



[A proposal for]

Strengthening Judicial Elections

On May 9 at the Ohio State Bar Association convention, Ohio Supreme Court Chief Justice **Maureen O'Connor** announced an eight-point plan to strengthen judicial elections, and she invited Ohioans to visit a website to participate in a statewide discussion about the ideas.

Chief Justice O'Connor suggested that Ohio consider a range of options from moving all judicial elections to odd-numbered years, to bolstering voter information efforts, to lengthening judges' terms, and increasing the qualifications for judicial office.

The Chief Justice said Ohio enjoys one of the best systems of justice anywhere in the world, but pointed to several persistent problems that are cause for concern and were her motivation for the proposal:

- Polls show that the public views judges as susceptible to political influence.
- Voter participation in judicial elections on average is 25 percent less than participation in races for the executive and legislative branches.
- There is evidence that the electorate could use more information about judicial races when they step into the voting booth.

(Story continues on page 11).

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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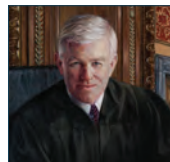
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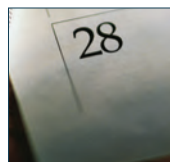


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Visit courtnewsohio.gov for the most current decisions from the Ohio Supreme Court, Court of Claims, and courts of appeals.

Supreme Court of Ohio

Criminal Defendant's Public Records Request Can Trigger Discovery

On May 15, the Supreme Court ruled that when the defendant in a criminal case directly or indirectly makes a public records request for information that could have been obtained from the state through a discovery demand, the records request is the equivalent of a demand for discovery, and it triggers the defendant's duty under Ohio Crim.R. 16 to provide reciprocal discovery to the state. The 4-3 majority decision, authored by Justice Terrence O'Donnell, reversed a First District Court of Appeals ruling.

State v. Athon, Slip Opinion
No. 2013-Ohio-1956

Residential Mortgage Servicing Company is Not 'Supplier' Under CSPA

On May 14, the Supreme Court ruled that the servicing of a borrower's residential mortgage is not a "consumer transaction," and a business entity that services residential mortgages is not a "supplier" as those terms are defined in the Ohio Consumer Sales Practices Act. The 5-2 majority decision, authored by Chief Justice O'Connor, was issued in response to two certified questions of state law the justices were asked to address by the U.S. District Court for the Northern District of Ohio. The state law questions arose during the litigation of a civil lawsuit brought by an Ohio homeowner against a mortgage servicing company in federal court. That suit remains pending.

Anderson v. Barclay's Capital Real Estate, Inc., Slip Opinion
No. 2013-Ohio-1933

Requirements for New DNA Testing In Criminal Cases Clarified

On May 2, the Supreme Court ruled that a trial court may not reject an application for new DNA testing of biological material based on a previous denial of postconviction DNA testing without first considering the statutory definition of a "definitive DNA test" and applying the amended criteria for postconviction DNA testing adopted by the General Assembly in 2010. In a 5-2 decision authored by Justice Judith Ann Lanzinger, the court also upheld as constitutional a provision of state law that confers exclusive jurisdiction on the Supreme Court to hear appeals of a trial court's denial of postconviction DNA testing in death penalty cases.

State v. Noling, Slip Opinion
No. 2013-Ohio-1764

Attorneys Disciplined in Four Separate Cases

In four separate disciplinary cases, the Supreme Court in May suspended three attorneys and disbarred one. On May 16, the court permanently disbarred Columbus attorney Jeffrey Lee Terbeek for misappropriating to his own use funds he held in escrow for an individual who sold a business to Terbeek's client. Also on May 16, the court imposed an indefinite suspension against the law license of Massillon attorney Dale Alan Zimmer for multiple violations of state attorney discipline rules. On May 2, the court suspended the law license of Akron attorney William J.

Detweiler for one year for repeatedly soliciting a client for sexual favors, and continuing to represent that client in an ongoing case despite the substantial risk that his own personal interests conflicted with those of the client. On May 1, the court indefinitely suspended the law license of Dayton attorney Marc N. Greenberg for engaging in sexually explicit online conversations with undercover police agents whom he believed to be 12- and 13-year-old girls, and using his computer webcam to transmit obscene video and still photos to those persons.

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

Court of Claims

Court of Claims Awards Family Nearly \$4 Million

The Ohio Department of Transportation will pay a New Concord family nearly \$4 million after the Court of Claims of Ohio on May 21 finalized a damages judgment in the family's favor. The family brought the wrongful death and negligence claims after Traci Reed was killed and her son Connor was injured when a tree fell and struck their vehicle on State Route 83 in Muskingum County the day after Christmas in 2008. In his complaint, Traci's widower, Michael Reed, stated that ODOT was aware of the "dangerous condition of the eroding bank" and that trees had fallen across the roadway previously in the same area.

Michael Reed v. Ohio Department of Transportation, Case No. C2010-02065

Happening Now

News and notes from courthouses around the Buckeye State.



Ohio Judicial College Staff Recognized

In its 40th year, the Ohio Association for Court Administration created the President's Award to recognize outstanding service and/or significant contributions to OACA, court administration, and the judiciary. Four Ohio Supreme Court Judicial College employees received the inaugural award in May at OACA's spring conference. Education Program Manager **Margaret Allen**, Education Program Assistant **Lindsey Schmitz**, Education Services Specialist **Sara Stiffler**, and Education Services Specialist **Katrina Webb** were recognized for their continued individual efforts and collective accomplishments in assisting OACA in the planning, coordination, and management of OACA events.



Keating Appointed to National Professionalism Committee

A six-year Ohio Supreme Court employee who focuses her work on increasing professionalism among members of the bench and bar has been appointed to a three-year term to a national professionalism committee. **Lori**

Keating, Attorney Services counsel and secretary to the Supreme Court's Commission on Professionalism, will begin her term on the American Bar Association Standing Committee on Professionalism following the ABA's annual meeting in August.

CASA Day in Ohio Celebrates Volunteers

More than 7,000 Ohio children who were abused or neglected last year received a second chance at life thanks to the staff and volunteers of Ohio CASA. They were honored on April 30 for their desire to help these kids find safe and permanent homes during the third annual CASA Day in Ohio.

Ohio CASA is part of a national organization that supports court-appointed special advocate and guardian ad litem volunteers who provide information to judges about what they believe is in the best interest of the child during court proceedings.

Ohio Supreme Court Justice **Judith L. French** praised the volunteers' commitment to Ohio's youngest citizens and told them that as a mother and as a judge, she is heartened to know there is a devoted team willing to navigate the court system on behalf of children whose lives are thrown into turmoil.

There are more than 2,000 court-appointed special advocate and guardian ad litem volunteers in Ohio. The volunteers commit two to three years to the CASA program, an average amount of time it takes for a case to go through the court system. With more than 14,000 new cases of child abuse and neglect filed in Ohio's courts every year, more volunteers are always needed.

"We were only able to reach 7,000 kids last year, and that's only about a third of the total kids in the state that need help," said **Doug Stephens**, executive director of Ohio CASA.

Currently, 37 counties have CASA/GAL programs throughout Ohio. At the beginning of April, Ohio Attorney General **Mike DeWine** allocated \$2 million to the Ohio CASA/GAL Association to help expand the number of counties that offer court appointed special advocates. Ohio CASA works in partnership with the Ohio Supreme Court.

TACKLING THE BAR



Photo provided by Brandon Mitchell.

Brandon Mitchell played football at The Ohio State University and professionally for the Houston Texans and Cleveland Browns before he decided to trade his football pads for a legal pad.

Mitchell said he knew he would eventually change professional fields as his grandfather instilled in him the commitment to serve the community from an early age.

“I set out a goal when I was 8 or 9 years old that I wanted to be a lawyer,” Mitchell said. “I majored in political science as an undergrad, so I always had those aspirations to eventually go to law school.”

He went back to his Ohio roots from his football playing days and attended OSU’s Moritz College of Law. He said he was able to use his competitive side to complete his law degree.

On May 6, he joined around 250 other successful bar admission applicants who also satisfied all of the Ohio Supreme Court’s requirements for admission in the May 2013 Bar Admissions Ceremony.

“It’s one of those things where you set out goals for yourself in life, and to finally be able to accomplish those goals and to walk across that stage and know I’m an attorney now, and the long road, you think of the struggle it took to get there, it was a great feeling,” Mitchell said.

Supreme Court Justice **William M. O’Neill** led the new attorneys in the professional oath, and Justice **Sharon L. Kennedy** offered remarks.

“Despite what others may think, promoting the common good, defending our constitutional rights, upholding the rule of law, and making another person’s problems, even if temporarily, your own is noble and honorable, and in the end that’s what being a lawyer is all about,” Justice Kennedy said.

Promoting the common good is one reason why Mitchell said he doesn’t miss playing football too much. He is currently employed with Nationwide in its general counsel division.



Marquee Events Highlight Annual OSBA Convention

Each year at the Ohio State Bar Association convention, the ceremonial gavel passing occurs between the outgoing president and the new one, although the actual presidential transition doesn’t occur until July.

The convention – held this year in Cleveland May 8, 9, and 10 – also served to recognize several top award winners and announced the association’s president-elect. OSBA President and First District Court of Appeals Judge **Pat Fischer** handed the gavel to incoming president and Dayton attorney **Jonathan Hollingsworth** at the luncheon on May 9.

Before Chief Justice O’Connor’s annual address to the bar membership, Cincinnati attorney **Barbara J. Howard** and Columbus attorney **H. Ritchey Hollenbaugh** received the bar’s highest honor, the Ohio Bar Medal Award.

The Chief Justice delivered remarks on strengthening judicial elections and presented the 2013 John C. and Ginny Elam Pro Bono Award to Cleveland attorney **Deborah A. Coleman**. As to whom will take the reins as president of the OSBA in July 2014, Toledo attorney **Martin E. Mohler** was elected.

ON THE BENCH



JUSTICE FRANCIS E. SWEENEY SR. PORTRAIT DEDICATION CEREMONY

Family and friends of the late Justice **Francis E. Sweeney Sr.** came to the Thomas J. Moyer Ohio Judicial Center on May 8 for his official portrait dedication ceremony. Sweeney was the 144th Ohio Supreme Court Justice. He served from 1993 to 2004.

Justice Sweeney's son, Skip, said he was blown away by the portrait's likeness to his father.

"It was the life that came out of it that was really, really amazing," Francis "Skip" Sweeney Jr. said. "He was just the kind of father that looking back now I'm grateful to have had."

Supreme Court justices who worked with Justice Sweeney when he sat on the bench offered words of support in remembrance of the man who meant so much to them.

"He was a colleague that was respected, that was well loved," said Chief Justice O'Connor. "We are poor for his departure from the court. We are rich, though, with memories and affection for him and for you and the family."

Before he was a justice, Sweeney served as a Cuyahoga County Common Pleas Court

judge and an assistant prosecuting attorney with the Cuyahoga County Prosecutor's office in Cleveland. He graduated from Cleveland Marshall College of Law.

Before joining the bar and the bench, Justice Sweeney played for two years with the Ottawa Rough Riders in the Canadian Football League.

Skip said his dad led by example and was the solid foundation of the family. He wants his dad to be remembered as a, "no-nonsense, fair, compassionate, loving person."

"Everybody loved him. He was ornery, but everybody loved him," Sweeney Jr. said.

Justice Sweeney's portrait will hang in room 103 of the Moyer Judicial Center.

International artist **Leslie Adams** painted Justice Sweeney's portrait. She also painted Chief Justice Thomas J. Moyer's official portrait, which sits in the grand concourse.

Pictured: The late justice's wife, Leigh Sweeney, poses with portrait artist Leslie Adams during the private dedication ceremony at the Thomas J. Moyer Ohio Judicial Center.



Primary Candidates from Contested Races Move on to General Election

Attorneys **Eric R. Weisenburger** and **Molly Mack** received the most votes in the May 7 primaries in the only two contested races for municipal court judgeships in Ohio, according to unofficial results. Each race featured three Republican candidates seeking to replace retiring judges.

In Norwalk, Weisenburger (who was recently appointed to the judgeship) received 992 votes (54.45 percent), while **Scott M. Christophel** received 432 votes (23.71 percent) and **Harold J. Freeman** received 398 votes (21.84 percent).

The Perrysburg race was much closer with Mack receiving 1,310 votes (37.84 percent), while **C. Drew Griffith** received 1,117 votes (32.26 percent) and **Aram M. Ohanian** received 1,035 votes (29.90 percent).

Other communities did not hold primaries due to a lack of competitive races, because they operate as charter cities and hold their primaries at later dates in the year, or because candidates proceed directly to the general election.

All Ohio judges are elected to six-year terms. Elections for municipal court judgeships occur in odd-numbered years, while elections for Ohio Supreme Court, appeals court, common pleas court, and county court judges occur in even-numbered years.

Supreme Court staff members assemble the election results from the local county boards of elections for administrative purposes, to communicate with new judges about payroll, benefits and other information.

For more information about judicial candidates, consult one of Ohio's 88 county boards of elections.

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.

- **George P. McCarthy | Athens County Common Pleas Court**
McCarthy took office May 28, and must run in the November 2014 general election to retain the seat for the unexpired term, which ends December 31, 2016. He replaces retired Judge **Michael W. Ward**.
- **Amy C. O'Grady | Tenth District Court of Appeals**
O'Grady takes the bench on June 3. She replaces Supreme Court Justice **Judith L. French**, who left the appeals court after her appointment to the Supreme Court in December. O'Grady must run in the November 2014 general election to retain the seat for the unexpired term, which ends December 31, 2016
- **Colleen O'Donnell | Franklin County Common Pleas Court**
O'Donnell, the daughter of Supreme Court Justice **Terrence O'Donnell**, began her term on the bench May 20. She replaces retired Judge **John F. Bender**. O'Donnell must also run in the general election next year to retain the seat for the unexpired term, which ends January 6, 2017.
- **Eric R. Weisenburger | Norwalk Municipal Court**
Weisenburger assumed office on May 31. He must run in the November 2013 general election to retain the seat for the unexpired term, which ends December 31, 2017. He replaces retired Judge **John Ridge**.
- **Clifford N. Sickler | Monroe County Court of Common Pleas, Probate & Juvenile Division**
Sickler will take the bench on June 4. He replaces Judge **Walter Starr**, who retired. Sickler must run in November 2014 to retain the seat for the full term commencing February 9, 2015.



Rule Amendment Summary

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

Probate Forms. The court announced May 13 that it will accept public comment until June 11 on 13 probate court forms that concern Medicaid estate recovery, real property certificates of transfer, foreign adoption, and disinterment applications. Three existing probate court forms would be revised, under the proposed amendments, while 10 new forms were proposed.



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)

Adds to and clarifies 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. Passed the House on April 10, 2013 (96-0), and referred to the Senate Civil Justice Committee April 17, 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. 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.

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. Passed the House April 10, 2013 (96-1). Referred to the Senate Medicaid, Health & Human Services Committee April 17, 2013.

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

Prohibits 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. Third committee hearing was April 23, 2013.

HB 87, Rep. Tom Leston (D-Warren); Rep. Wes Rutherford (R-Lebanon)

To provide notice to a long-term care facility when a Tier III or similar category sex offender/child-victim offender indicates an intent to reside in the facility or registers an address within the specified geographical notification area including the facility and to amend the versions of sections 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 House on February 27, 2013 and referred to the House Judiciary Committee. There have been three committee hearings.

HB 104, Rep. Margaret Ann Ruhl (R-Mt. Vernon)

To make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons. The bill is intended to provide greater flexibility to probate courts when addressing and assessing the mental competency of individuals and ordering treatment.

STATUS: Introduced in the House on March 19, 2013 and referred to the House Judiciary Committee. There have been three committee hearings.

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. There have been three committee hearings.

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. There have been four committee hearings.

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).

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. There have been three House committee hearings.

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. It was reported out of committee and a substitute bill was offered on April 24, 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. There have been four committee hearings.

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 on March 14, 2013 and referred to the Senate Criminal Justice Committee. There was one committee hearing on May 22, 2013.



SUMMER CONFERENCES

June 7 & 8

**Ohio Bailiffs & Court Officers
Association Spring Conference**
Perrysburg

June 11

**Ohio Association of Probate
Judges Seminar**
Association Judges, Toledo

June 12

**Ohio Association of Probate,
Juvenile & Domestic Relations
Judges Joint Seminar**
Association Judges, Toledo

June 13

**Ohio Association of Juvenile,
Domestic Relations Judges
Joint Seminar**
Association Judges, Toledo

June 19-21

**Ohio Common Pleas Judges
Association Summer Conference**
Association Judges, Cincinnati

June 21 & 22

**Ohio Prosecuting Attorneys
Association Summer Workshop**
Sandusky

June 27 & 28

Juvenile Court Clerks Conference
Juvenile Court Clerks
Columbus

Ohio Courts

of Appeals Association
Association Judges, Dayton

The Agenda

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

Judicial College Courses

judicialecademy.ohio.gov

June 5

**Guardian ad Litem Continuing
Education Course: Child Trauma**
Guardians ad Litem, Cleveland
1 p.m. to 4:30 p.m.

**Domestic Relations Court
Personnel Course**
Court Personnel, Columbus

June 6

**Guardian ad Litem Continuing
Education Course: Child Trauma**
Guardians ad Litem, Cleveland
8:30 a.m. to noon

June 7

Personal Technology in the Courts
Judges & Magistrates, Columbus

June 10

**Probate Seminar: Mental Health
Commitments**
Judges & Magistrates, Toledo
10 a.m. to 2 p.m.

June 13

Judicial Candidates Seminar
Judicial Candidates, Columbus
1:30 p.m. to 3:30 p.m.

June 14

**Damages for Municipal and General
Division Courts (2 of 2)**
Judges & Magistrates, Columbus

June 20 & 21

Certified Court Manager Seminar
Court Managers, Columbus

June 26

**Guardian ad Litem
Pre-Service Course (5 of 9)**
Guardians ad Litem, Columbus

**Domestic Relations Court
Personnel Course**
Court Personnel, Columbus

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

Interpreter Services Training

sc.ohio.gov/JCS/interpreterSvcs

June 21

Deadline: Oral Exam Application

June 22

Introduction to Court Interpreting
Columbus

July 1 – 12

Mock Exams
Columbus

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

June 6-7 & 10-12

**Specialized Family/
Divorce Mediation**
Cincinnati

June 24 & 25

**Basic Mediation/Uniform Mediation
Act Training**
Akron

Supreme Court of Ohio

www.sc.ohio.gov

June 4, 5 and 11

Oral Arguments

Local Court Roundtables

sc.ohio.gov/JCS

June 6

Juvenile Courts, Title IV-E
All counties

Strengthen Judicial Elections | continued from page 1.

“In a constitutional democracy the judicial branch is a bedrock institution that resolves disputes, ensures order by adjudicating criminal offenses, and protects the rights of minorities and individuals,” Chief Justice O’Connor said. “There are few matters more important in our democracy than ensuring that we have a system in place that results in the best possible men and women serving on the bench. What is the best way to do this in Ohio? Can we improve the system that we have?”

She indicated that the plan, “Ohio Courts 2013: A Proposal for Strengthening Judicial Elections,” was developed after a careful review of previous reform movements and months of intensive research.

The complete plan is detailed in a white paper available at www.OhioCourts2013.org, where citizens and interested parties can read the plan and offer their perspective.

Time for Reform

In the speech, Chief Justice O’Connor said she was inspired in part to develop her plan because this year marks the 45th Anniversary of the Modern Courts Amendment, the last major reform of Ohio courts.

“It has been 45 years since we last enacted comprehensive reforms in the Ohio judicial system,” Chief Justice O’Connor said. “There is one piece of unfinished business from the 1968 Modern Courts Amendment, and that is a reform of our judicial elections. Thoughtful people have discussed the topic ever since, and I believe that now is the time to come together as a state and to arrive at a package of improvements that we can enact into law.”

The previous statewide efforts to examine judicial elections that Chief Justice O’Connor consulted in developing her plan included the 2003 Next Steps conference and the 2009 Forum on Judicial Selection, both of which were led by the late Chief Justice **Thomas J. Moyer** and included the state bar, the League of Women Voters Ohio Chapter, legislative leaders, academic experts, and groups representing business and labor. The plan was shared with representatives of many of these groups before its unveiling.

The plan identifies a series of issues and poses questions surrounding specific potential reforms for public consideration. Over the next several months Chief Justice O’Connor said she will lead a public discussion about the plan on the website and in a series of meetings with the hope of refining the proposal and moving forward with a final plan in 2013.

Story continues on page 12.

8 Questions

Posed by the Chief Justice

1. Should Ohio change the law so judicial races are no longer listed at the end of the ballot?
2. Should all judicial elections be held in odd-numbered years?
3. Should Ohio centralize and expand its civic education programming and institute a judicial voter guide?
4. Should Ohio eliminate party affiliation on the ballot in judicial primaries?
5. Should Ohio join the other states that have a formal, non-partisan system for recommending nominees to the governor to fill judicial vacancies?
6. Should appointments to the Ohio Supreme Court require the advice and consent of the Ohio Senate?
7. Should Ohio increase the basic qualifications for serving as a judge?
8. Should Ohio increase the length of judges' terms?

Chief Justice O'Connor said it is time to move beyond recurring debate about abolishing judicial elections and cited a recent poll that found 80 percent of Ohioans oppose so-called merit selection.

"Ohio has a long tradition of leading the way when it comes to reforms in the judicial system," the Chief Justice said. "Now is the time to revisit this topic once and for all, not to do away with judicial elections, which

voters made clear they want, but to strengthen them. I hope you will join me in having this conversation."

Public Reaction

The League of Women Voters of Ohio was one of the organizations to praise the announcement.

"The League of Women Voters of Ohio is pleased that Chief Justice Maureen O'Connor has made a number of thoughtful proposals designed to improve the way judges are selected in Ohio," said **Nancy Brown**, LWVO president, in a statement. "We are especially pleased that Chief Justice O'Connor recognizes the importance of reducing partisanship in judicial races so that voters can focus on which judges are most qualified rather than on a party label or a popular name.

"While the League has long championed more aggressive reforms, including a system of appointing judges followed by a retention election," the statement continues, "we recognize that even without such a change, the current system can be improved and made more effective in insuring that we have capable judges and that the citizens of Ohio have confidence in their judges."

In the statement, the League said it will accept the Chief Justice's invitation and comment on specific aspects of the plan. The League also noted it will launch a complimentary effort to educate Ohioans about the judiciary and how voters can obtain information to evaluate judicial candidates.

Join the Conversation

The screenshot shows the website for Ohio Courts 2013. The main heading is "A Proposal for Strengthening Judicial Elections". On the left is a navigation menu with links: About, The Plan, Executive Summary, Join the Conversation, Resources, News, and Get Updates. The main content area features a video player with a play button and a video of a woman speaking. Below the video, there is text explaining the role of the judiciary in a constitutional democracy and the importance of having a system in place that results in the best possible men and women serving on the bench. At the bottom, there is a question: "What is the best way to do this in Ohio? Can we improve the system that we have?" followed by a paragraph stating: "Make no mistake, we enjoy one of the best systems of justice anywhere in the world. Extraordinarily talented and hard working people make up the Ohio judiciary, and the work they do every day is remarkable. But there are three reasons that I believe we can do even better."

Many more comments have been posted directly to www.OhioCourts2013.org by individuals. "Formal assessments" may be submitted by organizations interested in strengthening judicial elections on the website as well.