

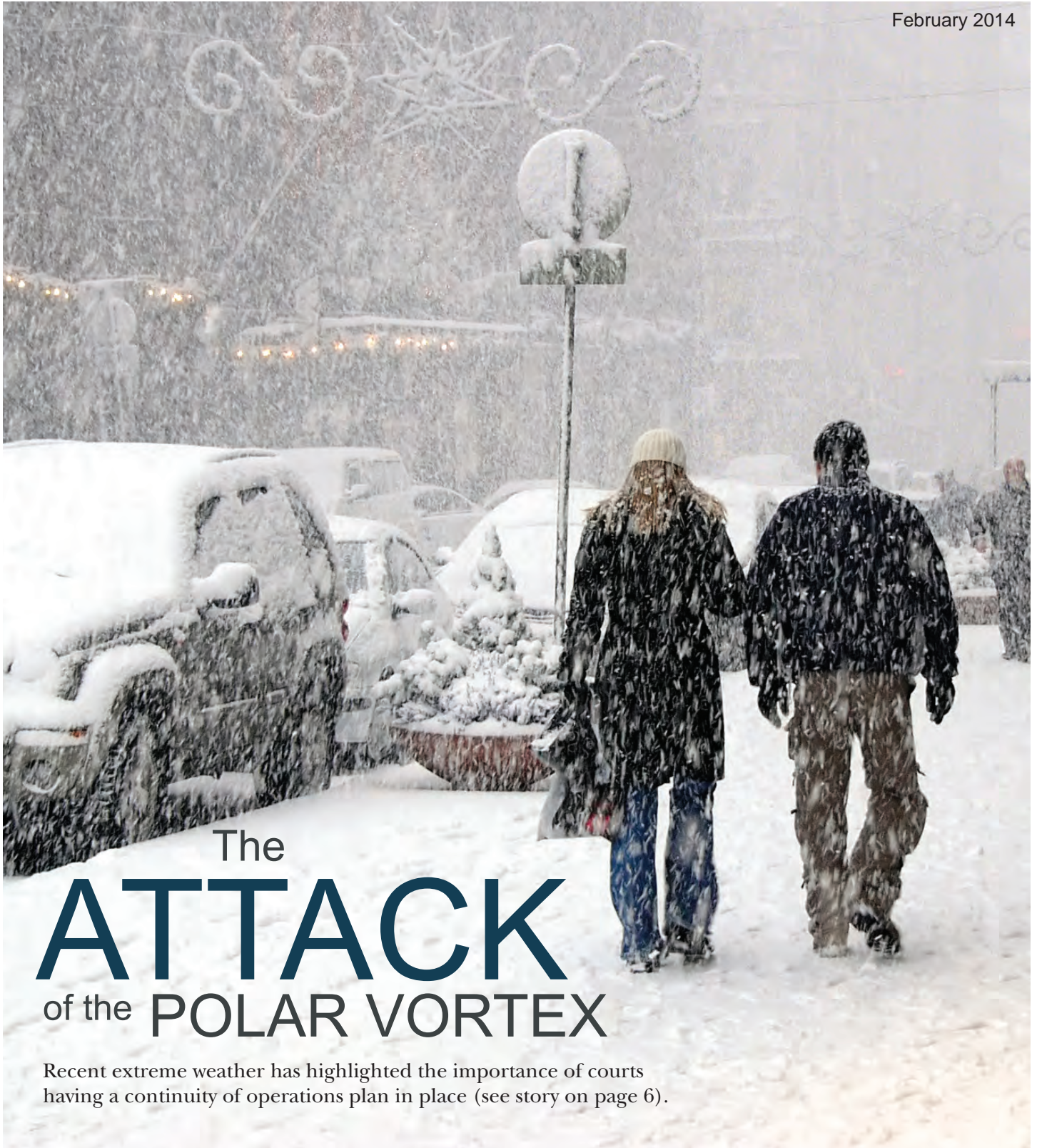


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# CNO REVIEW

February 2014



## The **ATTACK** of the POLAR VORTEX

Recent extreme weather has highlighted the importance of courts having a continuity of operations plan in place (see story on page 6).

## About Court News Ohio

Court News Ohio is a service of the Office of Public Information of the Supreme Court of Ohio and Ohio Government Telecommunications. Court News Ohio includes a website ([courtnewsOhio.gov](http://courtnewsOhio.gov)), a monthly print publication (CNO Review), a television program (CNO TV), a Facebook page ([facebook.com/courtnewsOhio](https://www.facebook.com/courtnewsOhio)), a Twitter feed (@courtnewsOhio), and a YouTube channel ([youtube.com/CourtNewsOhioTV](https://www.youtube.com/CourtNewsOhioTV)).

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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

### Court Lifts Use Tax On Transient Boater

In a per curiam (not authored by a specific justice) decision, the Supreme Court held on January 22 that the Ohio Board of Tax Appeals acted unreasonably and unlawfully when it affirmed the tax commissioner's imposition of use tax, penalty, and interest of more than \$15,000 against a Kentucky resident who occasionally operated her boat in Ohio waters. In its 4-3 decision, the court explained that, pursuant to R.C. 5741.02(C) (4), the tax does not apply to the "[t]ransient use of tangible personal property in this state by a nonresident tourist or vacationer, or a nonbusiness use within this state by a nonresident of this state, if the property so used was purchased outside this state for use outside this state and is not required to be registered or licensed under the laws of this state."

Gallenstein v. Testa  
Slip Opinion No. 2014-Ohio-98

### Tow-Truck Law Hits Legal Bump

In a dispute between the city of Cleveland and the state over the regulation of towing companies, the Supreme Court ruled January 21 that a portion of the state law regulating tow trucks is unconstitutional. In a unanimous decision, the court upheld as constitutional the first sentence of R.C. 4921.25, which gives the Public Utilities Commission of Ohio the authority to regulate towing companies. However, the court severed the statute's second sentence, which states that towing companies are not subject to municipal

ordinances, rules, or resolutions that provide for the licensing, registration, or regulation of those companies.

Cleveland v. State  
Slip Opinion No. 2014-Ohio-86

### Euclid Man's Assault Falls Within Domestic Violence Law

The Supreme Court ruled January 16 that a Euclid man was living with his girlfriend as a spouse, so his conviction for domestic violence must be reinstated. In the majority opinion, which reverses the judgment of the Eighth District Court of Appeals, Justice **Terrence O'Donnell** wrote that the appellate court misconstrued the Supreme Court's ruling in an earlier domestic violence case, *State v. Williams* (1997).

State v. McGlothlan  
Slip Opinion No. 2014-Ohio-85

### Court Reinstates Felony Domestic Violence Conviction

On January 15, the Supreme Court reinstated the conviction of a Cleveland man for a felony-level offense of domestic violence. In a unanimous opinion authored by Justice O'Donnell, the court ruled that Timothy Tate's attorney stipulated (agreed) to the authenticity of Tate's two prior domestic violence convictions, which elevated his offense in this case from a misdemeanor to a felony. The court reversed a decision of the Eighth District Court of Appeals, which misread a stipulation and ordered the trial court to reduce the conviction to a misdemeanor.

State v. Tate  
Slip Opinion No. 2014-Ohio-44

## Courts of Appeals

### Appeals Court Upholds Woman's Multi-Year Sentence

On January 8, a home health care aide convicted in a plot to rob an elderly Summit County man in her care was denied an appeal of her 18-year sentence. In a unanimous decision, a three-judge panel of the Ninth District Court of Appeals affirmed Samantha Furman's sentence.

State v. Furman  
2014-Ohio-20

### Eighth District: No Blanket Protection for Lead Hazard Public Records

A blanket protection for all documents that a Cleveland-area law firm sought from the Cuyahoga County Board of Health should not have been granted by the trial court, according to a December 27 ruling by the Eighth District Court of Appeals. The case was sent back to the Cuyahoga County Court of Common Pleas. In its review of the case, the Eighth District three-judge panel was guided by the 2012 Ohio Supreme Court case *State ex rel. O'Shea & Assocs., Co., L.P.A. v. Cuyahoga Metropolitan Housing Authority*, which determined that although some of the lead-poisoning records contained identifying information that should not be released, the records should not be completely excluded in a blanket exemption.

Cuyahoga Cty. Bd. of Health  
v. Lipson O'Shea Legal Group  
2013-Ohio-5736

# HappeningNow

News and notes from courthouses across the Buckeye State

## Online Option Now Available for Judicial Branch Financial Disclosure Statements

For the first time, judges, retired judges eligible for assignment, magistrates, and judicial candidates can file their annual financial disclosure statements online with the Ohio Supreme Court's Board of Commissioners on Grievances & Discipline.

The board took advantage of an online filing process developed last year by the Ohio Ethics Commission for executive branch filers. The ethics commission agreed to work with board staff and the Supreme Court's Information Technology staff to implement an online filing solution this year for judicial branch filers, according to **Rick Dove**, secretary to the board.

"Because of the cooperation of the members and staff of the Ohio Ethics Commission, the board is able to offer judges, magistrates, and judicial candidates an efficient, cost-effective means of complying with their annual financial disclosure statement filing requirements," Dove said.

Judicial branch financial disclosure statements will still be accepted in paper form as in past years, Dove said, but the board is encouraging online filing for three reasons:

- 1 An electronic filer cannot submit an incomplete statement. The system is set up so that a filer must answer each question before continuing to the next question. This will facilitate compliance with the reporting requirement and avoid the return of incomplete statements.
- 2 An electronic filer receives an immediate email confirmation that the financial disclosure statement has been filed and can either print or save an electronic version that includes a time-stamped proof of filing. There is no need to call to confirm receipt or request that a date-stamped copy be mailed.
- 3 An electronic filer can choose to pre-populate the next year's statement with the information reported on the prior year's statement. Thus, the filer needs only to update the previous year's information when filing a subsequent statement, rather than completing an entirely new form.

In addition, Dove said, electronic filing will facilitate the board's responsibility to track compliance with the annual reporting requirement, allow for all forms to be stored in a searchable electronic format, and enable a more immediate response to public records requests. The filing deadline for most judicial branch filers is April 15. Judicial candidates in 2014 must file 30 days before the first election in which they appear on the ballot.

## Proposal Would Expand Scope of Criminal Sentencing Commission

Ohio Supreme Court Chief Justice **Maureen O'Connor** proposed on January 16 to significantly expand the scope of the Ohio Criminal Sentencing Commission 24 years after its birth.

In a presentation at a commission meeting, Chief Justice O'Connor advocated for expanding the commission "into a larger, more comprehensive entity that can work to help all of the state's justice system partners ... to combat crime in our state in an inter-related, multi-dimensional way."

Chief Justice O'Connor, who serves as chair of the commission, said she has had discussions with Ohio Senate President **Keith Faber** about the proposal that would also change the name of the body to the Ohio Criminal Justice Commission. The commission still would be housed under the Supreme Court organizational structure.

"For many years, we have seen different organizations take on a sliver of the larger criminal justice pie, only to lament that their focus was too limited or did not include a review of other issues that tie into the issue which they were reviewing," she said.

Under the proposal, the new entity would continue to address sentencing, but also would take on related issues, such as probation and risk assessment, juvenile justice, data collection and sharing, domestic violence, specialized dockets, access to legal representation, and traffic issues.

"As a former prosecutor and director of the Department of Public Safety, I am keenly aware that in order to address the many issues involved with crime, we, both as a society and government, need to look at the issue holistically," Chief Justice O'Connor said.

The chief justice's proposal requires legislative approval.

# Practical Disciplinary Advice for Lawyers

By Patrick B. Cavanaugh, Kitch Drutchas Wagner Valitutti & Sherbrook

Most attorneys in Ohio have little or no experience with the disciplinary process. And that's a good thing. The 2012 statistics from the Board of Commissioners on Grievances & Discipline show more than 44,000 active registered lawyers and 4,280 total grievances filed that year. Statistically, this is about 1 grievance for every 10 attorneys, suggesting about a 1 in 10 chance of being grieved.

Fortunately for those lawyers who are grieved, more than 50 percent of grievances will be dismissed on intake or after an initial review. Although statistically it appears there is a 1 in 10 chance, some attorneys are repeatedly grieved. About 20 percent of attorneys who are disciplined have prior discipline as an aggravating factor.

If you are grieved, the following are important tips:

## 1 Better Late Than Never

Some attorneys respond to a grievance by burying their heads in the sand. Sometimes this reaction is related to mental health or substance abuse problems. Whatever the cause, it is important to respond. All attorneys and judges have an affirmative duty to cooperate with disciplinary investigations and hearings. Gov.BarR. V(4)(G).

Further, the Rules of Professional Conduct require a response, whether the information sought relates to the lawyer's own disciplinary proceeding, or that of a fellow attorney. Prof.Cond.R. 8.1(b). Even when default proceedings have begun, it is still worthwhile to file a late answer to the disciplinary complaint, or if necessary file a motion for leave to answer. Ignoring a grievance completely is a sure way to end up with an indefinite suspension from the practice of law.

Frankly, some grievances aren't that serious, but completely failing to cooperate can make it much more so. One of the harshest sanctions the Ohio Supreme Court issues is an indefinite suspension. That's why it's important to remember a late response is better than no response.

## 2 Hire Somebody Competent

Often an attorney decides to represent him or herself in a grievance. Sometimes this works, and other times, not so much. The disciplinary process is unique. Each case goes through two probable cause determinations and two separate levels of review before eventually going to the Supreme Court. An attorney defending a disciplinary matter should be familiar with this.

Also, an experienced attorney will have a good sense where the case is headed. For example, is the respondent likely to be given a public reprimand, a stayed suspension, or an indefinite suspension?

## 3 Show How You Have Reformed Your Ways

The top five reasons an attorney is disciplined are:

### 1. Neglect

*You've hired me but I haven't done anything and won't return your calls.*

### 2. Improper handling of funds in IOLTA account

*I don't know how an IOLTA account works and/or I have stolen your money.*

### 3. Excessive fees

*I've charged you a lot of money for what was actually required.*

### 4. Dishonest conduct/conduct adversely reflecting on lawyer's fitness to practice

*I've lied and/or I have done something illegal.*

### 5. Failure to promptly turn over client file

*You can fire me but I won't give you the file.*

These reasons have remained remarkably constant.

Frequently curing the neglect is all that the grievant wants. It is not unusual that a grievance investigation fizzles out after the attorney fixes the neglect or performs the task that was ignored. However, even in more serious matters respondent attorneys will want to show they have made efforts to correct the problems that have gotten them into trouble. Restitution or rectified consequences are mitigating factors considered in every disciplinary proceeding. Sometimes a respondent needs to bring law office management skills up to speed, or to mentor with someone who can show him or her how to manage an IOLTA account. Many minor problems underlying grievances can be corrected, leading to improvements in the lawyer's practice.

Odds are you won't face a disciplinary proceeding, but if it happens, do not ignore it or turn your defense over to an amateur. Try to be objective and consider the process a learning experience, one by which you may actually improve your practice.



*Patrick B. Cavanaugh serves as chair of the Toledo Bar Association Grievance Committee, which is certified by the Supreme Court. This article originally appeared in the January 2014 edition of the Toledo Bar's newsletter. Reprinted with permission.*





# The ATTACK of the POLAR VORTEX

After Ohioans learned a new weather term in 2012 when a derecho caused wind damage, 2014 began with yet another polar vortex. Each event resulted in disruptions in courthouses across the state, and brought home the importance of having a continuity of operations plan in place.

**T**he Ohio Supreme Court adopted amendments updating the rules concerning court security plans and standards that become effective March 1, 2009. Specifically, the amendments to Appendix C of the Rules of Superintendence for the Courts of Ohio require courts to adopt a written continuity of operations manual as part of a court security plan as outlined in Standard 4.

According to Standard 4, the manual must include a plan to address “the continued operation of the court at an alternative site should its present site be rendered inoperable due to a natural disaster, act of terrorism, security breach within the building, or other unforeseen event.”

The standard also calls for courts to periodically test and update the manual for operational effectiveness and for multiple courts sharing a facility to work together to adopt and review a single plan.

Around the same time, then-Justice **Maureen O’Connor** announced the availability of a template to help local courts with manuals in the face of an emergency or disaster. She chaired the Supreme Court Advisory Committee on Court Security and Emergency Preparedness.

“These materials will help courts across Ohio to prepare plans that will allow them to maintain vital services should disaster strike,” said Justice O’Connor at the time.

The template was developed by the advisory committee with the assistance of the Ohio Emergency Management Agency. It provides general guidelines and information that should be included in a plan as well as specific elements. The template refers courts to additional resources for more detailed information.

“Courts’ essential duty to dispense justice does not cease upon the occurrence of an emergency



or disaster,” an introduction to the template notes. “To this end, a well-designed and comprehensive continuity of operations plan can ensure court personnel, facilities and systems are prepared to survive the initial effects of an emergency or disaster and alternate locations are available to provide the necessary infrastructure to continue operations.”

As part of its continued efforts to examine how to best deal with judicial emergencies and temporary relocation of courts, last month the Supreme Court announced proposed rules addressing this situation. The proposals come after questions arose from emergency-related events, such

as the 2012 wind storm that closed the Logan County Courthouse, and whether current Ohio law and court rules adequately address such emergencies.

The changes to current Rule 14 of the Rules of Superintendence for the Courts of Ohio and proposed legislation were recommended by the Advisory Committee on Court Security.

“We are looking at language that has essentially remained unchanged since Rule 14 was originally enacted in 1971,” committee Chair Judge **Scott Gwin** said. “The new rules would provide greater clarity for the powers and responsibilities of the chief justice during a judicial emergency.”

The proposed rule changes include requiring the chief justice to:

- **Issue an order** declaring a judicial emergency and setting forth basic information, such as the name of the affected court or division, a description of the circumstances necessitating the declaration, the duration of the judicial emergency (which is initially limited to 30 days), and any other relevant information.
- **File the order** declaring a judicial emergency with the clerk of the Supreme Court and, if possible, the clerk of the affected court or division.
- **Consult with the administrative judge and court administrator** of the affected court or division prior to taking action during a judicial emergency.

As part of updating the rules, the Supreme Court will also submit proposed amendments to R.C. 1901.0211, 1907.0111, 2301.011, and 2501.04 to the Ohio General Assembly. The proposals would provide courts specific authority and direction for temporarily relocating outside

of the court’s territorial jurisdiction during a disaster, civil disorder, or any extraordinary circumstance that interrupts orderly operation of the court or division of the court within its territorial jurisdiction. Among the provisions in the proposed amendments:

- Allow the administrative judge of the court or division to issue an order authorizing the court or division to operate at a temporary location either inside or outside its territorial jurisdiction.
- Provide that while the court or division operates at the temporary location, it continues to have its normal territorial jurisdiction and has jurisdiction to hear actions and conduct proceedings the same as if it were operating within its territorial jurisdiction.

One of the more recent events that caused courts to examine their policies occurred when on several days this January wind chills were the coldest observed in parts of the state in 20 years, according to the National Weather Service in Wilmington, Ohio.

The Eighth District Court of Appeals was one court to close in Cleveland on January 7 and 28 during the dangerously cold conditions.

**Ute Vilfroy**, court administrator and magistrate, said the court is still in the process of formulating a plan, but it did implement some of the strategies under discussion when it closed.

“The administrative judges of the courts in Cuyahoga County held a conference call the afternoon of the 6th and decided to officially close early that day and remain closed through the 7th,” Vilfroy said of the first closing. “We notified local media of our closing, contacted all parties/counsel scheduled to appear for oral argument the next day via phone, updated our court of appeals website with closing information, and left detailed information on voicemail on our main phone line. We also participated in an emergency contact system managed by Cuyahoga County Common Pleas Court that notified our judges and staff via text and voice that the court would be open for business the morning of January 8 at the regular time. We are treating all filings that were originally due on January 7 as timely filed if they were filed by close of business today (January 8).”

In a January 9 story, The (Toledo) *Blade* reported on the weather-related, two-day closure of courts in northwest Ohio that hadn’t happened since the blizzard of 1978.

The story cited a “paperwork nightmare” for staff to reschedule hearings and that the number of continued cases would have a ripple effect on courts’ schedules for a month.

Soon, courts will have greater clarity on Rule 14, as well as other emergency operation direction, which should help court leaders and staff prepare for the next unexpected, but urgent situation.

## Judicial College Board of Trustees Elects Officers

The Ohio Supreme Court Judicial College Board of Trustees elected officers during a January 17 meeting and welcomed three new members.

Created in 1976, the Judicial College helps judges meet their mandatory education requirements. It is partially funded by attendee registration fees and federal grants.

Ten members serve as trustees and provide advice to the Judicial College. The membership consists of seven judges appointed by the various judicial associations, one magistrate appointed by the Ohio Association of Magistrates, and two judges appointed by the chief justice.

PICTURED: Newly elected officers (from left): Judge Thomas M. Marcelain (chair), Judge Diane M. Palos (vice chair), and Magistrate C. William Rickrich (secretary).



### 2014 LEADERSHIP TEAM

**CHAIR**  
**Judge Thomas M. Marcelain**  
 Licking County  
 Common Pleas Court

**VICE-CHAIR**  
**Judge Diane M. Palos**  
 Cuyahoga County  
 Domestic Relations Court

**SECRETARY**  
**Magistrate C. William Rickrich**  
 Licking County  
 Domestic Relations Court

### NEW TRUSTEES

**Judge Anthony Capizzi**  
 Montgomery County  
 Juvenile Court

**Judge John (Jack) M. Durkin**  
 Mahoning County  
 Common Pleas Court

**Judge Beverly K. McGookey**  
 Erie County Probate Court

**Judge Julia L. Dorrian**  
 Tenth District Court of Appeals  
*(Joined as a trustee in December to fill the unexpired term of fellow panel member, the late Judge Peggy L. Bryant).*

### OTHER MEMBERSHIP

Rounding out the membership are three judges continuing their service:

**Judge Patrick J. Carroll**  
 Lakewood Municipal Court

**Jonathan P. Starn**  
 Findlay Municipal Court Judge

**Judge Melody J. Stewart**  
 Eighth District Court of Appeals

## JUDGES DISQUALIFIED

The Ohio Supreme Court recently disqualified two judges for separate cases in which they were indicted for felonies.

- Bedford Municipal Court Judge **Harry J. Jacob III** was indicted December 20 by a Cuyahoga County grand jury for bribery, promoting prostitution, soliciting, and dereliction of duty.
- Hamilton County Juvenile Court Judge **Tracie M. Hunter** was indicted January 10 by a grand jury for tampering with evidence, forgery, theft in office, and having an unlawful interest in a public contract.

Both Hunter and Jacob will remain disqualified from serving on the bench while the indictments are pending and until further order of the Supreme Court.



## Schuster Appointed to Tenth District



Columbus lawyer **Betsy Luper Schuster** left her job as chief elections counsel at the Ohio Secretary of State's Office to take the bench on the Tenth District Court of Appeals January 27 after her appointment by the governor.

Schuster replaces Judge **Peggy L. Bryant**, who died in August, one week after her retirement.

Schuster must win in the November general election to retain the seat for the remainder of the unexpired term, which ends February 9, 2019.

Schuster received her bachelor's and law degrees from Ohio State University. She was admitted to the practice of law in Ohio on November 10, 1997.

## Second District Announces Changes



The Second District Court of Appeals announced administrative leadership changes for 2014.

Judge **Jeffrey E. Froelich** was elected presiding and administrative judge. This is Judge Froelich's sixth year with the appellate court after serving on the trial bench for 30 years. His new responsibilities, in addition to the usual case

load, include presiding over court sessions and meetings, and overseeing court administration, the docket, and the court's calendar.

Former Deputy Court Administrator **Erin E. Scanlon** was promoted to court administrator, replacing long-time administrator **Ron Mount**, who will continue as chief magistrate and senior counsel. **Jim Nealon** was appointed deputy court administrator.

## Akron Bar Honors Former Justice Cook



U.S. Sixth Circuit Court of Appeals Judge **Deborah Cook** received the 2014 Judicial Pioneer Award from the Akron Bar Association on January 23.

The award was established to acknowledge someone who was the first of his or her race, gender, or cultural heritage to hold a judicial position. Judge Cook is the first and only woman

from Summit County to serve as an Ohio Supreme Court justice and a Sixth Circuit judge. Since 2003 she has served on the Sixth Circuit. From 1995 to 2003, she served on the Supreme Court.

In recognizing Judge Cook's achievements, the Akron Bar noted that in addition to the intellectual rigor of her judicial decisions, she has also been a strong force for collegiality on all of the benches on which she has served. Her time, energy, and financial commitment on behalf of underprivileged youth have been done without fanfare.

Past recipients of the pioneer award include: Chief Justice **Maureen O'Connor**, Judge **Joseph D. Roulac**, Judge **Mary Cacioppo**, Judge **Mary F. Spicer**, Judge **Joyce George**, and Judge **James R. Williams**.

## Rule Amendment Summary

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

### Rules of Superintendence for the Courts of Ohio.

The Supreme Court adopted a new rule and form to implement a new statutory requirement that Ohio's courts notify police about violent offenders with a mental illness that took effect January 1. Rule 95 and Form 95 to the Rules of Superintendence for the Courts of Ohio were recommended by a workgroup of law enforcement and judicial representatives convened by the Supreme Court after a change in Ohio law that requires judges to report to law enforcement when they order a mental-health evaluation or treatment for a person convicted of an offense of violence, or if they approve a conditional release for someone found incompetent to stand trial or not guilty by reason of insanity.

**Ohio Traffic Rules.** Amendments adopted to the Ohio Traffic Rules that also took effect January 1 will facilitate the use of electronic tickets by law enforcement. Traf.R. 3 (F) also clarifies that a defendant's signature isn't necessary on an electronically produced ticket.

**Probate Court Forms.** The Supreme Court adopted probate court forms that concern real property certificates of transfer, foreign adoption, and disinterment applications. Amendments to the Rules of Superintendence for the Courts of Ohio cover Probate Forms 12.0, 12.1, 19.2, 19.3, 25.0, 25.1, 25.2, 25.3, 25.4, 25.5, and 25.6 and take effect March 1.

**Parenting Coordination Rules.** The Ohio Supreme Court adopted new rules governing local courts' use of parenting coordination that take effect on April 1. The new Rules of Superintendence for the Courts of Ohio apply to those courts that wish to use parenting coordination, a child-focused alternative dispute resolution process that can be ordered by a court in which a parenting coordinator assists families in implementing parental rights and responsibilities or companionship time orders.



## 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 74, Rep. Marlene Anielski (R-Independence)**

To expand the offenses of menacing by stalking and telecommunications harassment and to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental or emotional distress to a member of the other person's immediate family.

**STATUS:** Introduced in the House and referred to the House Judiciary Committee on February 20, 2013. Passed the House on December 4, 2013 (89-3). Referred to the Senate Criminal Justice Committee on January 8, 2014.

### **HB 104, Rep. Margaret Ann Ruhl (R-Mount Vernon)**

To make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons.

**STATUS:** Introduced in the House and referred to the House Judiciary Committee on March 19, 2013. Passed the House on December 11, 2013 (87-6). The first hearing of the Senate Civil Justice Committee was January 22, 2014.

### **HB 129, Rep. Peter Stautberg (R-Cincinnati)**

To specify that aggravated menacing, menacing by stalking, and menacing include words or conduct that are directed at or identify a corporation, association, or other organization that employs the victim or to which the victim belongs, to authorize the corporation, association, or other organization that employs two or more victims or to which two or more victims belong to seek protection orders in certain cases, and to increase the penalty for aggravated menacing or menacing by stalking if there are four or more victims.

**STATUS:** Introduced in the House on April 16, 2013 and referred to the House Judiciary Committee. Passed the House January 22, 2014 (87-0).

### **HB 162, Rep. Mike Dovilla (R-Berea); Rep. Marlene Anielski (R-Independence)**

To add extortion and perjury and certain federal offenses to the offenses committed by a public retirement system member that may result in forfeiture of retirement system benefits or the termination of retirement system disability benefits.

**STATUS:** Introduced in the House on May 14, 2013 and referred to the House Judiciary Committee. Reported out of committee on January 22, 2014 after the fourth hearing.

### **HB 173, Rep. Louis Terhar (R-Cincinnati); Rep. Dale Mallory (D-Cincinnati)**

To regulate providers of debt settlement services.

**STATUS:** Introduced in the House and referred to the Financial Institutions, Housing & Urban Development Committee on May 22, 2013. Passed the House on December 4, 2013 (54-35). Referred to the Senate Insurance & Financial Institutions Committee on January 8, 2014. The first Senate committee meeting was January 28, 2014.

### **HB 213, Rep. Dorothy Pelanda (R-Marysville); Rep. Nick Celebrezze (D-Parma)**

To permit a court to grant a motion for permanent custody of a child to a movant if the child or another child in the custody of the parent has been adjudicated an abused, neglected, or dependent child on three separate occasions.

**STATUS:** Introduced in the House on June 18, 2013 and referred to the House Judiciary Committee. Passed the House on January 22, 2014 (90-0).

**HB 257, Rep. Nickie Antonio (D-Lakewood); Rep. Kirk Schuring (R-Canton)**

Regarding the parental rights of a father who was convicted of or pleaded guilty to, or alleged to have committed, rape or sexual battery.

**STATUS:** Introduced in the House on September 4, 2013 and referred to the House Judiciary Committee. Passed the House on January 15, 2014 (93-0). Referred to the Senate Criminal Justice Committee on January 22, 2014.

**HB 309, Rep. Dorothy Pelanda (R-Marysville)**

To provide that no fee, cost, deposit, or money may be charged for the modification, enforcement, dismissal, or withdrawal of a domestic violence, anti-stalking, sexually oriented offense, or other type of protection order or consent agreement.

**STATUS:** Introduced in the House on October 22, 2013 and referred to the House Judiciary Committee. The bill was amended during its third committee hearing on January 22, 2014 and voted out of committee on the same day.

**HB 349, Rep. Bob Hackett (R-London)**

To require an additional definite term of imprisonment of 5 to 10 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**STATUS:** Introduced in the House on November 13, 2013 and referred to the House Judiciary Committee. Its second hearing in the House Judiciary Committee was January 22, 2014.

**HJR 10, Rep. John Becker (R-Union Twp.); Rep. Robert Hagan (D-Youngstown)**

Proposing to amend Section 38 of Article II and to enact Section 3 of Article XVII of the Constitution of the State of Ohio to permit the electors to recall an elected officer.

**STATUS:** Introduced in the House on January 15, 2014.

**SB 43, Sen. Dave Burke (R-Marysville); Sen. Charleta Tavares (D-Columbus)**

To make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons.

**STATUS:** Introduced in the Senate on February 14, 2013 and referred to the Senate Criminal Justice Committee. Substitute language accepted during its fifth hearing of the Senate committee on January 22, 2014.

**SB 93, Sen. Shannon Jones (R-Springboro)**

To require that further information be stated in motions to hold executive sessions under the Open Meetings Act, to expand the fees and expenses that may be recovered for violations of the Act, and to make other changes to the Act.

**STATUS:** Introduced in the Senate on March 21, 2013 and referred to the Senate State Government Oversight & Reform Committee. Its first Senate committee hearing was January 22, 2014.

**SB 143, Sen. Bill Seitz (R-Cincinnati)**

To revise criminal law.

**STATUS:** Introduced in the Senate on June 12, 2013 and referred to the Senate Criminal Justice Committee. An amended bill was reported out of committee on November 13, 2013. Passed the Senate on November 19, 2013 (31-2). Referred to the House Judiciary Committee on December 4, 2013. Its first House committee hearing was January 15, 2014.

**SB 219, Sen. Larry Obhof (R-Medina); Sen. Bill Seitz (R-Cincinnati)**

To abolish the office of the Court of Claims commissioner, to transfer the powers of a judge of the Court of Claims to the court, and to specify certain powers of a Court of Claims magistrate.

**STATUS:** Introduced in the Senate on October 29, 2013 and referred to the Senate Civil Justice Committee. Passed the Senate on January 14, 2014 (31-0). Referred to the House Judiciary Committee on January 21, 2014.

**SB 261, Sen. Kevin Bacon (R-Columbus); Sen. Gayle Manning (R-North Ridgeville)**

To provide that a person who recklessly violates a protection order issued upon a petition alleging that the person committed an act of domestic violence, menacing by stalking, or a sexually oriented offense, is guilty of the offense of violating a protection order.

**STATUS:** Introduced in the Senate on January 2, 2014 and referred to the Senate Criminal Justice Committee. The first Senate committee hearing was January 28, 2014.



# The Agenda

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

## Judicial College Courses

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

February 19  
**Guardian ad Litem Pre-Service Course (2 of 9)**  
Guardians ad Litem, Dayton

**Judicial Candidate Seminar**  
Judicial Candidates, Cleveland  
1:30 p.m. to 3:30 p.m.

February 19 – 21  
**Court Management Program (CMP); Class: Purposes**  
2014B Gray CMP, Class of 2014B  
Columbus

February 21  
**Business Entities in Municipal/ Common Pleas Courts Video Teleconference**  
Judges, Magistrates & Acting Judges  
1 p.m. to 3:45 p.m.

February 26  
**Guardian ad Litem Continuing Education**  
Guardians ad Litem, Ashland  
1 p.m. to 4:30 p.m.

February 27  
**Appellate Judges Seminar**  
Judges, Columbus

**Guardian ad Litem Continuing Education Course**  
Guardians ad Litem, Ashland  
8:30 a.m. to Noon

February 27 & 28  
**Intercourt Conference**  
Juvenile Court Personnel, Columbus

March 4  
**Probation Officer Training Program “Introduction to Cognitive Behavioral Interventions” (015)**  
Probation Officers, Dayton

March 6  
**Judicial Candidate Seminar**  
Judicial Candidates, Columbus  
1:30 p.m. to 3:30 p.m.

**Dispute Resolution Training**  
[sc.ohio.gov/JCS/disputeResolution](http://sc.ohio.gov/JCS/disputeResolution)

March 6 & 7  
**Basic Mediation/Uniform Mediation Act Training**  
Toledo

**Language Services Training**  
[sc.ohio.gov/JCS/interpreterSvcs](http://sc.ohio.gov/JCS/interpreterSvcs)

February 14  
**Written Exam for Court Interpreter Certification**

February 21  
**Written Exam for Court Interpreter Certification**

**Supreme Court of Ohio**  
[sc.ohio.gov](http://sc.ohio.gov)

February 4 & 5  
**Oral Arguments**

February 17  
**Presidents Day Holiday**  
Court Offices Closed

February 25 – 27  
**Administration of the February 2014 Bar Exam**

February 26  
**Oral Arguments**

**Ohio Center for Law-Related Education**  
[www.ocle.org/calendar](http://www.ocle.org/calendar)

February 20  
**Moot Court Professional Development**

February 21  
**Mock Trial Regional Competition**

March 6 – 8  
**Mock Trial State Competition**

## Judicial College Releases 2014 Course Offerings

The Ohio Supreme Court’s Judicial College released its 2014 course calendar. Access to subsets of the complete calendar for courses designated for acting judges, judges and magistrates, court personnel, or self study is available at [sc.ohio.gov/Boards/judCollege/calendars/default.asp](http://sc.ohio.gov/Boards/judCollege/calendars/default.asp). Online course registration also is available.