



CNO REVIEW



PROBLEM-SOLVING COURTS PAYING OFF IN OHIO

Specialized dockets represent silo-breaking within the justice system at its best and have found success because of the willingness of judges to accept new roles and new responsibilities in Ohio's communities. **(Story on page 6).**

About Court News Ohio

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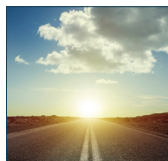
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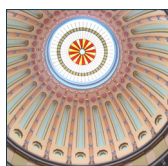
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Supreme Court of Ohio

Sewer District Permitted to Manage Stormwater and Charge Fee

In a Sept. 15 decision, the Supreme Court reversed the judgment of the Eighth District Court of Appeals and ruled a regional sewer district in the Cleveland area has authority to create a program to manage stormwater and can assess a fee to implement its plan. Writing for the majority, Justice **Paul E. Pfeifer** said that both state law and the Northeast Ohio Regional Sewer District's charter give the district power to establish a regional stormwater-management program and a fee structure. The Court explained that a regional water or sewer district's purpose, as set in statute, is either to "supply water" or to "provide for the collection, treatment, and disposal of waste water." Justice Pfeifer concluded that since a regional stormwater-management program would collect, treat, and dispose of stormwater – a type of waste water – the program falls within the sewer district's authority under state law. In addition, he explained that the sewer district's charter also permits a regional stormwater-management program that has authority to "plan, finance, construct, operate and control waste water treatment and disposal facilities [and] storm water handling facilities." He stated that Ohio statute and the sewer district's charter also permit the sewer district to charge fees as well.

Northeast Ohio Regional Sewer Dist.
v. Bath Twp.
Slip Opinion No. 2015-Ohio-3705

Court Decides Charter School Case

The Court ruled Sept. 15 on a case stemming from ongoing litigation brought by 10 Cleveland charter schools against the companies that operated

and managed them. Writing for the majority in a split decision, Justice **Judith Ann Lanzinger** wrote that the Court determined an entity managing the daily operations of a charter school (also known as a "community school") is an "operator" within the state's community-school law. Further, the management entity performs a governmental function and has a fiduciary relationship with the school it operates. When the operator uses public funds to buy personal property, such as computers, software, office equipment, and furniture, to use in the school, this fiduciary relationship comes into play, the court held. Justice Lanzinger noted that although sponsors are regulated, current law is largely silent on the duties of an operator and does not restrict the content of contracts between schools' governing authorities and their management companies. In this case, the contract between the schools and the management company, referred to as White Hat, allowed White Hat to title property in its own name and later required the schools to buy back personal property they wanted to keep when the contract ended. The court concluded that the provision is enforceable and returned the case to the trial court for an inventory of the disputed property and its disposal according to the contract.

Hope Academy Broadway Campus
v. White Hat Mgt.
Slip Opinion No. 2015-Ohio-3716

Lorain County Judges Cannot Force Commission to Pay for Courthouse Security

The Supreme Court ruled on Sept. 15 that Lorain County judges have no authority to order the county commissioners to pay for courthouse security upgrades because the funding is for the sheriff's office to use and not the court. In a unanimous decision,

the Court granted the Lorain County commissioners a writ of prohibition blocking orders from the common pleas court administrative judges mandating funds be directed to the sheriff's office to enhance security. The upgrades were to secure the court's adult-probation department located in the old Lorain County Courthouse, and the probation department's presentence investigation unit that is housed in a separate building. The Court also rejected the administrative judge's argument that he was not exercising judicial power, but acting in an administrative role. Had the administrative judge ordered the funds to be appropriated for the court to administer its own business, the Court ruled, then he might be able to claim he was not exercising judicial power. However, since the orders were for sending money to the sheriff, "the orders were attempts to resolve the informal dispute among the sheriff, the county commissioners, and the court" over the payments.

State ex rel. Lorain Cty. Bd. of Commrs.
v. Lorain Cty. Court of Common Pleas
Slip Opinion No. 2015-Ohio-3704

Courts of Appeals

Third District: \$5.2 Million Verdict Against Mega-Egg Farm Overturned

A \$5.2 million Hardin County jury verdict claiming breach of contract against one of Ohio's largest egg producers was overturned on Sept. 14 by the Third District Court of Appeals. The appellate court reversed a ruling in favor of H & C Ag Services, LLC, (doing business as LandTech) against Ohio Fresh Eggs, LLC and Trillium Farm Holdings, LLC. LandTech sued the companies, arguing it had three years left on a 10-year contract to remove and sell the manure from

Story continues on p. 9

HappeningNow

News and Notes from Courthouses Across the Buckeye State

Support for Legal Professionals Suffering from Addiction and Mental Illness

John Connor had a successful legal career as a solo lawyer, as the chief of liquor control in the attorney general's office, and then as a common pleas court judge.

"All during that time, I was still a pretty heavy drinker. I got my work done, but I was drinking more than normal so you wouldn't call me a social drinker," Connor said.

Despite several drunken driving arrests over a span of two decades, a public reprimand by the state's disciplinary board, and a DUI conviction while on the bench, Connor didn't recognize he had a problem until he was pulled over for drunk driving in 2002.

"I had my bright lights on and they were shining in a police officer's face, and I knew I had a conviction before and I had gotten some publicity in '99 when I was convicted. I just thought the world had ended, that my career had ended," he said of the experience.

That low point brought more publicity and discipline from the Ohio Supreme Court.

Connor was able to keep his law license and continue to serve on the bench – as long as he complied with terms of a contract with the Ohio Lawyers Assistance Program, or OLAP.

"The primary purpose of the lawyers assistance program is to protect the public from impaired legal professionals," according to OLAP Executive Director **Scott Mote**.

Mote added that chemical dependency is a big problem in the legal profession.

"Ten percent of the non-lawyer population has a problem with alcohol and drug use, among lawyers it's 20 percent. And once we've been practicing law, been in the profession 25 years, the number statistically jumps to 25 percent," he said.

OLAP's confidential help for lawyers, judges, and law students recovering from chemical dependency and mental-health issues includes education and awareness, intervention services, and monitoring support.

That support is what Connor said helped to hold him accountable while he was struggling to maintain sobriety.

Connor has been sober since December 2002, and his sobriety led to the high point in his career when he served as a visiting judge on the Ohio Supreme Court when he was an appeals court judge.

"So here I am, the guy in 2003 that was going to be disbarred because I was a drunk, and then in 2010 as I get to sit on the Supreme Court by assignment. My life has been so unbelievably great in the last 12 years that I would be stupid to take a drink and throw it away," Connor said.

“Ten percent of the non-lawyer population has a problem with alcohol and drug use, among lawyers it's 20 percent. And once we've been practicing law, been in the profession 25 years, the number statistically jumps to 25 percent.”

Ohio Supreme Court Redesigns Online Case Search

The Ohio Supreme Court's online case management system, with more than 73,000 cases dating back to 1985, has undergone a redesign.

The update includes new features to make it easier to search cases and provide mobile-friendly access for any type of device used to view the pages.

The main page features expanded search capabilities and a new "Recent Filings" tab that lists all case filings made to Supreme Court cases in the last five days.

Each case page now includes:

- Tabs that list the parties involved in the case and decisions in chronological order
- A link to register for case activity notification
- A link to the oral argument video, if available
- Printable view.

This is just one of the many recent upgrades to the Supreme Court's website. Other enhancements include the addition of an e-Filing portal for case documents, new search features on the Opinions & Announcements page, and a redesigned attorney services portal.

Sixth District Appeals Court Releases Smart Phone App

The Sixth District Court of Appeals has its own app for the iPhone and Android to enhance access to justice in the court.

The Ohio Sixth District Court of Appeals app allows users to follow court decisions and view the court's oral argument calendar on their smartphones. The public can also receive notifications when new decisions are released or the calendar is updated. All cases posted on the court website are searchable in the app.

Court Administrator **Jason Hill** said the judges "wanted to be proactive in notifying interested members of the public, bar, and media about developments and news" in the Sixth District.

The app is available in the Apple App Store and in the Android Market.

Competitive Spirit Drives Former Ohio State Running Back in Law School Career

It's been several years since **Maurice Wells** put on the number 34 jersey to play football at The Ohio State University. Wells was a Buckeye running back for four years, including two college football championship appearances in 2007 and 2008, and teammates with Chris "Beanie" Wells and Dan "Boom" Herron.

After Wells earned a degree in strategic communications from Ohio State in 2009, his mom, who's a lawyer in Maryland, suggested he continue his education.

"She suggested I think about law school, but I wasn't passionate about it at that time," he said.

Football was still his passion. Despite a try-out with the NFL's Buffalo Bills and "a brief second" on a UFL team, Wells gave up the dream of a pro career and went to work in the private sector to help support his young family.

Two years ago, he decided to follow his mom's advice and enrolled in law school. Now in his second year at Capital University in Columbus, Wells is on track to graduate in May 2017, and take the bar exam that July. His original goal of getting into sports entertainment law has now shifted to litigation.

"I love the preparation and the teamwork, and I like the competitive nature of litigation. My goal is to work at a mid-to-large law firm and then in 10 years move to Maryland and work for the federal government," he added.

Wells is currently serving an externship at the Ohio Supreme Court Office of Public Information, where he hopes to improve his writing skills and gain a better perspective on legal precedent by writing Supreme Court oral argument previews and summarizing decisions.

He still follows the Ohio State football team as a fan, and is easily engaged in conversation about the team's chances of repeating as national champions or whether Cardale Jones or J.T. Barrett should be the starting quarterback.

"I love watching the games. If I'm busy, I'm recording and then watching," Wells said.

His busy schedule, aside from a full class load and the externship, includes his family, wife Brandy and daughters Kennedy, 8, and Karter, 1.

When asked what his life motto is, Wells summed it up in one word: "Confidence. You can have all the skill in the world, but you need confidence to succeed. Successful people have confidence and always believe in themselves."



Sandusky County Students Watch Justices in Action

About 400 Sandusky County high school students watched Ohio Supreme Court arguments unfold at host site Fremont Ross High School on Sept. 16 as part of the Court's Off-Site Court Program

Students were able to meet with the justices for a question-and-answer forum and later discussed the legal issues with the case attorneys. This was the 71st time the Court held oral arguments outside Columbus since the Off-Site Court Program started in 1987.



FEATURED VIDEO

Delivering her State of the Judiciary Address in front of nearly 350 judges on Sept. 3, Chief Justice **Maureen O'Connor** spoke to what Ohioans expect of their judiciary and reviewed the many programs and activities judges are engaged in to improve the quality of life in Ohio.

Watch the entire speech at: courtnewsOhio.gov/happening/2015/SOJ_090315

Judicial Participation in New Effort to Reform Ohio's Criminal Law



A new statewide, bipartisan initiative aimed at modernizing and improving Ohio's criminal justice laws was announced at the Ohio Statehouse on Sept. 10.

The new Criminal Justice Recodification Committee has a diverse group of 24 members, including Ohio Supreme Court Justice **Judith Ann Lanzinger** (pictured).

Auglaize County Common Pleas Court Judge **Fred Pepple** will chair the committee, and he said the committee's draft should be a "clearer, more consistent, more proportional criminal code that protects and serves all the people in our efforts to have a safer and fairer Ohio."

Clinton County Common Pleas Court Judge **John Rudduck** will also serve on the committee.

A report is due to the General Assembly by Aug. 1, 2016.



New Judicial Family Network Advisory Chair

The Ohio Supreme Court on Sept. 8 announced the new Judicial Family Network Advisory

Committee chair for 2015-2016.

Hamilton County resident **Cheryl Sieve** (pictured) will lead the 18-member advisory committee. She replaces **Kris Puskarich**, whose one-year term ended recently.

With more than 700 judges in Ohio's judicial system, Sieve and the committee will identify the needs and concerns of their families and offer educational opportunities and support.

Sieve, the wife of Hamilton County Domestic Relations Court Judge **Jon H. Sieve** for 16 years, has served on the advisory committee since 2012. She graduated from The Ohio State University and was a former marketing director. She also served as a fiscal officer and trustee for Delhi Township.



PROBLEM-SOLVING COURTS PAYING OFF IN OHIO

Ohioans in trouble with the law often carry with them complex issues that don't put their cases neatly on one of Ohio's four traditional case tracks — criminal, civil, juvenile, and domestic. That was certainly true for U.S. Marine Sgt. Andrew Armstrong.

In 2011, the 27-year-old from Mansfield returned from a year of service in Afghanistan with a post-traumatic stress disorder (PTSD) that left him ill-prepared for civilian life back home. Two years after his return from battle, he found himself in front of a judge facing charges for shooting a gun and threatening suicide.

Fortunately for Armstrong, he appeared before Mansfield Municipal Court Judge **Jerry Ault**, who presides over one of Ohio's 17 Veterans Courts. Here, instead of facing a jail sentence or community control, veterans commit to an intensive treatment program with a team of attorneys, probation officers, mentors, and local health organizations.

Two years after first appearing in Judge Ault's courtroom, Armstrong graduated from the program that specializes in understanding the lives of veterans dealing with PTSD and other traumas associated with combat.

"It opened my eyes to the fact that I am not alone, but that people before me, as well as after, have succeeded in coping and getting on with this new life," he said.

Not a Typical Day in Court

Because traditional case tracks don't neatly suit many situations, specialized dockets like Veterans Court, are growing throughout the state. Specialized dockets are particular sessions of court that offer therapeutically oriented judicial approaches to providing court

supervision and appropriate treatment for individuals. The Ohio Supreme Court certifies specialized dockets at the common pleas, municipal, and county court levels. Courts that operate specialized dockets are required to submit an application, undergo a site visit, and submit program materials to outline their efforts. The Supreme Court requires these courts to follow a minimum level of uniform practices, yet the rules still allow courts to tailor programs to respond to local needs and resources.

These therapeutic approaches are also termed "problem-solving courts." The changing challenges facing the state and the nation require the judiciary to adapt to solve problems, said Ohio Supreme Court Chief Justice **Maureen O'Connor**.

"The people of Ohio rely on Ohio's judicial system on an average of 13,000 times a day to resolve their disputes, enforce the laws of this state, and give guidance on legal issues," she said during her annual State of the Judiciary address in early September.

"What often goes unnoticed is the simple fact: Ohio's judges and Ohio's courts are the solution to the problem, the point of last resort or the point of first relief, in addressing seemingly intractable problems ranging from drug abuse, to crime, to family disintegration, to juvenile justice, to complex business disputes," she said.

Research Proves Benefits

Specialized dockets are becoming the pathway for dealing with many of these issues and are proving to be effective. A federal grant presented to the Ohio Department of Mental Health and Addiction Services allowed researchers to study the effectiveness of the Veterans Courts in Mansfield and two in Hamilton County. They found the programs performed significantly better than traditional sentencing. Of the 86 veterans studied, only nine were rearrested during the 12 months they were tracked, and four were arrested after the study ended.

Veterans Courts are one of several types of specialized dockets certified by the state. Currently, Ohio has 188 dockets — 158 in adult courts and 30 in juvenile courts. Applications for another 10 dockets are in final review for their certification. **Orman Hall**, Ohio Supreme Court specialized dockets program manager, said the programs have sky-rocketed nationally in the past three decades. The first court opened in Miami-Dade County, Florida in 1989, and there are now an estimated 5,000 to 7,000 specialized dockets nationwide, he said.

The oldest and largest in Ohio, and nationally, are drug courts that have adapted to various drug scourges that change over time. Ohio and the nation are now facing a serious crime wave associated with opiate pain killers and heroin. Just a few years ago, jurists like

Warren County Common Pleas Court Judge **Robert Peeler** faced criticism and skepticism for offering a repeat heroin abuser the option of taking the drug Vivitrol as part of a sentence that would reduce his jail time.

The notion of “medication-assisted treatment” as part of a sentence was deemed too costly and unproven to prevent heroin-addicted offenders from returning to drug use and committing crimes associated with obtaining drugs.

“There is a real misperception about whether or not this is truly a disease,” Judge Peeler told the Cincinnati *Enquirer* in 2013. “People do not like the symptoms, and they think these people are just voluntarily destroying themselves through their own free will. But the destruction is a symptom of the disease they have.”

Vivitrol, which blocks the nerve receptors that provide the euphoric high, is expensive, costing up to \$1,000 a dose. But as state and federal funding becomes available to assist courts, and Medicaid, as well as other health insurance programs, are expanded to cover more Ohioans, the ability to use the drug and other drugs is becoming an option more courts are considering.

Drug Court Judges Believe in Their Dockets

More than 30 judges from across the state have visited the courtroom of Judge **Fred Moses** in Hocking County Municipal Court to learn more about his impressive results. He relies mostly on Vivitrol treatment because it doesn't contain an opiate and isn't habit forming.

Judge Moses recently noted that of the 2,300 drug screens conducted on program participants, only 13 percent have come back positive for drugs, and that all of the more than 60 participants are employed. In addition to the Vivitrol treatment, Judge Moses' program requires two years of meeting with mental health and drug counselors, drug screenings, and court visits.

Chief Justice O'Connor noted the state has invested more than \$16 million in medication-assisted treatment programs. Case Western Reserve University researchers recently completed a study of courts in six counties and found the treatment is associated with decreased substance use, increased employment, and increased participation in voluntary self-help programs like Alcoholic Anonymous and Narcotics Anonymous.

“While there is a cost-savings aspect to this approach to justice administration — we cannot afford to incarcerate or institutionalize our way out of some problems — it is most importantly an approach that focuses on helping people succeed and become productive members of society,” she said.

Mentor Municipal Court Judge **John Trebets** is such a proponent of specialized dockets, he agreed to extend the oversight of his drug court to all of Lake County. Judge Trebets told the Willoughby *News-Herald* in March that these are voluntary programs for those who want to help themselves, and dozens of people have taken advantage of the opportunity to participate in the 18- to 24-month long programs.

Judge Trebets said there are no easy answers to the drug problems facing the state, and his court works alongside multiple local agencies to provide services that keep non-violent offenders out of jail and to help return them to a life without drug addiction.

“We give the community their sons, their daughters, their husbands, their wives, and their children back to be healthy and productive,” he said.

Rethinking Defendants

Judges who oversee specialized dockets have not only reshaped the sentences they hand down to offenders, but also question whether those standing before them charged with a crime are as much victims as they are defendants. This is particularly true for sex crimes and the state's increased attention to

the issue of human trafficking.

Franklin County Municipal Court Judge **Paul Herbert** has been recognized nationally for CATCH Court, which he started in 2009. The court helps human-trafficking victims struggling with drug addiction break the cycle of abuse. Once those charged with sex crimes are determined to have met certain criteria, they must complete a two-year program. Upon completion of the program, their criminal records are expunged.

Judge Herbert received a national award from the U.S. Department of Justice in April for his efforts in combating human trafficking. Researchers from Franklin University found the program led to a reduction in prostitution arrests from 1,745 in 2009, to 1,129 in 2013. It also found no new criminal records for 77 percent of all CATCH Court graduates.

Chief Justice O'Connor announced two subcommittees of the Court's Advisory Committee on Children and Families have formed a human trafficking workgroup to prevent vulnerable individuals like runaways, teens in foster homes, and delinquent youth from being ensnared into trafficking traps. Lucas County Juvenile Judge **Denise Cubbon**, who operates a human trafficking docket in her court, will chair the workgroup.

Chief Justice O'Connor urged Ohio judges to take advantage of the ever-broadening amount of coursework available to judges and court personnel through the Judicial College and to keep demonstrating to Ohio citizens that the courts are more than places that mete out punishment.

“It's heartening to know that in courtrooms across the state judges realize their vocation is about helping people,” she said.

Low-Income Ohioans Who Need Legal Aid Face Obstacles

There's a lack of money to support low-income individuals who need legal aid. What to do about that and how to remove other barriers for access to the civil justice system provoked a discussion at the Columbus Metropolitan Club on Sept. 10 where Ohio Supreme Court Justice **Judith French** said it's not just about providing a lawyer to those who can't afford one.

As member of the Supreme Court's Task Force on Access to Justice that in March identified obstacles for disadvantaged Ohioans, Justice French said the legal needs for low-income clients aren't being met.

"This is not the cosmetic surgery of legal proceedings," Justice French said. "Whether we are talking about medical care, whether we are talking about food benefits, disability benefits, housing, we're talking about providing basic human necessities to people who otherwise couldn't afford it."

While there's a need to hire more lawyers, Justice French said legal aid services for these individuals are desired, such as "self-help centers" at courts and outreach programs so low-income Ohioans know where to turn when they need legal help.

With little money coming from the General Assembly to help pay for these services, legal aid programs rely mainly on interest rates from client monies that lawyers put into a bank account. Interest rates have plummeted over the years

affecting the amount of money supporting legal aid, but the number of Ohioans who qualify for help keeps increasing.

"Many of our clients, their lives are held together by duct tape," said **Tom Weeks**, Ohio State Legal Services Association executive director. "We need to recognize that poor people need lawyers if they are going to participate equally and fairly in the justice system."

Weeks agreed with Justice French that there are barriers for equal access to the justice system.

"There are some structural barriers out there, and I'll be the first to admit that many of them are put in place by courts and by judges," Justice French said.

Justice French said the task force recognized that courts across the state need more standardized forms and low-income individuals must have easier access to the justice system.

She said the Supreme Court could do more to improve the lives of those who don't know where to turn when they get into a legal bind.

"I think that the Supreme Court of Ohio needs to be more involved. We need to be there as a partner to all of the legal aid societies," Justice French said. "I definitely see that commitment going forward."

Joining Justice French and Weeks on the panel discussion was **Micah Berman**, an assistant professor of public health and law at The Ohio State University's College of Public Health and the Michael E. Moritz College of Law.

Governor Fills Vacant Greene County Judgeship



Gov. John Kasich appointed **Adolfo A. Tornichio**, of Beavercreek, to fill a vacancy on the Greene County Juvenile Court.

Tornichio took the bench on Oct. 1. He must win in the November 2016 general election to retain the seat for the remainder of the unexpired term, which ends Dec. 31, 2018. Tornichio replaces retired Judge **Robert W. Hutcheson**.

Tornichio received his bachelor's degree from Wright State University and his law degree from the University of Toledo College of Law. He was admitted to the practice of law in Ohio on May 17, 1999.

His experience includes serving as assistant attorney for the Greene County Prosecutor's Office, prosecuting attorney for the Village of Waynesville Mayor's Court, and numerous years of private practice work. He also has served as a commissioner on the Ohio Supreme Court Board of Commissioners on Character & Fitness.

Two Judges Honored with the Thomas J. Moyer Award for Judicial Excellence

Former Cuyahoga County Common Pleas Court Judge **Richard M. Markus** and former Stark County Probate Court Judge **R. R. Denny Clunk** were honored on Sept. 3 as recipients of the 2015 Thomas J. Moyer Award for Judicial Excellence at the Ohio Judicial Conference Annual Meeting in Columbus. Ohio State Bar Association (OSBA) President **John D. Holschuh Jr.** presented the awards.

“Judge Markus and Judge Clunk exemplify the type of commitment to the administration of justice that Chief Justice Moyer exhibited. Judge Clunk’s efforts to modernize the Stark County Probate Court have made it one of the leading probate courts in the state, and Judge Markus, a nationally prominent litigator and accomplished judge, is known for his extraordinary leadership skills and interest in the lives of others. These two jurists are prime examples of judicial excellence in Ohio,” Holschuh said.

The OSBA established the Moyer Award in 2010 to honor the late chief justice, who was posthumously given the inaugural award, to recognize a current or former Ohio state or federal judge who displays outstanding qualities of judicial excellence including integrity, fairness, open-mindedness, knowledge of the law, professionalism, ethics, creativity, sound judgment, courage, and decisiveness.

Judge Clunk has served 31 years on the bench. During his 18 years on the Stark County Probate Court, he brought technological innovation to the court while preserving historical records. Before mandatory continuing legal education, Judge Clunk initiated probate seminars in 1987. He served as president of the Ohio Association of Probate Judges in 1997-1998 and received the association’s Lifetime Achievement Award in 2011. Judge Clunk was also active in the National College of Probate Judges; he served as its president in 1998 and received its highest award, the Treat Award, in 2003. A frequent lecturer for the Ohio Judicial Conference and the National College of Probate Judges, he supported numerous legislative initiatives, including the Guardian Reform Bill, the Adoption Reform Bill, and the elimination of common-law marriage in Ohio. Since leaving the Stark County bench, Judge Clunk has served as a judge by assignment of the Ohio Supreme Court nearly full-time for 13 years.

After Judge Markus served on the Cuyahoga County Common Pleas Court and the Eighth District Court of Appeals, six chief justices assigned him as a visiting judge for 40 counties and five appellate courts. In addition to his service as a litigator and judge, Judge Markus is a prolific author with a number of books, including “Trial Handbook for Ohio Lawyers,” and numerous articles to his credit. Also an educator, he was a law professor at Akron, Case Western Reserve, Cleveland State, and Harvard universities, and presented many hundreds of seminar lectures to lawyers and judges in 42 states and four foreign countries. He has served on faculties for M.I.T., the National Judicial College, the Institute for Judicial Administration (New York University), and the Ohio Continuing Legal Education Institute, and is a co-founder of the National Institute for Trial Advocacy.

At the beginning of her State of the Judiciary Address during the Sept. 3 meeting, Supreme Court Chief Justice **Maureen O’Connor** added her congratulations to judges Clunk and Markus and thanked them for their continued service.



Hon. Richard M. Markus

CASES: Continued from p. 3

the egg houses. Writing for the court, Judge **Vernon L. Preston** stated that because the agreement was between two companies, Ohio law does not require every term of an agreement to be definite, but a description of the quantity to be purchased must be included. LandTech argued that it agreed to take all the manure available from the egg farms, so it had a quantity term. Judge Preston noted, however, that to enforce an agreement to take all that a business can supply requires the contract to be exclusively between the two. He found that nothing in the contract obligated the egg farms to sell all of the manure exclusively to LandTech or that LandTech agreed it would purchase all the manure it intended to broker exclusively from the egg farms. The case was remanded for further proceedings.

H & C Ag Servs., L.L.C.
v. Ohio Fresh Eggs, L.L.C.
2015-Ohio-3714

Court of Claims

Former Cleveland State University Employees Lose Age Discrimination Claim

In separate cases, two former Cleveland State University employees lost their legal challenges to get their jobs back, after the Sept. 17 rulings by an Ohio Court of Claims magistrate. The two filed complaints against the university after their positions were abolished in September 2012 at ages 50 and 66. The Court of Claims held a trial on the matter in January 2015. The magistrate wrote that neither plaintiff proved his case of age discrimination, while the “defendant has offered legitimate, non-discriminatory reasons for the reorganization, namely, to offer more services to students and to bring more national fraternities and sororities to campus.” The magistrate also found the employees “failed to prove by a preponderance of the evidence that the reorganization and the failure to hire them for newly created positions was a pretext for age discrimination.”

Steven Liss v. Cleveland State University
Case Number: 2013-00139

William Russell v. Cleveland State University
Case Number: 2013-00138

Conferences & Meetings

Oct. 7 – 9

Ohio Association of Municipal/County Court Clerks Fall Conference
Worthington
oamccc.org

Oct. 8 & 9

Ohio Justice Alliance for Community Corrections Annual Conference
Columbus
ojacc.org

Oct. 15 & 16

Ohio Bailiffs & Court Officers Association Fall Conference
Columbus
ohiobailiffs.com

Oct. 20 – 23

Ohio Association for Court Administration Fall Conference
Dublin
ohiocourtadministration.org

Court Roundtable MEETINGS

All Meetings at the Moyer Judicial Center in Columbus

Oct. 2

Rural Courts, Counties of Less than 60K Population
Juvenile Chief Deputy Clerks

Oct. 8

Midsized & Rural Courts
Probate Courts

Oct. 13

Title IV-E, All Counties
Juvenile Courts

Oct. 29

Midsized & Rural Courts
Juvenile Court Administrators

The Agenda

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

Judicial College Courses

judicialeducation.ohio.gov

Oct. 6

Guardian ad Litem Continuing Education Course: “Understanding Child Protective Services to Be a More Effective Advocate”
Guardians ad Litem
Cleveland
1 p.m. – 4:30 p.m.

Probation Officer Training Program: “Introduction to Motivational Interviewing”
Probation Officers
Dayton/Beavercreek

Oct. 7

Guardian ad Litem Continuing Education Course: “Understanding Child Protective Services to Be a More Effective Advocate”
Guardians ad Litem
Cleveland
8:30 a.m. – Noon

Fundamentals of Adult Guardianship Courses for Laypersons
Adult Guardians
Dayton/Beavercreek

Oct. 8

Fundamentals of Adult Guardianship Courses for Professionals
Adult Guardians
Dayton/Beavercreek

Oct. 9

Juvenile Traffic Web Conference
Judges & Magistrates

Oct. 13

Probation Officer Training Program: “Introduction to Assessment and Case Planning”
Probation Officers
Perrysburg

Oct. 15

Guardian ad Litem Pre-Service Course
Guardians ad Litem
Akron

Oct. 16

A Practical Look at Contempt in Municipal/Common Pleas Courts Web Conference
Judges, Magistrates & Acting Judges

Oct. 20

Probation Officer Training Program: “Introduction to Motivational Interviewing”
Probation Officers
Akron

Oct. 22

Traffic Law (2 of 2)
Judges, Magistrates & Acting Judges
Cleveland

Oct. 23

Judicial Conduct Course
Judges & Magistrates
Cleveland

Oct. 27

Guardian ad Litem Continuing Education Course: “Domestic Violence”
Guardians ad Litem
Youngstown
1 p.m. – 4:30 p.m.

Oct. 27

Probation Officer Training Program: "Introduction to Assessment and Case Planning"Probation Officers
Columbus

Oct. 28

Guardian ad Litem Continuing Education Course: "Domestic Violence"Guardians ad Litem
Youngstown
8:30 a.m. – Noon

Oct. 29

Fundamentals of Adult Guardianship Courses for LaypersonsAdult Guardians
Sites available statewide; see
BROADCAST

Oct. 30

EvidenceJudges & Magistrates
Columbus**Fundamentals of Adult Guardianship Courses for Professionals**Adult Guardians
Sites available statewide; see
BROADCAST

Nov. 3

Basic Defensive Tactics (2 of 2)

Probation Officers, London

Probation Officer Training Program: "Introduction to Offender Skill Building"Probation Officers
Dayton

Nov. 4

Advanced Defensive Tactics (2 of 2)Probation Officers
London**Interpreter Course: Law & Literature, plus Interpreter Rule Update**Judges, Magistrates & Court Personnel
Columbus

Nov. 5

Domestic Relations Winter MeetingJudges & Magistrates
Columbus**Dispute Resolution Training**sc.ohio.gov/JCS/disputeResolutionOct. 1 & 2 and Oct. 20 – 22
(5 days)Specialized Family/Divorce
Mediation Training
Columbus

Nov. 3 & 4

Domestic Abuse Issues for Mediators
Columbus**Language Services Training**sc.ohio.gov/JCS/interpreterSvc

October 15 & 16

Interpreter Certification Oral Exams
Columbus

October 22 & 23

Interpreter Certification Oral Exams
Columbus

October 28 – 30

Interpreter Certification Oral Exams
Columbus**Supreme Court of Ohio**sc.ohio.gov

Oct. 13 & 14

Oral Arguments

Oct. 15

Mayor's Courts Quarterly Report
Submission Deadline for 3rd Quarter,
2015

Oct. 27 & 28

Oral Arguments

Oct. 30

Results of the July 2015 Bar Exam
Released

Nov. 2

Application Deadline to take the
February 2016 Bar Exam**Ohio Center for Law-Related Education**ocle.org

Oct. 10

Middle School & High School We the
People Professional Development
Columbus

Oct. 24

Youth for Justice/Project Citizen
Professional Development
Columbus

Nov. 4

Ohio Mock Trial – Middle School
Professional Development
Columbus**Miscellaneous**

Nov. 6

Ohio Community Corrections
Association Training
"Try It on for Size: The Importance of
Role Play in Skill Acquisition"
Columbus
occaonline.org

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COURT NEWS OHIO**

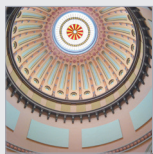
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CNO Legislative Digest

Each month, Court News Ohio Review tracks bills and resolutions pending in the Ohio General Assembly that are of interest to the judicial community.

HB 11, Rep. Andy Brenner (R-Powell); Rep. Margaret Ann Ruhl (R-Mt. Vernon)

To create a domestic relations division of the Delaware County Court of Common Pleas and to create a judgeship for that division, and creates the retired assigned judge payment if the retired assigned judge completes not less than one hundred hours of service in the preceding quarter as assigned by the chief justice or acting chief justice.

STATUS: Introduced in the House on Jan. 28, 2015. Passed the House on March 17, 2015 (93-0). Passed the Senate on Sept. 23, 2015 (33-0).

SB 204, Sen. Bill Seitz (R-Cincinnati)

To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges.

STATUS: Introduced in the Senate on Aug. 17, 2015, and referred to the Senate Government Oversight & Reform Committee.

COMPANION BILL: HB 307, Rep. Dorothy Pelanda (R-Marysville)

HB 335, Rep. Hearcel Craig (D-Columbus); Rep. Cheryl Grossman (R-Grove City)

To specify the jurisdiction of municipal and county courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court.

STATUS: Introduced in the House on Sept. 22, 2015.

Rule Amendment Summary

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

The Supreme Court's Commission on Rules of Practice and Procedure recommends the following rule amendments.

Read more at sc.ohio.gov/RuleAmendments

Ohio Rules of Appellate Procedure

Public Comment Ends on Oct. 29, 2015

App.R. 16 – Limited Combining of Statement of the Case and Statement of the Facts

Ohio Rules of Civil Procedure

Public Comment Ends on Oct. 29, 2015

Civ.R. 4.1 – Commercial Carrier Service

Civ.R. 4.2, Civ.R. 19.1 – Gender Neutral Changes

Civ.R. 4.4 – Publication Service of Process

Civ.R. 5 – Service and Filing of Pleadings

Civ.R. 10 – Pleadings and Interaction with Rules of Evidence

Civ.R. 37 – Failure to Make Discovery, Sanctions

Civ.R. 54 – Judgments, Costs, Availability of Award of Attorney Fees

Civ.R. 62 – Stay of Proceedings to Enforce a Judgment

Civ.R.65.1 – Civil Protection Orders

Ohio Rules of Criminal Procedure

Public Comment Ends on Oct. 29, 2015

Crim.R. 11 – Pleas; Negotiated Pleas in Felony Cases

Crim.R. 16 – Discovery: Right to Copy or Photograph

Ohio Rules of Evidence

Public Comment Ends on Oct. 29, 2015

Evid.R. 601 – General Rules of Competency, Medical Malpractice Claims

Evid.R. 803 – Hearsay; Absence of a Public Record or Entry, Testimonial Documents and Notice

Ohio Rules of Juvenile Procedure

Public Comment Ends on Oct. 29, 2015

Juv.R. 20 – Service and Filing of Papers

Ohio Traffic Rules

Public Comment Opens on Oct. 12, 2015, and Ends on Nov. 12, 2015

Traf.R. 16 – Judicial Conduct