

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Stephanie Hess, Deputy Administrative Director

FROM: Judge Theresa Dellick, Chairperson of the Commission on Specialized Dockets
Stephanie Nelson, Director of Court Services Division, and Interim Manager,
Specialized Dockets Section

DATE: January 11, 2022

SUBJECT: Commission on Specialized Dockets 2021 Annual Report

In accordance with Rule of Superintendence 36.11, please accept this annual report detailing the activities and accomplishments of the Commission on Specialized Dockets for 2021.

The Commission on Specialized Dockets was created on November 13, 2012 with the adoption of Rule of Superintendence 36.02. The purpose and duties of the Commission are defined in Sup. R. 36.03(A):

The Commission on Specialized Dockets shall advise the Supreme Court and its staff on all of the following: (1) the promotion of statewide rules and uniform standards concerning specialized dockets in Ohio courts; (2) the development and delivery of specialized docket services to Ohio courts, including training programs for judges and court personnel; (3) the consideration of any other issues the Commission deems necessary to assist the Supreme Court and its staff regarding specialized dockets in Ohio courts.

The Commission is comprised of twenty-two members. Appointments were made based on specific roles defined in Sup. R. 36.04(A). The Commission met for the first time on April 10, 2013. During 2021, Judge Theresa Dellick of the Mahoning County Juvenile Court continued to serve as the chair of the Commission and Judge James Shriver of the Clermont County Probate/Juvenile Court served as the vice-chair.

In 2021, the Commission met virtually five times. The Commission activities included:

- recommending the certification of specialized dockets;
- planning and executing the Fall Education Webinar Series;
- working on Commission subcommittees; and
- developing and disseminating guidance to local dockets pertaining to emerging issues.

Certification Recommendations

As of December 31, 2021, the Commission approved 67 specialized dockets for final certification during 2021. Re-certifications accounted for 52 of the dockets, and 15 of the dockets were new programs. Currently, there are 258 operational specialized dockets in Ohio that have achieved either initial or final certification.

2021 Fall Education Webinar Series

Due to COVID-19, the Annual Specialized Dockets Conference was converted to a virtual education series offered throughout the Fall. With the guidance of the Commission, the specialized dockets staff selected 17 of the sessions scheduled for the conference. Each session included a 60-minute presentation and up to 30 minutes of live interaction with the presenting faculty. The series started on September 8, 2021 and concluded on December 14, 2021. The number of attendees at a session ranged from 50 to 196.

Commission Subcommittees

Implementation of the data reporting requirements of Certification Standard 12-Effectiveness Evaluation continued during 2021. The Commission received detailed briefings on the status of the various dockets' compliance with the reporting requirements under Sup.R. 36.20. Commission members assisted in contacting judges to ensure reporting compliance. Through those efforts, reporting compliance has improved. Most dockets (92%) are either completely current or near current in their reporting, with only 6% of dockets not having successfully filed a report within the last six months. Five dockets (2%) have not yet reported, three of which became operational in 2021. The Specialized Dockets Section is providing technical assistance to these dockets to improve compliance.

In 2021, additional enhancements to the data collection system were implemented that have improved the quality of the data being stored in the Supreme Court's database. Additionally, the Supreme Court finalized implementation of the drug court flag in the Ohio Board of Pharmacy's prescription drug monitoring system (Ohio Automated Rx Reporting System, also known as OARRS), that is designed to alert prescribers that a patient before them is an active participant in a specialized docket. The inclusion of this alert in a prescription drug monitoring system is a first in the nation.

Emerging Issues

The Commission continued to develop specific guidance for Ohio's dockets during 2020. Specifically, guidance documents addressing the ongoing operation of specialized dockets were drafted and distributed. The first document, titled *Constitutional Rights of Participants*, addressed restrictions on participants as to geographical locations and associations, restrictions on participants as to consumption of various substances, and directives to participants as to the time, manner, place, and frequency of random drug testing, secular alternatives, searches, due process considerations, rights against self-incrimination, indigency, and other constitutional and statutory concerns. Additional guidance, *Racial and Ethnic Disparities Guidance for Specialized Dockets*, outlined specific practice recommendations and considerations for local programs to mitigate racial and ethnic disparities in Ohio's specialized dockets.

Also, the Commission was discussing judicial participation in a documentary film but before the Commission concluded, the opinion of the Board of Professional Conduct regarding judicial participation in a documentary film (Adv. Op. 2021-08) was released. The opinion's syllabus states that subject to certain ethical limitations, a specialized docket court judge may participate in a not-for-profit documentary film that includes the filming of courtroom proceedings and interviews of the judge

and court personnel. This opinion was distributed to all certified specialized dockets judges and coordinators.

Thank you for your support and the continued opportunity to promote the advancement and provision of specialized docket services to Ohio courts. We welcome your feedback and suggestions on the work of the Commission.