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# CNO REVIEW

December 2014



## BEYOND THE BORDER

An influx of unaccompanied minors is  
affecting Ohio courts. See story on page 6.

## About Court News Ohio

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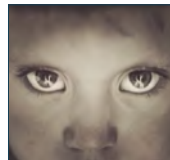


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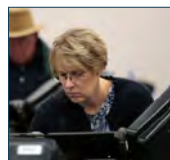
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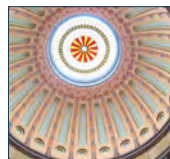
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# Cases

Visit [courtnesohio.gov](http://courtnesohio.gov) for the most current decisions from the Ohio Supreme Court, Courts of Appeals, and Court of Claims.

## Supreme Court of Ohio

### Courts Must Find Probable Cause Before Issuing Arrest Warrants

Arrest warrants issued by the Toledo Municipal Court for a man suspected of stripping materials from a house were invalid because no determination of probable cause was made, the Supreme Court ruled November 4. However, police officers obtained the warrants following a procedure that had been validated by the Sixth District Court of Appeals. Because of that precedent, the officers involved in the case of **Brandon Hoffman** acted in good faith, and the evidence obtained under the warrants for Hoffman's arrest will not be excluded, the Supreme Court concluded. Justice **Judith Ann Lanzinger**, in the court's majority opinion, pressed the Toledo Municipal Court to change its process for issuing arrest warrants. For at least 17 years, the municipal court has been violating the U.S. and Ohio constitutions by granting warrants without deciding whether probable cause was shown, she wrote.

State v. Hoffman  
Slip Opinion No. 2014-Ohio-4795

### Helipad Allowed on Roof of Cleveland Hospital

The Supreme Court ruled on November 5 that Cleveland's zoning laws permit Fairview Hospital to build a helipad on the roof of a new building. A helipad qualifies as a permitted "accessory use" for a hospital in an area zoned as a local retail business district, the court unanimously held in an opinion written by Chief Justice **Maureen O'Connor**. The court's

decision allows the Cleveland Clinic Foundation to build a helipad on the roof of a garage at the hospital, which was the only one in Cleveland without a helipad. In reversing the judgment of the Eighth District Court of Appeals, the Supreme Court explained that the appellate court used an incorrect standard when reviewing the trial court's decision.

Cleveland Clinic Found.  
v. Cleveland Bd. of Zoning Appeals  
Slip Opinion No. 2014-Ohio-4809

### 'Attempted Felony Murder' Not Recognized in Ohio

It is not possible to commit attempted felony murder in the state, the Supreme Court held on November 5. An attempted crime requires a defendant to have acted knowingly or purposely, but felony murder does not require intent to kill, only the intent to commit the underlying felony, Justice **Paul E. Pfeifer** wrote in the court's unanimous opinion. It is, therefore, impossible to purposely or knowingly cause an unintended death, he concluded. The decision upholds the appeals court's reversal of the conviction of **Bobby D. Nolan** for attempted felony murder.

State v. Nolan  
Slip Opinion No. 2014-Ohio-4800

## Courts of Appeals

### Judge Questions Whether Obscene Gesture Played Too Large a Role in Awarding \$303,000 in Punitive Damages

A three-judge panel upheld a \$303,000 judgment against a father and son accused of selling another man's industrial equipment without

his permission. However, the court split 2-1 on whether an obscene gesture caught on camera had too great an influence in calculating another \$303,000 in punitive damages. The First District Court of Appeals concurred with a Hamilton County Common Pleas Court judgment in favor of **Robert Greer** in his claim of conversion by **Gerald Benjamin Bruce** and his father, **Earl L. Bruce**.

Greer v. Bruce  
2014-Ohio-4901

### Casino Control Commission Wrong To Revoke Dealer's License for Taking Can of Red Bull Without Paying

Revoking a casino dealer's gaming license for failure to pay \$1.84 for a Red Bull will not fly, the Eighth District Court of Appeals ruled on November 6. The appeals court recently admonished a Cuyahoga County Common Pleas Court for upholding the revocation of a casino employee gaming license by the Ohio Casino Control Commission, which it said used the wrong standards for making its decision and failed to spell out its reasoning as required by law.

Zingale v. Ohio Casino Control Comm.  
2014-Ohio-4937



# HappeningNow

News and Notes from Courthouses Across the Buckeye State



## Court Interpreters Bridge Language Gap

**N**avigating the legal system can be difficult for someone whose native language is not English. That's where court interpreters like **Svetlana Ball** come in.

"My goal is to produce linguistically correct and the legally appropriate equivalent of what's being said between the parties," Ball said.

Originally from Ukraine, Ball is a Supreme Court of Ohio certified interpreter and travels the state to assist in court cases where Russian translation is needed.

"It's something that I really like, and it makes me feel that I'm doing something for the country that welcomed me – you know I'm not a native English speaker, I came from another country – and I feel that by doing this I'm paying back," she added.

Hundreds of cases a day are heard at the Franklin County Municipal Court, and the need for language translation is always present.

"We have six to seven interpreters in other languages that come into the courthouse," according to **Adriana Fonseca**, the court's interpreter coordinator. "Interpreters are practically invisible. We allow the judge, the defense attorney, the prosecutor to communicate with that LEP (Limited English Proficient) party and allow that the communication flows seamlessly – just like they would be communicating in English."

**Rafael Montanez** changed careers a little more than a year ago to become a Spanish interpreter, and he finds the work rewarding.

"Even though you're translating sometimes what can be repetitive, to us becomes repetitive, but to the client that's the bridge between understanding what's going on and being able to stand on their own – so to speak – and being totally helpless," Montanez said.

Ohio courts accommodate approximately 80 languages and handle more than 25,000 cases per year that require an interpreter.

The Supreme Court of Ohio Language Services Program includes a rigorous testing process that certifies interpreters like Ball, Fonseca, and Montanez, and bench cards to help guide judges when it comes to working with interpreters.

## Attorney Services Fund Releases 2014 Annual Report

More than half of the money collected by the Ohio Supreme Court's Attorney Services Fund in fiscal year 2014 went to support the attorney discipline process, according to an annual report published October 31.

The money in the fund comes from attorney registration, late registration, and reinstatement fees. The fund also receives revenue from other sources as outlined in the Rules for the Government of the Bar.

The Supreme Court allocated \$9.4 million from the Attorney Services Fund at the beginning of fiscal year 2014, July 1, 2013 through June 30, 2014. According to the report, the fund expended nearly \$8.7 million. That total includes a little more than \$5 million for disciplinary-related expenses: \$2.5 million for the operations of the Office of Disciplinary Counsel; more than \$600,000 to the Board of Commissioners on Grievances & Discipline; and an additional \$1.8 million to reimburse local bar association certified grievance committees.

The fund also supported:

- The administration of the Attorney Services Division, which oversees the delivery of services to Ohio attorneys and assists the Supreme Court in its constitutional duty to regulate the practice of law.
- The Clients' Security Fund to compensate clients of dishonest attorneys.
- The Reporter of Decisions to publish attorney discipline legal notices in newspapers.

The fund also provided grants to the Ohio Legal Assistance Foundation to support legal services for low-income Ohioans, and to the Ohio Lawyers Assistance Program to provide intervention services to lawyers, judges, and law students who suffer from alcoholism, substance abuse, or mental illness.

## Domestic Relations Workshop Focuses on Children After Parents Divorce

*Internationally Known Child Psychologist Leads Discussion*

With between 40 to 50 percent of marriages ending in divorce across the country, its effect on children can be substantial. To help cultivate ideas on limiting potential harm, the Ohio Supreme Court's Children & Families Section hosted a program titled: *Fostering Resilience in Children After Divorce; Children's Education Programs*, as part of a post-Domestic Relations Summit Education workshop.



Dr. JoAnne  
Pedro Carroll

The seminar featured internationally known child psychologist **Dr. JoAnne Pedro Carroll**, who on November 6 discussed effective education and group support for children whose parents have divorced or separated with about 60 judges, magistrates, and other court and mental health staff members at the Thomas J. Moyer Ohio Judicial Center.

Dr. Carroll, who has more than 30 years of experience working with children and understanding their reactions to divorce and separation, spoke on several topics including effective education and group support for children; effective communication and strategies for group facilitation; tailoring programs for courts' needs and resources; and forming collaborative partnerships between courts and mental health facilities.

"Ohio courts are at the forefront nationally in the commitment to innovative programs and practice," Dr. Carroll said. "Keeping children's well-being a top priority can have a positive impact now, and for future generations of children and families in Ohio."

Children and Families Section Manager **Stephanie Nelson** said the workshop helped create ideas for a program tailored just for children.

"Dr. Carroll presented research and strategies that can be used to develop, implement, or enhance children's education programs to reduce children's stress and promote resilience in children of separating parents," Nelson said.

Five panel members from Marion, Medina, and Henry counties weighed in at the workshop. Marion County Family Court Judge **Deborah Alspach**; **Kathy Clark**, PhD, LISW-S, Marion County Family Court; Medina County Domestic Relations Court Magistrate **John Mascolo**; **Barbara G. Hofelich**, LISW-S, Solutions Behavioral Healthcare, Inc. in Medina; and **Tara Buehrer**, Center for Child and Family Advocacy in Henry County, discussed how children's education programs in their communities are making a difference.

Nelson said the information from the seminar can also be used to improve parent's education programs for separating parents and help assist with parent and children communication.

## Law Students, Professionals Discuss How to Brace for the New Normal of the Legal Profession



The latest Student to Lawyer Symposium drew 127 attendees to Dublin, just north of Columbus on November 14. Students, law school professors, practicing lawyers, and judges from across the state gathered to discuss ways that law schools and bar associations may better prepare students and new lawyers for the practice of law.

This year's event focused on the "new normal" of legal practice, which can be characterized by the use of new technologies; the rise of small, entrepreneurial firms; the use of collaborative, interdisciplinary thinking; and a focus on efficiency and value for clients. The conference, the third of its kind, was presented by the Ohio Supreme Court's Commission on Professionalism.

## Bar Admissions Ceremonies



During two separate November 17 ceremonies at the Ohio Theatre in Columbus, nearly 800 new lawyers were admitted to practice law in Ohio, and were encouraged to put their newly acquired skills and expertise to good use, even if not immediately as attorneys. Chief Justice **Maureen O'Connor** administered the oath of office to applicants who were successful on their July Ohio bar examination and who also satisfied all of the Supreme Court's other requirements for admission. Justice **Terrence O'Donnell** gave the keynote speech.

# BEYOND THE BORDER

## Influx of Unaccompanied Minors Affects Ohio Courts



Jeovani left the only home he's ever known and traveled thousands of miles to come to Ohio. His family put their trust, and an undisclosed sum of money, in a complete stranger to get the 13-year-old from Honduras to the mother he had not seen since he was 3 when she moved to the United States. Jeovani's biological father abandoned the family when he was 5, and he has had no contact with him since then.



Traveling by bus, Jeovani made his way through Guatemala and then Mexico, where he crossed the Rio Grande in to Texas on May 28, 2014, and turned himself in to border patrol agents. In the month following, the teenager stayed in Texas while federal immigration officials processed his case and determined he could be placed, at least for the time being, with his mother Gloria in Ohio. They were finally reunited on June 29 as Jeovani stepped off a plane from San Antonio at Port Columbus International Airport.

Jeovani now lives in Columbus with his mom, stepfather, three brothers, and an extended family of aunts and uncles. While he adjusts to life as a sixth grader in a country he always dreamed of living in, Jeovani's status as a permanent resident of the U.S. is still up in the air as his federal immigration case is pending. A separate custody case pending in juvenile court brings Jeovani's, and other unaccompanied minors like him, from an issue affecting border states like Texas and Arizona to one that affects Ohio courts.

### A Tale of Two Jurisdictions

The issue of unaccompanied minors who are in the United States illegally sets up two exclusive jurisdictions between U.S. and state courts. Federal immigration courts, such as the one in Cleveland, determine whether the child must be deported or if he or she can stay in the U.S. through circumstances such as asylum. Another way is to seek Special Immigrant Juvenile Status (SIJS), an immigration classification determined by the U.S. Citizenship and Immigration Services that may allow the child to then apply for permanent resident status.

A factor in determining SIJS is the custody action that comes under the exclusive jurisdiction of a state court. Under Ohio law, the juvenile court can determine the custody of any child not a ward of another court of the state in many situations. Those include abuse, neglect, or abandonment by one or both parents – just what would be needed in order to show eligibility for the SJI visa.

That's the route that Jeovani's attorney, **Brian Hoffman** of Muchnicki & Bittner in Columbus, is taking to ensure the teen can stay with his mother.

"The SIJ visa is the best-kept secret among lawyers, but for many children who have been abandoned by one or both parents, this is the best way to look out for their best interest," Hoffman said. "Some juvenile court judges are hesitant to make a custody order because of the immigration component and they're concerned that it's outside their jurisdiction, but most understand that this is a separate matter from the federal court case."

According to the U.S. Office of Refugee Resettlement, more than 500 unaccompanied minors have been placed in Ohio between January 1 and September 30, 2014, and a large number of them are in Franklin and Hamilton counties.

Franklin County Court of Common Pleas Domestic Relations and Juvenile Division Judge **Terri**



**Jamison** has had several recent emergency custody cases come before her, with one of those cases being a child who fled gang violence in El Salvador. Judge Jamison, who before becoming a judge, represented illegal immigrant children as a guardian ad litem, looks to R.C. 3127.18 and 2151.011(C) for determining jurisdiction and the best interest of the child.

“We must use the standard that it is not in the child’s best interest to be returned to their country, and in the cases I’ve seen it is in their best interest to stay here in order to keep them from being taken advantage of,” Judge Jamison said.

Mercer County Probate Court Judge **Mary Pat Zitter** is also concerned about the welfare of the children. Though the county of about 40,000 people has not seen an influx of unaccompanied minors, Judge Zitter has seen an increase in the number of delinquent youth from other countries.

“The youth are coming in to my courtroom with someone other than their parent and I’m concerned about who has custody, whether the relatives have legal standing,” she said. “I’m worried that if I press the issue too much, they may drop out of school, get lost in the shuffle, and then be vulnerable to victimization.”

Another issue when dealing with custody in these cases is the requirement that parents whose rights are being severed be served notice – a difficult task if the parents’ whereabouts are unknown in a foreign country.

Lorain County Domestic Relations/Juvenile Court Judge **Debra Boros** faced that when trying to locate the parents of an unaccompanied minor from Mexico, even contacting the Mexican consulate for help.

“It was a difficult, time-consuming process and you add to that the language barrier,” she said of the experience. “We have to fulfill the requirement under our laws, and just because the child is here does not sever the rights of a parent in another

country. We can’t assume the parents sent their children here voluntarily.”

Judge Boros, the immediate past president of the Ohio Association of Juvenile Court Judges, suggested it might be helpful for Ohio courts to exchange ideas on the topic of where to start when making sure the absent parent has an opportunity to participate in the process.



**“When I look at these kids, I see a surgeon or the next Einstein, but not if they have to go back to the situation they worked so hard to escape from in their home country. It’s life or death for some of these kids.”**



### **Awareness and Action**

The conversation about unaccompanied minors has been included in continuing legal education seminars, including a portion of an Ohio Judicial College webinar in November titled “Paternity, Custody & Child Support.” A little more than 100 judges and magistrates participated in the discussion led by Ohio Legal Assistance Foundation Executive Director **Angela Lloyd**, who has been passionate about the issue since 1996 when she had an immigration law practice.

“You have kids, hundreds of them, at any moment in time that end up in Ohio without the benefit of two loving parents,” Lloyd said. “We need to focus on their best interests while they are here, and my hope is that judges will be open and receptive to these cases and feel confident in making those determinations as they do every day for children.”

Judicial College Interim Director **Christy Tull** expects more education on this subject in the future for the state’s judges and magistrates.

A call for more awareness and education is coming from the American Bar Association, which recently formed the Working Group on Unaccompanied Minor Immigrants. Columbus attorney **Scott Friedman** of Friedman & Mirman is a member of the group, and this summer visited San Antonio, Texas, to see where the children are housed until they are released to sponsors while they await immigration proceedings.

Friedman said the experience was eye-opening: “We heard from some of the kids of how they had to ride on top of trains with no food and water. You could see the pain in their eyes,” he said.

He added that at court hearings they observed some of the children did not have legal representation. The ABA working group would like to see more lawyers step forward to provide pro bono legal services. Friedman recently took his first case, a 16-year-old whose parents are still in Honduras.

“I am a family law attorney and have no immigration law experience, but I felt it was important to do this.”

Hoffman, Jeovani’s attorney, sees the importance of the issue, too.

“When I look at these kids, I see a surgeon or the next Einstein, but not if they have to go back to the situation they worked so hard to escape from in their home country. It’s life or death for some of these kids,” he said.

Resources on the unaccompanied minor issue are available at [courtnewsohio.gov/minors](http://courtnewsohio.gov/minors).



## Judicial Races Decided

### Voters Keep Ohio Supreme Court Composition



Ohio voters decided to return two Ohio Supreme Court justices to the bench during the November general election.

Justice **Sharon L. Kennedy** defeated State Rep. **Thomas Letson** with more than 72 percent of the vote. With 56 percent of the vote, Justice **Judith L. French** beat her opponent, Cuyahoga County Court of Common Pleas Judge **John O'Donnell**.

There were another 223 judicial races in this year's election, with 68 (30 percent) of those contested. Eight incumbent judges lost bids to retain their seats, including six gubernatorial appointees who sought election for the first time.

#### Other races of note:

- The race for Stark County Court of Common Pleas judge between Judge **Curt Werren** and **Chryssa Hartnett** is in a recount, as Hartnett has a 29-vote lead after election night.
- Two court of appeals incumbents lost their election bids. Ninth District Court of Appeals Judge **Eve Belfance** lost to challenger **Julie Ann Schafer**, while **Jennifer Brunner** topped Judge **Amy O'Grady** in the Tenth District.
- **Joyce Kimbler** won the Medina County Court of Common Pleas judgeship currently held by her husband Judge **James Kimbler**, who is retiring.

There will be 33 new judges taking office as a result of the November 4 election.

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

View the unofficial results compiled by Supreme Court staff at <http://courtnewsOhio.gov/bench/2014/electionResultsNov2014.pdf> or consult one of Ohio's 88 county boards of elections.

## Elected Officials Compensation Bill Introduced

Chief Justice **Maureen O'Connor** on November 17 praised State Rep. **Gerald L. Stebelton**, the Ohio Council of County Officials, and the Ohio Judicial Conference for their work to introduce a bill calling for pay raises for state and local elected officials, including judges.

Under House Bill 661, Ohio's county officials and judges will receive a market adjustment spread out over several years that will align their pay with changes in the job market since the last adjustment in 2008. In addition, the legislation provides for an annual cost of living adjustment based on the federal Consumer Price Index for all elected officials to ensure that compensation remains competitive in the future.

Elected officials' pay has remained unchanged since 2008, when the last year of a previous compensation bill expired.

Chief Justice O'Connor said she fully supports the legislation.

"I've talked about the need to address this issue in order to attract and retain good judges," she said. "State Rep. Stebelton and Ohio Judicial Conference Executive Director **Mark R. Schweikert** deserve great credit for working closely with legislative leadership and county officials on this legislation to ensure everyone was at the table and that the bill had widespread support."

In the most recent "Survey of Judicial Salaries" by the National Center of State Courts, Ohio's judicial pay ranks in the bottom half for each category.

Published yearly for nearly 30 years, the survey serves as the primary record of compensation for state judicial officers and state court administrators. The survey uses figures for courts of last resort, intermediate appellate

Story continues on page 11.



## Cuyahoga County to Add Veterans Court

During the week that the nation paused to honor its military veterans, Cuyahoga County Court of Common Pleas judges voted to create a Veterans Court.

The Veterans Court will begin hearing cases in January 2015 with the mission to successfully rehabilitate veterans by diverting them from the traditional criminal justice system and providing them with the tools they need to lead a productive, law-abiding lifestyle.

Cuyahoga County has the largest veteran population in the state with 9.7 percent. Veterans often are confronted with serious readjustment issues when they return home. The most serious of those issues include unemployment, post-traumatic stress syndrome, traumatic brain injuries, homelessness, drugs, and crime.

Service members have many shared experiences that are not common among their non-military peers. As a result, traditional community services may not be adequately suited to meet their needs. However, a carefully tailored program that takes advantage of a shared military experience does make a difference, based on the initial data from other veterans courts. An essential component is the “mentor program” where veteran mentors act as peer support to veteran participants.

Another goal of the Veterans Court is to forge partnerships among the Veterans Administration, public agencies, and community-based organizations to generate local support.

Cuyahoga County Court of Common Pleas judges will have the discretion to transfer a veteran’s case to the Veterans Court, where the defendant will take part in the program for a minimum of 12 months. All felony-level cases that are eligible for probation (Community Control Sanctions/CCS) may be transferred to the Veterans Court, but priority will be given to high-risk, high-need veteran defendants.

There are 15 veterans courts in the certification process through the Ohio Supreme Court specialized docket program. There are more than 170 specialized dockets in Ohio courts that bring together court and treatment personnel to work collaboratively to assist defendants with treatment instead of prison for issues such as drugs, alcohol, and mental health. The success of specialized dockets is measured by reduced recidivism, improved treatment, and cost savings.

## Justice Pfeifer Tells Study Committee that School Funding Standards Should Remain in Constitution

The only Ohio Supreme Court justice to have ruled on all four iterations of the landmark public school funding case said any proposal to remove judicial oversight of the state’s school funding methods would be a mistake and he would vocally oppose it.

Justice **Paul E. Pfeifer** appeared before the Ohio Constitutional Modernization Committee on November 13 to address issues under debate by the body developing recommendations on modifying the state’s constitution.

Justice Pfeifer spoke to the Education, Public Institutions and Local Government Committee of the Commission, which received proposals to change Section 2, Article IV of the State Constitution. The section contains the requirement that the General Assembly provides sufficient funds to “secure a thorough and efficient system of common schools throughout the state.”

*Read more about Justice Pfeifer's testimony at: [courtnewsOhio.gov/bench/2014/constitutionalCommittee\\_111314.asp](http://courtnewsOhio.gov/bench/2014/constitutionalCommittee_111314.asp)*



## JUDICIAL PROFILE

William H. Harsha

For more than 25 years, Judge **William Harsha** has sat on the Fourth District Court of Appeals bench. He and the other three judges on the court travel county to county hearing cases.

“We’re problem solvers, and we try to do things that resolve conflicts,” Judge Harsha said.

Judge Harsha said it’s those conflicts that keep his work interesting because there’s always something new that comes before him in court.

“I tell people our knowledge is a mile wide, but sometimes it’s only an inch deep,” Judge Harsha said.

Case in point: An interesting appeal about fighting chickens.

“The ironic part was they were trying to save these chickens, but they ended up putting them in cages together and they are fighting chickens so the chickens all started killing themselves and then the remedy they wanted in the end was to kill the chickens, dispose of the chickens so it was kind of an ironic case,” Judge Harsha said.

Before he was ruling on appealed cases, Judge Harsha was arguing in front of the bench as the Pickaway County prosecuting attorney.

Judge Harsha didn’t set out to become a lawyer or judge. He wanted to become a veterinarian, but then calculus and organic chemistry got in his way. He liked the outdoors so he switched his field of study and received a master’s degree in environmental science.

Out of college, he worked for Michigan’s Public Service Commission and the Department of Natural Resources. He even worked as a laborer and helped build a subway in

Story continues on page 11.



## 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 661, Rep. Gerald Stebelton (R-Lancaster)**

To reinstate the cost of living adjustment for members of the General Assembly and statewide elected executive officers; to increase the compensation of justices and judges of the courts, county elected officials, township trustees and fiscal officers, and board of elections members and to reinstate the annual cost of living adjustment to their compensation; to reduce the number of population classifications used to determine the compensation of county elected officials; to make an appropriation; and to declare an emergency.

**STATUS:** Introduced in the House on November 10, 2014, and referred to the House Finance & Appropriations Committee. The second committee hearing was November 19, 2014.

### **HB 663, Rep. Jim Buchy (R-Greenville); Rep. Matt Huffman (R-Lima)**

To provide confidentiality and license protection for persons and entities involved in executing a sentence of capital punishment by lethal injection and to void as against public policy any agreement that prevents the supplying of any drug or drugs to be used in executing a sentence of capital punishment by lethal injection, and to amend the version of section 149.43 of the Revised Code that is scheduled to take effect on March 20, 2015, to continue the provisions of this act on and after that date.

**STATUS:** Introduced in the House on November 10, 2014, and referred to the House Policy & Legislative Oversight Committee. The second committee hearing was on November 19, 2014.

### **HJR 11, Rep. Matt Huffman (R-Lima)**

Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to establish a constitutional process for congressional redistricting.

**STATUS:** Introduced in the House on November 13, 2014, and referred to the House Policy & Legislative Oversight Committee. The second hearing of the joint resolution was on November 19, 2014.

### **HJR 12, Rep. Matt Huffman (R-Lima)**

Proposing to amend Sections 1, 2, 6, 7, 12, and 13; to amend, for the purpose of adopting a new section number as indicated in parentheses, Section 13 (14); to enact new Section 13; and to repeal Section 14 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

**STATUS:** Introduced in the House on November 13, 2014, and referred to the House Policy & Legislative Oversight Committee. The second hearing of the joint resolution was on November 19, 2014.

### **SB 342, Sen. Bill Seitz (R-Cincinnati)**

To establish conditions for the use by local authorities of traffic law photo-monitoring devices to detect certain traffic law violations.

**STATUS:** Introduced in the Senate on May 20, 2014, and referred to the Senate State Government Oversight & Reform Committee. Bill was amended in the second committee hearing on May 28, 2014. Its third committee hearing was November 19, 2014, and the Senate voted 24-9 on the same day to approve the bill.



## Rule Amendment Summary

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

### Commercial Dockets

Common pleas courts that establish commercial dockets now have more guidance about designating judges to preside over these cases under rule amendments adopted by the Supreme Court. Changes to Rule 49 and 49.02 of the Rules of Superintendence for the Courts of Ohio took effect October 7.

Existing rules already call for the chief justice to designate two sitting judges of each court to serve as commercial docket judges. The rules also call for a subcommittee of the Supreme Court's Advisory Committee on Case Management to recommend the judge candidates and how many should serve.

The amendments will clarify the process, including:

- Instructing the court to submit a written request to select judges and their names.
- Having the subcommittee submit a written report to the chief justice with the number of judges recommended and the specific candidates.
- Directing the subcommittee to consider 11 criteria for reviewing candidates.

### Ohio Courts Network

The Commission on Technology and the Courts and the Commission on the Rules of Superintendence have recommended the Supreme Court adopt proposed Superintendence Rule 34 to ensure Ohio courts can continue to share information. The new rule would require courts to link to the Ohio Courts Network (OCN).

More than 350 courts are using OCN currently, but not all have the capability to share data through the system. To facilitate the connection of the other courts to the OCN, the rule has two main components:

- First, if a court already has a computer case management system that can send data to the OCN network, then the court shall connect to the system within a year of the rule taking effect.
- Second, for those courts that have not adopted an electronic system or who will be changing systems in the future, beginning one year after the passage of the rule, any new system coming online will have to connect to OCN.

### COMPENSATION BILL: Continued from page 8.

courts, and general jurisdiction trial courts.

The chief justice and justices on the Ohio Supreme Court make \$150,850 and \$141,600 annually. Courts of appeals judges are paid \$132,000 per year. Common pleas judges earn \$121,350 each year. As for full-time municipal court judges, their salaries are \$114,100 while part-time municipal court judges and county court judges have annual salaries of \$65,650.

Ohio judicial pay ranks 37th for highest court, 32nd for intermediate appellate courts, and 43rd for general jurisdiction trial courts. According to the U.S. Census, Ohio ranked fifth in the nation in total revenue in 2010.

### JUDICIAL PROFILE: Continued from page 9.

Washington, D.C.

"I think it's beneficial. It gives me a lot more insight to things," Judge Harsha said.

Maybe that's why he is more reflective on his career at this point.

"When you start out, it's hard to decide cases. Things aren't as black and white as you think maybe they would be – they are a little gray. And then you kind of progress and you get some experience and cases seem to be easier. Now I'm at a stage where I may be second-guessing myself a little bit. I'm back to the stage where black and white is a little more gray. Maybe I'm giving a little more thought, maybe your philosophy changes a little over time, but it's interesting that I almost feel myself going full circle in that regard," Judge Harsha said.

When he leaves the appeals court in 2019 due to age restrictions, Judge Harsha wants his legacy to include three words.

"I would hope consistency. I would also hope fairness and thoughtfulness. Those things I hope people can see in every decision that we make," Judge Harsha said.

"It's been a great career. I've been very fortunate to have a lot of really competent people work with and for me and that makes the job so much easier and so much more beneficial so it's been a pleasure to work," Judge Harsha added.



# 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](http://judicialecademy.ohio.gov)

**NOTE:** Online Judicial College courses are available through December 31, 2014.

For more information, visit [judicialecademy.ohio.gov](http://judicialecademy.ohio.gov).

December 4

**Alternative Dispute Resolution: Parenting Coordination Training**

Judges & Magistrates

1 p.m. – 3:45 p.m.

December 5

**Judicial & Professional Conduct Video Teleconference**

Judges & Magistrates

1 p.m. – 4:15 p.m.

December 8 – 11

**New Judges Orientation Part I**

New Judges, Columbus

December 12

**Probation Officer Training Program: Introduction to Cognitive Behavior Interventions (015)**

Probation Officers, Toledo

December 16

**Guardian ad Litem Continuing Education Course: Understanding Child Development: Tools for the GAL**

Guardians ad Litem, Columbus

1 p.m. – 4:30 p.m.

**Probation Officer Training Program: Introduction to Offender Behavior Management (018)**

Probation Officers, Akron

December 17

**Probation Officer Training Program: Introduction to Cognitive Behavioral Interventions (015)**

Probation Officers, Columbus

**Guardian ad Litem Continuing Education Course: Understanding Child Development: Tools for the GAL**

Guardians ad Litem, Columbus

8:30 a.m. – Noon

## Dispute Resolution Training

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

December 4 & 5

**Specialized Family/Divorce Mediation Training**

Columbus

## Language Services Training

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

December 5 & 6

**Orientation Training for Written Exam for Interpreter Certification**

Columbus

## Supreme Court of Ohio

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

December 10

**Late Application Deadline to Take the February 2015 Bar Exam**

December 25

**Christmas Day**

Court Offices Closed

January 1

**New Year's Day**

Court Offices Closed



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