



# THE SUPREME COURT *of* OHIO

ANNUAL REPORT  
2006

# THE SUPREME COURT of OHIO 2006



SEATED (left to right)

*Alice Robie Resnick • Thomas J. Moyer, Chief Justice • Paul E. Pfeifer*

STANDING (left to right)

*Terrence O'Donnell • Evelyn Lundberg Stratton • Maureen O'Connor • Judith Ann Lanzinger*



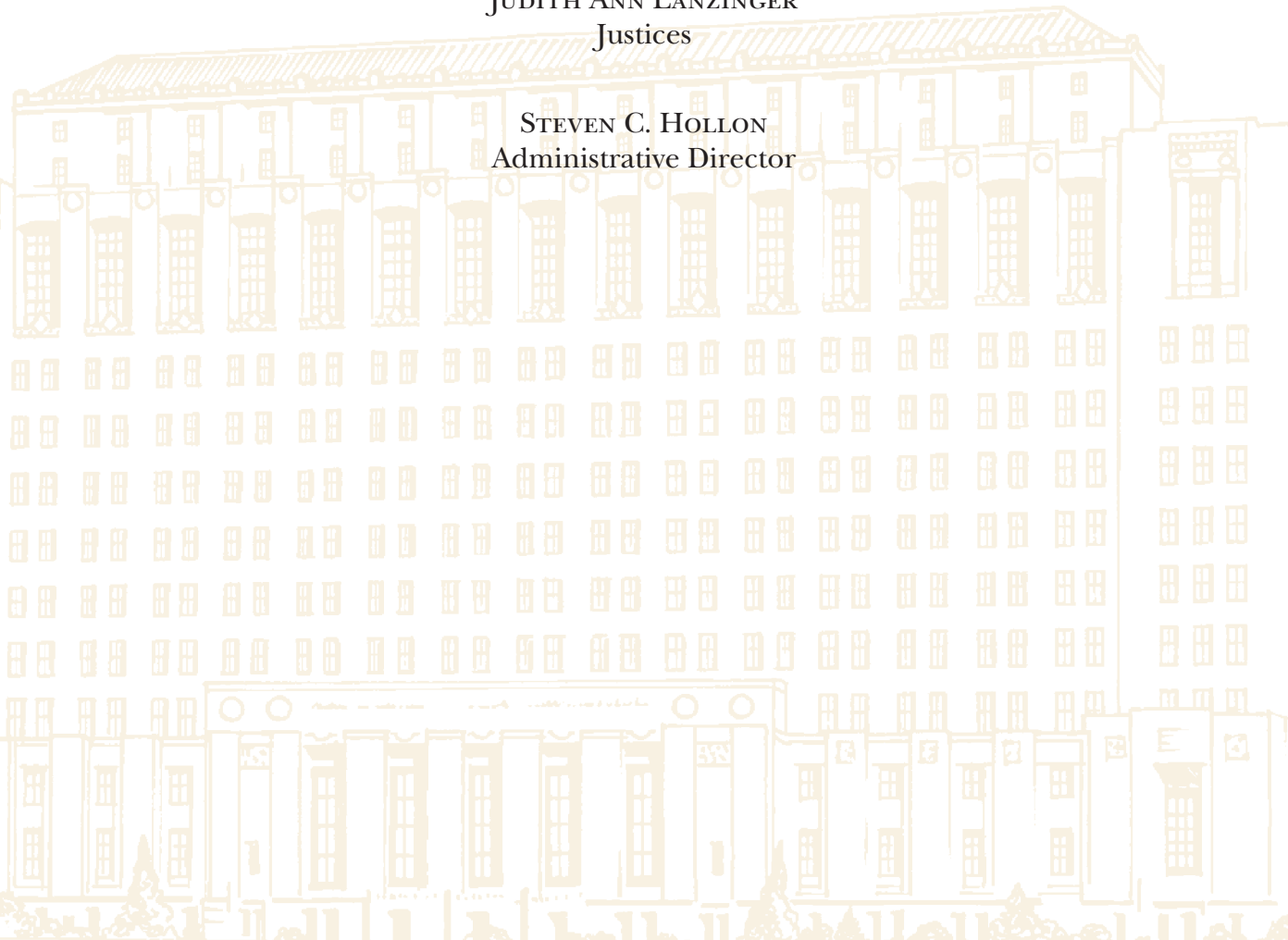
# THE SUPREME COURT *of* OHIO

## ANNUAL REPORT 2006

THOMAS J. MOYER  
Chief Justice

ALICE ROBIE RESNICK  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
Justices

STEVEN C. HOLLON  
Administrative Director









Dear Fellow Ohioans:

Sir Francis Bacon remarked at the start of the Scientific Revolution that knowledge is power. At the Supreme Court of Ohio, we have long been committed to empowering the citizens of Ohio by giving them access to information about their court system, fostering knowledge of the third branch and thereby strengthening our constitutional democracy.


2006 was a year of great accomplishment in this mission as the Court implemented a number of major information projects aimed at increasing citizens' knowledge, trust and confidence in the Ohio judicial system.

We launched a new Web site ([www.supremecourtofohio.gov](http://www.supremecourtofohio.gov)), began offering closed-captioning of oral argument broadcasts, implemented new systems for tracking individual cases online, began electronically scanning all filings and making them accessible on the Internet, enabled attorneys to register and track their CLE online, and began initial planning on the Ohio Courts Network, an integrated, statewide judicial information system.

At the same time, the Supreme Court continued to make progress in other areas. Last year, the Court:

- Matriculated the first two classes of judges in the ASTAR program (Advanced Science and Technology Adjudication Resource), a unique national program that prepares judges to hear cases involving complex scientific issues.
- Launched the *Lawyer to Lawyer Mentoring Program*, a one-year voluntary pilot program for new lawyers that will help them to ease the transition from law school to practice.
- Completed the final phase of the Ohio Judicial Center renovation with the replacement of the 70-year-old original roof.
- Disposed of 2,592 cases, an increase of 22 percent over 2005.
- And bid farewell to Justice Alice Robie Resnick, who retired at the end of the year after 18 distinguished years of service on the bench.

If it is true, as Socrates said, that “the only good is knowledge and the only evil is ignorance,” then 2006 was a good year indeed for the citizens of Ohio and their ability to know and understand their judicial system. Thank you for your continued partnership as we work together to advance the cause of justice for all Ohioans.



Thomas J. Moyer  
Chief Justice

CAMPUS MARTIUS



THEIR GIFT TO  
POSTERITY A  
RICH HERITAGE

FORT WASHINGTON



NORTHWEST TERRITORY



FOUNDERS OF LIBERTY



THEY RAISED A STANDARD TO WHICH THE WISE AND HONEST CAN REPAIR

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# SUPREME COURT OF OHIO JUSTICES 2006



**Chief Justice Thomas J. Moyer** is a strong advocate of enhancing the independence and integrity of the judiciary and of providing citizens with the tools and information necessary for the resolution of disputes. Since becoming Chief Justice in 1987, he has led efforts to strengthen the disciplinary system for judges and attorneys, and has raised the profile of issues related to ethics and professionalism. During his tenure, Ohio has become a leader in providing drug treatment to criminal defendants and has made court-sponsored alternative dispute resolution available in nearly all Ohio counties.

Chief Justice Moyer received his law degree from The Ohio State University in 1964, and served eight years as a judge on the 10<sup>th</sup> District Court of Appeals in Franklin County, four years as executive assistant to the governor of Ohio and eight years in the private practice of law in Columbus.

In 1995, he was named president of the Conference of Chief Justices for a one-year term. Chief Justice Moyer chairs the Committee on Emergency Preparedness in the Courts for the National Conference of Chief Justices, is the vice-chair of the Advanced Science and Technology Adjudication Resource (ASTAR) program and is on the board of directors of the Justice at Stake Campaign, a national movement to support fair and impartial courts.

**Justice Alice Robie Resnick** is the fourth woman elected to statewide office in Ohio and the second woman elected to the Supreme Court of Ohio.

Justice Resnick was elected to the Supreme Court in 1988, and was re-elected in 1994 and 2000. She was the founder and co-chair of the Ohio State Bar Association/Supreme Court of Ohio Joint Task Force on Gender Fairness and also chaired the Ohio Women's Legal Assistance and Education Coalition. She was inducted into the Ohio Women's Hall of Fame in 1995.

Prior to joining the Court, Justice Resnick served as a judge on the Toledo Municipal Court for seven years and on the 6<sup>th</sup> District Court of Appeals for six years. She also was an assistant prosecutor in Lucas County for 11 years and, during that time, argued a case before the U.S. Supreme Court.

Justice Resnick resides in Toledo with her husband, retired Judge Melvin L. Resnick. She has three stepchildren, six step-grandchildren and three dogs.

**Justice Paul E. Pfeifer** was elected to the Court in 1992 and currently is serving his third six-year term as a Supreme Court Justice.

Prior to joining the Supreme Court, Justice Pfeifer served as state senator for the 26<sup>th</sup> District for four terms and was Senate Judiciary Committee chairman for 10 years. He also was elected to the Ohio House of Representatives, where he represented the 15<sup>th</sup> District for two years.

From 1973 to 1992, Justice Pfeifer was a partner in the law firm of Cory, Brown & Pfeifer. He also served as Crawford County assistant prosecuting attorney for three years and as an assistant Ohio attorney general for three years.

Justice Pfeifer, who has three children and four grandchildren, lives in Bucyrus with his wife, Julia. The couple raises Angus cattle on their Crawford County farm.





**Justice Evelyn Lundberg Stratton** joined the Court in 1996 and is now serving her second six-year term as a Supreme Court Justice.

While at the Supreme Court, Justice Stratton has led a national effort to reduce the time for appeals in the adoption process. Recently, she has played a leading role with regard to mental health issues in the court system.

Justice Stratton began her legal career as a trial lawyer in 1979. In 1989, she became the first woman elected judge to the Franklin County Court of Common Pleas. As judge, she earned the nickname “The Velvet Hammer” because of her tough approach to sentencing in serious felony cases.

Justice Stratton is married to John A. Lundberg III, has two adult sons and lives in Worthington.



**Justice Maureen O'Connor's** election to the Supreme Court in 2002 created its first female majority and marked the latest achievement in her long and distinguished career of public service.

Justice O'Connor gained invaluable experience as an attorney, magistrate and common pleas court judge. Despite those successes, she felt compelled to return to the front lines of protecting the public. She became the Summit County prosecuting attorney and aggressively prosecuted repeat offenders, violent criminals and public officials who committed ethical violations or improprieties, and lobbied for tougher laws on rape and gang-related offenses. Her untiring work earned accolades from victims' rights groups and educational institutions.

The people of Ohio also recognized her talents and dedication, electing her lieutenant governor. She simultaneously served as director of the Department of Public Safety and chaired various security task forces. Her experience proved invaluable in the wake of the Sept. 11 attacks when she led the state's response to terrorism and garnered the praise of federal homeland security officials.

Justice O'Connor continues to work for justice and for a safe and secure Ohio. In addition to hearing the cases presented in the Court, she devotes herself to educational initiatives and to her role as chair of the Supreme Court Advisory Committee on Court Security & Emergency Preparedness.

Justice O'Connor is the mother of two adult sons. She lives in Cleveland Heights.

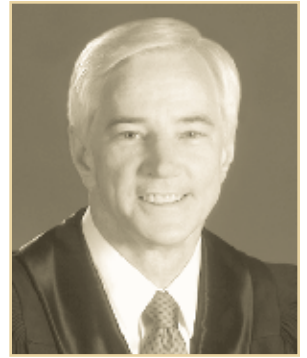


With his re-election to the Supreme Court, **Justice Terrence O'Donnell** brings more than 25 years of judicial service to the state judiciary, having served on the court of appeals and the Court of Common Pleas for Cuyahoga County.

Justice O'Donnell began his legal career as a law clerk to Justice J.J.P. Corrigan of the Supreme Court of Ohio in 1971; he also clerked for Judges John V. Corrigan and John M. Manos on the 8<sup>th</sup> District Court of Appeals in Cuyahoga County, where he later served as an appellate judge for eight years. He previously served as a judge on the Cuyahoga County Court of Common Pleas for 14 years.

Justice O'Donnell has been honored by every school and university he attended. St. Edward High School presented him with its Alumnus of the Year Award in 2005, Kent State University recognized him as an outstanding arts and sciences graduate, and Cleveland State University has awarded him with its Distinguished Alumni Award. In addition, the University of Akron has conferred an honorary doctor of law upon him.

Justice O'Donnell resides in Rocky River with his wife, Mary Beth. They have four adult children — Terrence, Michael, and Colleen, all of whom are attorneys; and Nora, an English teacher at St. Ignatius High School.



**Justice Judith Ann Lanzinger**, before her 2004 election as the 150<sup>th</sup> member of the Supreme Court, served at every other level of Ohio's judiciary — the 6<sup>th</sup> District Court of Appeals, Lucas County Court of Common Pleas and Toledo Municipal Court. A former teacher, she was the second woman in the United States to earn a master's degree in judicial studies. Since 1990, she has taught judges at the National Judicial College in the U.S. and the former Soviet Union, and is an adjunct professor at the University of Toledo's law school.

Committed to the improvement of justice, Justice Lanzinger now chairs the Commission on the Rules of Superintendence for Ohio Courts, previously participating on many statewide committees. She also was president of the Morrison Waite American Inn of Court and the Toledo Junior Bar Association.

The Justice and her husband, Robert, have a daughter, son, and son-in-law, all attorneys, and three grandchildren.





2006: A LOOK BACK

# 2006 LOOK BACK

## **JANUARY**

A collection of 12 original, historically significant maps donated to the Supreme Court of Ohio is installed in the Kingsley A. Taft Map Room, a 1<sup>st</sup> Floor conference room. The collection was donated by Sheldon A. Taft in honor of his late father, a former Ohio Chief Justice, and features maps dating back to the mid-17<sup>th</sup> century.

### **JAN. 11**

The *Lawyer to Lawyer Mentoring Program* is announced. The one-year voluntary pilot program for new lawyers is designed to help ease the transition from law school to law practice through an ongoing relationship with an experienced attorney. The pilot program will begin in July.

### **JAN. 19**

The Supreme Court becomes the second state court in the country to offer closed-captioning of oral argument broadcasts, providing deaf and hard-of-hearing citizens greater access to Court proceedings.

### **JAN. 25**

Chief Justice Thomas J. Moyer testifies before the House Judiciary Committee in favor of judicial reform legislation.

### **JAN. 27**

The Supreme Court and The Ohio State University host the first Ohio session of the Advanced Science and Technology Adjudication Resource (ASTAR) program, a national program that prepares judges for complex scientific issues likely to come before their courts. Twenty Ohio judges participate in the session.

### **FEB. 9**

Five Supreme Court employees are honored with Professional Excellence Awards for their exemplary service

to the Court: Susan Christoff, Jackie Crowley, Michael Mason, Amy Weinstock and Jay Wuebbold.

### **FEB. 27**

A comprehensive redesign is unveiled of the Supreme Court Web site, [www.supremecourtsohio.gov](http://www.supremecourtsohio.gov).

### **MARCH 23**

Construction begins on the \$1.5 million roof replacement project at the Ohio Judicial Center (*right*). The project is the third and final phase of the historic building's renovation.



### **APRIL 26**

The Court hears oral arguments at the Clark County Courthouse for the Off-Site Court Program.

### **APRIL 28**

More than 350 applicants learn they passed the February 2006 Ohio bar examination.

### **MAY 3**

The 25-member Supreme Court Task Force on Pro Se & Indigent Litigants releases its report and recommendations.

### **MAY 3**

A new reference tool for the nearly 450 juvenile and family court judges and magistrates throughout Ohio is released by the Supreme Court. The *Dependency Docket Bench Cards* were developed in conjunction with the Ohio Department of Job & Family Services.



**MAY 21**

Justice Terrence O'Donnell delivers the commencement address at the University of Akron School of Law and is presented with an honorary doctor of law degree.

**MAY 22**

The *2005 Ohio Courts Summary* issued by the Court shows that Ohio courts saw 3.1 million new cases filed in 2005, representing a 2 percent increase from 2004.

**JUNE 29**

The Court launches RSS (really simple syndication or rich site summary) feeds for Court news and opinion summaries on [www.supremecourtfohio.gov](http://www.supremecourtfohio.gov).

**JULY 14**

Justice O'Donnell and Justice Maureen O'Connor speak on professionalism and the newly launched mentoring effort in Ohio at a seminar hosted by the Ohio Metropolitan Bar Association Consortium.

**JULY 20**

Ohio's *Lawyer to Lawyer Mentoring Program* is extended to include attorneys admitted in November to the Ohio Bar.

**AUG. 18**

Justice O'Donnell speaks on professionalism at Capital University Law School's fall orientation program.

**AUG. 24**

Court Security Officer Jason Thomas is recognized in a special ceremony in the Supreme Court Courtroom (*right*) for his acts of heroism and bravery on Sept. 11. Thomas was instrumental in the rescue of two New York Port Authority officers. His actions were brought to light with the release of the movie *World Trade Center*.

**SEPT. 14**

Chief Justice Moyer delivers his 19<sup>th</sup> State of the Judiciary address at the annual meeting of the Ohio Judicial Conference. He announces progress on plans for a statewide network connecting courts to share information with each other and with law enforcement partners.

Justice O'Connor delivers the keynote address at a conference of the Ohio Bailiffs & Court Officers Association in Columbus.

**SEPT. 26**

Justice O'Connor participates in a panel discussion of women in the judiciary at the Shaker Heights Public Library, in celebration of the 25<sup>th</sup> anniversary of Sandra Day O'Connor's appointment to the U.S. Supreme Court.

**SEPT. 28**

Chief Justice Moyer serves as small-group judicial facilitator at a conference on fair and impartial courts in Washington, D.C., sponsored by Georgetown University School of Law and the American Law Institute.

**OCT. 18**

The Court meets at the Delaware County Courthouse for the Off-Site Court Program.



**OCT. 20**

Fifteen Ohio judges are selected by the Supreme Court to participate as the second class of Ohio judges in ASTAR.

Justice O'Connor provides the keynote address at a meeting of the security organization ASIS International's Columbus Chapter.

**OCT. 23**

The Supreme Court welcomes eight members of the Ukrainian judiciary with a bread and salt ceremony (*right*) as they spend a week in Ohio to study the U.S. judicial system.

**OCT. 27**

Justice Evelyn Lundberg Stratton welcomes attendees to *Specialized Dockets: The Ties That Bind*, a conference sponsored by the Supreme Court, the Ohio Department of Alcohol & Drug Addiction Services and Ohio Department of Mental Health.

More than 1,000 applicants learn they passed the July 2006 Ohio Bar Examination.

**OCT. 31**

The *Technology and the Courts 2006 Survey* is released by the Supreme Court, noting that 95 percent of Ohio courts indicate they have access to the Internet, compared with less than half in 2000.

**NOV. 7**

Robert R. Cupp is elected to fill the seat vacated by retiring Justice Alice Robie Resnick. Justice O'Donnell is re-elected to his first full term on the Supreme Court.

**NOV. 8**

Justice O'Connor provides the keynote address at a court clerks seminar hosted by the 3<sup>rd</sup> District Court of Appeals.

**NOV. 14**

The Supreme Court welcomes a group of 11 foreign lawyers studying law through an innovative program at Ohio Northern University.

**NOV. 16**

The Supreme Court case activity notification service is made available on the Court Web site.

**DEC. 1**

Digital images of case documents filed with the Supreme Court are made available for the first time on the Court Web site. The feature is accessible through the Clerk of Court's online case docket search.

**DEC. 13**

A portrait of former Supreme Court Justice and notable author Herbert Russell Brown is dedicated in a Supreme Court Courtroom ceremony.

**DEC. 19**

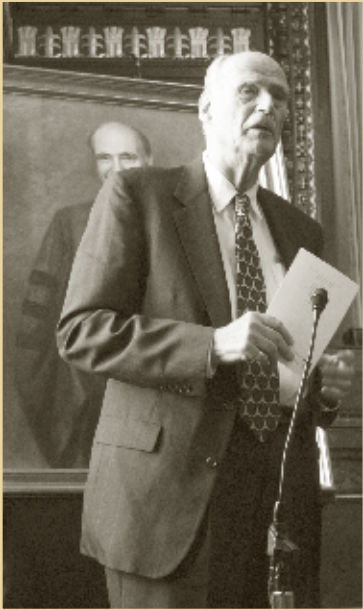
A new work of art — 10 words depicting justice sculpted of solid granite — is installed in the north plaza fountain (*below*). The artwork was designed by Malcolm Cochran, a professor of art at The Ohio State University.



# JUSTICE BROWN PORTRAIT DEDICATION

## Portrait Graces Law Library

Former Supreme Court Justice Herbert Russell Brown quipped recently that he is the very rare man who has the good fortune of hearing his own eulogy.



*Justice Herbert R. Brown  
Dec. 13, 2006*

He made the comment after an outpouring of accolades and loving stories from friends and colleagues at the dedication of his official Court portrait in December during a special ceremony in the Supreme Court Courtroom at the Ohio Judicial Center.

The dedication ceremony was attended by more than 200 of Brown's colleagues, family and close friends, former Supreme Court Justices Robert M. Duncan and Deborah L. Cook, as well as the seven Justices of the Supreme Court. Chief Justice Thomas J. Moyer and Justice Alice Robie Resnick spoke, as did Brown's former colleagues James P. Kennedy and Robert W. Werth of the Columbus law firm Vorys, Sater, Seymour & Pease.

"This is a very happy occasion for Herb Brown and his family," said Chief Justice Moyer, who began his first term on the Court in 1987, the same year as Brown. "It represents years of service and is a commemoration of the fact that someone has had the privilege to serve on the highest court in the state."

Brown was born Sept. 27, 1931, in Columbus, to Thomas Newton and Irene Hankinson Brown, both public school teachers. He earned a bachelor of arts in 1953 from Denison University and a juris doctor in 1956 from the University of Michigan.

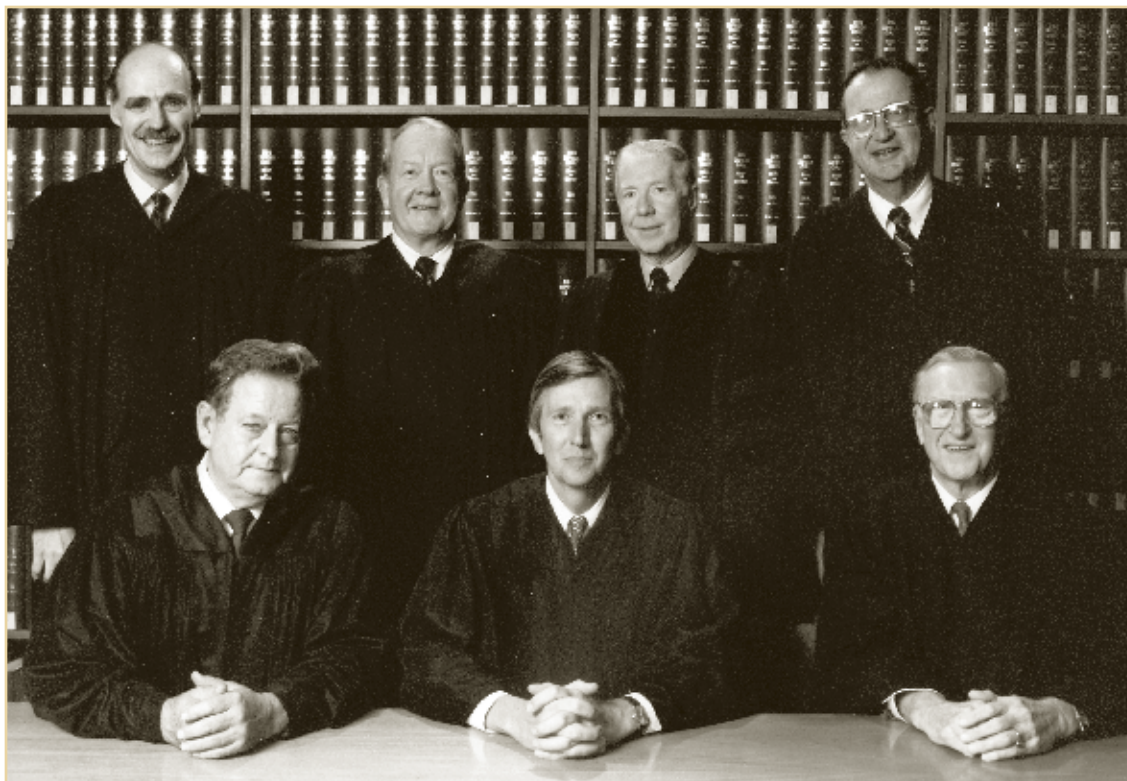
In the 1950s, Brown served in the Army Judge Advocates General office and the Defense Appellate Division of the Pentagon. In 1959, he was awarded the Commendation Medal and the Ribbon Medal pendant.

Brown spent most of his legal career with Vorys, Sater, Seymour & Pease. He was a trial lawyer and is a member of the American College of Trial Lawyers. Justice Brown also served as an examiner with the Ohio State Bar from 1962 to 1972, the District Court Bar from 1968 to 1971, and the Multi-State Bar from 1971 to 1976. In 1982, Brown left Vorys to devote his time to writing novels and plays.

Werth described Brown as an excellent mentor and teacher to young attorneys, describing him as the "eternal optimist" when it came to arguing a case or rooting for his favorite sports teams.

"If anyone deserves a portrait dedication in a wonderful place like this, it's Herb Brown," Werth said.





*Justice Brown (back row, far left) sat on the Supreme Court with (front row, from left to right) Justice A. William “Asher” Sweeney, Chief Justice Moyer and Justice Ralph A. Locher, and (back row, from left to right) Justices Robert E. Holmes, Andy Douglas and Craig Wright.*

Brown was elected to the Supreme Court in 1986, but continued writing fiction. He found a publisher in 1991 for his novel *Presumption of Guilt*. After deciding to return to a life of writing, Brown declined to run for re-election and departed the bench at the end of 1992.

“Herb’s sense of fairness was legendary,” Justice Resnick said. “He never approached a case with a preconceived idea.” She told him, “I was impressed with that quality in you. You were remarkable to work with.”

Brown’s portrait was painted by Jennifer Leslie of Round Rock, Texas., who also painted the portraits of Supreme Court Justices William “Asher” Sweeney and Craig Wright. Justice Brown’s portrait, the 44<sup>th</sup> in the Court’s collection, hangs in the Supreme Court Law Library.

“I present this to you with hope that some day you might join me on the wall,” Brown told the Justices. Brown, 75, served on the Supreme Court from 1987 to 1993 and has described his time on the Court as one of the most interesting, rewarding and challenging jobs of his life.

Brown is married to Beverly Ann Jenkins and the couple has two sons, David Herbert Brown and Andrew Jenkins Brown.

## Alice Robie Resnick Retires After Distinguished 18-Year Career

The Supreme Court of Ohio bid farewell in 2006 to a Justice who will be remembered as a trailblazer for women in the legal profession.

When Alice Robie Resnick joined the Supreme Court of Ohio in January 1989, she was the Court's only woman, and she was the second woman ever to be elected Justice in Ohio. By the time she retired at the end of 2006, women made up a majority of the seven-member Court, and she was the second-longest serving female Justice in Ohio history.

"She was the first woman elected to the Court in over 60 years," Chief Justice Thomas J. Moyer told the Toledo *Blade* upon her retirement. "She was very proud of that, and it's an important legacy. Anyone who serves on the Court of last resort for 18 years is going to leave a very large mark on the jurisprudence of the state, and she's certainly done that."

Justice Resnick spoke fondly of her career on the bench and thanked the employees of the Supreme Court of Ohio for their service and professionalism in a farewell speech at the Court's annual holiday gala on Dec. 12, 2006.

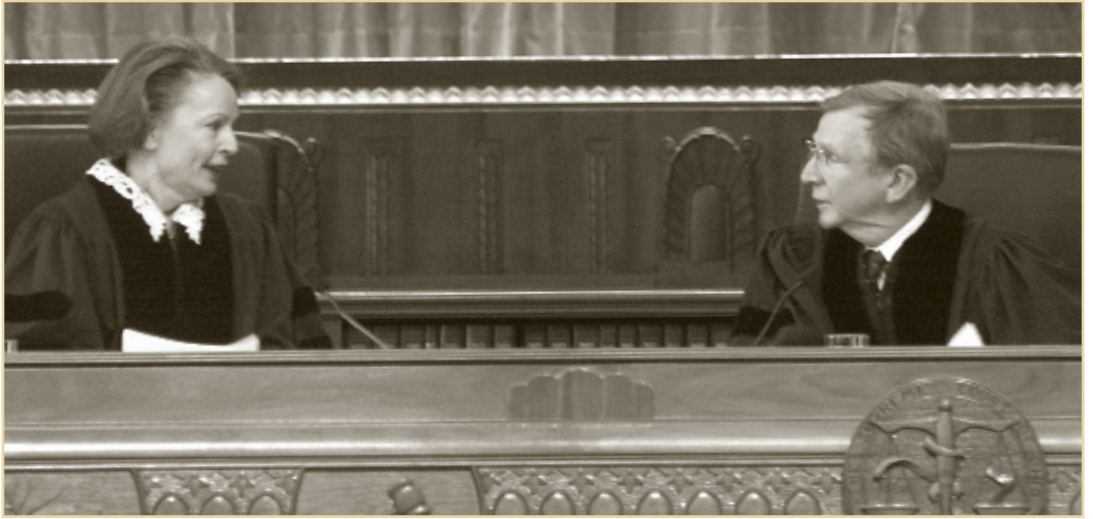
"I have really enjoyed my time here at the Supreme Court, but I am really looking forward to my retirement," Justice Resnick said. "Thank you all for your hard work and support. The people of Ohio are well-served by one of the most professional and dedicated Supreme Courts in the country, thanks to the staff."

Justice Resnick was the fourth woman elected to statewide office in Ohio. She was elected to the Supreme Court in 1988, and was re-elected in 1994 and in 2000.

Justice Resnick was the founder and co-chair of the Ohio State Bar Association/Supreme Court of Ohio Joint Task Force on Gender Fairness, which addressed issues such as gender bias in the courts, lawyer and workplace lifestyles, gender bias education and gender issues in domestic relations cases. The task force issued its final report in May 1995.



*Justice Resnick greets former Justice Herb Brown shortly before the Supreme Court's final oral arguments in 2006.*



*Justice Resnick with Chief Justice Moyer during a ceremony to mark the first day of oral arguments in the Ohio Judicial Center on March 16, 2004.*

From 1998 to 2001, Justice Resnick chaired the Ohio Women’s Legal Assistance and Education Coalition, which helped Ohio women exercise their legal rights.

During her 18 years on the Court, Justice Resnick authored 320 majority opinions and wrote 264 separate opinions. Among the more noteworthy:

- *State v. Koss* (1990), 49 Ohio St.3d 213, recognizing the validity of the battered woman syndrome defense in Ohio;
- *State v. Jenks* (1991), 61 Ohio St.3d 259, establishing that circumstantial evidence has the same probative value as direct evidence in proving the essential elements of a charged criminal offense;
- *Kerans v. Porter Paint Co.* (1991), 61 Ohio St.3d 486, defining the standards governing sexual harassment claims in the workplace;
- *State ex rel. Ohio Academy of Trial Lawyers v. Sheward* (1999), 86 Ohio St.3d 451, finding Ohio’s 1996 tort reform legislation unconstitutional as violative of the doctrine of separation of powers; and
- *DeRolph v. State* (2000), 89 Ohio St.3d 1 (“*DeRolph II*”), which determined that, although recently enacted school funding legislation had made progress toward achieving a constitutionally compliant system, further efforts were required.

Justice Resnick was born Aug. 21, 1939, in Erie, Pa. She resides in Toledo with her husband, retired Judge Melvin L. Resnick, who sat on the Lucas County Court of Common Pleas and the Ohio 6<sup>th</sup> District Court of Appeals. She has three step-children and six step-grandchildren.



# Improving Access and Understanding with Technology

Several new online features were launched in 2006 on the Supreme Court of Ohio Web site, [www.supremecourtfohio.gov](http://www.supremecourtfohio.gov), all aimed at increasing public trust and confidence in the judiciary by expanding public access and understanding of Ohio's court system.

In January, the Court announced that deaf and hard-of-hearing citizens would have greater access to Supreme Court proceedings, as the Court became the second state court in the country to provide closed captions for its oral argument broadcasts. The advancement also means that, for the first time, an unofficial transcript of all oral arguments is available. The feature was made available through the Court's partnership with Ohio Government Telecommunications, which broadcasts oral arguments for the Court, and in turn works with Visual Audio Captioning, Inc., of Fairfax, Va., to provide closed captions to accompany the coverage.

"This is part of our ongoing effort to use the latest information technology to bring the Court to the people," Chief Justice Thomas J. Moyer said at the time. "Including the closed-captioning option on our broadcasts means that many more Ohioans will now be able to experience the Supreme Court in action."

In February, the Court launched a comprehensive redesign of its Web site. Several important new functions were added, including improved site navigation and a Google-driven search page, which enables visitors to more easily locate information with its advanced search option. In addition, easily accessible links were added to take visitors directly to live and archived streaming video of oral arguments. With the click of a mouse, visitors can now search case opinions and summaries, read Court publications and access general information about Supreme Court Justices, history, jurisdiction and authority.



[www.supremecourtfohio.gov](http://www.supremecourtfohio.gov)

In June, the Court announced the addition of RSS feeds for Court news and opinion summaries to its Web site features. RSS — “really simple syndication” or “rich site summary” — is a format used to deliver Web content directly to users, eliminating the

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need to repeatedly visit a Web site for current information. The feeds work by delivering Web information to RSS subscribers with RSS readers, which are widely available for download on the Internet.

In his State of the Judiciary address in September, Chief Justice Moyer announced that the Court released a request for proposals asking technology vendors to submit detailed plans to build the Ohio Courts Network, a statewide network connecting courts throughout the state to share information with each other and with law enforcement partners. The request for proposals anticipated a pilot project of 15 to 20 courts of various sizes, localities and existing technologies, providing a model for configuration of the statewide system. The network will enable the sharing of critical information, including case file information for pending and historical cases in all jurisdictions; links to other courts; identity information, including addresses past and present; court orders and warrants.

In November, the Court announced two new capabilities for its Web site users: online case tracking and access to case filings. Both features make tracking the developments in pending cases before the Supreme Court much easier.

Subscribers to the Court's case activity notification service can identify the case they want to track and choose whether to be notified of any case activity, such as a new filing, through e-mail, RSS feed, or both.

Digital images of case documents are available on the Court's Web site through the case docket search. Staff scan documents as they are filed, making them available to the public no later than the end of the next business day. An icon next to a docket entry denotes that the corresponding digital document is available online as a PDF file.

Finally, the Court announced in December that attorneys can report their compliance with state continuing legal education requirements online and submit and make limited adjustments to their CLE transcripts electronically.

These new services join a list of resources previously available on the Supreme Court Web site, including previews of oral arguments before the Court, access to the Court's rulings and opinions, summaries of the Court's merit decisions with opinions, as well as streaming live video and archived video of all oral arguments before the Court.

THE SUPREME COURT of OHIO  
2006 ADMINISTRATIVE STRUCTURE

ADMINISTRATIVE DIVISION

*Steven C. Hollon*

- Office of the Administrative Director
- Office of Public Information

FISCAL & MANAGEMENT  
RESOURCES DIVISION

*Ronda E. Perri*

- Office of Fiscal & Management Resources
- Office of Human Resources

CLERK'S DIVISION

*Marcia J. Mengel*

- Office of the Clerk
- Office of Bar Admissions

ATTORNEY SERVICES DIVISION

*Richard A. Dove*

- Office of Attorney Services
- Attorney Registration & CLE Section

LEGAL RESOURCES DIVISION

*David M. Gormley*

- Office of Legal Resources
- Office of the Reporter
  - Law Library
- Case Mediation Section

INFORMATION TECHNOLOGY  
DIVISION

*Robert D. Stuart*

- Office of Information Technology
  - Office of Network & Technology Resources
- Technology Resources Section

JUDICIAL & COURT SERVICES  
DIVISION

*Douglas R. Stephens*

- Office of Judicial & Court Services
  - Judicial College
- Case Management Section
  - Children, Families & the Courts Section
- Dispute Resolution Section
- Specialized Dockets Section

FACILITIES MANAGEMENT  
DIVISION

*Byron C. Wilson*

- Office of Facilities Management
- Office of Court Security



## SUPREME COURT ADMINISTRATIVE STRUCTURE

The administrative activities of the Supreme Court are completed by dedicated employees working in offices, sections, programs and work groups that are formed into eight divisions — the Administrative Division, the Clerk’s Division, the Legal Resources Division, the Fiscal & Management Resources Division, the Information Technology Division, the Facilities Management Division, the Attorney Services Division and the Judicial & Court Services Division. The Court also has four affiliated offices that maintain a quasi-independent status because of the nature of their work. They are the Office of Disciplinary Counsel, the Board of Commissioners on Grievances & Discipline, the Clients’ Security Fund and the Ohio Criminal Sentencing Commission.

The Court is fortunate to be able to rely on the volunteer services of dozens of committed judges, attorneys, clerks, court administrators and private citizens who serve on the many boards, commissions, advisory committees and task forces that the Court maintains. These bodies help the Court provide oversight to the courts of Ohio, regulate the practice of law, and provide efficient services to the judicial branch of Ohio government. For a complete listing of these bodies and the nature of their structure, refer to [www.supremecourtofohio.gov](http://www.supremecourtofohio.gov).

The table of organization displayed on the preceding page provides a visual representation of the Court’s structure in 2006. This structure has evolved significantly during the previous eight years.



## ADMINISTRATIVE DIVISION

Steven C. Hollon, *administrator*

OFFICE OF THE ADMINISTRATIVE DIRECTOR

Steven C. Hollon, *administrator*

OFFICE OF PUBLIC INFORMATION

Chris Davey, *director*

VISITOR EDUCATION CENTER

Jay Wuebbold, *program manager*

THE ADMINISTRATIVE DIVISION is the lead division of the Supreme Court. In 2006, it consisted of the Office of the Administrative Director, the Office of Public Information and the Visitor Education Center. The Office of the Administrative Director is the lead office of the division and assists the Supreme Court in developing the long-term vision, values and direction of the Court. The Office of Public Information is responsible for providing a continuing program of information to the public and media concerning the decisions and operations of the Court. The administrative director provides oversight and administrative direction for the division.

STEVEN C. HOLLON is the administrative director of the Supreme Court of Ohio. The administrative director is a constitutional position in Ohio government and serves at the pleasure of the Court. As the senior non-elected officer of the Court, the administrative director, in conjunction with the Chief Justice, the Justices of the Court, the Ohio Judicial Conference, and the judges of the state, is responsible for developing and communicating the long-term vision, values and direction of the Court and the judicial branch of Ohio government. In addition, the administrative director is responsible for providing oversight to all divisions within the Court, consisting of 260 employees, and administering a judiciary/Supreme Court budget of more than \$130 million.



The administrative director assists in the development of emerging issues, including providing staff support for special projects, initiatives and task forces. The administrative director develops and maintains relationships with the General Assembly, monitors legislative activity on matters of interest to the Court and the judicial branch, and provides staff assistance to the Commission on the Rules of Superintendence, the Commission on Rules of Practice & Procedure, and follow-up monitoring to the Ohio Courts Futures Commission and the Ohio Commission on Racial Fairness.

Hollon is an attorney and began his career as a judicial law clerk with the Ohio 12<sup>th</sup> District Court of Appeals and later became that court's administrator. He then engaged in the private practice of law in Hamilton, Ohio, before becoming the administrator and senior staff attorney of the Ohio 2<sup>nd</sup> District Court of Appeals in Dayton, where he served until he assumed his current duties. He also has served on the Supreme Court's Board of Commissioners on Grievances & Discipline and lectured at many judges' association meetings, including a week-long seminar on judicial administration and legal ethics to the Ukrainian Supreme Court in Kiev.

Hollon currently serves on the Board of Directors of the Conference of State Court Administrators, which is affiliated with the National Center for State Courts in Williamsburg, Va.



**PRO SE & INDIGENT  
LITIGANTS TASK FORCE**  
Jo Ellen Cline, staff liaison

Hon. John Adkins, chair  
Mary Asbury  
Beth Bray  
Hon. Marc Dann  
Hon. Lenny Ellison  
Hon. William Harsha  
Hon. Jim James  
Hon. Mary Kovack  
Kent Markus  
Lynne Mazeika  
Laura Restivo  
Kimberly Shumate  
David Bodiker  
Becky Carpenter  
Hon. Timothy DeGeeter  
R. Daniel Hannon  
Phylliss Henderson  
Hon. Jim Jordan  
Hon. Paul Kutscher  
Hon. William Mason  
Hon. Sharon Ray  
Hon. Nancy Margaret  
Russo  
Hon. Mark Wall  
Thomas Weeks  
Hon. John Willamowski

**COMMISSION ON  
THE RULES OF  
SUPERINTENDENCE  
FOR OHIO COURTS**  
Jo Ellen Cline, staff liaison

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Blackmon  
Hon. Janet R. Burnside  
Hon. Patricia A. Cosgrove  
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Hon. Charlotte Coleman  
Eufinger  
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Elizabeth W. Stephenson  
Adrian D. Thompson  
Hon. Jennifer P. Weiler  
Hon. Mary Pat Zitter

**OFFICE OF THE ADMINISTRATIVE DIRECTOR**

The principal administrative office at the Supreme Court, the Office of the Administrative Director provides leadership and guidance to the divisions, offices, sections and programs through which the Court executes its judicial and administrative functions. In addition, the administrative director oversees the assistance that Court staff provide to Ohio trial and appellate courts.

The Court saw a number of significant administrative and organizational accomplishments in 2006 under the leadership and direction of the Administrative Division.

The administrative director led efforts to move forward the Court's overall legislative agenda. Chief Justice Thomas J. Moyer testified before the House Judiciary Committee in favor of judicial reform legislation, and worked with legislative leaders on the bill, which would increase qualifications for judicial office, increase the length of judicial terms and make other reforms. The package did not pass, but is expected to be reintroduced in 2007 with the support of the Chief Justice. Also on the legislative front, the budget proposals for fiscal years 2008 and 2009 were prepared and submitted to the General Assembly.

An important administrative priority for 2006 was the final consolidation of the regulation of the pre-admission and post-admission phases of the practice of law into one division at the Court, the Attorney Services Division. To achieve this, the necessary preparations were undertaken throughout 2006 to transition the Office of Bar Admissions from the Clerk's Division to the Attorney Services Division effective Jan. 1, 2007. The division will administer registering for the bar exam, the bar exam, attorney registration, continuing legal education and professionalism. The disciplinary process will remain a separate, independent function.

A number of revisions and improvements were made to Court Administrative Policies and Procedures, including the adoption of revised records management policies and a set of revised policies governing employment. In addition, the Court approved the Code of Ethics for Court Appointees. The code contains simple, easy-to-understand language that sets forth the Court's expectations for its appointees and provides guidance on topics such as undue influence, gifts, impartiality, confidential information, bias and prejudice.

The Commission on the Rules of Superintendence for Ohio Courts, which was established by the Court in September 2005 to assist the Court in the exercise of its rule-making powers and general superintendence over all courts in Ohio, held its first meeting in June.

The Office of Court Security provided assistance to judges and courts around the state by offering trainings to court security personnel and conducting security assessments and briefings regarding the security systems at various courthouses. Under the leadership of Justice Maureen O'Connor, the Advisory Committee on Court Security & Emergency Preparedness met throughout 2006 and began drafting a report and recommendations, which will be released in 2007.

The Office of Human Resources successfully offered all Court staff a series of trainings on cultural awareness and communication styles. A number of key personnel actions were made during the year, including the hiring of a new director of the Judicial College, William "Milt" Nuzum III. In February, the Administrative Division held the second annual Supreme Court of Ohio Professional Excellence Awards ceremony in the Courtroom, recognizing employees for their years of service to the Court and for outstanding professional performance.

John VanNorman, formerly with the Legislative Service Commission, joined the office in May as a policy and research analyst. VanNorman will provide assistance to the administrative director by way of research and policy analysis on a wide variety of legal, legislative, administrative and court-oriented issues, and will serve as lead staff support to various Court advisory committees and task forces.

Jennifer Dennis, formerly with the Office of Disciplinary Counsel, joined the office in April as an administrative assistant to the legislative counsel and the policy and research analyst.



*Professional Excellence Award Winners  
(left to right): Jay Wuebbold, Jackie Crowley, Amy Weinstock,  
Susan Christoff and Michael Mason.*

## OFFICE OF PUBLIC INFORMATION

The Office of Public Information coordinates the Court's communications efforts. The office manages the Court's main Web site, publishes the Court's print publications, corresponds with constituents, responds to media inquiries, staffs the Court's main phone lines and receptionist desk, and writes articles about court cases and administrative activities for distribution as news releases, guest articles and Web content.

2006 began with the launch of the Court's new Web site, [www.supremecourtofohio.gov](http://www.supremecourtofohio.gov), the culmination of a nearly year-long project by the Office of Public Information in partnership with the Court's Information Technology staff.

The office finalized the application of the Court's new graphic design system in 2006, publishing a revised set of informational brochures for the Law Library, a new brochure on the Kingsley A. Taft Map Room, and applying the graphic design identity to a number of other publications and visible representations of the Court, most notably the Web site.



*Jurists, seated in the "gallery," play the role of reporters covering a trial during the Judges & Journalists Workshop in December.*

In December, the office held the second annual *Judges & Journalists Workshop* at the Ohio Judicial Center. The workshop is a one-day seminar for judges and the media around the state designed to increase public trust and confidence in the judiciary by enhancing the relationship between judges and journalists.

Also in 2006, Public Information staff attended the annual meeting of the Conference of Court

Public Information Officers, where they were selected to host the 2007 CCPIO meeting at the Ohio Judicial Center in Columbus.

In 2006, the Office of Public Information wrote and mailed 240 written responses to constituent letters and e-mails; researched, wrote and distributed 345 previews of oral arguments before the Court and summaries of merit decisions; fielded 912 media inquiries; answered nearly 37,000 phone calls on the Court's main lines; and researched, wrote and distributed 81 news releases.



## VISITOR EDUCATION CENTER

The Visitor Education Center develops and executes programs to inform and educate students and adults about the role and responsibilities of the judicial system, as well as the art, architecture and history of the Ohio Judicial Center.

In 2006, the staff completed its first full year of operation of the Supreme Court of Ohio Visitor Education Center on the Ground Floor of the Judicial Center. The 4,442 square-foot facility consists of 10 exhibit areas.

It is a dynamic teaching tool offering the public an inside look at Ohio courts. The interactive exhibits portray the workings and history of the judiciary with hands-on materials, bold graphics and engaging videos. Eye-catching exhibits such as a 9-foot model cannon, car trunk and detailed mock courtrooms put visitors in the role of decision maker. It is a center of stories that personalize and define the courts, making sometimes complex concepts understandable on many levels, crossing age groups and cultures.

The Visitor Education Center was honored by state and national professional organizations. The Ohio Museum Association gave the center its Outstanding Achievement Award for Institutional Excellence, its highest honor. The American Association of State and Local History presented the center with its Award of Merit.

The center conducted 288 tours for 9,968 visitors during 2006. About 74 percent of its visitors were students from elementary and secondary schools.

Of the 7,458 student guests, 48 percent were elementary school students, 28 percent were middle school students, 19 percent were high school students and 4 percent were college students. Sixteen volunteers donated a total of 565 hours during the year, representing a market value of \$9,915.

## VISITOR EDUCATION CENTER VOLUNTEERS

John Anderson  
Rachel Caldwell  
Diane Chesley-Lahm  
Linda Christman  
Toba Feldman  
Joanne Hawk  
Jacquelyn Hughes  
Joann Johnson  
Cheri Kappeler  
Stan Kronenburg  
Nancy Lahmers  
William Martin  
Priscilla Mead  
Pete Miller  
Gisela Vitt  
Rex Zent



*Julie Manning (above, left), public education coordinator, conducts training for Visitor Education Center volunteers.*



## CLERK'S DIVISION

Marcia J. Mengel, *clerk of court*

OFFICE OF THE CLERK

Marcia J. Mengel, *clerk of court*

OFFICE OF BAR ADMISSIONS

Marcia J. Mengel, *director*

IN 2006 THE CLERK’S DIVISION consisted of the Office of the Clerk and the Office of Bar Admissions. The Office of the Clerk, the lead office of the division, is charged with supervising the filing of all case-related items and maintaining all case files in matters pending before the Court. The Office of Bar Admissions assists the Supreme Court in exercising its Ohio constitutional responsibility to regulate the admission of applicants to the practice of law. The clerk of the Court provides oversight and administrative direction for the division.

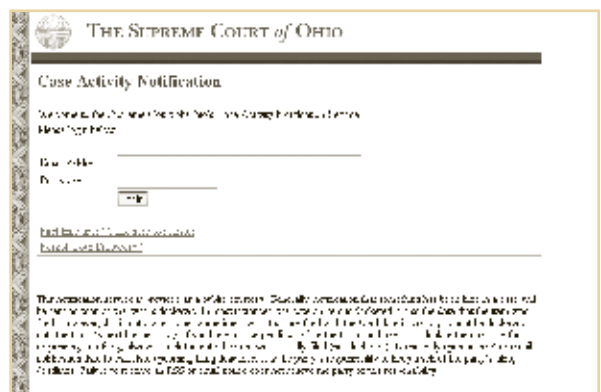
## OFFICE OF THE CLERK

The Office of the Clerk manages all cases filed with the Supreme Court; maintains case dockets, the Court’s journal, and, in pending cases, trial and district appellate court records; prepares and issues Court orders; schedules oral arguments and the Court’s consideration of other case matters; coordinates interagency communication in death penalty cases; and manages the Court’s enforcement of continuing legal education requirements.

The office is responsible for maintaining and enforcing the Rules of Practice of the Supreme Court of Ohio and recommending appropriate rule amendments to the Court. Deputy clerks and staff attorneys provide assistance on procedural issues to attorneys, litigants and the public through written communications, seminar presentations, and phone and office consultations; and by publishing answers to frequently asked questions and posting helpful information on the Web site.

In 2006, the Office of the Clerk processed 2,407 new cases, about a 1.5 percent drop in new case filings from 2005. The office also handled the final disposition of 2,592 cases, a 22 percent increase in case dispositions over 2005.

During the year, the Office of the Clerk worked with the Office of Information Technology to develop a case activity notification service. With this service, attorneys, litigants, and members of the public can subscribe to automated notices issued whenever documents are filed in Supreme Court cases of interest. The subscriber may choose to receive notices of new case activity either by e-mail or by RSS (really simple syndication) alerts. The



*The Supreme Court electronic case activity notification service became available in 2006.*

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automated notices eliminate the need to call the Office of the Clerk or continually check the online dockets to determine if new documents have been filed. The service was released to the public Nov. 16, 2006.

The Office of the Clerk also worked with Information Technology staff on a document scanning project. In mid-fall, the office began scanning case filings for posting on the Web. On Dec. 1, 2006, a month earlier than expected, the office released these document images on the Court's Web site. The digital images are accessible through icons appearing on the Clerk's online case dockets.

The Office of the Clerk now routinely scans case filings and makes them available as PDF documents within one business day of filing. Plans are underway to enable text searches of all scanned case documents in 2007.

## OFFICE OF BAR ADMISSIONS

The Office of Bar Admissions supports the Supreme Court in its constitutional responsibility to regulate the admission of applicants to the practice of law in Ohio. The office processes applications for admission, including registration applications, applications to take the bar exam and applications for admission without exam; oversees character and fitness investigations of bar applicants; coordinates and administers semi-annual bar examinations; and organizes admission ceremonies during which successful applicants take the oath of office.

The Office of Bar Admissions also issues miscellaneous certificates relating to bar admission, including legal intern certificates for law students working in clinical programs and certificates for foreign legal consultants. The office provides staff support to the Board of Bar Examiners and the Board of Commissioners on Character & Fitness.

During 2006, the office processed more than 3,200 applications, including 1,178 law student registrations, 1,938 bar exam applications and 90 applications for admission without examination. The office administered the bar exam to 1,835 applicants — 545 in February and 1,290 in July.

Additionally, bar admissions staff conducted a successful laptop computer pilot program for the February 2006 bar exam. Exam applicants were invited to use their laptop computers to answer the written portions of the exam. Special security software allowed the examinees to access word processing during the exam while blocking access to all other programs, files and the Internet. A follow-up survey of the exam applicants provided very positive feedback. Participating applicants reported that using computers



reduced handwriting fatigue and enhanced their ability to prepare better organized and written answers. Bar examiners also reported that the computer-generated exams were easier to read and grade.

In 2006, the office also continued its work supporting the Board of Commissioners on Character & Fitness. During the year, the board conducted 20 hearings regarding the character and fitness of applicants for admission. In September, representatives of the office and the board held a special meeting for chairs of the local bar association admissions committees, which assist the board in reviewing bar applicants. With input from these chairs, the staff and board worked on revisions to the report forms used in character investigations.

At the end of June, the Office of Bar Admissions said farewell to Beverly Braskett, a bar admissions manager, who retired after a distinguished 30-year career at the Court. As the work of the office became increasingly complex, Braskett witnessed the bar admissions staff expand from one person (herself) in 1976 to 10 full-time professionals in 2006. She was a tireless and loyal public servant, working long and hard to handle anything asked of her.

Bar Admissions experienced big changes in 2006 as it spent the year transitioning from the Clerk's Division to the Attorney Services Division. The objective of the transition was to place the regulation of the pre-admission and post-admission phases of the practice of law under one umbrella, the Attorney Services Division. This includes registering for the bar exam, taking the bar exam, attorney registration, continuing legal education and professionalism. The year-long transition gave staff in Attorney Services time to gain a full understanding of the day-to-day operations of the Office of Bar Admissions. The move also meant new leadership for the office. Marcia Mengel, clerk of the Court, transitioned from leading bar admissions and, beginning in 2007, will focus exclusively on leading the Clerk's Division. Lee Ann Ward was appointed the new director of Bar Admissions, effective Jan. 1, 2007. Mengel led the office for nearly 20 years and was recognized for her outstanding leadership as a national authority on bar admissions, serving on many boards, including as chair of the Council of Bar Admissions Administrators. During her tenure with the office, Mengel implemented significant improvements in both the substance and administration of the bar exam, character and fitness investigations of bar applicants, and bar admissions rules and procedures. Mengel served as secretary to the Board of Bar Examiners and the Board of Commissioners on Character & Fitness in 2006. Both boards honored her for her decades of service.

#### **BOARD OF BAR EXAMINERS**

Marcia J. Mengel,  
secretary

Mark S. Barnes  
Michael M. Briley  
Robert R. Byard  
Lisa Weekley Coulter  
Joseph Dattilo  
Jennifer E. Day  
Brian N. Eisen  
John R. Gall  
Elizabeth A. Harvey  
Julie A. Jones  
Samuel Z. Kaplan  
Edward F. Kozelek  
Hon. R. Scott Krichbaum  
Ellen M. McCarthy  
Michael P. Morrison, chair  
Michael E. Murman  
George A. Sadd  
Thomas J. Scanlon  
John W. Waddy  
Hon. Mark K. Wiest

#### **BOARD OF COMMISSIONERS ON CHARACTER & FITNESS**

Marcia J. Mengel,  
secretary

J. Patrick Apel  
Mary Asbury  
Rhonda G. Davis  
Andrew J. Dorman  
Hon. Nancy D. Hammond  
Todd Hicks  
Hon. Sara E. Lioi, chair  
Scott McBride  
Michael B. Michelson  
D. Michael Reny  
Suzanne K. Richards  
Hon. David Tobin  
Adolfo A. Tornichio



*Successful applicants to the Ohio bar recite the oath of office at a November admissions ceremony held at the historic Ohio Theatre in Columbus.*

## OHIO OATH OF OFFICE

Gov.Bar R. I(8) (A)

I hereby (swear or affirm) that I will support the Constitution and the laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Ohio Rules of Professional Conduct.

In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons.

I will honestly, faithfully, and competently discharge the duties of an attorney at law. (So help me God.)

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THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

CASES FILED\*

JURISDICTIONAL APPEALS

11	Claimed Appeals of Right
953	Discretionary Appeals (non-felony)
702	Discretionary Appeals (felony)
17	Death Penalty Postconviction Appeals
19	Appeals Involving Termination of Parental Rights/Adoption
87	Appeals from App.R. 26(B) Applications
1,789	TOTAL

MERIT CASES

140	Original Actions
90	Habeas Corpus Cases
116	Direct Appeals Cases (cases originating in courts of appeals)
1	Direct Appeal Involving Termination of Parental Rights/Adoption
62	Certified Conflicts
3	Certified Conflicts Involving Termination of Parental Rights/Adoption
41	Appeals from Board of Tax Appeals
14	Appeals from Public Utilities Commission
0	Appeals from Power Siting Board
5	Death Penalty Cases <sup>1</sup>
4	Certified Questions of State Law
1	Appeal from App.R. 26(B) Applications in Death Penalty Cases
1	Appeal of Election Contests under R.C. 3515.15
0	Appeals under R.C. 4121.25
1	Other
479	TOTAL

PRACTICE OF LAW CASES<sup>2</sup>

128	Disciplinary Cases
7	Bar Admissions Cases
4	Unauthorized Practice of Law Cases
139	TOTAL

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**2,407 TOTAL CASES FILED**

\*See page 35 for Notes.

THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

CASES RELATED TO THE PRACTICE OF LAW  
— DETAIL OF CASES FILED —

DISCIPLINARY CASES

83	Cases on Report of Board
5	Consent to Discipline Matters
0	Cases under Gov.Bar R. V(7)/Mental Illness
7	Cases upon Felony Conviction
3	Cases upon Default of Child Support Order
1	Case on Motion for Interim Remedial Suspension
17	Attorney Resignation Matters
9	Reciprocal Discipline Cases
2	Judge Disciplinary Cases under Gov.Bar R. V
0	Judge Disciplinary Cases under Gov.Jud. R. II(2) - (4) and III
1	Judge Disciplinary Case under Gov.Jud. R. II(5)
128	TOTAL

BAR ADMISSIONS CASES

7	Bar Admissions/Character and Fitness Cases
7	TOTAL

UNAUTHORIZED PRACTICE OF LAW CASES

3	Cases on Report of Board
1	Miscellaneous
4	TOTAL

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**139 TOTAL PRACTICE OF LAW CASES FILED**



THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

FINAL DISPOSITIONS\*

JURISDICTIONAL APPEALS

Jurisdiction declined, leave to appeal denied and/or appeal dismissed

12	Claimed Appeals of Right
804	Discretionary Appeals (non-felony) <sup>3</sup>
619	Discretionary Appeals (felony) <sup>3</sup>
18	Death Penalty Postconviction Appeals
15	Appeals Involving Termination of Parental Rights/Adoption
96	Appeals from App.R. 26(B) Applications
1,564	TOTAL

MERIT CASES

137	Original Actions
80	Habeas Corpus Cases
115	Direct Appeals (cases originating in courts of appeals)
1	Direct Appeal Involving Termination of Parental Rights
53	Certified Conflicts
1	Certified Conflict Involving Termination of Parental Rights
50	Appeals from Board of Tax Appeals
23	Appeals from Public Utilities Commission
16	Death Penalty Cases <sup>4</sup>
388	Jurisdictional Appeals Accepted for Review
2	Certified Questions of State Law
2	Appeals from App.R. 26(B) Applications in Death Penalty Cases
1	Appeal of Election Contests under R.C. 3515.15
1	Other Merit Case
870	TOTAL

PRACTICE OF LAW CASES<sup>5</sup>

143	Disciplinary Cases
6	Bar Admissions Cases
9	Unauthorized Practice of Law Cases
158	TOTAL

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**2,592 TOTAL FINAL DISPOSITIONS**

\*See page 35 for Notes.

THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

CASES RELATED TO THE PRACTICE OF LAW  
— DETAIL OF FINAL DISPOSITIONS —

DISCIPLINARY CASES

- 95 Cases on Report of Board [Gov.Bar R. V(8)]
  - 1 Dismissed
  - 2 Dismissed as moot
  - 10 Public reprimands
  - 43 Definite suspensions
  - 22 Indefinite suspensions
  - 17 Disbarments
- 7 Consent to Discipline Matters [Gov.Bar R.V(11)(A)(3)(c); BCGD Proc. Reg. Sec. 11]
  - 1 Dismissed
  - 3 Public reprimands
  - 3 Definite suspensions
- 1 Case under Gov.Bar R. V(7)/Mental Illness
  - 1 Attorney suspended pursuant to Gov.Bar R. V(7)(C)
- 8 Cases upon Felony Conviction [Gov.Bar R. V(5)]
  - 1 Dismissed as moot
  - 7 Interim suspensions
- 3 Cases upon Default of Child Support Order [Gov.Bar R. V(5)]
  - 3 Interim suspensions
- 1 Case on Motion for Interim Remedial Suspension [Gov.Bar R. V(5a)]
  - 1 Interim suspension
- 8 Reciprocal Discipline Cases [Gov.Bar R. V(11)(F)]
  - 2 Public reprimands
  - 1 Interim suspension
  - 5 Definite suspensions
- 1 Miscellaneous Disciplinary Matter
  - 1 Attorney suspended pending compliance

THE SUPREME COURT *of* OHIO  
2006 CASE STATISTICS

CASES RELATED TO THE PRACTICE OF LAW  
— DETAIL OF FINAL DISPOSITIONS (CONTINUED) —

- 16 Attorney Resignation Matters [Gov.Bar R. V(11)(G)]
  - 1 Dismissed as moot
  - 1 Resignation rejected
  - 2 Resignations accepted
  - 12 Resignations accepted; disciplinary action pending

JUDGE DISCIPLINARY CASES

- 2 Cases on Report of Board [Gov.Bar R. V(8)]
  - 1 Public reprimand
  - 1 Definite suspension
- 1 Case Involving Campaign Conduct [Gov.Jud. R. II(5)]
  - 1 Violation of Canon VII, fine imposed

BAR ADMISSIONS CASES

- 6 Character and Fitness Cases [Gov.Bar R. I(12)]
  - 5 Applicants disapproved; may reapply
  - 1 Applicant disapproved

UNAUTHORIZED PRACTICE OF LAW CASES

- 8 Cases on Report of Board [Gov.Bar R. VII]
  - 4 Respondents enjoined from actions constituting the unauthorized practice of law
  - 3 Respondents enjoined from actions constituting the unauthorized practice of law and civil penalties imposed
  - 1 Case dismissed; actions do not constitute the unauthorized practice of law
- 1 Miscellaneous Case
  - 1 Dismissed

THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

CASES PENDING AS OF JAN. 1, 2007\*

JURISDICTIONAL APPEALS AND MERIT CASES

431	Jurisdictional Appeals
159	Jurisdictional Appeals Accepted for Review
25	Original Actions
12	Habeas Corpus Cases
67	Direct Appeals Cases (cases originating in courts of appeals)
58	Certified Conflicts
3	Certified Conflicts Involving Termination of Parental Rights/ Adoption
24	Appeals from Board of Tax Appeals
10	Appeals from Public Utilities Commission
13	Death Penalty Cases <sup>6</sup>
4	Certified Questions of State Law
1	Appeal from App.R. 26(B) Applications in Death Penalty Cases
807	TOTAL

DISCIPLINARY CASES

32	Cases on Report of Board
1	Consent to Discipline Matter
1	Case upon Felony Conviction
6	Attorney Resignation Matters
2	Reciprocal Discipline Cases
1	Judge Disciplinary Case under Gov.Bar R. V
43	TOTAL

BAR ADMISSIONS CASES

2	Bar Admissions/Character and Fitness Cases
2	TOTAL

UNAUTHORIZED PRACTICE OF LAW CASES

1	Case on Report of Board
1	Case on Motion for Interim Cease and Desist Order
2	TOTAL

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**854 TOTAL NUMBER OF CASES PENDING**

\*See page 35 for Notes.



THE SUPREME COURT of OHIO  
2006 CASE STATISTICS

JURISDICTIONAL APPEALS ACCEPTED FOR REVIEW\*

136	Discretionary Appeals (non-felony) <sup>3</sup>
130	Discretionary Appeals (felony) <sup>3</sup>
1	Death Penalty Postconviction Appeal
7	Appeals Involving Termination of Parental Rights/Adoption
2	Appeals from App.R. 26(B) Applications

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**276 TOTAL APPEALS ACCEPTED FOR REVIEW**

NOTES\*

<sup>1</sup>All of the death penalty cases filed in 2006 were appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995. No appeals were filed involving an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

<sup>2</sup>See page 30 for breakdown of cases relating to the practice of law filed in 2006.

<sup>3</sup>This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right.

<sup>4</sup>Included in this category are 15 cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995, and one case involving an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

<sup>5</sup>See pages 32 and 33 for the types of final dispositions entered in cases relating to the practice of law.

<sup>6</sup>Included in this category are 12 cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995. The remaining case is an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.



## LEGAL RESOURCES DIVISION

David M. Gormley, *director*

OFFICE OF LEGAL RESOURCES

David M. Gormley, *director*

OFFICE OF THE REPORTER

Ralph W. Preston, *reporter of decisions*

LAW LIBRARY

Ken Kozlowski, *director*

CASE MEDIATION SECTION

William A. Zapp, *mediation attorney*

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THE LEGAL RESOURCES DIVISION consists of the Office of Legal Resources, the Office of the Reporter, the Law Library and the Case Mediation Section. The Office of Legal Resources is the lead office of the division and assists the Supreme Court in resolving complex legal issues pending before the Court. The Office of the Reporter is responsible for publishing the opinions of the Court and trial and appellate courts of Ohio. The Law Library is one of the largest state law libraries in the nation with a comprehensive collection of Ohio, federal and state legal sources that is open to the public. The Case Mediation Section assists the Court in mediating pending cases, obviating the need for a full argument of those matters. The director of Legal Resources provides oversight and administrative direction for the division.

## OFFICE OF LEGAL RESOURCES

The staff attorneys — known as master commissioners — in the Office of Legal Resources provided research and writing support to the Justices on the non-discretionary portion of the Court's docket: death penalty appeals, public utility appeals, appeals involving state tax issues and workers' compensation law, extraordinary writs and attorney disciplinary cases. They also assisted the Chief Justice with processing affidavits of disqualification.

## OFFICE OF THE REPORTER

During 2006, the Office of the Reporter edited and published in print the *Ohio Official Reports* advance sheets of 421 Supreme Court opinions, 419 courts of appeals opinions and 21 Court of Claims and trial court opinions, which comprised about 8,800 advance sheet pages. In addition to posting all Supreme Court opinions and case announcements released during 2006 to the Court Web site, the Office of the Reporter also posted 6,181 court of appeals opinions, as well as 183 Court of Claims opinions and nine other trial court opinions. More than 46,000 opinions are posted on the Court Web site and are available to the public at no charge.

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## LAW LIBRARY

The Law Library offers research assistance and online database access to both Court staff and public patrons. In 2006, the library served more than 6,500 public patrons, answered about 9,000 reference questions, circulated more than 1,300 books, provided more than 51,000 photocopies and assisted the state's prison population by responding to 950 letters requesting research help or documents. In relation to the library's collection of materials, the staff checked in and distributed more than 6,000 items and processed about 14,000 item records.

## CASE MEDIATION SECTION

The Case Mediation Section facilitates mediation between parties in cases pending before the Supreme Court.

In 2006, the section focused primarily on state and local tax cases, workers' compensation matters and extraordinary writs. The Court referred 92 cases to mediation and the section cleared 93 cases, 35 of which the parties settled after one or more mediation conferences with the Court's mediation counsel. In all, the mediation counsel conducted 191 mediation conferences for the referred cases during the year.



## Law Library Updates Information Series

Throughout 2006, Law Library staff worked with staff from the Office of Public Information to produce a series of 15 pamphlets that guide patrons through the world of Ohio and federal law, the library's online catalog and physical layout, and the eclectic collection of art therein.

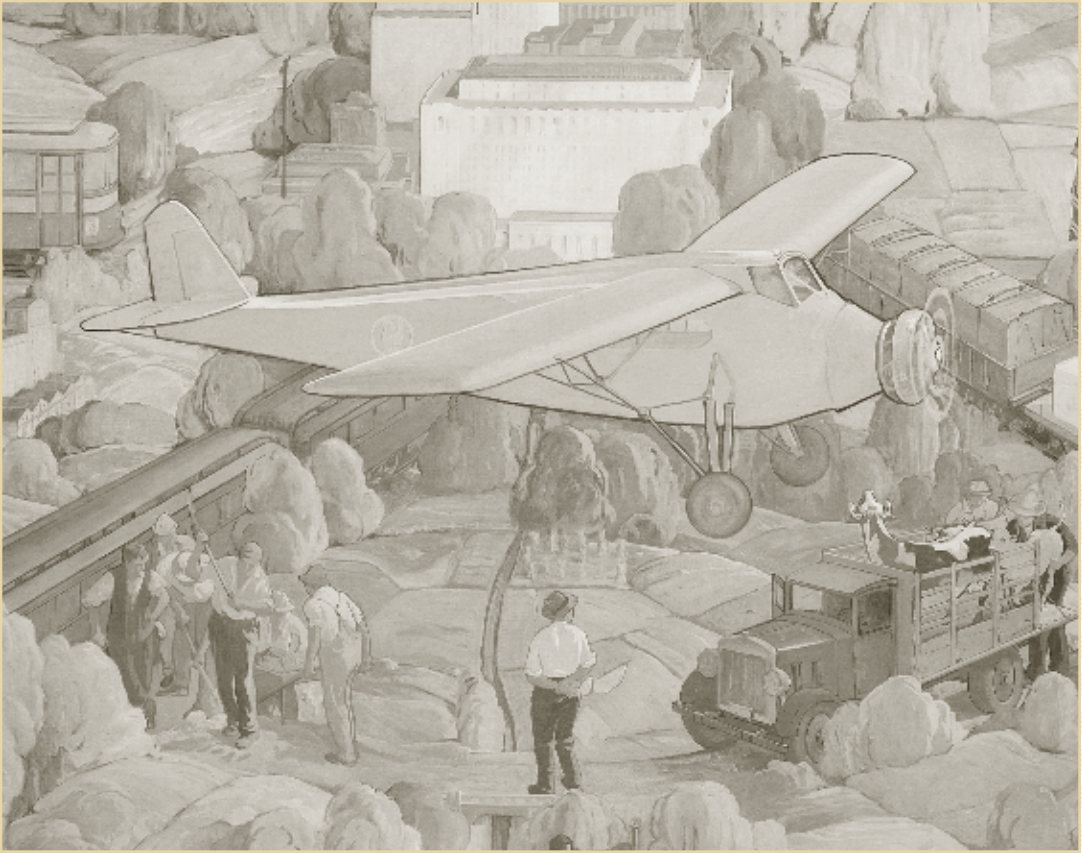
The series contains the following guides:

1. Ohio Case Law: Where to Find It
2. Legal Periodicals: Print, Microform and Online
3. Government Documents
4. Ohio Legislative History
5. Federal Legislative History
6. The U.S. Supreme Court
7. Law Library Collection Guide
8. The Online Catalog
9. Ohio Legal Research
10. Reading Room Murals
11. Oil Paintings of the Rule of Law Gallery
12. The Ohio Constitution
13. The Supreme Court of Ohio
14. Ohio Practice Materials
15. Reading Room Art: Chihuly Sculptures.

Each pamphlet is available as a PDF at [www.supremecourtofohio.gov/publications/lib\\_series](http://www.supremecourtofohio.gov/publications/lib_series). Copies also are available through the Law Library or Office of Public Information.



*Murals in the Law Library Reading Room, depicting the evolution of the printed word, are among the artwork featured in the information series.*



**FISCAL &  
MANAGEMENT RESOURCES DIVISION**

Ronda E. Perri, *director*

OFFICE OF FISCAL & MANAGEMENT RESOURCES

Ronda E. Perri, *director*

OFFICE OF HUMAN RESOURCES

Monica Hunyadi, *director*

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**THE FISCAL & MANAGEMENT RESOURCES DIVISION** consists of the Office of Fiscal & Management Resources, the Office of Human Resources and the Records Management Section. The Office of Fiscal & Management Resources is the lead office of the division and assists the Supreme Court in developing and implementing the Court's budget. The Office of Human Resources is responsible for coordinating the employment policies and practices of the Court, including the hiring process and payroll and benefit programs. The director of Fiscal & Management Resources provides oversight and administrative direction for the division.

### **OFFICE OF FISCAL & MANAGEMENT RESOURCES**

The office is responsible for the Court's budget of more than \$130 million, which was appropriated in 2005 through H.B. 66. The budget is used to support the salaries of Ohio courts of appeals staffs, and operation of the Ohio Judicial Center. The office also ensures proper internal controls are in place and administers relevant policies and guidelines, particularly relating to purchasing, travel reimbursements and grants.

Functions of the office include processing purchase requisitions and payment vouchers; budgeting, forecasting and analyzing revenues and expenditures; cash-flow management of non-GRF funds; internal and external reporting to regulatory bodies as required; and annual inventory of Court assets.

### **Records Management Center**

The Records Management Center is the Court's off-site records storage facility. The center implemented a more comprehensive records management policy effective April 2006 and shredded more than 10 tons of paper and electronic storage media in accordance with the policy. More than 4,300 boxes and files were labeled, bar coded and entered into the records information management system implemented in 2005.

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## OFFICE OF HUMAN RESOURCES

The Office of Human Resources is responsible for implementing the employment policies of the Court, including coordinating the employment process, maintaining position and salary classifications, supervising the performance evaluation process, providing staff training programs and assuring the Court's compliance with federal and state employment laws. The office provides payroll and benefits services for Court staff, the staff of district courts of appeals and all Ohio judges.

During 2006, the Office of Human Resources supported Court leadership and staff in the management of day-to-day human resources issues while enhancing its support of the request, interview and selection process. During the year, human resources staff also supported a variety of health and wellness activities and the Employee Events Committee.

The *Leadership Excellence* program included new training programs to foster consistency and understanding among the diverse employee population of the Court. Training courses on cultural awareness and communication styles were offered to employees during the year. New employee orientation was enhanced and a new judge orientation manual was developed and implemented. The *Performance Management* program was advanced by providing supervisors training on coaching and performance management.

Throughout the past calendar year, the office successfully prepared for conversion from the legacy "HR2K" payroll system to the state's new Ohio Administrative Knowledge System (OAKS). To support OAKS, the office established new processing, troubleshooting and internal auditing procedures while streamlining its human resources information management system. Additionally, communications with all non-elected employees were increased to facilitate the use of new employee identification log-ins, passwords and an electronic pay statement.



THE EMPLOYEE EVENTS COMMITTEE is an internal committee of Supreme Court and affiliated office staff whose mission is teambuilding and supporting functions not funded through taxpayer dollars, such as retirement receptions and the annual holiday party for Justices and staff. The committee organizes and orchestrates various competitions throughout the year, raising funds through entrance fees and sales of food donated by employees. Staff participate and attend these events on their lunch hours.

**EMPLOYEE EVENTS COMMITTEE**

- Jillian Anderson
- Valerie Cannell
- Brian Dalton
- Nancy Drake
- Helka Gienapp
- Lanessa Keesor
- Lisa Lynch
- Lei Moore
- Brandee Preston
- Pierce Reed
- Sandy Ringer
- Brian Shinn
- Jane Sturgeon
- Jayma Umbstaetter
- Vikkie Wilson

*Below, staff await a referee's ruling during an Employee Events Committee-sponsored event.*



## JUDICIARY/SUPREME COURT BUDGET

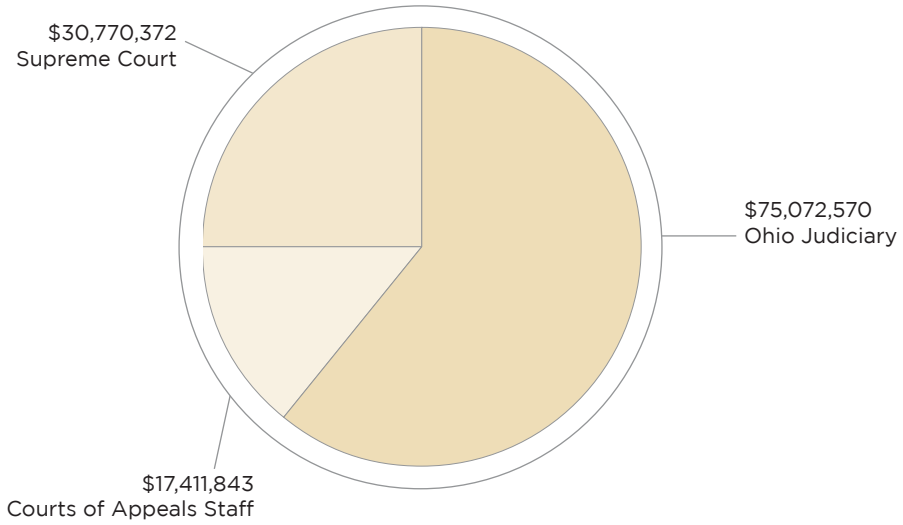
FY 2006 and 2007

	Budgeted FY 2007	Percent of Total	Expenditures FY 2006	Percent of Total
<b>OHIO JUDICIARY</b>				
Courts of Appeals Judges	\$ 10,805,977	8.3	\$ 10,191,153	8.3
Trial Court Judges	66,608,500	51.2	64,881,417	52.6
<b>TOTAL OHIO JUDICIARY</b>	<b>\$ 77,414,477</b>	<b>59.5</b>	<b>\$ 75,072,570</b>	<b>60.9</b>
<b>COURTS OF APPEALS STAFF</b>				
	\$ 19,647,394	15.1	\$ 17,411,843	14.1
<b>SUPREME COURT</b>				
Justices and Staff	\$ 3,695,140	2.8	\$ 3,547,618	2.9
Administrative Division	2,660,350	2.0	2,281,764	1.9
Clerk's Division	2,438,681	1.9	1,960,210	1.6
Legal Resources Division	3,661,936	2.8	3,578,612	2.9
Fiscal & Management Resources Division	1,264,293	1.0	1,182,564	1.0
Information Technology Division	2,772,602	2.1	3,406,578	2.8
Facilities Management Division	5,396,530	4.1	6,056,360	4.9
Attorney Services Division	3,946,123	3.0	3,361,145	2.7
Judicial & Court Services Division	5,719,327	4.4	4,923,715	4.0
Commission on Legal Education Opportunity	875,000	0.7	0.0	0
Ohio Center for Law Related Education	222,615	0.2	216,131	0.2
Ohio Criminal Sentencing Commission	343,730	0.3	255,675	0.2
<b>SUPREME COURT TOTAL</b>	<b>\$ 32,996,327</b>	<b>25.4</b>	<b>\$ 30,770,372</b>	<b>25.0</b>
<b>OHIO JUDICIARY/ SUPREME COURT TOTAL</b>	<b>\$130,058,198</b>	<b>100</b>	<b>\$123,254,785</b>	<b>100</b>

# JUDICIARY/SUPREME COURT

2006 EXPENDITURES

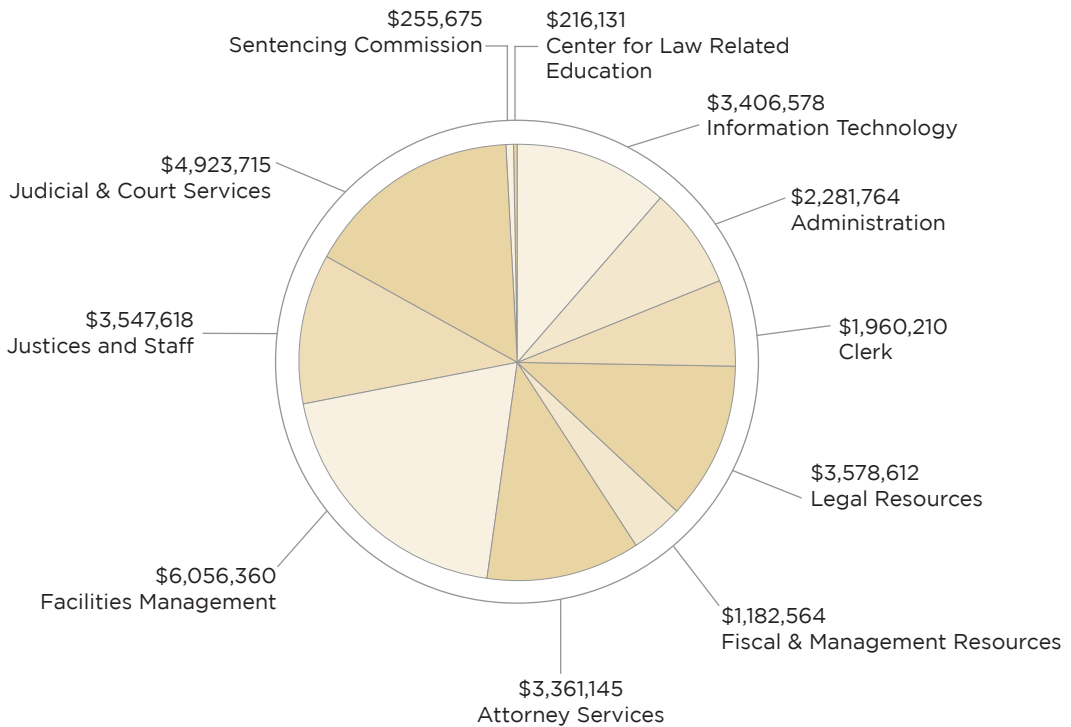
**\$123,254,785**



# SUPREME COURT

2006 EXPENDITURES

**\$30,770,372**





# INFORMATION TECHNOLOGY DIVISION

Robert D. Stuart, *director*

OFFICE OF INFORMATION TECHNOLOGY

Robert D. Stuart, *director*

OFFICE OF NETWORK & TECHNOLOGY RESOURCES

David Saffle, *director*



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THE INFORMATION TECHNOLOGY DIVISION consists of the Office of Information Technology and the Office of Network & Technology Resources and is responsible for the operation of the Court's computer networks and audiovisual technologies, including the live streaming of all sessions of the Court on its Web site. In coordination with the Office of Public Information, the office also is responsible for maintaining the Court's telecommunication's functions. The director of Information Technology provides oversight and administrative direction for the division.

In 2006, division staff were responsible for implementing several new online customer services, including a document imaging system to allow Court personnel and the public to electronically access most case documents filed with the Court.

The staff also introduced a case subscriptions and events notification system, which permits any interested party to subscribe to a specific case and receive e-mail or RSS (really simple syndication) notifications when a filing or order is recorded. Enhancements also were made to the online attorney portal, allowing attorneys to access, review, update and accept their continuing legal education information online.

The division in 2006 made significant progress in initial planning for the Ohio Courts Network, an integrated statewide justice information network.

The Information Technology staff also developed tools for the state's courts, including a Web service application to receive regular case statistics reports electronically from the various courts of the state, as well as the appeals court case management system, which is a standardized system now in use by six of the 12 appellate districts. A technology survey also was completed in 2006, compiling technology statistics for all courts in Ohio.

Information Technology staff also assisted the Office of Public Information in redesigning the Court's main Web site, installed wireless access services in most of the Court's public areas and meeting rooms, implemented a new visitor badging system for use by Court security officers, automated the creation of the *Ohio Courts Summary* reporting process and developed electronic case management systems for both the Case Mediation Section and the Clients' Security Fund.

In addition to training more than 130 Court employees and deploying more than 100 pieces of new equipment, the Information Technology staff implemented a new online conference room scheduling program allowing for better management of the Ohio Judicial Center's many hearing and

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conference rooms. The division also installed a high-speed special-purpose data storage facility designed to manage and support diverse databases. This storage area network used by the Court will be available to the Ohio Courts Network system.

## OFFICE OF INFORMATION TECHNOLOGY

The Office of Information Technology develops, implements and maintains the various information systems and applications used by the Court and its affiliated offices.

## OFFICE OF NETWORK & TECHNOLOGY RESOURCES

The Office of Network & Technology Resources manages the Court's computer network, network security, help desk, software training classes and software implementation, as well as copiers, technology-related purchases, audiovisual systems, teleconferencing systems and telecommunications (voice, data and video).

## TECHNOLOGY SERVICES SECTION

The Technology Services Section assists other courts in the state with technology-related decisions and projects, such as the use of case management systems and equipment purchases.

In 2006, Technology Services staff completed 14 court-assistance projects, ranging from upgrading the case management system to assisting in developing multimedia courtrooms, and providing 13 project guidebooks to courts to assist in managing their technology projects. The new appellate case management system was successfully installed in the 6<sup>th</sup>, 9<sup>th</sup> and 12<sup>th</sup> district courts of appeals.

## Advisory Committee on Technology & the Courts Infrastructure & Interoperability Subcommittee

During 2006, the Technology Services Section provided staff assistance to the Advisory Committee on Technology & the Courts, which adopted revised operating procedures in accordance with the Supreme Court policies on advisory committees, and approved a recommendation from the Infrastructure & Interoperability Subcommittee on the connectivity aspects of the Ohio Courts Network.

Additionally, the advisory committee worked to produce natural-language guidebooks and other publications for court decision-makers on technology issues. In an effort to collect information on possible uses of the Ohio Courts Network by court personnel, the Infrastructure & Interoperability Subcommittee conducted feedback sessions throughout the state. About 200 people attended the 10 feedback sessions in February and March 2006.

The advisory committee accepted the Ohio Courts Network requirements drafted by the Infrastructure & Interoperability Subcommittee. Parts of the requirements were incorporated into the request for proposals for the proof-of-concept phase of the Ohio Courts Network.

Finally, the Infrastructure & Interoperability Subcommittee, having fulfilled its mission and goals, was deactivated by the advisory committee.

## Standards Subcommittee

The Standards Subcommittee of the advisory committee completed a 90-day comment period in 2006 on proposed Electronic Filing Standards and accepted a revised draft. The completed standards and related documentation are expected to be presented to the advisory committee in early 2007.

The Standards Subcommittee also provisionally approved two electronic filing pilot projects in the Lake County Juvenile Court and the Montgomery County Common Pleas Court; reviewed and offered feedback on the uniform electronic citation numbering proposal presented by the Ohio State Highway Patrol; and assisted the Advisory Committee on Court Security & Emergency Preparedness in creating a plan for dealing with an avian flu pandemic.

In addition, the Standards Subcommittee reviewed facsimile filing rules submitted by courts throughout the state to ensure compliance with the Facsimile Filing Standards, and began discussing procedures for ensuring compliance with the Civil, Criminal, and Traffic Functional Case Management System Standards.

## ADVISORY COMMITTEE ON TECHNOLOGY & THE COURTS

Mary Beth Parisi,  
staff liaison

Hon. John P. Bessey, chair  
Sarah Brown-Clark  
Hon. James Cissell  
Tim Collins  
Joyce Craddock  
Hon. Dan Favreau  
Michael Flanagan  
Hon. Barbara Gorman  
Hon. Cheryl Grant  
Gerald Heaton  
Chief Brad Kunze  
Tom McDermott  
Milt Nuzum  
Gregory Popovich  
Hon. Jack Puffenberger  
Greg Scott  
Walter Wheeler  
Hon. John Wise  
Hon. Thomas Zachman

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The subcommittee also began reviewing the 130 comments received during the comment period on the proposed Traffic Functional Case Management System Standards.

The subcommittee continues its work with regard to creating courtroom records. In addition, it began researching the use of electronic signatures in other courts and industries, and is developing a checklist for evaluating local electronic signature rules submitted for provisional approval.

The Standards Subcommittee researched the issue of retaining electronic communications at the request of the advisory committee and presented findings for future discussion within the full committee. The subject of document imaging was selected for the subcommittee's first publication, which is under development.



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## THE OHIO COURTS NETWORK

*“All court clerks in Ohio now have computerized case management systems, and for many judges, the modem has replaced the telephone as their most frequent form of communication. From the initiation of a case until its conclusion, no aspect of the justice system has been unaffected by technology.*

*We are now ready to take the next step ... creating a digital connection between all courts through the Ohio Courts Network. Development of the network took an important step forward this week as the Supreme Court formally asked technology vendors to submit detailed proposals to build the system ...*

*Once fully operational, courts will be able to share information with each other and with other partners in the justice system. Imagine a juvenile judge in Brown County who is hearing the case of a juvenile who appeared in the juvenile court in Lucas County. Access to those records will enable the Brown County judge to craft an appropriate rehabilitation program.*

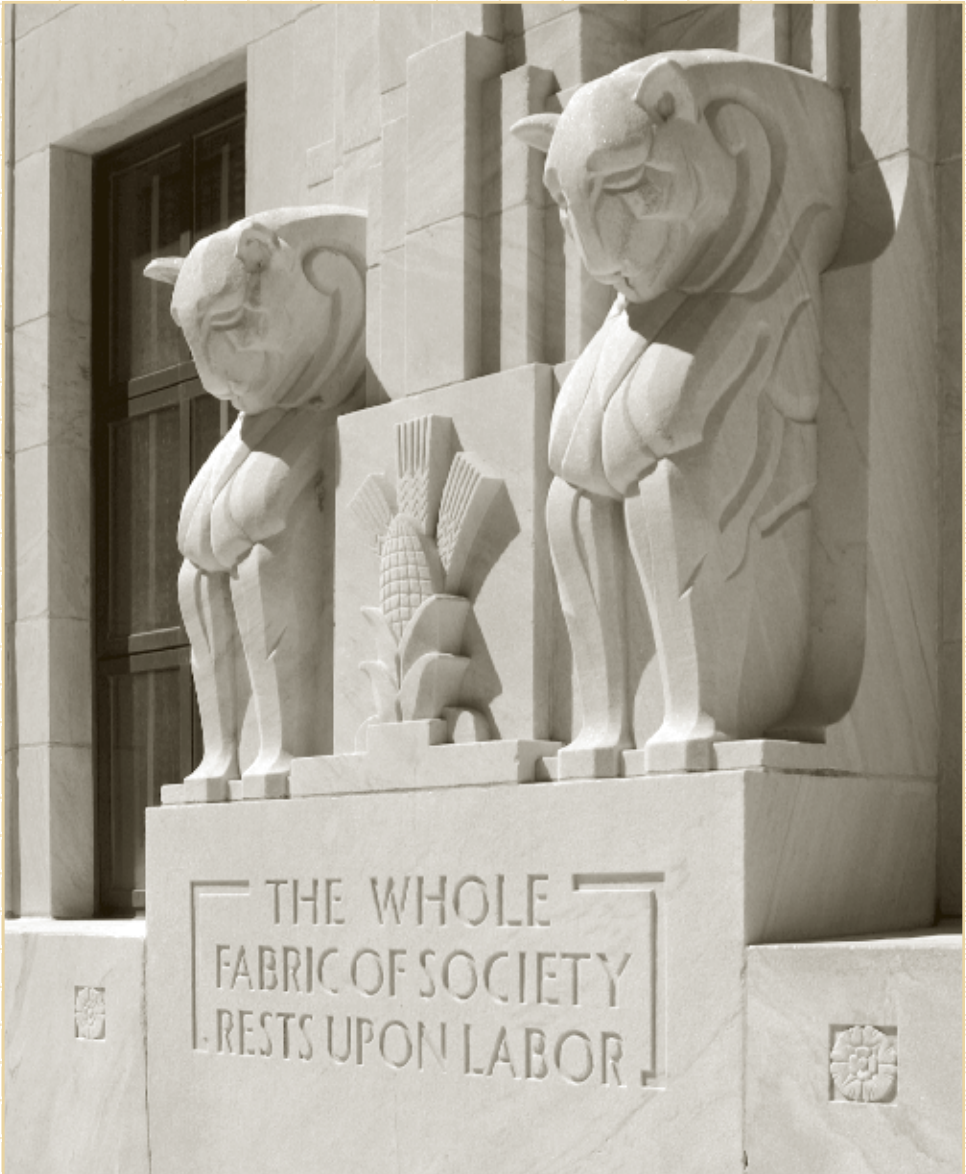
*In instances of domestic violence, the Ohio Courts Network will provide quicker and wider distribution of protection orders. Timely access to reliable information could make the difference between physical harm and safety.*

*The network will feature a data warehouse for the collection of case information. A Web portal will allow all Ohio courts to access that information. The public will be able to access much of this information from a single Web site.*

*The system is designed to minimize the investment required in new information technologies and reduce the trial and error of developing new systems in each county. All of this will be accomplished while maintaining local control over data and information.*

*There may be other plans by other state agencies that want to bring data processing systems to the courts ... but I assure you that our clear purpose is to develop a system for the courts, operated by the courts. The Ohio Courts Network will be the connection to these other state systems.”*

— Chief Justice Thomas J. Moyer  
State of the Judiciary  
Sept. 14, 2006



## FACILITIES MANAGEMENT DIVISION

Byron C. Wilson, *director*

OFFICE OF FACILITIES MANAGEMENT

Byron C. Wilson, *director*

OFFICE OF COURT SECURITY

James P. Cappelli, *director*

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THE FACILITIES MANAGEMENT DIVISION consists of two offices, the Office of Facilities Management and the Office of Court Security. The Office of Facilities Management includes several work groups — the Mail Center and the Maintenance, Housekeeping & Grounds, and Meetings & Events work groups. All offices and work groups report to the director of Facilities Management, who provides oversight and administrative direction for the division.

## OFFICE OF FACILITIES MANAGEMENT

As the lead office of the division, the Office of Facilities Management oversees work groups for the Mail Center Maintenance, Housekeeping & Grounds, and Meetings & Events.

### Mail Center

The Mail Center provides daily mail pickup from the U.S. post office and X-rays, sorts and delivers U.S., express and certified mail throughout the Ohio Judicial Center three times each day. This includes visits to the Rhodes State Office Tower and the Twin Rivers Post Office for special outgoing mail needs. The center maintains mail accounts, working with the Office of Fiscal & Management Resources.

In 2006, Mail Center staff processed 287,693 pieces of outgoing mail and delivered more than 471,834 pieces. Each of the 14,419 pieces of express mail delivered was scanned for delivery accuracy and record-keeping.

The cost of large mailings was reduced in 2006 by \$7,829 over standard mailing rates by using pre-sort mail services.

### Maintenance

The Maintenance Work Group maintains and supports the Ohio Judicial Center's basic service infrastructure, as well as emergency annunciation and response systems. Regular maintenance scheduling relies on a preventive maintenance work order system to monitor and report all job requests. This computerized maintenance management system allows the supervisor to prioritize maintenance and assign the appropriate skill-craft employee to reduce dependence on contract services.

Maintenance staff maintains and services some of the most sophisticated heating and cooling equipment in Columbus. The Ohio Judicial Center's heating and cooling plant includes two 400-ton natural gas-fired absorption chiller/boilers; two 1,200-amp backup generators, tested weekly; an Alerton building automation system; and an Edwards fire alarm system with more than 500 safety devices.

The Maintenance Work Group completed a major cleaning project in 2006 to improve chilled water temperatures throughout the Ohio Judicial Center. In addition, staff added a 10-ton Liebert cooling unit in the server room of the Office of Information Technology. This redundancy in cooling allows the server room to cool equipment without dependence on the main chilled water loop within the Ohio Judicial Center.

### Housekeeping & Grounds

The Housekeeping & Grounds Work Group maintains the cleanliness and appearance of the Ohio Judicial Center's grounds, offices and courtroom areas. Several secure areas of the building are cleaned by Housekeeping & Grounds employees to protect the privacy of official deliberations and the working documents involved in those deliberations.

In 2006, this work group established a quarterly safety program to train staff on proper and safe methods of work performance.

*Housekeeping & Grounds staff maintain the interior and exterior of the Ohio Judicial Center, including the north and south plaza fountains. At left, workers install one of 10 words depicting justice in the north plaza fountain. The installation was by Columbus sculptor Malcolm Cochran and was funded by an Ohio State Bar Foundation grant.*





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## Meetings & Events

The Meetings & Events Work Group is responsible for scheduling and planning conference rooms, special functions, and coordinating and supporting interior and exterior riverfront events. The group also lends assistance for off-site meetings, conferences and seminars on an as-needed basis for Ohio Judicial Center staff. Meetings & Events staff also set up the Courtroom, robing room, deliberation room and attorney waiting room on days the Supreme Court is in session.

In 2006, the group set up 1,519 meetings, hosting approximately 18,915 participants.

To further the convenience of reserving and using Ohio Judicial Center resources, the Meetings & Events Work Group, along with Information Technology staff, developed new meeting room management software and trained select administrative staff on its use.

Meetings and conferences supported by this work group include functions for professional organizations in the legal community, including the American Bar Association, Ohio State Bar Foundation, Columbus Bar Association, Ohio Association of Magistrates, Ohio Association for Court Administrators, Ohio Association for Probate, Juvenile & Domestic Relation Court Judges, American College of Trial Lawyers, National Institute of Corrections Advisory Board and the National Conference of Bar Examiners.

The Ohio Judicial Center Meetings & Events staff also has supported many universities and law schools. Successful events held at the Ohio Judicial Center include moot court, sponsored by the Moritz College of Law at The Ohio State University, events sponsored by Capital University Law School and training through the Ohio Center for Law Related Education, Ohio Regional Association of Law Libraries, Ohio Youth in Government, Ohio Wesleyan University and the University of Toledo.

Special events included a visit by Ukrainian judges and judicial delegates sponsored by the U.S. Department of State.

Riverfront events coordinated with the city of Columbus and other organizers include the Komen Columbus Race for the Cure, Columbus Arts Festival, Festival Latino, Pride March & Festival, Red White & Boom, Jazz & Rib Fest and First Night Columbus.

As recognition of his efforts, Michael Mason, meetings assistant, was honored with a 2005 Professional Excellence Award.

**ADVISORY  
COMMITTEE ON COURT  
SECURITY & EMERGENCY  
PREPAREDNESS**

James P. Cappelli, staff  
liaison

Frederick D. Benton Jr.  
Walter Brown  
John R. Butz  
Tom Chidester  
Donald W. Colby  
Peter J. Elliott  
Ron Ferrell  
Hon. Michael T. Hall  
Nancy McClatchy  
Hon. Matthew W.  
McFarland  
Sheriff David Martin  
Hon. Deborah J. Nicaastro  
Hon. Maureen O'Connor,  
chair  
Hon. Mike Powell  
Hon. Dana S. Preisse  
Stephen J. Pronai  
Ken Roll  
George A. Romanoski  
Steve Schierholt  
Joe Secrest  
Dottie Tuttle  
James M. Wahlrab

**OFFICE OF COURT SECURITY**

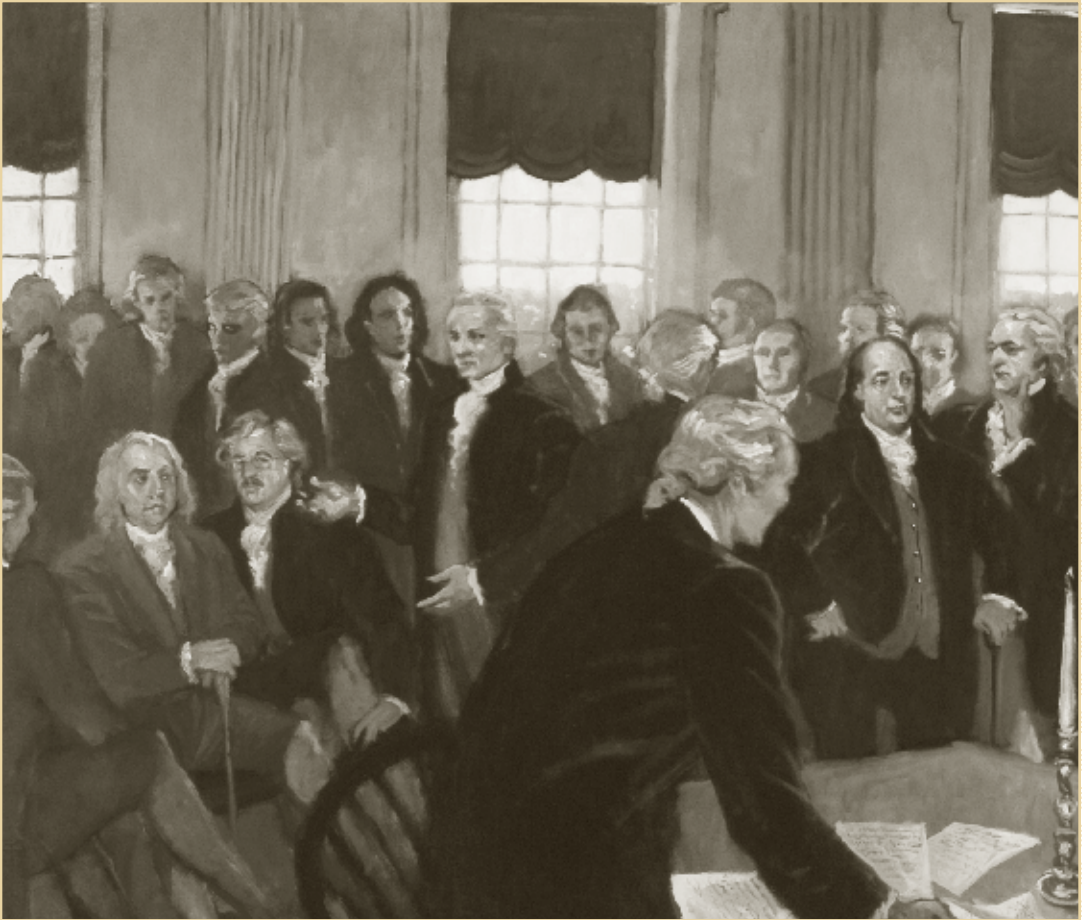
The Office of Court Security oversees the Building Security Section and the Security Services Section. This office manages a grant program through which the staff provides 43 security assessments of local court facilities, as well as access to basic bailiff training at the Ohio Peace Officer Training Academy for 21 local court employees.

The Building Security Section is responsible for the physical security of the Ohio Judicial Center and the security and safety of all employees and visitors to the facility. This section conducted security screenings of about 52,000 people entering the Ohio Judicial Center in 2006. The marshal is responsible for the safety and security of the Justices while they are on official business within the state. This section also is responsible for security during special events, operation of the loading dock, and management of the fleet vehicles used by employees for business travel.

The Security Services Section is responsible for providing security support and security consulting services to local courts in Ohio, including physical security surveys of existing courts, as well as assistance in construction-phase security planning. This section also provided security training to 600 local court employees in 2006 in security screening (magnetometers and X-ray equipment), TASERs, personal protection, high-threat trial planning, and physical security facility and equipment issues.



*The Office of Court Security organizes and coordinates building evacuation drills throughout the year. Above, designated safety wardens report an “all-clear” for their areas.*



## ATTORNEY SERVICES DIVISION

Richard A. Dove, *director*

OFFICE OF ATTORNEY SERVICES

Richard A. Dove, *director*

ATTORNEY REGISTRATION & CLE SECTION

Susan B. Christoff, *manager*



THE ATTORNEY SERVICES DIVISION is responsible for coordinating and administering many of the Supreme Court's responsibilities for regulating the practice of law. Staff provide legal support and serve as secretaries or court liaisons to seven Court-created boards and two task forces appointed by the Chief Justice.

In 2006, the division — the Office of Attorney Services and the Attorney Registration & CLE Section — continued to enhance the services it provides to Ohio lawyers, promote a greater public understanding of the role of lawyers and help the Court develop high ethical standards for lawyers. Service enhancements included the addition of an online portal through which attorneys can review real-time continuing legal education (CLE) transcripts.

During 2006, the division staff completed a transition of responsibilities of the Court's Office of Bar Admissions from the Clerk's Division to the Attorney Services Division, effective January 2007. The staff of the Office of Bar Admissions administers all aspects of admission to the practice of law in Ohio, including assessing the character and fitness of each applicant, administering the semi-annual bar examination and overseeing the admission of applicants without examination.

Division staff were instrumental in the launch of Ohio's first statewide attorney mentoring program in 2006, with about 175 new lawyers registered to participate in two pilot programs running through 2007. The *Lawyer to Lawyer Mentoring Program* is a one-year voluntary pilot program for new lawyers designed to ease the transition from law school to law practice through an ongoing relationship with an experienced attorney.

The program was initiated by Chief Justice Thomas J. Moyer and Justice Terrence O'Donnell, and developed by the Supreme Court Commission on Professionalism with input from law schools, bar associations and law firms throughout Ohio. The pilot project began in July 2006 and was available to interested attorneys who were admitted to the Ohio Bar in May 2006.

New attorneys who participate in the program can fulfill six of the 12 hours of new lawyer training required for all Ohio attorneys in their first year. Attorneys who serve as mentors earn six hours of CLE credit.

At the completion of the one-year pilot program, the Commission on Professionalism will evaluate the program's effectiveness and make recommendations to the Supreme Court concerning the permanent implementation of a mentoring program.

#### **TASK FORCE ON RULES OF PROFESSIONAL CONDUCT**

Richard A. Dove,  
staff liaison

Bernard K. Bauer  
Hon. Peggy Bryant, chair  
James Caruso  
Deborah Coleman  
Jonathan Coughlan  
Jack A. Guttenberg  
Samuel J. Halkias  
Jonathan Hollingsworth  
Hon. Sara Lioi  
Jonathan Marshall  
Susan Martyn  
Edwin W. Patterson III  
Theresa B. Proenza  
Heather G. Sowald  
Brian D. Weaver  
Robin G. Weaver

#### **COMMISSION ON PROFESSIONALISM**

Denise Platfoot Lacey,  
secretary

Thomas H. Bainbridge Jr.  
Lee E. Belardo  
Hon. Mary Kaye Bozza  
Hon. Susan D. Brown  
Hon. John L. Donnelly  
Patrick F. Fischer  
Timothy O. Gusler  
Stephen R. Lazarus  
Hon. Thomas Marcelain  
Sarah D. Morrison  
Monica A. Sansalone  
Brian G. Selden  
Hon. David  
Sunderman, chair  
Barbara Bowman Tobias  
Barbara G. Watts

**COMMISSION ON  
LEGAL EDUCATION  
OPPORTUNITY**

Richard A. Dove,  
staff liaison

Mary Beth Beazley  
Hon. John H. Burlaw  
Hon. James E. Green  
Anthony D. Liberatore Jr.  
Kevin F. O'Neill  
Theresa B. Proenza  
Kimberly Shumate  
Athornia Steele  
Andrew R. Young

**BOARD ON THE  
UNAUTHORIZED  
PRACTICE OF LAW**

D. Allan Asbury, secretary

James L. Ervin Jr., chair  
Hon. Michael J. Corrigan  
C. Lynne Day  
Frank R. DeSantis  
Hon. Carrie E. Glaeden  
Richard R. Hollington  
Don Hunt  
Kenneth A. Kraus  
James W. Lewis  
Kevin L. Williams  
Patricia Anne Wise  
James E. Young

**COMMISSION ON  
CONTINUING LEGAL  
EDUCATION**

Susan B. Christoff,  
secretary

Kim Akins  
Richard L. Aynes  
Randy Blankenship  
Ronald C. Carey  
Kimberly Cocroft  
Hon. John E. Corrigan  
David R. Cory, chair  
Anthony A. Cox  
Charles J. Faruki  
Shelly R. Harsha  
Thomas P. Moushey  
Dixilene Park  
Hon. C. Ashley Pike  
Lester S. Potash  
Ron L. Rimelspach  
Hon. Lynn Schaefer  
Bernice D. Smith  
Hon. Mary Jane Trapp

**OFFICE OF ATTORNEY SERVICES**

In addition to directing the overall operation of the division, the Office of Attorney Services provides support to five Court-appointed boards and two task forces appointed by the Chief Justice. These entities assist the Court in executing its constitutionally mandated responsibility for regulating the practice of law.

During 2006, the Office of Attorney Services finalized and presented to the Court proposed Ohio Rules of Professional Conduct to replace the Ohio Code of Professional Responsibility. The adoption of new rules on Aug. 1, 2006, was the conclusion of more than three years of work by the Task Force on Rules of Professional Conduct chaired by Judge Peggy Bryant (*below*). This milestone marked the first comprehensive review and revision to attorney ethics rules in Ohio since 1970. As part of this presentation, the staff of the Office of Attorney Services provided research, drafting and other assistance to the task force, as well as coordinated the publication and distribution of the new rules to Ohio lawyers and assisted in the efforts to educate lawyers and judges about the new rules.



*Hon. Peggy Bryant, 10<sup>th</sup>  
District Court of Appeals,  
during a December 2005  
oral argument on which she  
sat as a visiting judge.*

## ATTORNEY REGISTRATION & CLE SECTION

The Supreme Court's Attorney Registration & CLE Section is responsible for registering attorneys in Ohio, as well as administering CLE and other specialization programs.

In 2006, the section's staff was responsible for developing and implementing the Court's online portal allowing lawyers to report their CLE compliance electronically. To date, more than 2,000 attorneys have taken advantage of this Web tool to complete compliance.

Staff also implemented a program in 2006 to collect unpaid sanctions for CLE noncompliance imposed since 1992.

The section also began work with the Commission on Professionalism and the CLE commission to evaluate recommendations to revise the new lawyer training program. Revisions under consideration would allow more flexibility in complying with the new lawyer training requirements and could allow compliance to be satisfied through participation in a mentoring program approved and sponsored by the Supreme Court.

## COMMISSION ON CERTIFICATION OF ATTORNEYS AS SPECIALISTS

Susan B. Christoff,  
secretary

Sam R. Bradley  
Hon. Colleen Conway  
Cooney  
Larry T. Garvin  
Clay P. Graham  
Hon. Howard H. Harcha III  
Marc J. Kessler  
Richard M. Lewis  
Andrew J. Lukcso  
William G. Meyer  
Joyce A. Rollert  
Edwin Romero  
Louise M. Roselle  
Andrew N. Singer  
Robert Wade, chair  
Bryan H. Ward  
Mark A. Ziccarelli

## JOINT TASK FORCE ON JUDICIAL LIABILITY & IMMUNITY

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## COMMITTEE ON THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN CAPITAL CASES

Cindy Johnson, secretary

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chair  
Timothy Young



## JUDICIAL & COURT SERVICES DIVISION

Douglas R. Stephens, *director*

OFFICE OF JUDICIAL & COURT SERVICES

Douglas R. Stephens, *director*

JUDICIAL COLLEGE

John R. Meeks, *director*

CASE MANAGEMENT SECTION

Stephanie E. Hess, *manager*

CHILDREN, FAMILIES & THE COURTS SECTION

Steven W. Hanson, *manager*

DISPUTE RESOLUTION SECTION

Jacqueline C. Hagerott, *manager*

SPECIALIZED DOCKETS SECTION

Melissa A. Knopp, *manager*

INTERPRETER SERVICES PROGRAM

Bruno Romero, *program manager*

COURT RELATIONS PROGRAM

Ruth Ann Newcomer, *program manager*



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THE JUDICIAL & COURT SERVICES DIVISION is primarily responsible for supporting the trial and appellate courts of Ohio in the administration of justice. This is accomplished through the work of the Judicial College, four separate sections and two ongoing programs. The division helps write policy regarding the administration of justice, trains judicial officers and other court staff, offers support to the local courts and helps provide access to funding.

The division provides traditional and innovative services in response to and with respect for the needs of the courts and the public, primarily through the work of different areas of specialization within the division, including the Judicial College, the Case Management Section, the Dispute Resolution Section, the Specialized Dockets Section, the Interpreter Services Program, the Court Relations Program and the newly created Children, Families & the Courts Section

Building on the creation three years ago of the advisory committee of the same name, Children, Families & the Courts Section staff lead all court-reform efforts in the area of law impacting those children and families who have contact with Ohio's courts.

Further, in 2006, the Advanced Science & Technology Adjudication Resource program (ASTAR) began with staff support from the Judicial College. Twenty Ohio judges underwent intensive training throughout the year in a number of different areas of science to be able to serve as judicial resources when those complex issues go before courts.

Additionally, amendments to Sup. R. 16 were presented to the Court by the Dispute Resolution Section and adopted with an effective date of Jan. 1, 2007. The amendments mandate that a court with a local rule for mediation must include procedural and training requirements in the rule.

## OFFICE OF JUDICIAL & COURT SERVICES

The Office of Judicial & Court Services is the lead office of the division, responsible for coordinating the efforts of the various sections and overseeing the Interpreter Services and Court Relations programs.

In 2006, the Office of Judicial & Court Services assisted local courts in the preparation of proposals to add judgeships and change part-time judgeships to full-time. No fewer than 10 such proposals were under consideration throughout the

**INTERPRETER  
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Jean Atkin  
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Julia L. Dorrian  
Isabel Framer  
Cheryl D. Grant  
David Hejmanowski  
Atiba Jones  
José Luis Mas  
Stephen McIntosh  
Jill Snitcher McQuain  
Marsha E. Nippert-Moore  
Maria Rodriguez  
Jesus R. Salas  
Steven L. Story  
Thomas Unverferth  
José H. Villanueva

**ADVISORY  
COMMITTEE ON THE  
JUDICIAL FAMILY  
NETWORK**

Ruth Ann Newcomer, staff  
liaison

Larry Floyd  
Tim Gorman  
Maureen Grady  
Susan Hany  
Pam Harris  
Debra Howard  
Susie E. Ingraham  
Maryanna Klatt  
Robert Lanzinger  
Michael McColley  
Mary Moyer  
Shannon Nelson  
Vernon Pringle  
Laurie Repp  
Sherri Spencer  
Janet Sunderman, chair  
Sue Wolaver  
Tom Zitter

year with new judgeships approved for Butler, Clermont, Lorain and Morrow counties.

The office maintains the primary judge information database for the Court. In that capacity, the office tracked the 171 judicial races in 2006, noting 60 changes, including 41 new judges resulting from the November general elections.

### Interpreter Services Program

The Interpreter Services Program was created to help Ohio courts develop policies, procedures, standards and mechanisms to provide linguistic minorities and deaf and hard-of-hearing individuals equal access to the courts. The program is assisted by an advisory committee appointed by the Chief Justice.

In 2006, the program, with assistance from the advisory committee, worked on the Canon of Ethics and Professional Conduct for Court Interpreters, and finished a bench card and judicial handbook to be distributed in early 2007.

Throughout the year, the program presented various training seminars regarding the use of interpreters in Ohio courts. Some of note included: *Introduction to Court Interpreting*, *Understanding Deafness*, *Domestic Violence for Interpreters*, and *Communication Barriers Between Somalis and the Legal System*.

### Court Relations Program

Court Relations Program staff coordinated Supreme Court Off-Site Court events in Clark County in April and in Delaware County in October. In total, the Court has sat in 52 different Ohio counties since the program was first initiated by Chief Justice Moyer in 1987.

The Judicial Family Network continued to support families of Ohio judges, most notably with their participation in the new judges' orientation. Additionally, the network staff offered support for retiring judges and increased their resources on the Court Web site.

Twenty-eight roundtable discussions were held for court personnel and 91 electronic court bulletins were distributed to provide court staff with information and to assist them in communications with their peers.

## JUDICIAL COLLEGE

The Judicial College provides a comprehensive program of education and training for Ohio's judges, magistrates and court personnel. The college, under the leadership of its board of trustees, strives to offer innovative, practical, challenging and participatory trainings, with representatives of those who attend the programs substantially involved in planning the events.

After serving for 10 years as the director of the Judicial College, John Meeks left in September 2006 to accept a position as vice president of the National Center for State Courts Institute for Court Management. He will be replaced in early 2007 by W. Milton "Milt" Nuzum III.

The 20 judges selected to participate in the first class of the ASTAR program attended more than 120 hours of training in 2006 and completed their program in October. They continue to assist with the ASTAR program and receive additional education annually. The second class of ASTAR participants was selected, and those 15 judges will begin training in mid-2007.

## JUDICIAL COLLEGE BOARD OF TRUSTEES

Hon. Janet R. Burnside  
Hon. Joyce A. Campbell  
Hon. Sheila G. Farmer  
Hon. Charles G. Hague  
Hon. Paulette Lilly  
Hon. Jan Michael Long  
Hon. Carla Moore  
Hon. Thomas J. Moyer, ex  
officio  
Diane M. Palos  
Hon. Lee Sinclair  
Hon. Lynn C. Slaby



*Justice Terrence O'Donnell addresses student reporters and yearbook editors during a press conference preceding oral arguments at the Delaware County Courthouse during the October session of Off-Site Court. Justice Paul E. Pfeifer stands to the left and Justice Judith Ann Lanzinger looks on from the right.*

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Rule IV of the Rules for the Government of the Judiciary was amended by the Court, effective Jan. 1, 2007, pursuant to recommendations of the Judicial College Board of Trustees to mandate new judges' orientation, including a mentor component and a capital case seminar.

The college offered 106 courses in 2006, including new courses regarding mental illness, a continuation of the Court Management Program in collaboration with the National Center for State Courts, and educational offerings at all state judge association meetings.

## CASE MANAGEMENT SECTION

The Case Management Section provides practical and cost-effective solutions for case flow and operational management concerns. Stephanie Hess was promoted to manager in October 2006 when Steve Hanson became manager of the newly created Children, Families & the Courts Section.

The section provided extensive case management assistance to courts in Butler, Cuyahoga, Erie, Franklin, Mahoning and Morrow counties. A train-the-trainer program was initiated to introduce select court personnel from around the state to advance education regarding case management concepts in an effort to expand the availability of resources to courts.

The procedures for collecting and managing court caseload statistics continues to become more automated with improvements in the generation of the annual report, as well as providing mayor's courts with the ability to submit reports electronically. Work also continued on making the submission of all court reports by electronic means.

The *Beyond the Numbers* project continued in 2006 and was transferred to the new Children, Families & the Courts Section before the end of the year. This project, designed to improve the procedures used to resolve abuse, dependency and neglect cases, included regional stakeholder meetings throughout Ohio, multiple two-day juvenile dependency docket case flow management courses, and the distribution of the *Dependency Docket Bench Cards*. All of this work is a direct response to the federal Child & Family Services review and, in part, was funded by a Court Improvement Program federal grant, as well as monies from Ohio's Children's Justice Act through the Supreme Court's partnership with the Ohio



Department of Job & Family Services.

The section continued to supplementally fund retired and visiting judges, including processing \$3,096,426 in assignment compensation for local courts, a \$325,374 (12 percent) increase over 2005. Additionally, 26 visiting judges were used on 56 cases to replace Justice Alice Robie Resnick as she neared retirement.

## CHILDREN, FAMILIES & THE COURTS SECTION

Three years ago Chief Justice Thomas J. Moyer appointed the Advisory Committee on Children, Families & the Courts to review all matters related to children and families presented before the courts and to make recommendations to the Supreme Court for any reforms necessary to improve the efficiency and effectiveness of the courts dealing with these issues. The advisory committee experienced great success, so a separate section was developed within the Judicial & Court Services Division to support the work of the committee.

This new section continued the oversight of the *Beyond the Numbers* project. Additionally, it proposed two major changes to claims of abuse, dependency or neglect in Ohio. First, its staff proposed redefining the acts as those of a child in need and clarifying other definitional confusion. Secondly, it proposed creating an alternative response track for Ohio children services agencies, similar to diversion processes in juvenile courts, to allow more effective access to resources for families in need. These proposals will be further discussed and tested in 2007.

The Children, Families & the Courts Section, with advice from the committee, also began an extensive evaluation of the quality and quantity of legal representation available for families and children who go before Ohio courts.

The section will assist local courts with traditional case management reviews and related training opportunities. In 2006, the first case management review by an outside consultant was supervised by this section and begun in Wayne County.

The staff from this section manages the federal Court Improvement Program grant and the interbranch agreement with the Ohio Department of Job & Family Services. Through that funding, they will partner with the Ohio Courts Network as it relates to juvenile courts and the Judicial College to offer additional training to judicial officers and court staff.

### ADVISORY COMMITTEE ON CHILDREN, FAMILIES & THE COURTS

Steve Hanson,  
staff liaison

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Jill Beeler  
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Coleman Eufinger  
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Hon. Thomas R. Lipps  
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Hon. Thomas A. Swift  
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**ADVISORY  
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RESOLUTION**

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Alexandria Ruden  
Michael F. Sheils  
Michael Smalz  
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Hon. Sandra Walker  
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**DISPUTE RESOLUTION SECTION**

The Dispute Resolution Section provides mediation training, program monitoring, and administration of policies and procedures for local programs. Jacqueline Hagerott began in May 2006 as the manager of the section.

Amendments to Sup. R. 16 were prepared by staff with assistance from the Advisory Committee on Dispute Resolution and passed by the Court with a Jan. 1, 2007 effective date. The amendments mandate those courts offering a mediation program adopt a local rule controlling that program. The rule must include a number of procedure and training requirements, including, but not limited to, limits on mediation in cases involving domestic violence and a screening process to identify such cases.

The section worked with members from the Advisory Committee on Domestic Violence to update its training on domestic abuse issues. Additionally, the staff sponsored a number of trainings at sites throughout Ohio on such topics as:

- Coping with mediator burnout
- Effective mediation program administration
- Basic child protection mediation
- Conflict resolution services for local government officials.

In 2006, the section supported, with grant funds, mediation programs in Athens, Hardin, Licking, Ross, Sandusky, Scioto and Washington counties. Some of these programs offered mediation services in neighboring counties, providing a total of 17 counties with access to new mediation services.

**SPECIALIZED DOCKETS SECTION**

The Specialized Dockets Section provides technical support and guidelines for the establishment and operation of local specialized dockets, including drug courts, mental health courts, DUI courts and re-entry courts. Additionally, the section provides staff support to the Advisory Committee on Domestic Violence and the Advisory Committee on Mental Illness & the Courts.

The Specialized Dockets Section also provided support to the Specialized Dockets Practitioner Network, which was expanded beyond drug courts in 2006. The expanded network offers an opportunity for 11 different disciplines from all specialized docket types to meet with colleagues to discuss common issues and concerns. The third annual practitioner conference was held in October and attended by 280 specialized docket practitioners from around the state. Co-sponsored by the Ohio Department of Alcohol & Drug Addiction Services and the Ohio Department of Mental Health, the conference offered a keynote presentation on homelessness and nine different tracks of interest with several speakers nationally recognized for their expertise.

The Specialized Dockets Section offered technical assistance to a number of courts planning a new specialized docket. Those planning DUI courts included Athens and Clermont counties, and the Akron Municipal Court.

Staff assisted Clark, Fairfield, Franklin, Guernsey, Jefferson, Summit and Washington counties with drug court plans; and Clark, Columbiana, Cuyahoga, Franklin, Mahoning and Wayne counties with mental health court development. Officials from Cleveland Municipal Court and Marion County also met with staff to discuss their interest in domestic violence specialized dockets.

With money provided through a federal grant, the section staff also supported family drug courts with start-up funding. Belmont, Mahoning and Fairfield counties received funding in 2006, while a number of other counties received technical assistance for their family and juvenile drug courts.

The Advisory Committee on Domestic Violence was supported by section staff in 2006 in its revisions to protection order forms. Additionally, trainings were held regarding substance abuse and domestic violence and section staff continued work with the Ohio attorney general's office on developing an online protection order registry.

Section staff also continued their support of the Advisory Committee on Mental Illness & the Courts and its subcommittees. The committee worked on identifying the criminal justice diversion and re-entry issues related to the mental health infrastructure. The staff and committee members also helped organize the *2<sup>nd</sup> Annual National Crisis Intervention Team Conference*. The conference, with more than 800 attendees, highlighted the success of Ohio's mental health courts.

#### ADVISORY COMMITTEE ON MENTAL ILLNESS & THE COURTS

Leslie Alloway  
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Susan Brannen  
Sandra F. Cannon  
Jeanne Anne Clement  
Douglas V. DeVoe  
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Marc Warner  
Winnifred Weeks  
Tracy J. Williams  
Michael S. Woody



**Hon. James Brogan**  
 2<sup>nd</sup> District Court of Appeals  
 Case Nos. 2005-1210 and 2005-1211  
*Norwood v. Horney*  
 Jan. 11

According to the Ohio Constitution, in the event of a recusal by a Justice from a pending case, the Chief Justice can select any of the 68 sitting Ohio appellate court judges to sit temporarily on the Supreme Court.

The Court thanks the court of appeals judges who served as visiting judges for Supreme Court oral arguments in 2006.



**Hon. Patrick McGrath**  
 10<sup>th</sup> District Court of Appeals  
 Case No. 2005-2130  
*State of Ohio ex rel. Russo v. McDonnell*  
 Jan. 24



**Hon. Beth Whitmore**  
 9<sup>th</sup> District Court of Appeals  
 Case Nos. 2005-0702 and 2005-0734  
*Doe v. Archdiocese of Cincinnati et al.*  
 Jan. 25



**Hon. Judith French**  
 10<sup>th</sup> District Court of Appeals  
 Case Nos. 2005-0702 and 2005-0734  
*Doe v. Archdiocese of Cincinnati et al.*  
 Jan. 25

Case No. 2006-0151  
*State v. Carswell*

Case No. 2006-0236  
*State v. Parker*  
 Dec. 12



**Hon. Christine McMonagle**  
 8<sup>th</sup> District Court of Appeals  
 Case No. 2005-0880  
*Thornton v. Salak*  
 March 28



**Hon. Matthew McFarland**  
 4<sup>th</sup> District Court of Appeals  
 Case No. 2005-1399  
*Anderson v. Nationwide Mut. Fire Ins. Co.*  
 April 11



**Hon. Sylvia Hendon**  
 2<sup>nd</sup> District Court of Appeals  
 Case Nos. 2005-1355 and 2005-1473  
*Myers v. Toledo*  
 April 11





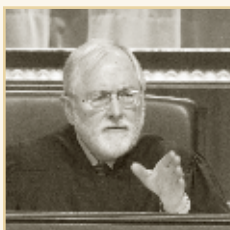
**Hon. Scott Gwin**  
 5<sup>th</sup> District Court of Appeals  
 Case Nos. 2005-1932 and 2005-1933  
*Time Warner Operations Inc. v. Wilkins*  
 May 23



**Hon. Thomas Bryant**  
 3<sup>rd</sup> District Court of Appeals  
 Case No. 2005-1862  
*Ameritech Publishing Inc. v. Wilkins*  
 June 7



**Hon. Cheryl Waite**  
 7<sup>th</sup> District Court of Appeals  
 Case No. 2005-1638  
*Strongsville Bd. of Ed v. Cuyahoga Cty. Bd. of Revision*  
 Case no. 2005-1802  
*Morrow Cty. Airport Authority v. Morrow Cty. Bd. of Cmmrs.*  
 Sept. 19



**Hon. William Wolff**  
 2<sup>nd</sup> District Court of Appeals  
 Case Nos. 2005-1993 and 2005-2032  
*Elston v. Howland Local Schools*  
 Case No. 2005-1994  
*In Re James*  
 Sept. 19



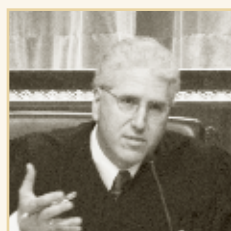
**Hon. Alan Travis**  
 10<sup>th</sup> District Court of Appeals  
 Case Nos. 2006-0613 and 2006-0614  
*In re Adoption of Walters*  
 Sept. 19



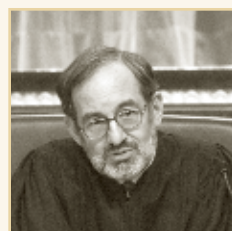
**Hon. John Boggins**  
 5<sup>th</sup> District Court of Appeals  
 Case No. 2005-1828  
*Rose v. Garfield Hts.*  
 Case No. 2005-2134  
*Preferred Capital Inc. v. Power Eng. Group Inc.*  
 Sept. 20



**Hon. Gene Donofrio**  
 7<sup>th</sup> District Court of Appeals  
 Case No. 2006-0365  
*Cincinnati Community Kollel v. Wilkins*  
 Case No. 2006-0514  
*In re Adkins*  
 Sept. 20



**Hon. William Klatt**  
 10<sup>th</sup> District Court of Appeals  
 Case No. 2005-2128  
*Stridsberg v. GEICO General Ins. Co.*  
 Case Nos. 2005-2209, 2005-2368,  
 2005-2369 and 2005-2370  
*Discount Cellular Inc. v. Pub. Util. Comm.*  
 Oct. 3



**Hon. Mike Fain**  
 2<sup>nd</sup> District Court of Appeals  
 Case No. 2006-1198  
*Disciplinary Counsel v. Watterson*  
 Oct. 3



**Hon. James J. Sweeney**  
 8<sup>th</sup> District Court of Appeals  
 Case No. 2005-1843  
*State v. Lowe*  
 Case No. 2005-1964  
*Weinfeld v. Welling*  
 Oct. 4



**Hon. H.J. Bressler**  
 12<sup>th</sup> District Court of Appeals  
 Case Nos. 2005-2359 and 2005-2375  
*Lorain Cty. Auditor v. Ohio Unemployment  
 Comp. Rev. Comm.*  
 Case No. 2006-0503  
*In re Foster*  
 Oct. 4



**Hon. Sean Gallagher**  
 8<sup>th</sup> District Court of Appeals  
 Case Nos. 2005-2075 and 2005-2211  
*State v. Pelfrey*  
 Case No. 2005-2388  
*State v. Sterling*  
 Oct. 17



**Hon. Diane Grendell**  
 11<sup>th</sup> District Court of Appeals  
 Case No. 2006-0051  
*American Interstate Ins. Co.  
 v. G & H Service Center Inc.*  
 Case No. 2006-0266  
*Girl Scouts Great Trail Council v. Wilkins*  
 Case No. 2006-1189  
*Akron Bar Assoc. v. Amourgis*  
 Oct. 17



**Hon. Sheila Farmer**  
 5<sup>th</sup> District Court of Appeals  
 Case No. 2005-2061  
*State v. Buzzard*  
 Case No. 2005-2281  
*In re Estate of Holycross*  
 Oct. 18



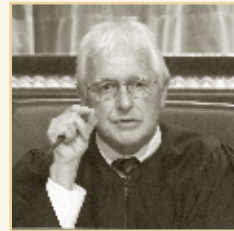
**Hon. Carla Moore**  
 9<sup>th</sup> District Court of Appeals  
 Case No. 2005-1629  
*Cramer v. Auglaize Acres*  
 Case No. 2005-1698  
*Dugan & Meyers Constr. Co. Inc.  
 v. Ohio Dept. of Adm. Serv.*  
 Oct. 18



**Hon. Stephen Shaw**  
 3<sup>rd</sup> District Court of Appeals  
 Case No. 2005-2093  
*O'Nesti v. DeBartolo Realty Corp.*  
 Case Nos. 2005-2283 and 2005-2301  
*Fehrenbach v. O'Malley*  
 Case Nos. 2005-2373 and 2005-2374  
*Penrod v. Ohio Dept. of Adm. Serv.*  
 Nov. 14



**Hon. Anthony Calabrese**  
 8<sup>th</sup> District Court of Appeals  
 Case No. 2006-0169  
*National City Commercial Capital Corp.  
 v. AAAA At Your Service Inc.*  
 Case No. 2006-1197  
*Disciplinary Counsel v. Johnson*  
 Nov. 14



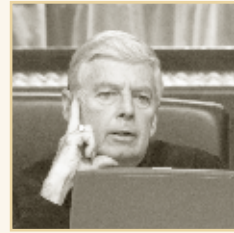
**Hon. William Harsha**  
 4<sup>th</sup> District Court of Appeals  
 Case No. 2005-1967  
*State v. Oliver*  
 Case Nos. 2005-2137 and 2005-2384  
*Gehm v. Timberline Post & Frame  
 v. Westfield Ins. Co.*  
 Case No. 2005-2336  
*State v. Buehler*  
 Nov. 15



**Hon. Richard Rogers**  
 3<sup>rd</sup> District Court of Appeals  
 Case No. 2005-2350  
*State v. Dillon*  
 Case No. 2006-1261  
*Disciplinary Counsel v. Young*  
 Nov. 15



**Hon. Donna Carr**  
 9<sup>th</sup> District Court of Appeals  
 Case No. 2005-1780  
*State v. Cunningham*  
 Case No. 2005-2047  
*State Automobile Ins. Co. v. Pasquale*  
 Case No. 2005-2149  
*State v. Kavanaugh*  
 Nov. 28



**Hon. Lynn Slaby**  
 9<sup>th</sup> District Court of Appeals  
 Case No. 2006-0015  
*State v. Brooke*  
 Case No. 2006-0367  
*Vectren Energy Delivery of Ohio Inc. v. Pub. Util. Comm.*  
 Nov. 28



**Hon. Mary Donovan**  
 2<sup>nd</sup> District Court of Appeals  
 Case No. 2005-1692  
*State v. Evans*  
 Case No. 2005-2186  
*State v. Wilson*  
 Case No. 2005-2277  
*Shay v. Shay*  
 Nov. 29



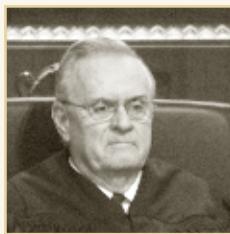
**Hon. Peter Abele**  
 4<sup>th</sup> District Court of Appeals  
 Case Nos. 2006-0022 and 2006-0370  
*State v. Palmer*  
 Case No. 2006-1406  
*In re: Application of Yazdian*  
 Nov. 29



**Hon. John Wise**  
 5<sup>th</sup> District Court of Appeals  
 Case No. 2005-2162  
*Bellman et al. v. Am. Internatl. Group*  
 Dec. 12



**Hon. James Walsh**  
 12<sup>th</sup> District Court of Appeals  
 Case No. 2005-2162  
*Bellman et al. v. Am. Internatl. Group*  
 Case Nos. 2005-2399 and 2006-0249  
*Mid-Am. Fire and Cas. Co. v. Heasley*  
 Case No. 2005-2420  
*State v. Batchili*  
 Dec. 12



**Hon. Charles Petree**  
 10<sup>th</sup> District Court of Appeals  
 Case No. 2006-0184  
*Caldwell. v. Petersburg Stone Co.*  
 Case No. 2006-0896  
*Barth v. Barth*  
 Case No. 2006-1190  
*Disciplinary Counsel v. Simonelli*  
 Dec. 13



**Hon. Lisa Sadler**  
 10<sup>th</sup> District Court of Appeals  
 Case No. 2005-1461  
*Ohio Govt. Risk Mgt. Plan v. Harrison*  
 Case No. 2005-2411  
*Shaker Hts. v. Mosley*  
 Case Nos. 2006-0105 and 2006-0216  
*State v. Tooley*  
 Dec. 13



## AFFILIATED OFFICES

OFFICE OF DISCIPLINARY COUNSEL  
Jonathan E. Coughlan, *disciplinary counsel*

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE  
Jonathan W. Marshall, *secretary*

CLIENTS' SECURITY FUND  
Janet Green Marbley, *administrator*

OHIO CRIMINAL SENTENCING COMMISSION  
David Diroll, *executive director*



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THE SUPREME COURT HAS THE CONSTITUTIONAL RESPONSIBILITY to oversee the practice of law in the state, and as a result has developed one of the most comprehensive disciplinary systems of any state in the nation. The Court has established three offices to exercise independent authority in assisting the Court in meeting its responsibility as set forth in Section 5(B), Article IV, of the Ohio Constitution.

In addition, Chief Justice Thomas J. Moyer chairs the Ohio Criminal Sentencing Commission, which was created by statute in 1990. The commission is responsible for reviewing Ohio's sentencing statutes and patterns, and making recommendations regarding necessary statutory changes.

## OFFICE OF DISCIPLINARY COUNSEL

The Office of Disciplinary Counsel is authorized to investigate allegations and initiate complaints concerning misconduct and/or mental illness of judges or attorneys under the Code of Professional Responsibility, the Code of Judicial Conduct, and rules governing the unauthorized practice of law, pursuant to the Supreme Court Rules for the Government of the Bar and Rules for the Government of the Judiciary.

In 2006, the staff included eight attorneys, one administrative officer, one administrative assistant, two paralegals, two full-time and one part-time investigators, four legal secretaries, one receptionist, one clerical assistant and one part-time student law clerk.

During 2006, the Office of Disciplinary Counsel received 3,402 matters for consideration. These included 2,374 grievances filed against attorneys and 566 grievances filed against judges. Of these, 1,670 grievances were dismissed at intake upon initial review and 1,263 grievance files were opened for investigation. The office also received 329 appeals of grievances previously dismissed by the certified grievance committees at local bar associations, 66 allegations of the unauthorized practice of law, five reciprocal discipline actions and two cases involving the nonpayment of child support.

In 2006, staff attorneys appeared in 17 hearings before panels of the Board of Commissioners on Grievances & Discipline, and participated in 10 oral arguments before the Supreme Court. As a result, 19 resignations were received and 10 resignation cases closed in 2006.

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The office conducted the annual *Bar Counsel Seminar* on Oct. 26, 2006. It was attended by 34 registrants, primarily representing the certified grievance committees at local bar associations across Ohio.

Additionally, staff attorneys presented numerous lectures and presentations around Ohio in preparation for the transition from the Code of Professional Responsibility to the Ohio Rules of Professional Conduct in February 2007.

Jonathan E. Coughlan serves on the board of directors of the Association of Judicial Disciplinary Counsel. He also served on the Task Force on Rules of Professional Conduct.

Amy C. Stone served as chair of the UPL Central Registry Work Group (sponsored by the Supreme Court Board on the Unauthorized Practice of Law).

Robert R. Berger served as a member of the Guidelines & Publications Work Group of the Supreme Court of Ohio Advisory Committee on Technology & the Courts.

## BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

The Board of Commissioners on Grievances & Discipline is established by Rule V of the Rules for the Government of the Bar and is charged with administering, interpreting, and enforcing Rule V, which provides for lawyer and judge discipline for ethical misconduct. The board also serves under state law as the ethics commission for the filing of more than 1,800 financial disclosure statements required of Ohio judges, judicial candidates and magistrates.

In 2006, the board added seven new members appointed by the Supreme Court, five of whom had no prior service with the board. The board met on eight days and received 100 formal complaints filed by the Office of Disciplinary Counsel and local certified grievance committees. The board held 71 hearings and certified 83 matters to the Supreme Court, disposing of a total of 101 cases. Twelve Ohio lawyers resigned from the practice of law with discipline pending as a result of disciplinary investigations and the filing of formal complaints. Additionally, there were 102 matters pending on the board's docket at the end of the year. The board also held 10 days of hearings on three judicial misconduct matters during the year and adjudicated one formal judicial campaign conduct case prior to the November general election.

Five present and former board members and its secretary continued to meet and participate on the Supreme Court Task Force on Rules of Professional Conduct appointed by Chief Justice Moyer. The task force finished its consideration of the ABA Model Rules and submitted its final Ohio rules proposal to the Supreme Court in June after considering the comments submitted to the Court. The Supreme Court announced in August that the new Ohio Rules of Professional Conduct would become effective Feb. 1, 2007. The board secretary worked with members of the Ohio Court of Appeals Association on amendments to Jud. R. II and participated in a Supreme Court conference in November devoted to consideration of any changes to Jud. R. II.

The board received 43 requests for advisory opinions and issued seven opinions on ethical questions arising under the Code of Professional Responsibility, Code of Judicial Conduct, Rules for the Government of the Bar, Rules for the Government of the Judiciary and Ohio ethics law. The board has issued 318 advisory opinions since it was given such authority in 1987. All advisory opinions are available online at [www.supremecourtofohio.gov/boc/Advisory\\_Opinions](http://www.supremecourtofohio.gov/boc/Advisory_Opinions).

The board also updated its rules for the issuance of advisory opinions to correspond with the advent of the Ohio Rules of Professional Conduct. Two of the board's advisory opinions were reported and discussed in the ABA/BNA *Lawyer's Manual on Professional Conduct*. In addition to advisory opinions, Staff Attorney Ruth Dangel issued 21 staff letters addressing various ethical issues. The board's legal staff also responded to more than 1,800 telephone inquiries from judges, lawyers, reporters and members of the public regarding ethics, lawyer discipline and judicial campaign conduct issues.

The board assisted certified grievance committees of local bar associations with documenting requests for reimbursement of all disciplinary-related expenses on both a quarterly and annual basis.

The board, in connection with the University of Akron Law School and the Ohio State Bar Association, sponsored two statewide disciplinary seminars for certified grievance committees and interested lawyers. The board's staff taught four courses on campaign law and ethics required of Ohio judicial candidates under Canon 7 and three courses for attorneys in public practice.

The board participated in 34 continuing legal education programs for board members, Ohio justices and judges, their spouses, foreign judges, lawyers, judicial candidates, public employees, court personnel and law students.

#### **BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE**

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## CLIENTS' SECURITY FUND

The Clients' Security Fund was created by the Supreme Court of Ohio, pursuant to Rule VIII of the Supreme Court Rules for the Government of the Bar, to reimburse law clients who have been the victims of theft, embezzlement or misappropriation by an attorney admitted to practice law in Ohio.

In 2006, staff included an administrator, a claims analyst, a fiscal specialist and a secretary. The Court appoints a seven-member board of commissioners to determine the eligibility of claims filed with the fund.

Claim activity during fiscal year 2006 included:

- 335 requests for applications for reimbursement
- 257 applications for reimbursement
- The dismissal of 80 applications
- Four board meetings, resulting in a review of 135 claims
- Reimbursements totaling \$946,967 to 102 eligible claimants
- Determinations that 33 claims were ineligible for reimbursement (five claims were tabled)
- Approval of three applications for attorney fees totaling \$900
- Payment of claims involving 32 attorneys.

Since its inception in 1985, the Clients' Security Fund has awarded about \$11,886,796 to 2,143 former law clients. The amounts reimbursed by the Clients' Security Fund are attributable to less than 1 percent of Ohio's more than 54,145 licensed attorneys, 41,178 of whom are engaged in the active practice of law.



## OHIO CRIMINAL SENTENCING COMMISSION

In 2006, the Ohio Criminal Sentencing Commission worked with the General Assembly to enact the commission's proposals to reform Ohio's asset forfeiture statutes, presented as H.B. 241, sponsored by Rep. Bob Latta. Those statutes relate primarily under the racketeering, drug, gang and Medicaid fraud laws. The reforms streamline the statutes while providing clearer guidance for courts as they balance the interests of individuals and the government. The bill is designed to better protect law-abiding spouses and business partners, but also to impose new penalties for hiding or diminishing the value of property subject to forfeiture. The legislation attempts to make forfeitures more proportionate to the underlying crime while protecting the victim's interest by prioritizing restitution from forfeited assets. The changes take effect July 1, 2007.

The commission also developed new penalties for various sexual offenses and recommended them to the General Assembly. The proposals were crafted to offer a more nuanced alternative to the penalties in pending legislation. They were amended, in part, into S.B. 260, which was then approved by both houses and took effect in late December. The changes provide a sliding scale of penalties for those convicted of various rape offenses. The commission's proposals, although not enacted, also cover other sexual assaults.

Commission members and staff also remained active during the year as faculty for the Judicial College and other groups and in advising legislators, judges, prosecutors, defenders and others on sentencing matters.

## OHIO CRIMINAL SENTENCING COMMISSION

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Terry Collins  
Hon. William J. Corzine  
Hon. Robert C. DeLamatre  
Michael Epperson  
William R. Gallagher  
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John Leutz  
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John Madigan  
Cynthia Mausser, chair  
Karlton Moore  
Mark Owens  
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## SELECT OPINION SUMMARIES

THE FOLLOWING IS A CHRONOLOGICAL LIST of the merit decisions with opinions decided by the Supreme Court of Ohio in 2006 that were summarized by the Office of Public Information. Majority opinion authors are in boldface. Lawyer and judicial discipline cases are not included. The full text of these and all 2006 opinions is available online at [www.supremecourtofohio.gov](http://www.supremecourtofohio.gov).

## JANUARY

### *State v. Jackson*

Case no. 2003-0137

Web cite 2006-Ohio-1

Affirms the convictions and death sentence of Nathaniel Jackson for the December 2001 death of Robert Fingerhut.

Trumbull C.P. No. 01-CR-794.

Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and **Lanzinger, JJ.**, concur.

### *Jaylin Investments Inc. v. Moreland Hills*

Case no. 2004-1145

Web cite 2006-Ohio-4

Denies a developer's constitutional challenge to a local zoning ordinance preventing developers from building homes on half-acre lots in an area with a two-acre specified minimum lot size.

Cuyahoga App. No. 82739, 157

Ohio App.3d 277, 2004-Ohio-

2689. Judgment affirmed. Moyer,

C.J., Resnick, **Lundberg Stratton,**

O'Connor and Lanzinger, JJ., concur. Pfeifer and O'Donnell, JJ., dissent.

### *Hernandez v. Kelly* (per curiam)

Case no. 2005-2258

Web cite 2006-Ohio-126

Grants a writ of habeas corpus ordering the immediate release of Henry Hernandez of Cleveland from prison,

and bars the Ohio Adult Parole Authority from imposing any further term of post-release control on him.

Moyer, C.J., Resnick, Pfeifer,

Lundberg Stratton, O'Connor,

O'Donnell and Lanzinger, JJ., concur.

### *State v. Hand*

Case no. 2003-1325

Web cite 2006-Ohio-18

Affirms the aggravated murder convictions and death sentence of Gerald R. Hand for the January 2002 shooting deaths of his wife, Jill Hand, and friend and former employee, Lonnie Welch.

At trial, Welch was alleged to be Hand's co-conspirator in the unsolved murders of his first two wives in 1976 and 1979.

Delaware C.P. No. 02CRI-08-366.

Judgment affirmed. Moyer, C.J.,

Resnick, Pfeifer, **Lundberg Stratton,**

Singer, O'Donnell and Lanzinger,

concur. Arlene Singer, J., of the 6<sup>th</sup> Appellate District, sitting for

O'Connor, J.

### *State v. Newton*

Case no. 2003-0565

Web cite 2006-Ohio-81

Affirms the conviction and death sentence of Christopher Newton for the 2001 aggravated murder of Jason Brewer.

Richland C.P. No. 02-CR-48H.

Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer,**

Lundberg Stratton, O'Connor,

O'Donnell and Lanzinger, JJ., concur.

## FEBRUARY

*Cousino Constr. Co. v. Wilkins*

Case no. 2004-1560

Web cite 2006-Ohio-162

Holds that a general contractor's purchases of third-party janitorial services used in the course of restoring damaged buildings are not eligible for a resale exemption from use tax.

Board of Tax Appeals, No. 2002-N-919. Decision affirmed in part and reversed in part, and cause remanded.

Moyer, C.J., **Resnick**, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*State ex rel. Loyd v. Lovelady*

Case no. 2004-1465

Web cite 2006-Ohio-161

Upholds as constitutional a state law enacted in 2000 creating a substantive right for men against whom paternity judgments have been entered to obtain relief from those judgments through DNA testing, despite their failure to comply with the Supreme Court Rules of Civil Procedure.

Cuyahoga App. No. 83090, 2004-Ohio-3617. Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*State v. Hancock*

Case no. 2003-2099

Web cite 2006-Ohio-160

Affirms the aggravated murder conviction of Timothy Hancock for the November 2000 strangulation killing of his cellmate at the Warren Correctional Institution in Lebanon. Hancock's death

sentence was ruled invalid as the jury inadvertently reviewed evidence barred by the trial judge from the penalty phase of the trial. The case was remanded to the Warren County Court of Common Pleas for a new sentencing hearing.

Warren C.P. No. 00CR19073.

Judgment affirmed in part and vacated in part, and cause remanded for further proceedings. **Moyer, C.J.**, Pfeifer, O'Connor and Lanzinger, JJ., concur. Resnick, Lundberg Stratton and O'Donnell, JJ., concur in part and dissent in part.

*Strongsville Bd. of Edn. v. Wilkins*

Case no. 2004-1854

Web cite 2006-Ohio-248

Rules the state tax commissioner may not consider an application for exemption of a property from property taxes unless the application is accompanied by a certificate signed by the county treasurer showing that, at the time the application was filed, all non-remittable taxes, interest, and penalties due on the subject property have been paid, or that the applicant has entered into a contract with the county treasurer for payment of all delinquent taxes and penalties.

Board of Tax Appeals, No. 2002-G-2562. Decision affirmed.

**Moyer, C.J.**, Resnick, O'Connor and Lanzinger, JJ., concur. Pfeifer, Lundberg Stratton and O'Donnell, JJ., dissent.

*Fichtel & Sachs Industries Inc. v. Wilkins*

Case no. 2004-1216

Web cite 2006-Ohio-246

When a warehouse facility receives and stores finished auto clutch components, and later packages those parts into kits for various makes and models of vehicles to ship to customers, the warehouse does not engage in processing those parts and

is entitled to exemption of its inventory from Ohio's business property tax.

Board of Tax Appeals, No. 2003-M-408. Decision affirmed in part and reversed in part, and cause remanded. Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.

*State v. Foster*

Case nos. 2004-1568, 2004-1771, 2005-0735, and 2005-2156

Web cite 2006-Ohio-856

Applying recent U.S. Supreme Court decisions to Ohio's felony sentencing system, rules unconstitutional those portions of Ohio's criminal sentencing statute requiring judges to make findings not found by a jury or admitted by a defendant before imposing consecutive or maximum sentences, more than the minimum term on first-time prison sentences, or additional sentences on repeat violent and major drug offenders.

Licking App. No. 03CA95, 2004-Ohio-4209, Cuyahoga App. No. 83720, 2004-Ohio-4485, Lake App. No. 2003-L-110, 2005-Ohio-1107, and Ottawa App. No. OT-03-016, 2005-Ohio-5257.

Judgment reversed in No. 2004-1568 and cause remanded to the trial court.

Judgment affirmed in No. 2004-1771 and cause remanded to the trial court.

Judgment reversed in No. 2005-0735 and cause remanded to the trial court.

Judgment affirmed in No. 2005-2156.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and **Lanzinger**, JJ., concur.

Resnick, J., concurs in paragraph seven of the syllabus and in judgment.

NOTE: *Foster* also decided *State v. Quinones* (2004-1771), *State v. Adams* (2005-0735) and *State v. Horn* (2005-2156), which were consolidated for

decision by the Court because they raised closely related legal issues and arguments.

## MARCH

*State ex rel. Montgomery Cty. Pub. Defender v. Siroki* (per curiam)

Case no. 2005-1142

Web cite 2006-Ohio-662

If a clerk of court needs to redact Social Security numbers from records after a public defender has requested the documents, the clerk may, for a reasonable time, delay in complying with the request.

Montgomery App. No. 20433.

Judgment affirmed. Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*Academy of Medicine of Cincinnati v. Aetna Health Inc.*

Case no. 2004-0001

Web cite 2006-Ohio-657

A state court may apply a federal standard in determining whether a dispute is subject to mandatory arbitration.

Hamilton App. Nos. C-030109, C-030110, and C-030111, 2003-Ohio-6194. Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer**, O'Connor and O'Donnell, JJ., concur.

Lundberg Stratton and Lanzinger, JJ., dissent.

*Portage Cty. Bd. of Commrs. v. Akron*

Case no. 2004-0783

Web cite 2006-Ohio-954

Rules that Akron must maintain the current aggregate downriver flow of between 8.1 and 9.5 million gallons of



water per day through and around the city's Rockwell Dam to meet the needs of downstream municipalities, recreational river users and individual property owners.

Portage App. No. 2001-P-0127, 156 Ohio App.3d 657, 2004-Ohio-1665. Judgment affirmed in part, modified in part, and reversed in part. Moyer, C.J., O'Connor, **O'Donnell** and Lanzinger, JJ., concur. Resnick, Pfeifer and Lundberg Stratton, JJ., concur in part and dissent in part.

*Schirmer v. Mt. Auburn Obstetrics & Gynecologic Assoc., Inc.*

Case no. 2004-0296

Web cite 2006-Ohio-942

If parents of an unhealthy child bring a medical malpractice action for a negligent genetic counseling or a negligent failure to diagnose a fetal defect or disease, they are not entitled to recover economic or other damages for the care and rearing of the unhealthy child after its birth.

Hamilton App. No. C-030034, 155 Ohio App.3d 640, 2003-Ohio-7150. Judgment affirmed in part and reversed in part. **O'Connor**, J. Moyer, C.J., concurs in the syllabus and in all parts of the judgment. Resnick and Pfeifer, JJ., concur in the syllabus, part one of the judgment, and the portion of the opinion relating thereto, and dissent as to parts two, three, and four of the judgment.

Lundberg Stratton, O'Donnell and Lanzinger, JJ., concur in parts two, three, and four of the judgment, but for reasons different from those stated in the opinion, and dissent in all other respects.

*M. Conley Co. v. Anderson*

Case no. 2004-1594

Web cite 2006-Ohio-792

When an employer notifies striking employees that permanent replacement workers have been hired and there are no positions available for the strikers to return to, the strikers cease to be voluntarily unemployed "due to a labor dispute other than a lockout," and thus become eligible for state unemployment benefits.

Stark App. No. 2003CA00386, 2004-Ohio-4216. Judgment affirmed.

**Moyer, C.J.**, Resnick, Pfeifer, O'Connor and Lanzinger, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., concur separately.

*State v. Conway*

Case no. 2003-0647

Web cite 2006-Ohio-791

Affirms the aggravated murder conviction and death sentence of James T. Conway III for the January 2002 killing of Jason Gervais in Columbus.

Franklin C.P. No. 02CR-1153.

Judgment affirmed.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and **Lanzinger**, JJ., concur.

Pfeifer, J., concurs in part and dissents in part.

*State ex rel. Physicians Comm. for*

*Responsible Medicine v. Ohio State Univ. Bd. of Trustees* (per curiam)

Case no. 2005-0612

Web cite 2006-Ohio-903

Animal testing videos and other records generated by an Ohio State University research study of spinal cord injuries and treatments are exempt from disclosure under the intellectual-property

exception to the state Public Records Act.

In Mandamus. Writ denied.  
Moyer, C.J., Resnick, Pfeifer,  
Lundberg Stratton, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State v. Threatt*

Case nos. 2004-1279 and 2004-1696

Web cite 2006-Ohio-905

When an indigent criminal offender is assessed court costs, a trial court may collect the fee by using any method available to collect a civil money judgment, or by invoking a statutory provision allowing garnishment of an inmate's prison account.

Stark App. No. 2003CA00368, 2004-Ohio-3216. Judgment reversed.

Moyer, C.J., Resnick, **Lundberg Stratton**, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., dissents for the reasons stated in his separate opinion in *State v. White*, 103 Ohio St.3d 580, 2004-Ohio-5989, 817 N.E.2d 393.

*Henderson v. Lawyers Title Ins. Corp.*

Case no. 2004-0574

Web cite 2006-Ohio-906

If a title insurance policy is issued in response to an unqualified request for coverage, and is not delivered to the insured until after the closing, the policy is binding on the parties and is presumed to contain the usual and customary terms found in similar insurance policies.

Cuyahoga App. No. 82654, 2004-Ohio-744. Judgment affirmed, and cause remanded for further proceedings.

Moyer, C.J., **Resnick**, Pfeifer, O'Connor and Edwards, JJ., concur. Lundberg Stratton and Lanzinger, JJ., dissent.

Julie A. Edwards, J., of the 5<sup>th</sup> Appellate District, sitting for O'Donnell, J.

*State ex rel. Cincinnati Enquirer v. Daniels*

Case no. 2005-0068

Web cite 2006-Ohio-1215

When a city health department issues citations ordering property owners to remove lead-based paint and other lead-poisoning hazards from local residences, the information in those citations is a matter of public record, subject to mandatory disclosure under the state Public Records Act.

Hamilton App. No. C-040064, 2004-Ohio-7130. Judgment reversed and writ granted.

Moyer, C.J., Grady, Lundberg Stratton, **O'Donnell** and Lanzinger, JJ., concur.

Pfeifer and O'Connor, JJ., concur in judgment only.

Thomas J. Grady, J., of the 2<sup>nd</sup> Appellate District, sitting for Resnick, J.

*State v. Saxon*

Case no. 2004-1877

Web cite 2006-Ohio-1245

Rejects the sentence package doctrine combining sentences for separate felony convictions as if they were aggregated into a single sentencing package, and clarifies that under Ohio's sentencing statutes, a sentence is the sanction or combination of sanctions imposed on a defendant for each separate, individual criminal offense.

Cuyahoga App. No. 83889, 2004-Ohio-5017. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., dissents.

*Kish v. Akron*

Case no. 2004-0738

Web cite 2006-Ohio-1244

Rules that, as the term is used in the state law barring the destruction of public records, a record may consist of a single document within a larger file of documents or a compilation of documents.

On Order from the United States Court of Appeals for the 6<sup>th</sup> Circuit Certifying a Question of State Law, Nos. 2002-3631 and 2002-3632.

Certified question answered. See opinion.

Moyer, C.J., Resnick, Pfeifer and **O'Connor**, JJ., concur.

Lundberg Stratton, O'Donnell and Lanzinger, JJ., dissent.

*Campbell v. Ohio State Univ. Med. Ctr.*

Case no. 2004-2173

Web cite 2006-Ohio-1192

Holds that, if a patient is injured by a fellow patient at a state-run mental hospital, in order to recover damages under Ohio's patient bill of rights statute, the injured party must establish that the attacker had explicitly threatened imminent and serious physical harm.

Franklin App. No. 04AP-96, 2004-Ohio-6072. Judgment affirmed.

**Moyer, C.J.**, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Lanzinger, J., concurs separately. Resnick and Pfeifer, JJ., dissent.

*In re C.R.*

Case no. 2004-2031

Web cite 2006-Ohio-1191

When a juvenile court decides a child is abused, neglected, or dependent, the judgment also implies that neither of the child's natural parents is presently

suitable to have legal custody of the child. When awarding legal custody of the aforementioned child, a juvenile court is not required to make a specific finding at the dispositional hearing that non-custodial parents are unsuitable.

Cuyahoga App. No. 82891, 2004-Ohio-4465. Certified question answered.

Moyer, C.J., O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

*Bakies v. Perrysburg*

Case no. 2004-1923

Web cite 2006-Ohio-1190

Rules valid and enforceable a contract in which a municipality requires a nonresident customer of the city's water and sewer services to agree to annexation of his property or face termination of service.

Wood App. Nos. WD-03-055 and WD-03-062, 2004-Ohio-5231. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell** and Sadler, JJ., concur.

Lisa Sadler, J., of the 10<sup>th</sup> Appellate District, sitting for Lanzinger, J.

*Groob v. KeyBank*

Case no. 2004-0214

Web cite 2006-Ohio-1189

If a bank is dealing at arm's length with a prospective borrower, the bank does not have a fiduciary duty to that prospective borrower unless special circumstances exist. The ruling also holds that for an employer to be liable for an intentional act of an employee, the employee must be acting within the scope of his or her employment at the time the act is committed.

Hamilton App. No. C-020191, 155 Ohio App.3d 510, 2003-Ohio-6915.

Judgment reversed.  
Moyer, C.J., O'Connor, O'Donnell  
and **Lanzinger, JJ.**, concur.  
Farmer, Pfeifer and Lundberg  
Stratton, JJ, dissent.  
Sheila G. Farmer, J., of the 5<sup>th</sup>  
Appellate District, sitting for Resnick,  
J.

## APRIL

*Clark v. Greene Cty. Combined Health Dist.*

Case no. 2004-1911

Web cite 2006-Ohio-1326

Rules a county combined health district has legal authority to require a property owner to connect his household sewer outlet to an available municipal sanitary sewer system, even when the municipality operating the sewer system requires annexation of the property to the municipality as a condition of connection.

Greene App. No. 04CA0027, 158  
Ohio App.3d 492, 2004-Ohio-5276.

Judgment affirmed.

Moyer, C.J., **Resnick**, O'Connor and  
O'Donnell, JJ., concur.

Lanzinger, J., concurs in judgment  
only.

Pfeifer and Lundberg Stratton, JJ.,  
concur in part and dissent in part.

*Oriana House Inc. v. Montgomery*

Case no. 2004-1769

Web cite 2006-Ohio-1325

Holds the state auditor has the authority to conduct a special audit of Oriana House, a private corporation operating the Summit County community-based correctional facility, and has the ability to subpoena records of Correctional Health Services, an Oriana subsidiary. Holds, however, that the state auditor does not have the authority to subpoena personal

financial records of Oriana House employees, specifically, CEO James Lawrence.

Franklin App. No. 03AP-1178, 2004-  
Ohio-4788. Judgment affirmed in  
part and reversed in part.

Moyer, C.J., Resnick, **Pfeifer**,  
Lundberg Stratton, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State v. Barton*

Case no. 2003-2036

Web cite 2006-Ohio-1324

When a criminal defendant in a capital murder case waives presentation of all mitigating evidence during both the guilt and sentencing phases of his trial, the trial court must conduct an inquiry of the defendant to determine if the waiver was produced knowingly and voluntarily. Affirms the aggravated murder conviction and death sentence of Rocky Barton of Waynesville for the murder of his wife, Kimbirli.

Warren C.P. No. 03CR20526.

Judgment affirmed.

Lundberg Stratton, O'Connor,  
**O'Donnell** and Lanzinger, JJ.,  
concur.

Resnick, concurs in judgment only.

Moyer, C.J., concurs in part and  
dissents in part.

Pfeifer, J., dissents.

*State v. Ferguson*

Case no. 2003-1904

Web cite 2006-Ohio-1502

Affirms the convictions and death sentence of Darrell Ferguson for the aggravated murders of Thomas King, and Arlie and Mae Fugate in December 2001.

Montgomery C.P. No. 02-CR-0353.

Judgment affirmed.

Moyer, C.J., **Resnick**, Pfeifer,

Lundberg Stratton, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State ex rel. Dann v. Taft*

Case no. 2005-1222

Web cite 2006-Ohio-1825

Rules the governor of Ohio has a limited executive privilege allowing some communications between him and his policy advisors to be withheld from public disclosure when the communications are made for the purpose of fostering informed and sound policymaking.

In Mandamus.

**Moyer, C.J.**, Lundberg Stratton,  
O'Connor, O'Donnell and  
Lanzinger, JJ., concur.  
Resnick and Pfeifer, JJ., dissent.

*Fowee v. Wesley Hall Inc.*

Case no. 2005-0272

Web cite 2006-Ohio-1712

When an employer files a court action appealing the award of workers' compensation benefits to one of its employees, and the employee voluntarily dismisses her petition for continuing benefits, the employee must refile the petition within one year or forfeit the right to dispute the appeal, as dictated in Ohio's saving statute.

Hamilton App. No. C-040188,  
2004-Ohio-7002. Judgment  
reversed.

Moyer, C.J., Pfeifer, Lundberg  
Stratton, **O'Connor**, and  
Lanzinger, JJ., concur.  
Resnick and O'Donnell, JJ.,  
concur in judgment only.

*State ex rel. Fisher v. Cleveland*

Case no. 2004-1726

Web cite 2006-Ohio-1827

Rules the practice of requiring municipal employees to disclose personal income tax returns as part of an informal request to verify the employee's primary residence constitutes an invasion of privacy and abuse of the city's corporate powers; those employees previously required to disclose personal tax returns under the aforementioned practice may seek injunctive relief through a taxpayer action lawsuit.

Cuyahoga App. No. 83945, 2004-  
Ohio-4345. Judgment affirmed.  
Moyer, C.J., Resnick, Pfeifer,  
Lundberg Stratton, **O'Connor**,  
O'Donnell and Lanzinger, JJ.,  
concur.

## MAY

*Hedges v. Nationwide Mut. Ins. Co.*

Case nos. 2005-0193 and 2005-0415

Web cite 2006-Ohio-1926

Holds that the H.B. 261 version of R.C. 3937.18(A), in force from September 1997 to September 2000, permitted Ohio auto insurance policies issued during that period to limit uninsured/underinsured motorist coverage to collisions in which an uninsured driver caused the bodily injury, sickness, disease or death of an insured person.

Franklin App. No. 04AP-423, 2004-  
Ohio-6723. Judgment reversed.  
Moyer, C.J., Lundberg Stratton,  
O'Connor, O'Donnell and  
**Lanzinger**, JJ., concur.  
Resnick and Pfeifer, JJ., dissent.

*Ohio Consumers' Counsel*

*v. Pub. Util. Comm.*

Case nos. 2004-1993, 2005-0118 and  
2005-0766

Web cite 2006-Ohio-2110



Orders the Public Utilities Commission of Ohio to revisit a previously adopted plan approving the setting of service rates for three Ohio electric companies owned by FirstEnergy Corporation to comply with certain legislative provisions.

Public Utilities Commission, No. 03-2144-EL-ATA. Decision affirmed in part and reversed in part, and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton and **O'Donnell**, JJ., concur.  
O'Connor and Lanzinger, JJ., concur in part and dissent in part.

*Smith v. Conley*

Case no. 2005-0247

Web cite 2006-Ohio-2035

Holds that, in calculating the time limit within which a client must file a malpractice action against an attorney, the date on which the lawyer-client relationship was terminated is determined by reference to the actions of the parties under statutory provisions and case law, not by the date of the attorney's compliance with a local rule of court governing withdrawal from representation.

Stark App. No. 2004CA00068, 2004-Ohio-7057. Judgment reversed.

**Moyer, C.J.**, Resnick, Pfeifer, O'Connor, O'Donnell and Lanzinger, JJ., concur.  
Lundberg Stratton, J., dissents.

*Davenport v. Montgomery Cty.*

Case no. 2005-0074

Web cite 2006-Ohio-2034

To invoke the state law granting public employees the option to convert unused sick-leave hours to cash at the time of retirement from active service, a worker must remain in public employment until meeting eligibility requirements for the

public employee retirement program. The provision does not apply to workers who leave before they are eligible to retire.

Montgomery App. No. 20350, 2004-Ohio-6781. Judgment reversed.

Moyer, C.J., **Lundberg Stratton**, O'Connor, O'Donnell and Lanzinger, JJ., concur.  
Resnick and Pfeifer, JJ., dissent.

*Reading v. Pub. Util. Comm.*

Case no. 2005-0245

Web cite 2006-Ohio-2181

The state law authorizing the Public Utilities Commission of Ohio to close a railroad grade crossing within the boundaries of a municipality, despite the opposition of local officials, does not violate the municipality's right to exercise police powers within its borders under the home-rule provision of the Ohio Constitution.

Public Utilities Commission, No. 02-589-RR-UNC. Order affirmed.

**Moyer, C.J.**, Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.  
Pfeifer, J., concurs in judgment only.

*Sharonville v. Am. Employers Ins. Co.*

Case no. 2004-1735

Web cite 2006-Ohio-2180

If an insurance company issues a law enforcement liability policy, the insurance company has a duty to defend the policyholder against a lawsuit when a claimant's complaint contains an allegation of conduct arguably considered covered by the policy.

Hamilton App. No. C-030905, 158 Ohio App.3d 576, 2004-Ohio-4664. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and **Lanzinger**, JJ., concur.

O'Donnell, J., concurs in judgment only.

*State v. Chandler*

Case nos. 2004-1325 and 2004-1746

Web cite 2006-Ohio-2285

Before a criminal defendant may be sentenced as a major drug offender, the sentencing court must find that a substance offered for sale by the defendant contained some detectable amount of the relevant controlled substance.

Stark App. No. 2003CA00342, 2004-Ohio-3436, and No. 2003CA00403, 2004-Ohio-4764. Judgments affirmed. Moyer, C.J., Pfeifer, O'Donnell and **Lanzinger, JJ.**, concur. Resnick, Lundberg Stratton and O'Connor, JJ., dissent.

*Doe v. Archdiocese of Cincinnati*

Case nos. 2005-0702 and 2005-0734

Web cite 2006-Ohio-2625

Reaffirms a prior ruling that a minor victim of sexual abuse has two years from the day he or she reaches the age of majority to assert any claims against the employer of the abuser if, at the time of the abuse, the victim knows the identity of the perpetrator, knows the employer of the perpetrator and knows a battery has occurred.

Shelby App. No. 17-04-10, 2005-Ohio-960. Judgment reversed and cause dismissed. Moyer, C.J., **Lundberg Stratton**, O'Connor and O'Donnell, JJ., concur. French, J., concurs in part and dissents in part. Whitmore and Pfeifer, JJ., dissent. Beth Whitmore, J., of the 9<sup>th</sup> Appellate District, sitting for Resnick, J.

Judith L. French, J., of the 10<sup>th</sup> Appellate District, sitting for Lanzinger, J.

*Smith v. Smith*

Case no. 2004-1293

Web cite 2006-Ohio-2419

Rules an October 2000 provision added to the Ohio child support statute is unconstitutional as it retroactively strips some children of their vested right to receive support arrearages awarded by state courts before the legislation was enacted.

Hancock App. No. 5-03-12, 157 Ohio App. 3d 778, 2004-Ohio-3553. Judgment affirmed. Moyer, C.J., Resnick, **Pfeifer** and O'Connor, JJ., concur. Lundberg Stratton, O'Donnell and Lanzinger, JJ., dissent.

*State v. Tenace*

Case no. 2003-1429

Web cite 2006-Ohio-2417

Affirms the aggravated murder conviction of Troy M. Tenace for the 1994 death of Edward Kozlowski, but vacates the death sentence assigned by a trial court. Tenace is to be resentenced to an appropriate term of life imprisonment determined by the Lucas County Common Pleas Court.

Lucas App. No. L-00-1002, 2003-Ohio-3458. Judgment affirmed in part and reversed in part, and cause remanded. Moyer, C.J., Pfeifer, Lundberg Stratton and **Lanzinger, JJ.**, concur. Resnick, O'Connor and O'Donnell, JJ., concur in part and dissent in part.

## JUNE

*Knox Cty. Bd. of Commrs. v. Knox Cty. Engineer*

Case no. 2005-0044

Web cite 2006-Ohio-2576

Affirms revenues derived from the registration, operation or use of vehicles on public highways, and revenues from motor vehicle fuel taxes, may be expended for highway purposes listed in Article XII of the state Constitution, or purposes directly connected thereto. Applying that standard to a dispute between Knox County officials, the court held motor vehicle and fuel tax revenues may not be used to reimburse a county for the percentage of its liability insurance premiums attributed to the county engineer's office.

Knox App. No. 04-CA-000010, 2004-Ohio-6680. Judgment reversed.

Moyer, C.J., Resnick, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

Pfeifer and Lundberg Stratton, JJ., concur in part and dissent in part.

*State ex rel. Dann v. Taft*

Case no. 2005-1222

Web cite 2006-Ohio-2947

In Mandamus.

Ordered Governor Bob Taft to submit documents sought by state Senator Marc Dann to the Court for in camera review, in an attempt to distinguish if Dann's assertion for the particularized need for the documents outweighs the qualified gubernatorial-communication privilege.

**Moyer, C.J.**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Resnick and Pfeifer, JJ., concur in judgment only.

*Andrew Jergens Co. v. Wilkins*

Case nos. 2005-0501 and 2005-0502

Web cite 2006-Ohio-2708

The canned applications software loaded on a company's computers is tangible property subject to Ohio's tangible business property tax.

Board of Tax Appeals, Nos. 2002-P-403 and 2002-P-614. Decision affirmed.

Moyer, C.J., **Resnick**, O'Connor and Lanzinger, JJ., concur.

Pfeifer, Lundberg Stratton and O'Donnell, JJ., dissent.

*State v. Kreischer*

Case nos. 2005-0216 and 2005-0412

Web cite 2006-Ohio-2706

Ohio courts are authorized to include in a criminal sentence a requirement for the offender to make restitution to a crime victim's insurance company for medical costs the insurer paid on behalf of the victim.

Perry App. No. 03 CA 20, 2004-Ohio-6854. Judgment affirmed.

Moyer, C.J., Ford, Lundberg Stratton, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

Pfeifer, concurs in part and dissents in part.

Donald R. Ford, J., of the 11<sup>th</sup>

Appellate District, sitting for Resnick, J.

*Marrone v. Philip Morris USA Inc.*

Case no. 2004-1824

Web cite 2006-Ohio-2869

A consumer may qualify to file a class action lawsuit against a business under Ohio's Consumer Sales Practices Act, only if the business's alleged violation of the act is substantially similar to an act or practice previously declared deceptive in a published court decision or an attorney general's rule.

Medina App. No. 03CA0120-M, 2004-Ohio-4874. Judgment reversed.  
Moyer, C.J., **Lundberg Stratton**, O'Connor and O'Donnell, JJ., concur.  
Grady and Lanzinger, JJ., concur in part and dissent in part.  
Pfeifer, J., dissents.  
Thomas J. Grady, J., of the 2<sup>nd</sup> Appellate District, sitting for Resnick, J.

*State v. Conway*

Case no. 2003-1964

Web cite 2006-Ohio-2815

Affirms the aggravated murder conviction and death sentence of James Conway of Columbus for the September 2001 killing of Andrew Dotson.

Franklin C.P. No. 02CR-3117.

Judgment affirmed.

Moyer, C.J., **Resnick**, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*Cementech Inc. v. Fairlawn*

Case nos. 2005-0970 and 2005-0971

Web cite 2006-Ohio-2991

If a municipality violates competitive-bidding laws when awarding a contract, a rejected bidder cannot recover projected profits it would have earned if awarded the contract.

Summit App. No. 22309, 160 Ohio App.3d 450, 2005-Ohio-1709.

Judgment reversed.

Moyer, C.J., **Resnick**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.  
Pfeifer, J., concurs in judgment only.

*Dirksen v. Greene Cty. Bd. of Revision*

Case no. 2005-0625

Web cite 2006-Ohio-2990

For a parcel of land including both cropland and noncommercial timber to qualify for current agricultural use tax valuation, the portion of the parcel used as cropland must independently meet the statutory criteria for land devoted exclusively to agricultural use.

Board of Tax Appeals, No. 2004-A-452. Decision affirmed.

Moyer, C.J., Resnick, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.  
Pfeifer, J., dissents.

*Pledger v. Pub. Util. Comm.*

Case no. 2005-0105

Web cite 2006-Ohio-2989

If a landlord of an apartment complex bills individual tenants for their use of city water and sewer services, and adds an administrative fee to the city's charge for those services, the landlord is not considered a public utility subject to state regulation.

Public Utilities Commission, No. 04-1059-WW-CSS. Orders affirmed.

Moyer, C.J., **Resnick**, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

## JULY

*In re T.K.*

Case no. 2005-1215

Web cite 2006-Ohio-3056

If a defendant is charged with complicity in a crime for aiding and abetting a principal offender, the identity of the principal actor does not have to be established to convict the defendant of complicity.

Cuyahoga App. No. 84934, 2005-Ohio-2321. Judgment reversed.

Moyer, C.J., **Resnick**, Pfeifer,

Lundberg Stratton, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State ex rel. Russo v. McDonnell*

Case no. 2005-2130

Web cite 2006-Ohio-3459

If litigants in a civil action agree to have their case heard by a private judge, and the matter goes to a trial, the issue must be heard by the private judge and not by a jury. When parties elect to use private judges, local courts are not required to provide facilities, equipment, or personnel for such cases, but may at their discretion do so if the parties agree to pay the costs.

In Prohibition. Writ granted in part and denied in part.

Resnick, Acting C.J., McGrath,  
Lundberg Stratton, O'Connor,  
**O'Donnell** and Lanzinger, JJ.,  
concur.

Pfeifer, J., dissents.

Patrick M. McGrath, J., of the 10<sup>th</sup>  
Appellate District, sitting for Moyer,  
C.J.

*Byrd v. Smith*

Case no. 2005-0797

Web cite 2006-Ohio-3455

When a party's affidavit supporting or opposing a motion for summary judgment appears to be inconsistent with that party's earlier deposition testimony, a trial court must determine whether the affidavit contradicts the deposition, or merely provides supplemental information.

Clermont App. No. CA2004-08-  
067. Judgment reversed and cause  
remanded.

Moyer, C.J., Pfeifer, Lundberg  
Stratton, O'Connor and **Lanzinger**,  
JJ., concur.

Resnick, J., concurs in judgment  
only.

O'Donnell, J., dissents.

*In re McBride*

Case no. 2004-1917

Web cite 2006-Ohio-3454

When a court terminates the rights of a parent and grants permanent custody of a child to a county children services agency, the parent does not have legal standing to later petition for custody of the child under a state juvenile court rule authorizing any person to seek custody of a child.

Hamilton App. No. C-040456, 158  
Ohio App.3d 572, 2004-Ohio-5269.

Judgment reversed.

Moyer, C.J., Resnick, Pfeifer,  
Lundberg Stratton, O'Connor,  
O'Donnell and **Lanzinger**, JJ.,  
concur.

*State ex rel. Dann v. Taft*

Case no. 2005-1222

Web cite 2006-Ohio-3677

Found that most, if not all, of the weekly activity reports received by Governor Taft in 2003 from certain members of his staff, and submitted to the Court for in camera review, were nondeliberative gubernatorial communications and are public records not subject to claims of executive privilege. The decision applies an earlier holding that certain communications between the governor and his policy advisors are subject to a qualified privilege from public disclosure.

In Mandamus. Writ denied.

**Moyer, C.J.**, Lundberg Stratton,  
O'Connor, O'Donnell and  
Lanzinger, JJ., concur.

Resnick and Pfeifer, JJ., concur in  
part and dissent in part.



*Bowling Green v. Godwin*

Case nos. 2005-1363 and 2005-1560

Web cite 2006-Ohio-3563

When a traffic device is installed without the approval of a city council as required by ordinance, a law enforcement officer still has probable cause to stop an offending driver if the individual disregards a traffic control sign or signal complying with the state's manual of traffic-control devices.

Wood App. No. WD-04-094, 2005-Ohio-3204. Judgment reversed.

**Moyer, C.J.**, Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*Norwood v. Horney*

Case nos. 2005-0227, 2005-0228,

2005-1210, and 2005-1211

Web cite 2006-Ohio-3799

Rules an economic benefit to the community alone does not constitute a public use sufficient to justify government use of eminent domain to take private property. The decision halted demolition of private homes by the city of Norwood to make way for a development complex.

Hamilton App. Nos. C-040683 and C-040783, 161 Ohio App.3d 316, 2005-Ohio-2448. Judgments reversed.

Moyer, C.J., Brogan, Pfeifer, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.

James A. Brogan, J., of the 2<sup>nd</sup> Appellate District, sitting for Resnick, J.

*Valentine v. Conrad*

Case no. 2004-1619

Web cite 2006-Ohio-3561

Ohio rules of evidence require an expert witness to establish a scientifically

valid connection between generalized research studies and the expert's opinion that a specific injury or illness was work-related.

Pickaway App. No. 03CA17, 158 Ohio App.3d 615, 2004-Ohio-452. Judgment affirmed.

**Moyer, C.J.**, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

## AUGUST

*Hull v. Columbia Gas of Ohio*

Case no. 2005-1033

Web cite 2006-Ohio-3666

Holds any dispute between a customer and a regulated utility, based on the rate charged by the utility for providing service, falls within the exclusive jurisdiction of the Public Utilities Commission of Ohio and is not subject to litigation in state courts.

Lucas App. No. L-04-1149, 160 Ohio App.3d 695, 2005-Ohio-2089. Judgment reversed.

Moyer, C.J., Resnick, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur. Pfeifer, J., dissents.

*State v. Roberts*

Case no. 2003-1441

Web cite 2006-Ohio-3665

Affirms the aggravated murder conviction of Donna M. Roberts for the 2001 death of former husband, Robert Fingerhut, but vacates Robert's death sentence, due to improper participation by the Trumbull County prosecutor in the preparation of the trial judge's sentencing order.

Trumbull C.P. No. 01-CR-793.

Judgment affirmed in part and vacated in part, and cause remanded.

Moyer, C.J., Resnick, Pfeifer,  
Lundberg Stratton, **O'Connor**,  
O'Donnell and Lanzinger, JJ.,  
concur.

*Allan Nott Ents. Inc.*

*v. Nicholas Starr Auto, L.L.C.*

Case no. 2005-0756

Web cite 2006-Ohio-3819

A person who steals a motor vehicle by means of fraud cannot convey valid title to that vehicle to a subsequent buyer, even if the subsequent buyer acted in good faith and the title certificate conveyed by the thief appears to be valid.

Allen App. No. 1-04-81, 2005-Ohio-1419. Judgment reversed.

Moyer, C.J., Resnick, Pfeifer,  
**Lundberg Stratton**, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State ex rel. Navistar Internatl. Transp. Corp.*  
*v. Indus. Comm.* (per curiam)

Case no. 2005-1483

Web cite 2006-Ohio-4089

If an injured worker qualifies to receive state workers' compensation benefits, a self-insured employer may not condition its authorization of physical therapy treatment on the employee's agreement to receive that treatment at an on-site facility established by the employer, rather than at an outside facility recommended by the attending physician.

Franklin App. No. 04AP-638, 2005-Ohio-3284. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer,  
O'Connor, O'Donnell and  
Lanzinger, JJ., concur.  
Lundberg Stratton, J., concurs  
separately.

*State ex rel. Plain Dealer Publishing Co.*  
*v. Floyd* (per curiam)

Case no. 2006-0945

Web cite 2006-Ohio-4437

Juvenile court judges must conduct evidentiary hearings before granting motions to close court proceedings to the public, and must give public notice of the filing of motions to close proceedings and of scheduled hearing on such motions by making the information available on a publicly accessible docket. Juvenile courts must also allow public access to written motions seeking to close courtroom proceedings, and to the contents of hearing notices and the court's decisions granting or denying closure motions, subject to the requirement to redact any confidential information these items may contain.

In Prohibition and Mandamus.

Writ of prohibition granted. Writ of mandamus granted in part.

Moyer, C.J., Resnick, Lundberg  
Stratton, O'Connor, O'Donnell and  
Lanzinger, JJ., concur.

Pfeifer, J., concurs in judgment only.

*Hortman v. Miamisburg*

Case nos. 2005-1351 and 2005-1361

Web cite 2006-Ohio-4251

A political subdivision is immune from civil liability for claims based on the legal theories of equitable estoppel and promissory estoppel when such claims arise from the political subdivision's performance of a governmental function.

Montgomery App. No. 20664, 161 Ohio App.3d 559, 2005-Ohio-2862. Judgment reversed.

Moyer, C.J., Resnick, **Lundberg Stratton**,  
O'Connor, O'Donnell and Lanzinger,  
JJ., concur.  
Pfeifer, J., dissents.

*State v. Upshaw*

Case no. 2005-1047

Web cite 2006-Ohio-4253

When a criminal defendant is found to be mentally incompetent to stand trial by the court, an order committing him to an institution for the restoration of competency is a final, appealable order, subject to immediate review by a court of appeals.

Clark App. No. 05-CA-35. Judgment reversed and cause remanded to the court of appeals.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, and **Lanzinger, JJ.**, concur.

Resnick and O'Donnell, JJ., concur in judgment only.

*State v. Hull*

Case nos. 2005-0894 and 2005-0984

Web cite 2006-Ohio-4252

When a criminal conviction has been overturned on appeal, the time limit for the state to begin a new trial is governed by the reasonable time requirements of the Sixth Amendment to the U.S. Constitution and Section 10, Article I, of the Ohio Constitution, not by the statutory speedy trial deadlines. An interval of 149 days between an appellate decision vacating a first-degree misdemeanor conviction entered pursuant to a no-contest plea and retrial of the case is constitutionally reasonable and is not presumptively prejudicial to the defendant.

Mahoning App. No. 04 MA 2, 2005-Ohio-1659. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

SEPTEMBER

*In re A.B.*

Case no. 2005-1966

Web cite 2006-Ohio-4359

When temporary custody of abused or dependent children is granted to a county children services agency, and that agency files a motion for permanent custody, a juvenile court does not have the authority to place the children in a planned permanent living arrangement if the children services agency has not requested that disposition.

Summit App. No. 22659, 2005-Ohio-4936. Judgment reversed and cause remanded.

Moyer, C.J., **Lundberg Stratton**, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Resnick and Pfeifer, JJ., dissent.

*Cincinnati Bar Assn.*

*v. Bailey* (per curiam)

Case no. 2005-1930

Web cite 2006-Ohio-4360

Rules Donald L Bailey of Cincinnati, d.b.a. License Resque, engaged in the unauthorized practice of law by giving legal advice to clients on regaining their suspended drivers' licenses and instructing them on the preparation and filing of legal documents with courts and the Ohio Bureau of Motor Vehicles. The decision imposed a civil penalty of \$50,000.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 03-13. Donald L. Bailey, d.b.a. License Resque, is enjoined from conduct constituting the unauthorized practice of law, and civil penalty is imposed.

Moyer, C.J., Resnick, Pfeifer, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Lundberg Stratton, J., concurs in part and dissents in part.

Moyer, C.J., and Lanzinger, J., dissent.

*Myers v. Toledo*

Case nos. 2005-1355 and 2005-1473

Web cite 2006-Ohio-4353

When a trial court hearing a special proceeding, such as a workers' compensation case, grants a motion under Civil Rule 35(a) requiring a party to undergo a physical or mental examination, such orders are not final or subject to immediate review by a court of appeals.

Lucas App. No. L-04-1241, 2005-Ohio-3207. Judgment reversed.

**Moyer, C.J.**, Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Hendon, JJ., concur. Sylvia Sieve Hendon, J., of the 1<sup>st</sup> Appellate District, sitting for Lanzinger, J.

*State ex rel. Triplett v. Ross* (per curiam)

Case no. 2006-0742

Web cite 2006-Ohio-4705

Prevents municipal courts and their judges and clerks from requiring attorneys seeking court appointments to file a form under the Ohio Patriot Act certifying that they do not provide material assistance to a terrorist organization. The decision holds that attorneys who seek court appointments to represent indigent clients and who do not earn more than \$100,000 per year through such representation, do not fall under the Patriot Act's definition of persons subject to the terrorism requirement.

In Prohibition. Writ granted in part and denied in part.

Resnick, Pfeifer, O'Connor and O'Donnell, JJ., concur.

Lundberg Stratton, J., concurs in part and dissents in part.

*State v. Sanchez*

Case no. 2005-1034

Web cite 2006-Ohio-4478

Though a defendant's motion to limit prosecution evidence at her upcoming trial stops the running of the 270-day limit within which she must be brought to trial for a reasonable period, the filing of a detainer notice against a criminal defendant by the U.S. Immigration and Customs Enforcement Agency does not toll the running of the speedy trial time or nullify the requirement that each day a defendant spends in jail awaiting trial in lieu of bond will be triple-counted toward the speedy trial limit.

Lucas App. No. L-04-1169, 162 Ohio App.3d 113, 2005-Ohio-2093. Judgment reversed and conviction reinstated.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and **Lanzinger, JJ.**, concur.

Pfeifer, J., concurs in part and dissents in part.

*State v. Lather*

Case no. 2005-0400

Web cite 2006-Ohio-4477

If a criminal defendant is advised of his *Miranda* rights, but police do not directly ask if he understands and waives those rights, an understanding waiver of rights may be inferred from the totality of the circumstances.

Sandusky App. No. S-03-008, 2005-Ohio-668. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and **Lanzinger, JJ.**, concur.

O'Donnell, J., concurs in judgment only.

*Sheaffer v. Westfield Ins. Co.*

Case nos. 2005-0078 and 2005-0457

Web cite 2006-Ohio-4476

If the Supreme Court declines to hear a discretionary appeal, the denial of jurisdiction settles the issue of law between the parties for which review was sought, finalizing the trial court's award of damages as valid and enforceable.

Holmes App. No. 03CA006, 2004-Ohio-6755. Judgment affirmed.

**Moyer, C.J.**, Resnick, Pfeifer and Lanzinger, JJ., concur.

Lundberg Stratton, O'Connor and O'Donnell, JJ, dissent.

*In re Adoption of Pushcar*

Case no. 2005-2118

Web cite 2006-Ohio-4572

If an issue concerning the parenting of a child is pending in a juvenile court, a probate court must refrain from proceeding with the adoption of the child until the juvenile court resolves the parentage issue.

Lake App. No. 2005-L-050, 2005-Ohio-5114. Judgment affirmed.

Moyer, C.J., **Resnick**, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Lanzinger, J., concurs in judgment only.

*State v. Craig*

Case no. 2004-1554

Web cite 2006-Ohio-4571

Affirms the convictions and death sentence of Donald Craig for the kidnapping, rape and aggravated murder of 12-year-old Roseanna Davenport of Akron.

Summit C.P. No. 2003-06-1638.

Judgment affirmed in part and vacated in part, and cause remanded.

Moyer, C.J., Resnick, **Pfeifer**,

Lundberg Stratton, O'Connor,

O'Donnell and Lanzinger, JJ., concur.

*State v. Buehner*

Case no. 2005-1347

Web cite 2006-Ohio-4707

A criminal indictment tracking the statutory language of the charged offense and identifying a predicate offense by referring to its statute number, but not including each element of the predicate offense, provides the accused with legally sufficient notice of the charges against him.

Cuyahoga App. No. 84985, 161

Ohio App.3d 546, 2005-Ohio-2828.

Judgment reversed and cause remanded.

**Resnick**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Moyer, C.J., and Pfeifer, J., dissent.

*Ohio Consumers' Counsel*

*v. Pub. Util. Comm.*

Case no. 2005-0945

Web cite 2006-Ohio-4706

Rules the Public Utilities Commission of Ohio acted lawfully and within its authority when it approved a 2005 agreement between Dayton Power & Light Co., several independent power generating companies and a group of Dayton-area communities allowing DP&L to recover most of its cost of changing to a new billing system by adding monthly charges to the electric bills of all DP&L customers beginning Jan. 1, 2006.

Public Utilities Commission, Nos.

03-2405-EL-CSS, 04-85-EL-CSS, and 03-2341-EL-ATA. Order affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.



## OCTOBER

*State ex rel. Ohio Democratic Party  
v. Blackwell*

Case no. 2006-1678

Web cite 2006-Ohio-5202

The Court ruled it lacked subject-matter jurisdiction to decide a complaint filed by the Ohio Democratic Party against Secretary of State J. Kenneth Blackwell involving Blackwell's alleged failure to enforce campaign contribution disclosure requirements against a third-party political advocacy group called Common Sense 2006.

In Mandamus. Cause dismissed.

Lundberg Stratton and **Lanzinger**,  
JJ., concur.

Moyer, C.J., and O'Connor, J.,  
concur in judgment only.

Resnick, Pfeifer and O'Donnell, JJ.,  
dissent.

*State ex rel. Oriana House Inc.  
v. Montgomery*

Case no. 2005-1505

Web cite 2006-Ohio-4854

Private entities are not subject to provisions of the Ohio Public Records Act (R.C. 149.43) unless the party seeking records shows that the private entity is the functional equivalent of a public agency.

Franklin App. Nos. 04AP-492 and  
04AP-504, 2005-Ohio-3377. Judgment  
reversed.

**Pfeifer**, Lundberg Stratton,  
O'Donnell and Lanzinger, JJ.,  
concur.

Moyer, C.J., Resnick and O'Connor,  
JJ., dissent.

*Seeger v. For Women Inc.*

Case no. 2005-0556

Web cite 2006-Ohio-4855

A clerk of court's failure to immediately serve the defendants in a civil action with a copy of the plaintiff's complaint is not grounds for dismissal of the complaint, as long as the complaint was filed timely and service is accomplished within one year after the filing date; clerks of court are required to serve defendants with a copy of a complaint "forthwith" (without delay), and do not have discretion to grant a request for delayed service.

Hamilton App. No. C-040317, 2005-  
Ohio-528. Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer**,  
Lundberg Stratton and Lanzinger,  
JJ., concur.

O'Connor and O'Donnell, JJ.,  
concur separately.

*State v. Bethel*

Case no. 2003-1766

Web cite 2006-Ohio-4853

Affirms the convictions and death sentence of Robert Bethel for the June 1996 aggravated murders of James Reynolds and Shannon Hawks in Columbus.

Franklin C.P. No. 00CR-11-6600.  
Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer**,  
Lundberg Stratton, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*Jackson v. Greger*

Case no. 2005-0905

Web cite 2006-Ohio-4968

If a client intends to waive the confidentiality of privileged direct communications with his or her attorney, the only means by which to do so is by express consent or by voluntarily testifying on the same subject. In order for a litigant to establish good cause to compel discovery of an opposing attorney's work product, the party

seeking discovery must show the materials sought are relevant to the current legal action and are not available from other sources.

Montgomery App. No. 20693, 160 Ohio App.3d 258, 2005-Ohio-1588. Judgment affirmed.

**Moyer, C.J.**, Resnick, Lundberg Stratton and O'Connor, JJ., concur. Lanzinger, J., concurs in judgment only.

Pfeifer, J., concurs in part and dissents in part.

O'Donnell, J., dissents.

*State v. Drummond*

Case no. 2004-0586

Web cite 2006-Ohio-5084

Affirms the conviction and death sentence of John Drummond of Youngstown for the aggravated murder of 3-month-old Jiyen Dent Jr. in March 2003.

Mahoning C.P. No. 03-CR-358. Judgment affirmed.

Resnick, Lundberg Stratton, O'Connor, and **Lanzinger, JJ.**, concur.

Moyer, C.J., Pfeifer and O'Donnell, JJ., dissent.

*In re Schaefer*

Case no. 2005-0755

Web cite 2006-Ohio-5513

If a juvenile court determines a neglected or dependent child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the parents, the court is not required in its decision to determine whether a suitable relative is available to assume custody of the child before granting an order terminating parental rights and awarding permanent custody of the child to a county children services agency.

Geauga App. No. 2004-G-2594, 2005-Ohio-1258. Judgment reversed and judgment of the trial court reinstated.

Moyer, C.J., Resnick, **Pfeifer**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*State ex rel. Ohio Congress of Parents and Teachers v. State Bd. of Edn.*

Case no. 2004-1668

Web cite 2006-Ohio-5512

Rules the Ohio statute authorizing charter schools is constitutional both on its face and as applied.

Franklin App. No. 03AP-508, 2004-Ohio-4421. Judgment affirmed in part and reversed in part.

Moyer, C.J., Lundberg Stratton, O'Connor and **Lanzinger, JJ.**, concur. Resnick and Pfeifer, JJ., dissent. O'Donnell, J., dissents and would dismiss the appeal as having been improvidently accepted.

*State v. Ketterer*

Case no. 2004-0485

Web cite 2006-Ohio-5283

Affirms the conviction and death sentence of Donald J. Ketterer for the aggravated murder of 85-year-old Lawrence Sanders of Hamilton in February 2003.

Butler C.P. No. CR 2003-03-0309. Judgment affirmed.

**Moyer, C.J.**, Resnick, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer and Lundberg Stratton, JJ., concur separately.

## NOVEMBER

*In re J.J.*

Case no. 2006-0064

Web cite 2006-Ohio-5484

When a trial court possesses subject-matter jurisdiction over a case, a procedural error when transferring the case to a visiting judge is grounds for a timely objection, but does not void the trial court's judgment by negating its subject-matter jurisdiction over the case. In addition, when two different panels of the same court of appeals issue conflicting rulings on a legal matter, the conflict may not be certified for review by the Supreme Court, but must be resolved through an en banc session in which all judges of the court of appeals participate.

Cuyahoga App. No. 86276, 2005-Ohio-6096. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and **O'Donnell, JJ.**, concur.

Lanzinger, J., concurs in judgment only.

*State v. Stahl*

Case no. 2005-0773

Web cite 2006-Ohio-5482

Rules that the admissibility at trial of third-party hearsay testimony about statements that a since-deceased crime victim made during a medical examination depends on whether the statements were made under circumstances that would lead an objective witness reasonably to believe the statements would be available later for a trial.

Summit App. No. 22261, 2005-Ohio-1137. Judgment affirmed.

Resnick, Lundberg Stratton, O'Connor and **O'Donnell, JJ.**, concur.

Moyer, C.J., Pfeifer and Lanzinger, JJ., dissent.

*Whitaker v. M.T. Automotive Inc.*

Case no. 2005-0331

Web cite 2006-Ohio-5481

If a consumer is harmed by a supplier's unfair or deceptive trade practice, the consumer is entitled to recover actual economic losses and other damages resulting from the supplier's violations of the Ohio Consumer Sales Practices Act.

Summit App. No. 21836, 2004-Ohio-7166. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton and **Lanzinger, JJ.**, concur.

O'Donnell, J., dissents.

O'Connor, J., not participating.

*Am. Financial Servs. Assn. v. Cleveland*

Case nos. 2005-0160 and 2005-0161

Web cite 2006-Ohio-6043

Holds three Cleveland city ordinances violate the home-rule provision of the Ohio Constitution because state statutes setting regulatory guidelines for Ohio residential mortgage lenders are "general laws" to prescribe a uniform statewide regulatory scheme and provisions of the Cleveland ordinances conflict with the state law by prohibiting lending practices within the city that are implicitly permitted under the state statute.

Cuyahoga App. No. 83676, 159 Ohio App.3d 489, 2004-Ohio-6416. Judgment reversed.

Moyer, C.J., Lundberg Stratton, **O'Donnell** and Lanzinger, JJ., concur.

O'Connor, J., concurs in judgment only.

Resnick and Pfeifer, JJ., dissent.

*Knust v. Wilkins*

Case no. 2005-2084

Web cite 2006-Ohio-5791

Under state and federal tax laws, when stock in a subchapter S corporation, owned by two electing small business trusts is sold by the trusts for a profit, the proceeds of the sale are taxable as personal income to the individuals who established and maintained control of the trusts.

Board of Tax Appeals, No. 2004-M-533. Decision affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, **O'Connor** and Lanzinger, JJ., concur.  
O'Donnell, J., dissents.

*Ohio Consumers' Counsel*

*v. Pub. Util. Comm.*

Case nos. 2005-0518 and 2005-0946

Web cite 2006-Ohio-5789

Partially affirms and partially reverses Public Utilities Commission of Ohio orders approving a negotiated rate stabilization plan agreed to by Cincinnati Gas and Electric Co. and groups representing some, but not all, of the utility's customers.

Public Utilities Commission, Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 03-2081-EL-AAM, and 03-2080-EL-ATA. Orders affirmed in part and reversed in part, and cause remanded.  
Moyer, C.J., Resnick, **Pfeifer**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*Ohio Consumers' Counsel*

*v. Pub. Util. Comm.*

Case nos. 2005-1621 and 2005-1679

Web cite 2006-Ohio-5853

Affirms orders of the Public Utilities Commission of Ohio permitting four electric utility companies to defer

accounting for certain costs incurred during a 2001 to 2005 rate-freeze period until after the rate freeze ended. The decision also held the PUCO abused its discretion when it denied a motion by the OCC to intervene as a party in the case.

Public Utilities Commission, Nos. 04-1931-EL-AAM and 04-1645-EL-AAM. Decisions affirmed.

Moyer, C.J., Resnick, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.  
Pfeifer, concurs in part and dissents in part.

*Dayton Supply & Tool Co. Inc.*

*v. Montgomery Cty. Bd. of Revision*

Case no. 2005-1464

Web cite 2006-Ohio-5852

A corporate officer may prepare and file a complaint with a county board of tax revision without engaging in the unauthorized practice of law, as long as the officer does not make legal arguments, examine witnesses or undertake any other tasks that should be performed only by an attorney.

Board of Tax Appeals, No. 2003-G-1851. Decision reversed and cause remanded.

**Pfeifer**, **Lundberg Stratton**, O'Connor and Lanzinger, JJ., concur.  
Moyer, C.J., Resnick and O'Donnell, JJ., dissent.

*In re D.S.*

Case no. 2005-0992

Web cite 2006-Ohio-5851

In order to require polygraph tests as a community-control condition in juvenile cases involving crimes of a sexual nature, a juvenile court must have supporting evidence for their use against a particular juvenile, and self-incriminating

statements may not be compelled by polygraph examinations as a community-control condition.

Warren App. Nos. CA2004-04-036 and CA2004-04-046, 160 Ohio App.3d 552, 2005-Ohio-1803. Judgment reversed and cause remanded.

Pfeifer, Lundberg Stratton, O'Donnell and **Lanzinger, JJ.**, concur.

Moyer, C.J., Resnick and O'Connor, JJ., dissent.

## DECEMBER

*Natl. City Bank v. Wilkins*

Case nos. 2005-1562, 2005-1563, 2005-1564, 2005-1565 and 2005-1566  
Web cite 2006-Ohio-6110

When a bank calculates its taxable net worth for corporate franchise tax purposes, it is required to include annual increases in the cash surrender value of bank-owned life insurance policies and when the increase resulted from reinvested interest and dividends.

Board of Tax Appeals, Nos. 2003-A-1326, 2003-A-1327, 2003-A-1328, 2003-A-1329 and 2003-A-1330.

Decision affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and **O'Donnell, JJ.**, concur.  
Lanzinger, J., dissents.

*Cleveland Bar Assn.*

*v. CompManagement Inc.*

Case no. 2004-0817  
Web cite 2006-Ohio-6108

Holds several types of workers' compensation support services provided to Ohio employers by CompManagement Inc. do not constitute the unauthorized practice of law, because the tasks at

issue fall within limitations for non-attorney practice established by the Ohio Industrial Commission.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 02-04. Final report rejected and claims dismissed.

Moyer, C.J., Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.  
Resnick, J., concurs in judgment only.

Pfeifer, J., concurs in part and dissents in part.

*Cincinnati v. Baskin*

Case no. 2004-1829

Web cite 2006-Ohio-6422

A Cincinnati city ordinance banning the possession of a semiautomatic rifle with a magazine capacity of more than 10 rounds of ammunition is not in conflict with a state statute barring possession of semiautomatic weapons with a magazine capacity of more than 31 rounds.

Hamilton App. No. C-030864, 158 Ohio App.3d 539, 2004-Ohio-5055. Judgment reversed and cause remanded.

Moyer, C.J., **Resnick**, Pfeifer and Lanzinger, JJ., concur.  
Lundberg Stratton, J., concurs in the syllabus and the judgment.  
O'Connor and O'Donnell, JJ., concur in judgment only.

*Time Warner Operations Inc. v. Wilkins*

Case nos. 2005-1932 and 2005-1933

Web cite 2006-Ohio-6210

Rules the separate rental fee charged for a converter box needed to watch most cable television channels and included in the cable television company's monthly customer bills is subject to state sales tax.

Board of Tax Appeals, Nos. 2003-R-1810 and 2003-R-1811. Decision reversed.



Moyer, C.J., Gwin, **Pfeifer**, Lundberg Stratton and O'Donnell, JJ., concur. O'Connor and Lanzinger, JJ., dissent. W. Scott Gwin, J., of the 5<sup>th</sup> Appellate District, sitting for Resnick, J.

*State ex rel. Butler Twp. Bd. of Trustees v. Montgomery Cty. Bd. of Commrs.*

Case no. 2005-1685

Web cite 2006-Ohio-6411

When annexation of a roadway into a municipality is sought, landholders who own property over which a roadway easement exists are owners of the roadway property and must be included in determining the number of owners needed to sign the annexation petition.

Montgomery App. No. 20725, 162 Ohio App.3d 394, 2005-Ohio-3872.

Judgment affirmed.

Moyer, C.J., **Resnick**, Pfeifer, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Lundberg Stratton, J., dissents.

*Holdeman v. Epperson*

Case no. 2005-1642

Web cite 2006-Ohio-6209

The executor of the estate of a deceased member of an Ohio limited liability company may exercise all rights the member had prior to death for the limited purpose of settling the decedant's estate.

Clark App. No. 2004-CA-49, 2005-Ohio-3750. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, O'Connor and **Lanzinger**, JJ., concur. Lundberg Stratton and O'Donnell, JJ., dissent.

*Theobald v. Univ. of Cincinnati*

Case no. 2005-0896

Web cite 2006-Ohio-6208

When a physician is employed as an instructor at a state university medical

school and is engaged in teaching one or more medical students or hospital residents, the physician is acting within the scope of his public employment, and thus immune from personal liability for negligence, when he performs a medical procedure on a private patient.

Franklin App. No. 02AP-560, 160 Ohio App.3d 342, 2005-Ohio-1510.

Judgment affirmed.

Moyer, C.J., Resnick, **Lundberg Stratton**, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., dissents.

*Thornton v. Salak*

Case no. 2005-0880

Web cite 2006-Ohio-6407

When the original effective date of a legislative enactment is delayed by the filing of a referendum petition, but that petition is later disqualified by the secretary of state, the new provisions take effect as of the date the referendum petition was ruled invalid.

Fairfield App. Nos. 03 CA 63 and 03 CA 64, 2005-Ohio-1612. Judgment affirmed and cause remanded.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

McMonagle, J., dissents.

Christine T. McMonagle, J., of the 8<sup>th</sup> Appellate District, sitting for Resnick, J.

*State v. Johnson*

Case no. 2004-1163

Web cite 2006-Ohio-6404

Affirms the convictions and death sentence of Marvin Johnson of Cambridge for the 2003 kidnapping and murder of 13-year-old Daniel Bailey and the kidnapping, rape and robbery of Daniel's mother, Lisa Bailey

Guernsey C.P. No. 03-CR-116.

Judgment affirmed.  
Moyer, C.J., Resnick, Pfeifer,  
Lundberg Stratton, O'Connor,  
**O'Donnell** and Lanzinger, JJ.,  
concur.

*State v. Elmore*

Case no. 2004-0041

Web cite 2006-Ohio-6207

Affirms the convictions and death sentence of Phillip E. Elmore of Newark for the murder of Pamela Annarino in June 2002. Re-sentencing was ordered for other non-capital offenses of which Elmore also was convicted.

Licking C.P. No. 02 CR 275.

Judgment affirmed, but cause remanded for resentencing on non-capital offenses.

Moyer, C.J., Resnick, Pfeifer,  
**Lundberg Stratton**, O'Connor,  
O'Donnell and Lanzinger, JJ.,  
concur.

*State ex rel. Wellington*

*v. Kobly* (per curiam)

Case no. 2006-1163

Web cite 2006-Ohio-6571

Reverses a writ of prohibition issued by the 7<sup>th</sup> District Court of Appeals barring Youngstown Municipal Court Judge Elizabeth A. Kobly from conducting contempt proceedings against Mahoning County Sheriff Randall A. Wellington.

Mahoning App. No. 05 MA 228.

Judgment reversed.

Moyer, C.J., Resnick, Pfeifer,  
O'Connor, O'Donnell and  
Lanzinger, JJ., concur.  
Lundberg Stratton, J., dissents.

*State ex rel. Scott*

*v. Cleveland* (per curiam)

Case no. 2006-0971

Web cite 2006-Ohio-6573

Upholds a ruling in which the 8<sup>th</sup> District Court of Appeals refused to issue a writ of prohibition barring the city of Cleveland from conducting administrative hearings or collecting traffic fines based on evidence of traffic violations obtained through a system of automated roadside cameras.

Cuyahoga App. No. 87985, 2006-Ohio-2062. Judgment affirmed.

Resnick, Lundberg Stratton,  
O'Connor and O'Donnell JJ.,  
concur.

Moyer, C.J., Pfeifer and Lanzinger,  
JJ., concur in judgment only.

*State ex rel. Moorehead v. Indus. Comm.*

Case no. 2005-1121

Web cite 2006-Ohio-6364

If a worker is rendered quadriplegic by a workplace accident and survives for a short time, but does not regain consciousness before dying, his surviving spouse is entitled to scheduled loss compensation for her spouse's loss of use of both arms and legs under provisions of Ohio's workers' compensation law

Franklin App. No. 04AP-404, 2005-Ohio-2667. Judgment reversed and writ allowed.

**Moyer, C.J.**, Resnick, Pfeifer,  
O'Connor and Lanzinger, JJ.,  
concur.

Lundberg Stratton and O'Donnell,  
JJ., concur separately.

*State v. Azbell*

Case no. 2005-1788

Web cite 2006-Ohio-6552

Rules the statutory 270-day limit within which the state must bring a felony defendant to trial does not begin to run until the accused is formally charged in a criminal indictment or complaint, is held in custody pending the filing of charges, or is released on bail or recognizance.

Richland App. No. 2005-CA-0004, 2005-Ohio-4405. Judgment reversed and cause remanded.

Resnick, **Lundberg Stratton** and O'Connor, JJ., concur.  
O'Donnell, J., concurs separately.  
Moyer, C.J., Pfeifer and Lanzinger, JJ., dissent.

*Robinson v. Bates*

Case no. 2005-0998

Web cite 2006-Ohio-6362

In personal injury cases, a jury considering the reasonable value of a plaintiff's medical treatment may hear evidence of both the amount originally billed by a medical care provider for treatment, and a lesser amount accepted by the care provider from an insurance company as full payment for the billed services.

Hamilton App. No. C-040063, 160 Ohio App.3d 668, 2005-Ohio-1879. Judgment affirmed and cause remanded to the trial court.  
Moyer, C.J., Resnick, Pfeifer, O'Connor and **Lanzinger**, JJ., concur.  
O'Donnell, J., concurs in judgment only.

Lundberg Stratton, J., concurs in part and dissents in part.

*State v. Gondor*

Case nos. 2005-0329 and 2005-0336

Web cite 2006-Ohio-6679

Orders new trials for two men convicted of participating in the 1988 kidnapping, attempted rape and murder of a Portage County woman.

Portage App. No. 2002-P-0073, 2004-Ohio-7219, and Portage App. No. 2002-P-0074, 2004-Ohio-7220. Judgments reversed.  
Moyer, C.J., Resnick, **Pfeifer**, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*Ohio State Bar Assn. v. Burdzinski, Brinkman, Czarzasty & Landwehr Inc.*

Case no. 2006-0839

Web cite 2006-Ohio-6511

Holds a nonlawyer does not engage in the unauthorized practice of law by representing another in union-election matters or in the negotiation of a collective bargaining agreement when the activities of the nonlawyer are confined to providing advice and services not requiring legal analysis, legal conclusions or legal training. Also holds it is the unauthorized practice of law for a nonlawyer to draft or write a contract or other legal instrument on behalf of another that is intended to create a legally binding relationship between an employer and a union, even if the contract is copied from a form book or was previously prepared by a lawyer.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 04-05. Respondents are enjoined from the drafting or writing of contracts.

**Moyer, C.J.**, Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

*State v. Cress*

Case nos. 2005-1965 and 2005-2114

Web cite 2006-Ohio-6501

A criminal charge of felony intimidation does not require the state to prove the defendant made a threat to engage in unlawful conduct, but it does require showing the defendant engaged in a predicate underlying criminal offense in making the threat.

Marion App. No. 09-04-42, 163 Ohio App.3d 46, 2005-Ohio-4620. Judgment affirmed.

**Moyer, C.J.**, Pfeifer, O'Donnell and Lanzinger, JJ., concur.

Resnick, Lundberg Stratton and O'Connor, JJ., dissent.

*Sherwin-Williams Co.*

*v. Dayton Freight Lines Inc.*

Case nos. 2005-1194 and 2005-1247

Web cite 2006-Ohio-6498

A political subdivision can be liable for damages when a hazard created by its employees in the performance of their duties within its borders contributes to an accident occurring outside the limits of the subdivision.

Montgomery App. No. 20651, 161 Ohio App.3d 444, 2005-Ohio-2773. Judgment affirmed.

Moyer, C.J., Resnick, **Pfeifer**,

O'Connor, O'Donnell and

Lanzinger, JJ., concur.

Lundberg Stratton, J., dissents.

*State ex rel. Carr v. Akron* (per curiam)

Case no. 2006-0168

Web cite 2006-Ohio-6714

Denies a writ of mandamus sought by two Akron firefighters to compel the city of Akron to release certain records and test materials pertaining to a fire captain promotion examination, because various documents to which the firefighters sought access either had already been provided, did not exist, or were excepted from disclosure by various exceptions in the public records statute.

In Mandamus. Writ denied.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

Pfeifer, J., concurs in judgment only.

O'Donnell, J., dissents and would allow the cause to be dismissed.

*State v. Haines*

Case nos. 2005-0853 and 2005-0959

Web cite 2006-Ohio-6711

If the credibility of an alleged victim of domestic violence has been challenged on cross-examination during the state's case-in-chief, the state may introduce limited expert testimony regarding battered woman syndrome to aid the judge or jury in determining the victim's state of mind in returning to or remaining in a relationship with the defendant, despite the alleged abuse.

Lake App. No. 2003-L-035, 2005-Ohio-1692. Judgment affirmed in part and reversed in part, and cause remanded.

Moyer, C.J., Resnick, **Pfeifer**,

Lundberg Stratton, O'Connor and

O'Donnell, JJ., concur.

Lanzinger, J., dissents.

*State ex rel. Repository*

*v. Nova Behavioral Health Inc.*

Case no. 2005-0813

Web cite 2006-Ohio-6713

A private, nonprofit corporation contracting with a county mental health board to provide community mental health services does not qualify as the functional equivalent of a public office whose records are subject to mandatory public disclosure under the state Public Records Act.

In Mandamus. Writ denied.

Resnick, **Pfeifer**, Lundberg Stratton and Lanzinger, JJ., concur.

Moyer, C.J., O'Connor and

O'Donnell, JJ., dissent.

## **Jim Mendel, Technology Services Program Manager**

James J. Mendel, a Supreme Court of Ohio technology services program manager, died July 8 at his home in Groveport, Ohio. He was 59.

As a technology services program manager, Jim traveled to Ohio courts, helping them purchase new technology systems. During his 16-year tenure at the Court, Jim visited and assisted more than half the courts in the state.

“Jim was always helpful in all areas of technology, but was most helpful when assisting in the courts around the state,” Supreme Court Administrative Director Steven C. Hollon said. “He worked diligently to make sure every court was up-to-date when purchasing new systems.”

Jim’s work enhanced the faith Ohioans have in their courts. He was instrumental in developing technology assistance programs that directly benefited local courts and the Supreme Court, bringing the best of what the industry has to offer to Ohio. Jim’s hard work and dedication to the field helped advance Ohio to a national leadership role in state court technology systems.

Jim is remembered by those who worked closely with him for his passion and commitment to the courts and the unique sense of humor he brought to the workplace. He never hesitated to compliment a colleague on a job well done and always made sure fellow employees received recognition for their hard work.

“I always considered him one of my closest colleagues here,” said Supreme Court Director of Judicial & Court Services Doug Stephens, who joined the Court just one week after Jim in 1990. “What I admired most about Jim was the sincerity he expressed while visiting courts across the state and his philosophy that no matter what we do here or who we are, it is never about us – it is about the institution – the Court. Everything Jim did was based on those two beliefs.”

Jim served in the U.S. Marine Corps during the Vietnam War.

Jim is survived by his wife, Sandra; daughters, Jennifer (Dennis) Pascua, Sarah and Catherine; son, Joseph (Deanna); granddaughters, Britney and Kirsten; and sisters, Christine (Doug Perkins) Mendel and Martha (Frank) Jelenic.



## Herb Hungerford, Custodian

Herbert “Herb” Hungerford, a custodian with Housekeeping & Grounds, died suddenly Oct. 12. He was 63.

Those who knew Herb described him as a quiet, humble person. His easygoing and hardworking nature was evident from his first day on the job in December 2003, said Vikkie Wilson, meeting & events coordinator for the Supreme Court, who was his supervisor at the time.

Herb, who was among the Court’s first custodians, spent that entire day cleaning the Grand Concourse of the Ohio Judicial Center in preparation for the Supreme Court’s holiday gala, which would be its first in the new building.

“We hadn’t even moved into the building yet; it was still under construction,” Wilson said. “There was dust everywhere, and he had to mop the entire Grand Concourse, clean all the restrooms, set up the tables and chairs. I thought, ‘This man is never coming back,’ but he did. He was a very hard worker, a very unassuming man.”

Herb served four years in the U.S. Navy and received a Vietnam Expeditionary Medal and National Defense Service Medal. He was very proud of his military service, Wilson said.

Herb’s dedication to the Ohio Judicial Center and to doing good work was evident to those around him, said Supreme Court of Ohio Administrative Director Steven C. Hollon.

“Herb was a gentle soul with a soft and pleasant voice,” Hollon said. “However, his quiet nature belied his dedication to his job and his commitment to providing great service to the Court. He will be sorely missed.”

Herb had a long work history with experience as a welder, building supervisor, and janitor, but he always dreamed of starting his own cleaning business and was always looking in the newspaper for a van to start it, Tony Harrington, a Court maintenance mechanic, said.

Family was very important to Herb and he talked often about his grandchildren, coworkers said. He raised his son, Herb Jr., by himself after his wife, Sylvia, passed away at a young age. He never remarried.

Herb was one of 14 brothers and sisters. He is survived by 11 brothers and sisters and his son, Herb Jr., and two grandsons. He was preceded in death by his parents, two siblings, and his wife, whom he had known since the second grade.



## PHOTOS

*on the cover*

The Ohio Judicial Center. James D. DeCamp, *The Columbus Dispatch*.

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Ohio Judicial Center exterior. Sculpture added during building renovation, renaming it for the Supreme Court of Ohio.

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Pylon commemorating the founders of the Northwest Territory. Ohio Judicial Center exterior.

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Car 2, Elevator Lobby. One of four pairs of doors depicting the four fundamental elements (earth, wind, water and fire), and complementing four opposite, which depict the four seasons.

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Detail, external bronze doors, Civic Center Lobby (see page 24 and below).

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External bronze doors, Civic Center Lobby. Three sets of bronze doors recount the history of North America with a series of square brass medallions.

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Detail, Ohio Judicial Center exterior. One of several symbols of Ohio industry etched along the length of the Front Street side.

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Detail from *Twentieth Century Commerce in Ohio* (1932), by H.H. Wessel, Meeting Room 102.

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Detail, Ohio Judicial Center exterior.

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Inscription at the foot of a massive figure depicting Ohio's material and physical resources. Ohio Judicial Center exterior.

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Detail from *The Signing of the U. S. Constitution*, Law Library, 11<sup>th</sup> Floor. One of six oil paintings by Ron Anderson in the Rule of Law Gallery.

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Bronze bas relief, Civic Center Lobby. Sculpture by Paul Fjelde.

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Detail, Ohio Judicial Center exterior.

*page 80*

Detail from north plaza fountain, Ohio Judicial Center exterior. "Reason," "wisdom," "truth" and "integrity" are four of 10 "words of justice" sculpted in granite by Malcolm Cochran.

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Bronze bas relief, Civic Center Lobby. One of four sculptures by Paul Fjelde depicting tribal leaders associated with Ohio: Tecumseh, Logan, Pontiac and Little Turtle.



# THE SUPREME COURT *of* OHIO

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