the House Judiciary Committee. Its first hearing was June 19, 2013.

SB 144 Sen. Bill Seitz (R-Cincinnati)

To adjust the provisions of the Sex Offender Registration and Notification Law to reflect decisions of the Ohio Supreme Court in *Hyle v. Porter* (2008), 117 Ohio St.3d 165; *State v. Bodyke* (2010), 126 Ohio St.3d 266; *State v. Williams* (2011), 129 Ohio St.3d 344; *In re C.P.* (2012), Slip Opinion No. 2012-Ohio-1446, *State ex rel. Jean-Baptiste v. Kirsch* (2012), Slip Opinion No. 2012-Ohio-5697, and *State v. Howard* (2012), Slip Opinion No. 2012-Ohio-5738; to clarify juvenile court jurisdiction in serious youthful offender proceedings; and to amend the versions of sections 109.57, 2950.11, and 2950.13 of the Revised Code that are scheduled to take effect on January 1, 2014, to continue the provisions of this act on and after that effective date.

STATUS: Introduced in the Senate on June 12, 2013. Referred to the Senate Criminal Justice Committee. Its first hearing was June 19, 2013.

Look for detailed coverage of the state budget's impact on courts in the August CNO Review.

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

judicialeducation.ohio.gov

July 9

Guardian ad Litem Continuing Education Course: Substance Use
Guardians ad Litem, Columbus
1 p.m. to 4:30 p.m.

July 10

Guardian ad Litem Continuing Education Course: Substance Use
Guardians ad Litem, Columbus
8:30 a.m. to noon

July 24

Guardian ad Litem Continuing Education Course: Domestic Violence
Guardians ad Litem, Dayton
1 p.m. to 4:30 p.m.

July 25

Guardian ad Litem Continuing Education Course: Domestic Violence
Guardians ad Litem, Dayton
8:30 a.m. to noon

August 8

Guardian ad Litem Pre-Service Course (6 of 9)
Guardians ad Litem, Toledo

August 9

Delinquency and Unruly Video Teleconference
Judges & Magistrates
1 p.m. to 3:45 p.m.

Interpreter Services Training

sc.ohio.gov/JCS/interpreterSvcs

July 1 – 12

Mock Exams
Columbus

July 19 & 20

Modes of Interpretation for Oral Exam
Columbus

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

July 24 – 26, 28 & 29

40-Hour Specialized Family/Divorce Mediation Training
Columbus

August 9

Truancy Mediation Training
Toledo

Supreme Court of Ohio

www.sc.ohio.gov

July 15

Mayor's Court Quarterly Statistics Submission Deadline for Second Quarter

July 30 & 31 and August 1

Administration of the Ohio Bar Exam
Columbus

August 15

Late Application Deadline to Register as a Candidate for the February 2014 Bar Exam

Miscellaneous

July 11

Ohio Community Corrections Association Training
www.occaonline.org
"Using the ORAS Together: the Court System and Treatment Providers," Cincinnati

**SUMMER
CONFERENCE**

July 15 – 17: Association of Municipal & County Judges of Ohio (AMCJO) Summer Conference in Columbus