

‘Voice of Ohio Judges’ Celebrates 50 Years

Fifty years ago last month, legislation that permanently established the Ohio Judicial Conference took effect.

Past and present members of the judiciary will celebrate the golden anniversary of the “Voice of Ohio Judges” at a gala reception on September 12 during the conference’s annual meeting in Columbus.

Executive Director **Mark R. Schweikert** said the conference’s original purpose still remains five decades later: to improve the administration of justice, to encourage uniformity in the application of the law, and to be a collegial, nonpartisan place for judges to exchange ideas and discuss common challenges.

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About Court News Ohio

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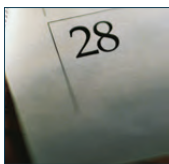
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Visit courtnesohio.gov for the most current decisions from the Ohio Supreme Court, Court of Claims, and Court of Appeals.

Supreme Court of Ohio

Pay That Worker Deferred to Flexible Spending Account Does Not Count As 'Wages' in Determining Unemployment Eligibility

On July 25, the Ohio Supreme Court ruled that earnings deposited into a flexible spending account for reimbursement of medical costs under an employer's "cafeteria" plan do not qualify as remuneration to determine an employee's unemployment-compensation eligibility. Written by Justice **Judith Ann Lanzinger**, the Supreme Court's ruling affirmed a decision by the Second District Court of Appeals. Because the definition of "remuneration" was ambiguous and it was reasonable for the Ohio Department of Job and Family Services to find that payments under a cafeteria plan should be excluded to determine eligibility when they were excluded for federal unemployment tax purposes, the court affirmed the administrative decision.

Bernard v. Unemp. Comp. Rev. Comm., Slip Opinion No. 2013-Ohio-3121

Court of Claims

Woman Hit By Hockey Puck Loses Court of Claims Case

A woman struck on the head by a hockey puck during a pre-game warm-up at Miami University lost her liability claim in the Court of Claims of Ohio. Emily Austin was seeking \$200 in medical expenses from the school, the cost of her insurance policy's deductible. In the decision released August 13, the Court of Claims cited *Cincinnati Baseball Club Co. v. Eno*, 112 Ohio St. 175, 147 N.E. 86 (1925) when it compared Austin's claim to a case where a plaintiff was injured by a baseball hit into the stands. "It is well settled that spectators attending baseball games who are injured by batted balls flying into the stands are denied recovery based on the primary assumption of the risk doctrine," the court said.

Emily Austin v. Miami University
Case No. 2013-00078

Court of Appeals

Man Convicted in Crash Deaths Fails to File Timely Appeal

A man who is serving a 16-year prison term for the aggravated vehicular homicide deaths of three people in Trumbull County did not file his appeal within the time allowed by law, according to an August 12 ruling by the Eleventh District Court of Appeals. In the decision written by Judge **Timothy P. Cannon**, Donald P. Williams Jr., acting as his own attorney, missed the deadline for filing an appeal of his 2012 conviction by more than seven months. In dismissing the appeal, Judge Cannon noted that Williams "was not diligent" in protecting his rights: "His assertion that he was unaware of his right to appeal is in direct contravention to the guilty plea he signed, which indicates he was advised of his right to appeal 'the imposition of a maximum sentence or other procedural issues regarding this plea ... other limited appellate rights that have been explained to me by the Court, and that I must file an appeal within thirty (30) days of my sentence.'"

State v. Williams
No. 2013-Ohio-3481



Rule Amendment Summary

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

New Parenting Coordination Rules

The Ohio Supreme Court announced August 5 that it would accept public comment until September 4 on proposed new rules governing local courts' use of parenting coordination. The proposed Rules of Superintendence for the Courts of Ohio would apply to courts that wish to use parenting coordination, a child-focused alternative dispute resolution process. The process can be ordered by a court in which a parenting coordinator assists families in implementing parental rights and responsibilities or companionship time orders. The rules set forth definitions, the role and qualifications of a parenting coordinator, and the responsibilities of the court to adopt local rules governing the use of parenting coordination, confidentiality, privilege, and public access.

IN MEMORIAM: Judge Peggy Bryant

A week after retiring from the Tenth District Court of Appeals, Judge **Peggy Bryant** died on August 7. Judge Bryant served on the appeals court since 1987, and sat for oral arguments at the Supreme Court as a visiting judge eight times.

In a letter announcing her intention to retire to Ohio Supreme Court Chief Justice **Maureen O'Connor**, Judge Bryant wrote: “The past 26 years have provided me the privilege of serving the people of central Ohio and the state as well. Unfortunately, health problems are making my continuing service difficult, and so I resign.”

Judge Bryant thanked Ohioans for allowing her to serve as a judge for so many years.

Ohio Supreme Court Justice **Judith L. French** worked with Judge Bryant for 8 years on the Tenth District Court of Appeals from 2004 until 2012.

“She was so smart, just on top of having all of that experience. I loved watching her wrestle with a legal issue, and I think she was better than anybody I had ever seen at focusing in on what really had to be decided,” Justice French said.

Justice French described Judge Bryant as unassuming and friendly with everyone.

“She leaves a very big void at the court of appeals and not just there. I think for the state of Ohio we’ve lost one of the best judges we’ll ever have,” Justice French said. “She’ll be missed. I don’t know what the world looks like without Peggy.”

Judge Bryant was the longest-serving appellate judge in Ohio at the time of her retirement. Before taking the appellate court bench, she served on the Franklin County Municipal Court and worked in private practice.



“[Judge Bryant] leaves a very big void at the court of appeals and not just there. I think for the state of Ohio we’ve lost one of the best judges we’ll ever have.”

- Justice Judith L. French

Tenth District Judge Hears Supreme Court Case



Tenth District Appeals Court Judge **Julia L. Dorrian** served as a visiting judge on the Ohio Supreme Court August 21 and heard oral arguments in an Ohio Power Siting Board case.

Judge Dorrian replaced Justice **Paul E. Pfeifer**, who recused himself from *In the Matter of the Application of Black Fork Wind Energy, L.L.C.*, (Case No. 2012-0900). The case concerns an appeal by landowners opposing the construction of a wind farm in northern Ohio.

“The justices of the Supreme Court make decisions that affect the lives of Ohioans in significant ways,” Judge Dorrian said. “They serve a very important role, and I am honored to be asked to serve with them on this case.”



JUDICIAL PROFILE

— Kenneth A. Rocco —

Court News Ohio recently sat down with Eighth District Court of Appeals Judge Kenneth Rocco to talk about his years as a juvenile division judge, his path to the bench, and more.



Check out full video interview at courtnewsOhio.gov/bench/2013/judgeRocco_081313.asp.

Three Ohio Judges Elected to NCJFCJ Board of Trustees

Three Ohio judges were recently elected to the 2013-2014 National Council of Juvenile and Family Court Judges Board of Trustees.



Retired Judge David Stucki (President)

Judge Stucki served on the Stark County Family Court for 18 years before he retired in 2011. He chairs the Governor's Council on Juvenile Justice and is a past president of the Ohio Association of Juvenile Court Judges. He serves as a sitting judge by special assignment.

Ohio Supreme Court Chief Justice **Maureen O'Connor** swore in Judge Stucki at the annual NCJFCJ conference in July.

"It is quite an honor to be selected as the president of the National Council of Juvenile and Family Court Judges," Judge Stucki said. "I look forward during my term as president to work hard to serve all of our nation's children and families with the best practices and most current research available to our profession."



Judge Denise Navarre Cubbon (Trustee)

Judge Cubbon was elected to the Lucas County Juvenile Court in 2004. She currently serves as the administrative judge. In 2009, she was appointed to the Ohio Supreme Court Advisory Committee on Children, Families & the Courts. Before she sat on the bench, Judge Cubbon was a

Lucas County assistant prosecuting attorney for 23 years.

Judge Cubbon said NCJFCJ provides a national forum for judges and court employees to "engage in important dialogue on issues that directly impact our communities." As a new trustee, she wants to help provide quality education and technical assistance to courts and judges to improve outcomes for children and families.



Judge Anthony Capizzi (Trustee)

Judge Capizzi of the Montgomery County Juvenile Court was elected to a second term as NCJFCJ trustee. Judge Capizzi is president of the Ohio Juvenile Court Judges Association. He served as an acting judge on the Dayton Municipal Court from 1998 to 2002 before he was elected

to the Montgomery County Juvenile Court in 2004. Judge Capizzi also serves on the Ohio Judicial Conference Executive Committee, the Ohio Supreme Court Advisory Committee on Case Management, and is chairman of the Ohio Juvenile Judges Curriculum Committee.

NCJFCJ brings together judges and court employees from across the country to improve the effectiveness of the nation's juvenile court systems. There are around 30,000 NCJFCJ members representing judges, referees, court masters and administrators, social and mental health workers, and probation officers.



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.

Kevin T. Miles

Clermont County Municipal Court

Miles assumed office August 19 in place of Judge **James Shriver**, who was appointed to the Clermont County Common Pleas Court, Probate/Juvenile Division, in April. Miles must run in 2013 to retain the seat for the unexpired term ending December 31, 2015.

Earl L. Frost

Licking County Court of Common Pleas, Domestic Relations Division

Frost took the bench on August 19. He must run in 2014 to retain the seat for the unexpired term ending December 31, 2016. Frost replaced Judge **Craig R. Baldwin**, who was appointed to the Fifth District Court of Appeals.

Hon. Michael R. Goulding

Lucas County Common Pleas Court

Judge Goulding took his seat on the common pleas court on August 26. He replaced Judge **James D. Jensen**, who was elected to the Sixth District Court of Appeals. Judge Goulding must run in the 2014 general election to serve out the remainder of the unexpired term that ends January 1, 2017.

Happening Now

News and notes from courthouses across the Buckeye State.

New Case Filings Drop Again in 2012

The total number of new cases filed in Ohio courts decreased slightly in 2012 and hasn't been this low since 1985, according to the annual *Ohio Courts Statistical Summary*. These results and others are contained in the 2012 report released by the Ohio Supreme Court.

What's interesting about 2012 compared to 2011 and 2010 – when the total number of new cases filed also declined – is that the number of traffic cases increased rather than decreased, according to **Brian Farrington**, statistics analyst in the Case Management Program. No single case type was the clear driver of the overall slight decrease last year.

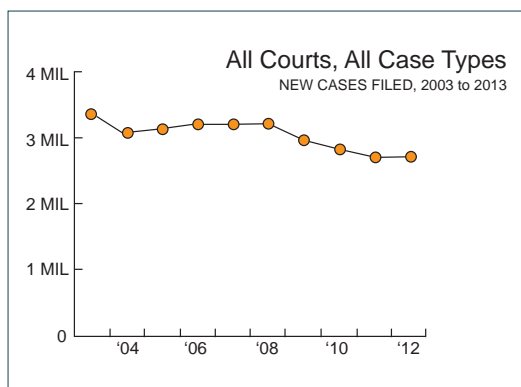
For 2012, the total number of new cases (2,707,618) decreased one-tenth of 1 percent compared to 2011.

By analyzing case filing patterns and trends, the Ohio Supreme Court attempts to assist in the efficient administration of justice at all levels of the judiciary. The court does not examine or analyze larger social and governmental trends that may contribute to or influence changes in case filing volumes. Filings can be affected by a complex variety of factors, including economic conditions, fluctuations in crime rates, changes in law, and population levels.

The Ohio Supreme Court analyzes data from Ohio courts over the last 10 years to identify trends. A companion publication – the *Ohio Courts Statistical Report* – includes raw statistical tables of activity in Ohio's courts from trial courts to appellate courts, including statistics about caseloads, case terminations, and clearance rates from the previous year. (Mayor's courts' statistics are published in a separate report. See story at right).

Joining the overall statewide caseload at a 10-year low, the total new filings in appeals courts, domestic relations courts, juvenile courts, municipal, and county courts, and criminal cases in general division common pleas courts all were at 10-year lows in 2012.

Information contained in the reports is provided to the Ohio Supreme Court on a monthly basis by all courts, except for appeals courts and probate courts, which provide statistics on a quarterly basis.



REPORT: New Cases Filed in Mayor's Courts Lower Than Ever

The number of new cases filed in Ohio's 318 mayor's courts last year was the lowest in the nine years the Ohio Supreme Court has tracked the data, according to a 2012 annual report released August 13.

The total new filings for all case types fell to 260,548 in 2012, a 5-percent decrease from 2011 and a 16-percent drop from 2004, said **Brian Farrington**, statistics analyst in the Supreme Court Case Management Section. In addition, each mayor's court case type – misdemeanors, O.V.I., and Other Traffic – were also at nine-year lows.

In July, the Supreme Court reported a similar decrease in the number of new cases filed in other courts across the state.

Ohio law allows mayors of municipalities with more than 200 residents without a municipal court to conduct mayor's court. These courts hear only cases involving violations of local ordinances and local and state traffic laws.

In 2003, the General Assembly made mayor's court registration and reporting with the Supreme Court mandatory for the first time, and beginning in 2004 the courts began filing quarterly reports under the new law. Mayor's courts operate largely outside the judicial system as quasi-judicial bodies administered by mayors in the executive branch.

The 2012 Ohio Courts Statistical Summary, the Ohio Courts Statistical Report, and the Mayor's Courts Summary are available at

sc.ohio.gov/publications



New Media: The Impact on the Judiciary

An increasing number of courts are implementing rules to control the use of new media like Facebook and Twitter in the courtroom, according to a survey released August 7 by the Conference of Court Public Information Officers.

The 2013 CCPIO New Media Survey contains the results of a national survey of judges and court personnel conducted in June. It provides the judicial community in the United States its first year-to-year comparison spanning four years of data unraveling how social media and broader changes in the media industry impact state and local judges and courts.

In addition to the survey results, the report details developments in the past year, including court cases, advisory opinions, and programmatic activities by courts using social media. It is available for download at www.ccpio.org.

Since the publication of the last survey, courts continued to experiment with social media and other new media tools to connect with the public and fulfill their obligation to be open, transparent, and understandable institutions. At the same time, lawyers, judges, and courts continued to experience challenges in balancing new media use with protecting the integrity of proceedings, judicial ethics, and other concerns. The 2013 survey paints a picture of a judicial system that is optimistic about the potential new media brings while cautiously guarding against the risks.

The survey results reveal several major conclusions:

- Courts are increasingly attempting to control communication from the courtroom by developing formal social media policies.
- Most survey respondents agree that mobile devices should be prohibited from courtrooms, and a large percentage believe the general public and litigants should not be permitted to silently communicate in any way from the courtroom.
- Support for allowing the traditional news media to make video recordings and take photos in the courtroom continues to grow.

The survey was conducted by the CCPIO, an organization of communications professionals in state and federal courts in the United States and worldwide. Project partners include the National Center for State Courts, the nation's leading center for research assistance to the country's state court systems, and the E.W. Scripps School of Journalism at Ohio University.

States with Social Media Policies for the Courtroom

	States	DC	GUAM	Puerto Rico
Facebook	29	✓	✓	✓
Twitter	36	✓		✓
YouTube	23	✓	✓	✓
Flickr	6	✓		
LinkedIn	18	✓	✓	

More than half of the states have policies for using Facebook and Twitter in the courtroom.

Supreme Court Advisory Committee Co-Chair Appointed



Ohio Supreme Court Chief Justice **Maureen O'Connor** appointed **Jennifer Justice**, deputy director of the Ohio Department of Job & Family Services Office

of Families and Children as co-chair of the Advisory Committee on Children, Families & the Courts.

Justice replaces retired co-chair Dr. **Gary Crow**, and will serve out the remainder of his unexpired term through the end of 2013. She joins fellow co-chair Marion County Family Court Judge **Deborah Alspach**.

New Artwork



Columbus artist Joe F. Howard with his sculpture "American Bald Eagle," which was recently installed on loan in the Thomas J. Moyer Ohio Judicial Center in the Library on the 11th Floor. The 180-pound bronze sculpture was designed in Howard's Columbus studio and cast in a foundry in Zanesville in 2008.



Lean & Green

Ohio Courthouses Recognized for Energy Conservation

Two Ohio Courthouses were recognized by the Environmental Protection Agency's 2012 Energy Star National Building Competition. The Howard M. Metzenbaum U.S. Courthouse in Cleveland and the Nathaniel R. Jones Federal Building and U.S. Courthouse in Youngstown were among seven federal courthouses that reduced their energy consumption by more than 20 percent and saved taxpayers more than \$615,500.

The Howard M. Metzenbaum U.S. Courthouse saw a 26.7 percent reduction in energy consumption, which was attained through several projects including replacing light bulbs with low wattage fluorescent bulbs, reducing air handler run times, and adding occupancy sensors in courtrooms. The building opened in 1910 and at that time housed the U.S. Post Office, District Court, and Circuit Court. The U.S. General Services Administration operates both Ohio buildings.

"The energy reductions at the Metzenbaum U.S. Courthouse saved more than \$132,000, and we are finding more ways to bring down costs across our portfolio and deliver better value to the American people," said **Ann P. Kalayil**, GSA's Great Lakes regional administrator.

The Nathaniel R. Jones Federal Building and U.S. Courthouse saw more than a 20.4 percent reduction in energy consumption for \$23,700 in savings. It saved money by replacing outdoor lights with energy-efficient LED lights and reducing the building's use of steam. The facility was built in 2002.

More than 3,000 buildings across the county competed to save energy and money. This is the third year EPA has conducted the Energy Star competition. The competitors tracked their monthly energy consumption and compared their energy use from 2011. Competitors saved a total of \$50 million on utilities bills in 2012.

Howard M. Metzenbaum photo courtesy of U.S. General Services Administration; Carol M. Highsmith, photographer. Nathaniel R. Jones photo courtesy of U.S. General Services Administration; Jim Baron, Baron Photography.

Commission on Professionalism Members Appointed

The Ohio Supreme Court made several appointments to a commission that promotes professionalism among attorneys admitted to practice law in Ohio. In addition, the commission aspires to advance the highest standards of integrity and honor among members of the legal profession.

Cleveland attorney **Marvin L. Karp**, a partner at Ulmer & Berne with more than 50 years of experience, leads the commission as chair. Karp is in the final year of his second term. While the commission celebrated its 20th anniversary last year, Karp has been there from the beginning as he served on the committee that preceded the commission.

Cuyahoga County Common Pleas Court Judge **John P. O'Donnell** serves as the commission's vice chair.

The commission membership, with two current vacancies, consists of five judges, six lawyers, two law school administrators or faculty, and two persons not admitted to practice law in any state. Commissioners are appointed for three-year terms and may not serve more than two consecutive full terms.

Commission Appointees

Judge **Richard L. Collins Jr.**
Lake County Court of Common Pleas

Attorney **Doug Dennis**
Frost Brown Todd, Cincinnati

Judge **Jeffrey A. Hooper**
Muskingum County
Domestic Relations Court

Judge **Brendan J. Sheehan**
Cuyahoga County Common Pleas Court

Reappointed Members

Professor **Michael Distelhorst**
Capital University School of Law

Attorney **Michael Robinson**
Private Practice, Akron



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 236, Rep. John Becker (R-Union Twp.)

To generally authorize a person who is a state or local government official and has a valid concealed handgun license to carry a handgun concealed into any publicly owned facility that is not a secure facility.

STATUS: Introduced in the House on July 25, 2013.

HB 238, Rep. Jim Butler (R-Oakwood)

To provide transparency in contracts between the state and private attorneys.

STATUS: Introduced in the House on July 31, 2013.

HB 244, Rep. John Becker (R-Union Twp.)

To make the statutory authorization and procedure for imposing a sentence of death apply to rape, sexual battery, and unlawful sexual conduct with a minor when the offense is committed by an offender who previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any of those offenses or the former offense of felonious sexual penetration; to name those offenses when committed by such an offender aggravated rape, aggravated rape of a child, aggravated sexual battery, aggravated sexual battery of a child, and aggravated unlawful sexual conduct with a minor and classify them as felonies of the first degree and capital offenses; to generally retain for those new offenses all special provisions and procedures that currently apply with respect to rape, sexual battery, and unlawful sexual conduct with a minor; and to amend the version of section 2950.11 of the Revised Code that is 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 August 15, 2013.

SB 167, Sen. Charleta Tavares (D-Columbus)

With respect to school district policies for violent, disruptive, or inappropriate behavior, the bill seeks to curb “zero tolerance” policies and allow school districts to create disciplinary policies that reserve forced removal from school only for the most serious and dangerous situations.

STATUS: Introduced in the Senate on August 1, 2013.

SB 171, Sen. Nina Turner (D-Cleveland)

To permit a victim of rape, sexual battery, or unlawful sexual conduct, or a parent of a minor who was the victim of a felony violation of unlawful sexual conduct to file a complaint to terminate specified parental rights of the defendant with regard to a minor conceived as a result of the offense, to require the court to terminate the parental rights named in the complaint if the court determines the defendant was convicted of or pleaded guilty to the offense or determines beyond a reasonable doubt that the defendant committed the offense, and to prohibit a court from granting, in any subsequent civil action, the defendant any of the terminated parental rights.

STATUS: Introduced in the Senate on August 5, 2013.

SB 177, Sen. Michael Skindell (D-Lakewood)

To include the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders.

STATUS: Introduced in the Senate on August 12, 2013.



The Agenda

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

FALL CONFERENCES

September 11

Ohio Courts of Appeals Judges Association (OCAJA) Fall Conference
Association Judges
Columbus

September 12 & 13

Ohio Judicial Conference Annual Meeting
Judges
Columbus
ohiojudges.org

October 2 – 4

Ohio Association of Magistrates (OAM) Fall Conference
Association Magistrates
Columbus
www.ohiomagistrates.org

Judicial College Courses

judicialacademy.ohio.gov

September 3

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

September 12

Clerks' Course: Improving Our Performance
Court Clerks, Columbus

September 13

Realtime: Back to Basics for Court Reporters
Official Court Reporters
Columbus

September 18

Guardian ad Litem Pre-Service Course (7 of 9)
Guardians ad Litem, Cincinnati

September 20

Abuse, Neglect & Dependency Video Teleconference
Judges & Magistrates
1 p.m. to 3:45 p.m.
(various locations)

September 20

Acting Judge Course: Small Claims in Municipal & County Courts (2 of 3)
Judges, Magistrates & Acting Judges
Toledo

September 23 - 27

Court Management Program (CMP) 2013 Level II, Module VI: High Performance Courts and Court Community Communications
CMP 2013 Tier II Class
Columbus

October 1

Guardian ad Litem Continuing Education Course: Report Writing
Guardians ad Litem, Cincinnati
1 p.m. to 4:30 p.m.

October 2

Guardian ad Litem Continuing Education Course: Report Writing
Guardians ad Litem, Cincinnati
8:30 a.m. to noon

October 2 - 4

Court Management Program (CMP) 2014A Scarlet Class Module IV: Fundamental Issues of Caseflow Management
Scarlet 2014 Class, Columbus

Interpreter Services Training

sc.ohio.gov/JCS/interpreterSvc

September 6

Legal Procedure & Terminology
(Restricted Enrollment)
Columbus

September 7

Slang, Metaphors & Idioms
(Restricted Enrollment)
Columbus

Dispute Resolution Training

sc.ohio.gov/JCS/disputeResolution

September 12 & 13

**Basic Mediation/Uniform
Mediation Act**
Marysville

September 16 & 17

Parenting Coordination
Cincinnati

Specialized Dockets Training

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

September 20

**Evidence Behavioral Practices to
Compliment Medication-Assisted
Treatment**
Specialized Docket Personnel
Mt. Sterling

September 24

**Evidence Behavioral Practices
to Compliment Medication-
Assisted Treatment**
Specialized Docket Personnel,
Wadsworth

Supreme Court of Ohio

www.sc.ohio.gov

September 10 & 11

Oral Arguments

September 12

State of the Judiciary Address
Chief Justice Maureen O'Connor
Columbus

October 9

Oral Arguments

October 10

**Dedication of Justice Robert M.
Duncan Portrait**
Thomas J. Moyer Ohio Judicial
Center, Columbus

LOCAL COURT ROUNDTABLES

[sc.ohio.gov/JCS]

September 19

**Domestic Relations
Administrators**
All Counties
Columbus

September 26

Probate Magistrates
Rural & Midsized Counties
Columbus

September 27

Probate Magistrates
Urban Environment
Columbus

October 11

Juvenile Administrators
Midsized & Rural Courts
Columbus

Ohio Judicial Conference: Continued from page 1.

Schweikert said perhaps the biggest change since 1963 occurred in the 1990s when the Ohio General Assembly expanded the conference's authority to issue judicial impact statements on proposed or pending legislation.

The conference still prepares impact statements, but the method and frequency of its communication with legislators is mainly handled through different channels, he said.

While building consensus among its membership, Schweikert said the conference hosts "interested party" meetings, coordinates testimony by judges on legislation, and issues policy statements on issues that come up again and again, such as court costs or judicial discretion. The conference also works with the governor's office on a continuing basis.

"I'm proud that very often in a legislative hearing, legislators ask, 'What does the Judicial Conference say about the legislation?'" he said.

Schweikert also spoke to this point during his budget testimony before a House of Representatives subcommittee in March.

"We appreciate the fact that so many legislators see the Judicial Conference as a resource," he testified. "During FY 2012-13, to date, we have prepared 12 judicial impact statements, 70 legislative letters, and judges have testified at least 39 times before legislative committees. During the same period, staff also prepared and distributed to judges 12 Enactment News articles providing impact and practical implementation advice. We believe that our ability to quickly provide you with good information about Ohio's justice system and judicial impact statements benefits us both."

Right around the time the General Assembly passed Amended Substitute House Bill No. 205 in May 1963, Ohio Supreme Court Chief Justice **Kingsley A. Taft** addressed the need for a statewide judicial conference even though each jurisdiction had its own association. There was discussion at the time about whether to disband the conference.

"Each one of us who is privileged to be a judge should remember that he is not just a judge of his court or of his particular kind of court, but he is a part of the whole judiciary of this State of Ohio," Chief Justice Taft said at the fifth annual meeting of the conference. "Even though your kind of court may have problems different than some other kind of court, there is much to be learned from members of that other kind of court that will be helpful to you."

"If it does nothing more for you," he continued, "a Judicial Conference will enable you to meet other kinds of judges at regular intervals and expand your horizons beyond the problems which you and your kind of judges have."

Chief Justice Taft's sense of the value for the conference seems astute based on the comments from video interviews conducted with chairs of the conference to celebrate its 40th anniversary in 2003. Several of the judges also spoke of the benefits of networking with fellow jurists whom they

would not have met or worked with absent the conference. Fifty years of leadership will be captured on film, as the conference interviewed the chairs from the intervening 10 years for their additional perspectives. Gala attendees will be able to watch some of the interview clips.

Another aspect of the conference's mission is its collaboration with the Supreme Court to improve the administration of justice, Schweikert said. At frequent meetings with Chief Justice **Maureen O'Connor** and Administrative Director **Steven C. Hollon**, leadership of the conference discuss legislation, policy, and keeping the lines of communication open. The work of the conference and the court does overlap in some areas, he said, but with one key distinction. There are times when the conference can weigh in on a matter that would be inappropriate for the court to do so. For instance, the court's involvement in advocating for or against legislation is limited given that it could be asked to rule on the constitutionality of the legislation down the road.

As to the origins of the conference, they actually stretch farther back in time than 1963. Judge **Robert L. McBride**, who served for 50 years on several courts in the Dayton area and died in 2007, was instrumental in the creation of the conference.

In 1958, he circulated a report titled "Judicial Organization and the Bar," which pointed out the need for a statewide judicial organization consisting of all Ohio judges. According to the conference's website, the report suggested that all judges could combine efforts to improve the judiciary from within the judicial branch and by recommending legislative change where needed. Ohio judges met in 1959 and unanimously passed a resolution to organize a judicial conference having an executive committee consisting of the chief justice and two judges from each of the different subject matter jurisdictions. At a second meeting the following year, the judges adopted a constitution.

In his portion of the 40th anniversary video interviews, Judge McBride said the idea for a judicial conference was born out of a conversation he had with Van Wert Common Pleas Court Judge **Eugene McNeill** during jury instructions committee meetings.

"We felt that because the jury instructions committee had been so successful, so quick (in completing its work), that the idea of a conference should proceed," Judge McBride said. "And that if it could achieve the success of the instructions committee, it would be a wonderful thing for the state of Ohio."

He said the idea resulted in an invitation from Chief Justice Taft and Ohio State Bar Association President **Bill Van Aken** to all the judges of Ohio to attend that 1959 meeting in Cleveland to discuss the formation of a conference.

