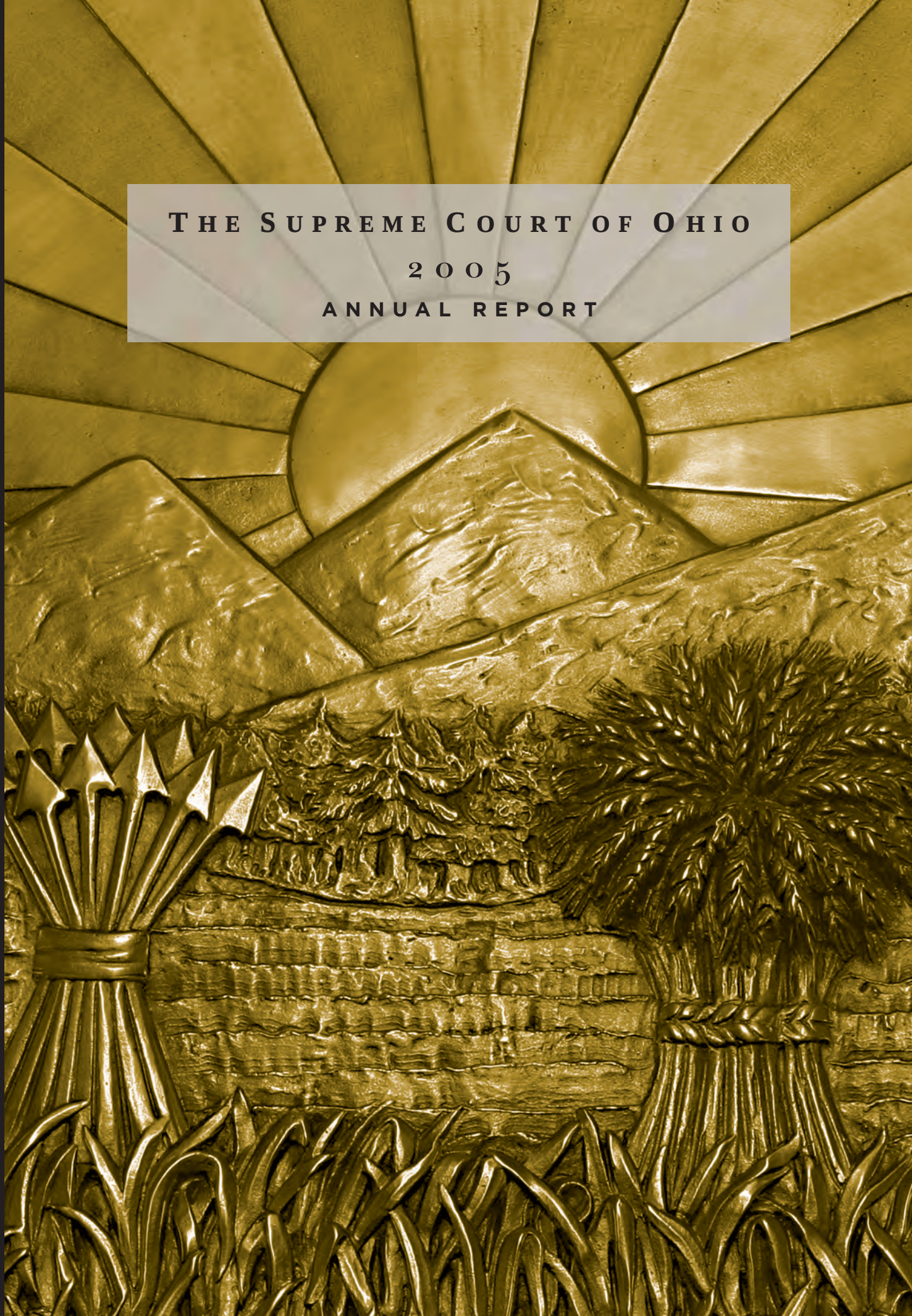


The Supreme Court of Ohio

2005

Annual Report

THE SUPREME COURT OF OHIO 2005 ANNUAL REPORT

THE SUPREME COURT OF OHIO

(SEATED - LEFT TO RIGHT)

ALICE ROBIE RESNICK CHIEF JUSTICE THOMAS J. MOYER PAUL E. PFEIFER

(STANDING - LEFT TO RIGHT)

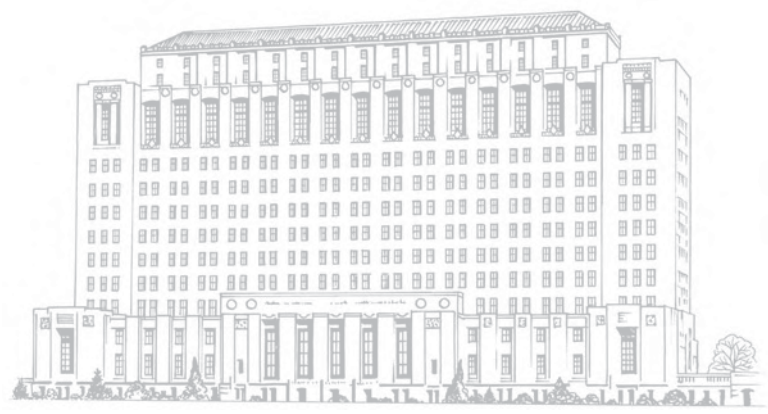
TERRENCE O'DONNELL EVELYN LUNDBERG STRATTON

MAUREEN O'CONNOR JUDITH ANN LANZINGER

The Supreme Court *of* Ohio

2005

ANNUAL REPORT



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: April 2006

The Supreme Court of Ohio continued to make great strides for justice in 2005. We were busy with a heavier caseload and disposed of a higher number of cases than in 2004. In addition, the Court advanced some key administrative initiatives, particularly in the important area of increasing public access and understanding of the judiciary.

We welcomed Justice Judith Ann Lanzinger as Ohio's 150th Supreme Court Justice. She replaced Francis Sweeney, who retired at the end of 2004. Justice Paul E. Pfeifer and I were sworn in to new terms, while Justice Terrence O'Donnell was sworn in to the final two years of the unexpired term he began serving in May 2003.

Among the key accomplishments this past year, the Court:

Processed 2,444 new cases, a 12 percent increase in new case filings over 2004.

Appointed the Supreme Court Advisory Committee on Interpreter Services.

Appointed the Supreme Court Advisory Committee on Court Security & Emergency Preparedness.

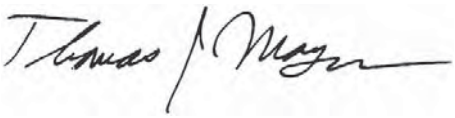
Implemented a new program allowing attorneys to file their biennial registration and pay their registration fees online.

Appointed 20 Ohio judges to the Advanced Science and Technology Adjudication Resource (ASTAR) program, a new national program to train judges on successfully incorporating emerging science and technology into court proceedings.

Opened the Visitor Education Center, where interactive exhibits and information panels offer visitors an understanding and appreciation of the history, role and responsibility of the Ohio judicial system.

In a special Supreme Court session in November, Justices, family and friends of the late Justice Robert E. Holmes honored his memory with a portrait dedication ceremony in the Courtroom. And on a sad note, the Court bid farewell to former Justice James F. Bell Jr., who died in September at his home in Bradenton, Fla., at the age of 90.

We look forward to 2006 and beyond with a great sense of optimism and expectation that we can build on what we have done together and continue to advance the cause of justice for all Ohioans.



Thomas J. Moyer

TABLE OF CONTENTS

07 Justices of the Supreme Court of Ohio

09 Admininstrative Director

11 Year In Review

14 Supreme Court Visitor Education Center

16 Administrative Structure

19 Admininstrative Division

25 Clerk's Division

35 Legal Resources Division

37 Fiscal & Management Resources Division

43 Information Technology Division

47 Facilities Management Division

51 Attorney Services Division

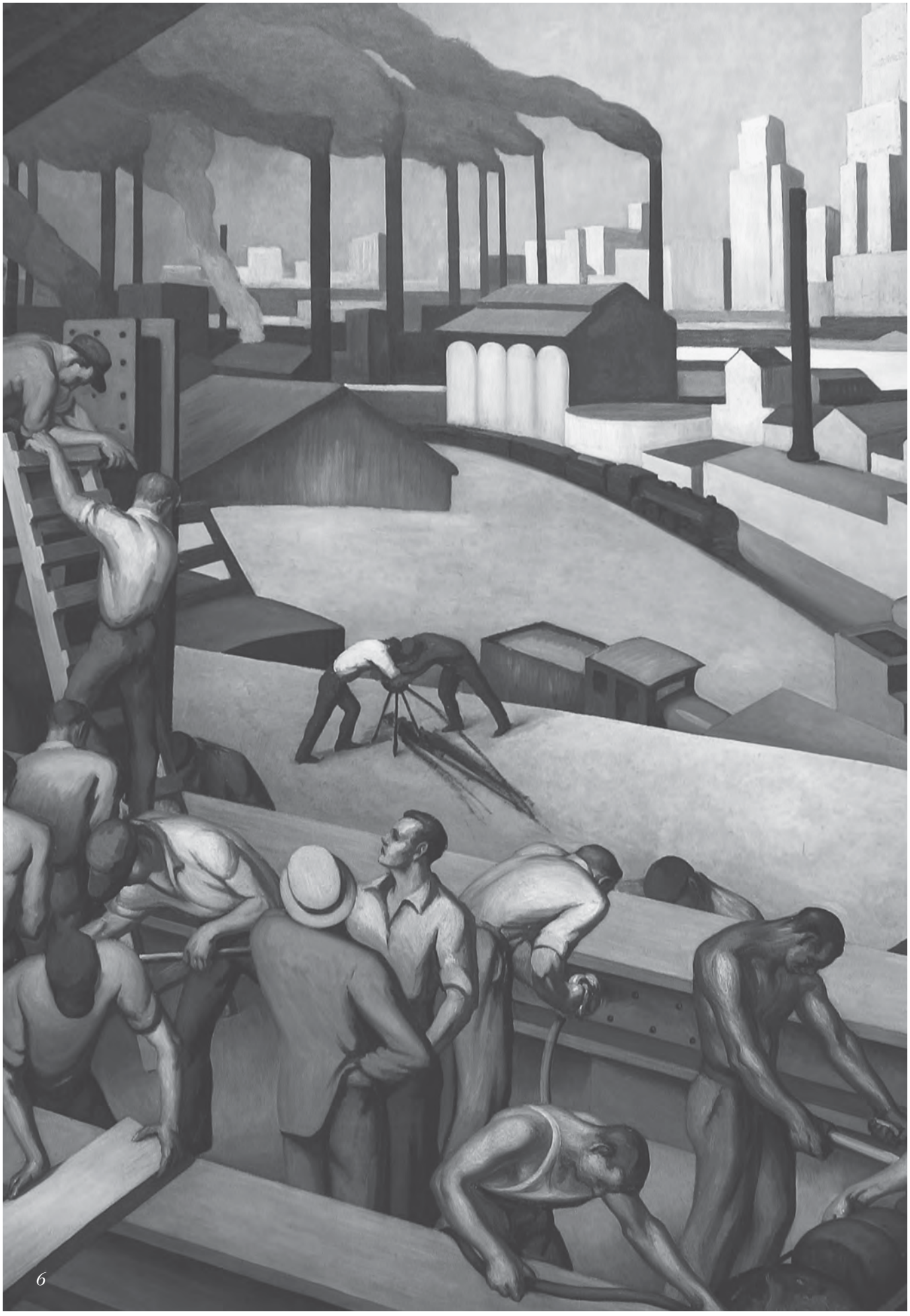
55 Judicial & Court Services Division

61 Affiliated Offices

65 Selected Opinion Summaries

73 Rule Changes

74 In Memoriam



Chief Justice Thomas J. Moyer is a strong advocate of enhancing the independence and integrity of the judiciary and for 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 10th 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 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.

Thomas J. Moyer
CHIEF JUSTICE

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 first 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 6th 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, one of which is a rescued greyhound.

Alice Robie Resnick
JUSTICE

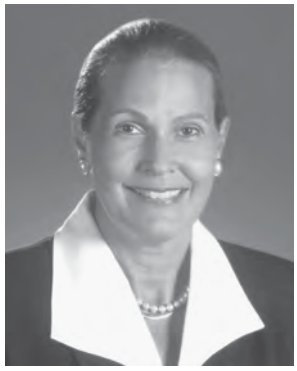
Justice Paul E. Pfeifer was elected to the Court in 1992 and currently is serving his third six-year term as a Supreme Court Justice.

Prior to joining the Supreme Court, Justice Pfeifer served as state senator for the 26th 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 15th District for two years.

From 1973 to 1992, Justice Pfeifer was partner in the 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 raise Angus cattle on their Crawford County farm.

Paul E. Pfeifer
JUSTICE



Evelyn Lundberg Stratton
JUSTICE

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's legal career began 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 sons and lives in Worthington.

Maureen O'Connor
JUSTICE

Justice Maureen O'Connor's election to the Supreme Court in 2002 created its first female majority and marked the latest achievement in a 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 offences. 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 to 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.

Justice Terrence O'Donnell, now in his fourth year on the Supreme Court of Ohio, has been a member of the state judiciary for more than 25 years.

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 has clerked for Judges John V. Corrigan and John M. Manos on the 8th 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 recognized by Kent State University as an outstanding undergraduate from the College of Arts and Sciences, by the American Nationalities Movement as its Justice Award recipient, by St. Edward High School as Alumnus of the Year, and by the German-American Societies of Greater Cleveland as Public Official of the Year.

Justice O'Donnell resides in Rocky River with his wife, Mary Beth. They have four adult children – Terrence and Michael, attorneys; Colleen, a third-year law student at Case Western Reserve University; and Nora, an English teacher at Dayton Chaminade-Julienne High School, who will receive her master's degree from the University of Dayton in May 2006.

Terrence O'Donnell
JUSTICE

Justice Judith Ann Lanzinger served at every level of the judiciary—the Toledo Municipal Court, Lucas County Court of Common Pleas and the 6th District Court of Appeals – before being elected in 2004 as the 150th Justice of the Supreme Court of Ohio. Over the last 20 years, Justice Lanzinger has taught judges in seven states and the former Soviet Union. She was the second woman in the United States to receive a judicial studies degree from the National Judicial College and University of Nevada, Reno.

Justice Lanzinger currently chairs the Commission on the Rules of Superintendence for Ohio Courts and is a former president of the Morrison Waite American Inn of Court. Committed to the improvement of justice, she has served on many statewide committees and taught at the University of Toledo College of Law for 18 years.

Justice Lanzinger and her husband, Robert, have two children, both attorneys, and three grandchildren

Judith Ann Lanzinger
JUSTICE

Steven C. Hollon is the administrative director of the Supreme Court of Ohio. As the senior non-elected official of the Court he oversees the operation of the Court.

Hollon began his career as a judicial law clerk with the Ohio 12th 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 2nd 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. Hollon has lectured at many judges' association meetings, including a weeklong seminar on judicial administration and legal ethics to the Ukrainian Supreme Court in Kiev.

He serves on the board of directors of the Conference of State Court Administrators affiliated with the National Center for State Courts in Williamsburg, Va.

Steven C. Hollon
ADMINISTRATIVE DIRECTOR

2005 in Review

Jan. 7
Justice Judith Ann Lanzinger and Chief Justice Thomas J. Moyer, the second-longest serving Chief Justice in Ohio history, take their oaths of office in separate ceremonies at the Ohio Judicial Center.

Jan. 12
Justices Paul E. Pfeifer and Terrence O'Donnell are sworn in during a joint investiture ceremony at the Ohio Judicial Center.

Feb. 4
The Supreme Court issues two orders suspending application of specific ethics rules related to advertisements sponsored by attorneys and judicial candidates.

The Court welcomes 10 members of the Ukrainian judiciary with a traditional bread and salt ceremony.

The Court also makes changes to campaign finance contribution limits for candidates running for Ohio judgeships. The changes are intended in part to allow donors greater ability to participate in judicial campaigns through contributions to candidate funds rather than third-party issue advocacy groups.

March 8
The Court welcomes 10 members of the Ukrainian judiciary to the state of Ohio, as they begin a weeklong visit to study the American judicial system.

April 5
The Court implements a new online attorney registration procedure and enforcement proceedings with sanctions that result in the suspension of attorneys who fail to register with the Court by Dec. 1.

April 7
Chief Justice Moyer announces the appointment of the Advisory Committee on Interpreter Services to study the best use of interpreters in Ohio courts. Judge Ronald Adrine of the Cleveland Municipal Court chairs the 18-member committee, which, like the Court's Interpreter Services Program, evolved from recommendations of the Ohio Racial Fairness Implementation Task Force.

April 21
Chief Justice Moyer chairs a national summit on court safety sponsored by the National Center for State Courts and the U.S. Department of Justice. Justice Maureen O'Connor also attends the conference and Moyer appoints her as chair of the newly formed Supreme Court Advisory Committee on Court Security & Emergency Preparedness.

April 27
The Court convenes in Cadiz at the Harrison County Courthouse. It is the 49th time the Court has met in quarters other than its own for oral arguments since Chief Justice Moyer created the Supreme Court Off-Site Court Program in 1987.

May 6
Chief Justice Moyer announces the appointment of 20 Ohio judges to a new national program to train judges on successfully incorporating emerging science and technology into court proceedings, the Advanced Science and Technology Adjudication Resource (ASTAR) program.

May 9
More than 300 new attorneys are sworn in during a special session of the Court at the Ohio Theatre. Chief Justice Moyer and Justice Lanzinger give remarks at the ceremony. Also present are Justices Paul E. Pfeifer, Evelyn Lundberg Stratton and Terrence O'Donnell.

May 11 & 12
The Court cosponsors a national conference in Columbus with Capital Law School, the Ohio Criminal Justice Coordinating Center of Excellence and the Ohio Chapter of the National Alliance for the Mentally

Ill. The conference focuses attention on innovative ways police and the courts are responding to those in the criminal justice system who suffer from mental illness. Justice Evelyn Lundberg Stratton serves as co-host, offers welcoming and opening remarks and moderates panel discussions.

May 17

The Court announces a $25 increase in the biennial attorney registration fee. The increase is expected to add $1.03 million to the moneys that support the system that investigates complaints against and imposes disciplinary sanctions against judges and attorneys, as well as the Clients' Security Fund, the Ohio Lawyers Assistance Program and the Ohio Legal Assistance Foundation.

The Court opens its Visitor Education Center.

June 2

The 2004 *Ohio Courts Summary* issued by the Court indicates a drop in new cases filed in 2004 in Ohio courts, largely due to a significant decrease in new traffic cases. Overall workloads for Ohio judges, however, remain high because of increases in other areas.

July 13

The 2004 *Mayor's Courts Summary* finds that mayor's courts in Ohio hear significantly fewer cases than municipal courts, and do not exist in nearly a quarter of the state but are concentrated in the state's three largest counties.

Aug. 1

The Court merges two offices to create the Attorney Registration & CLE Section to coordinate oversight of registration and CLE requirements.

Aug. 19

At a two-day Court workshop, judges and others involved in Ohio's juvenile justice system meet to implement a national curriculum designed to ensure that court cases involving foster children are processed quickly and effectively.

Sept. 15

In his State of the Judiciary speech, Chief Justice Moyer announces that the Supreme Court case docket is now online, enabling public access to past and pending Supreme Court case dockets on the Court's Web site.
He also announces a Court initiative, in cooperation with Ohio bar associations, to allow lawyers from Louisiana, Mississippi and Alabama displaced by Hurricane Katrina to temporarily serve their clients by practicing law from Ohio offices.

Sept. 21

Justice Stratton joins judicial and child welfare agency leaders from all 50 states at a conference in Minnesota to determine the level of judicial leadership needed to most effectively help abused and neglected children.

Sept. 23.

Former Justice James F. Bell Jr. dies at his home in Bradenton, Fla., at the age of 90.

Oct. 21

Chief Justice Moyer is appointed to the board of directors of Justice at Stake, a national organization dedicated to safeguarding fair, impartial and independent courts.

Oct. 26

The Court holds the 50th session of its Off-Site Court Program in Lebanon at the Warren County Justice Center.

Nov. 8

In a special Court session, Justices, family and friends of the late Justice Robert E. Holmes pay tribute to his memory during a portrait dedication ceremony.

Nov. 14

The Court issues for public comment proposed new professional conduct rules that provide greater protection for the rights of clients and the public and that reflect current practices and ethical standards in the legal profession.

Nov. 22

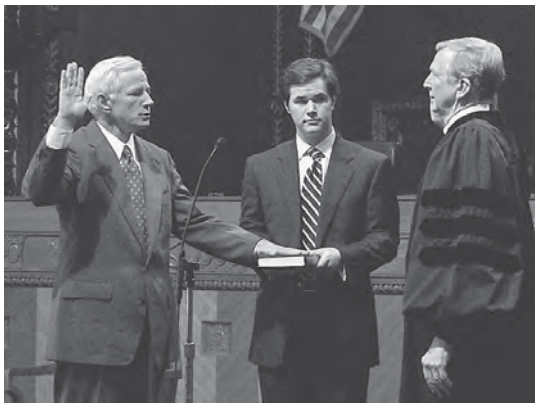
The Court launches a Web site dedicated to the Ohio Judicial Center (www.ohiojudicialcenter.gov).

Dec. 12

The Court opens its Visitor Education Center, where interactive exhibits and information panels offer visitors an understanding and appreciation of the history, role and responsibility of the Ohio court system.

Chief Justice Thomas J. Moyer (above) is sworn in to his fourth term as Chief Justice by former Justice Francis E. Sweeney Sr.

Justice Paul E. Pfeifer (above) is sworn in to his third term by his first boss, former U.S. Attorney General William Saxbe.



Chief Justice Moyer administers the oath of office to Justice Terrence O'Donnell (above) and Justice Judith Ann Lanzinger (below).

Supreme Court Visitor Education Center

Opening Doors to History

Providing open access to Ohio courts has been a mission of Chief Justice Thomas J. Moyer since he joined the Supreme Court in 1987. That mission achieved an important milestone in December with the opening of the Supreme Court Visitor Education Center – the first and only facility in Ohio dedicated to educating the public about the history and role of the judiciary.

With the promise of providing Ohioans a better understanding and appreciation of their judicial system, the center features an array of interactive exhibits, bold graphics and videos, offering an inside look at courts and the important rulings that affect citizens' lives.

Located on the Ground Floor of the Ohio Judicial Center, the 4,400 square-foot facility includes an interactive scale, challenging visitors to balance the three branches of government; a mock courtroom where guests can act out Ohio court cases; and videos that go behind the scenes to challenge movie and television myths about courts. Also featured is information about notable figures in Ohio legal history and the art and architecture of the Ohio Judicial Center. An area devoted to rotating exhibits tells the 40-year history of film censorship in Ohio.

Chief Justice Moyer was the driving force behind the Visitor Education Center. He included it in the original plans and budget for the historic renovation of the Ohio Judicial Center. Administrative Director Steven C. Hollon provided valuable leadership, with Visitor Education Program Manager Jay Wuebbold painstakingly shepherding plans through to completion.

On Dec. 12, Chief Justice Moyer's conception became a reality when the $1.2 million center opened its doors.

Justices Evelyn Lundberg Stratton, Terrence O'Donnell and Judith Ann Lanzinger joined Chief Justice Moyer and Jay Wuebbold at the ribbon-cutting ceremony. Ohio Superintendent for Public Instruction Susan Tave Zelman delivered the keynote address, underscoring the importance of the facility as a statewide educational resource.

The Chief Justice predicted that the center will broaden and reshape the public's view of justice. "That knowledge will sharpen their focus on an important reality – that the fundamental processes for resolving the great disputes of the past will also determine the resolution of disputes of today and tomorrow."

Work began in March 2003, with a focus group of teachers from suburban, rural and urban school districts who were asked to determine the core elements of a valuable educational experience. The verdict was unanimous: tell the story of Ohio courts, particularly their roles and responsibilities.

The space was designed by Gallagher & Associates – whose portfolio includes the International Spy Museum in Washington, D.C., the American Presidency exhibit at the Smithsonian Institution and the recently renovated National Archives.

Exhibit Concepts, Inc. – a Vandalia, Ohio, company whose credentials include the Oklahoma City National Memorial Center, the Missouri Historical Society and the National College Football Hall of Fame – built and installed the exhibits.

1

2

3

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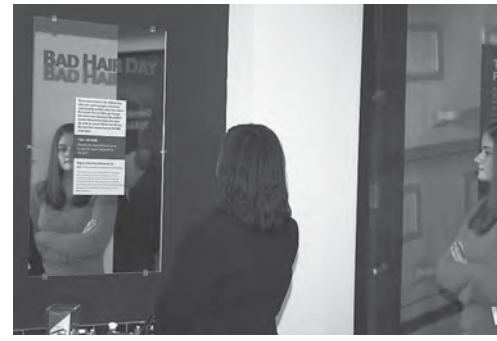

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1
Visitors can role-play in the case of State v. Dobbs, which progresses through the court system to this Supreme Court setting.

2
Vistors examine an exhibit on dispute resolution.

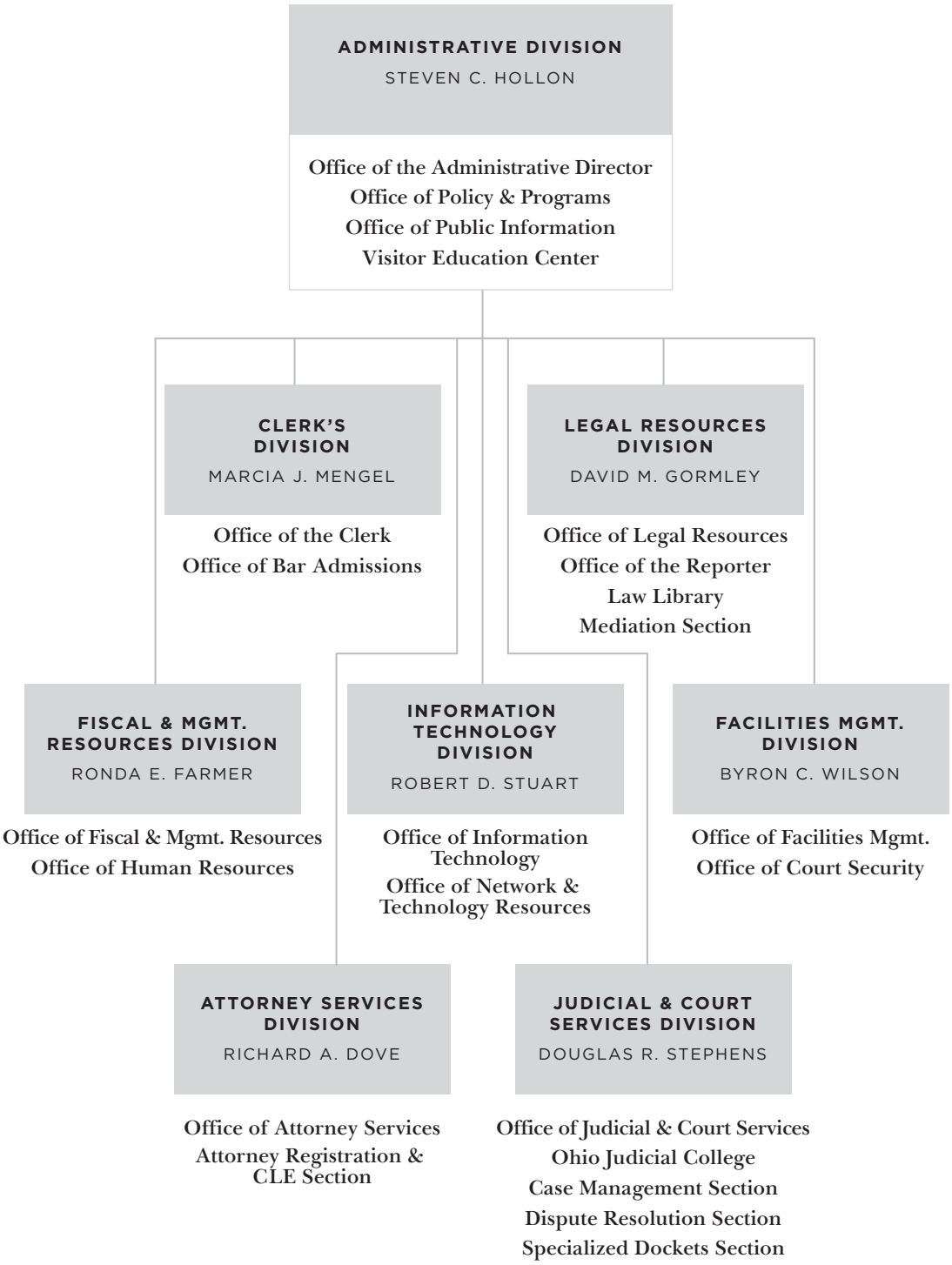
3
Chief Justice Moyer (center, right) assists Jay Wuebbold, Visitor Education Program manager, with cutting the ribbon to the Visitor Education Center. Looking on from the left are Kelli Glasser (far left) of Exhibit Concepts, Inc., and Terry Healy of Gallagher Associates. Justices Terrence O'Donnell (far right), Judith Ann Lanzinger and Evelyn Lundberg Stratton watch from the right.

4
The art, architecture and history of the Ohio Judicial Center are featured in a separate gallery.

5
The 40-year history of film censorship in Ohio is featured in the rotating exhibit gallery.

6
Students ponder the case of Rogers v. Toni Home Permanent Co. in the main gallery.

THE SUPREME COURT OF OHIO
ADMINISTRATIVE STRUCTURE
2005



THE SUPREME COURT OF OHIO
ADMINISTRATIVE STRUCTURE
2005

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. These include 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 also greatly 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 over the courts of Ohio, the regulation of the practice of law and the provision of efficient services to the judicial branch of Ohio government. For a complete listing of these bodies and the nature of their structure, please refer to www.supremecourtofohio.gov.

The table of organization displayed on the page at left provides a visual representation of the Court's structure in 2005. This structure has evolved significantly during the previous seven years.

ADMINISTRATIVE DIVISION

STEVEN C. HOLLON, ADMINISTRATIVE DIRECTOR

The Administrative Division is the lead division of the Supreme Court. In 2005, it consisted of the Office of the Administrative Director, the Office of Policy & Programs, 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 Policy and Programs served the Court throughout all of 2005, but its responsibilities were merged into the Office of the Administrative Director in a reorganization at year's end. 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.

OFFICE OF THE ADMINISTRATIVE DIRECTOR

As the senior non-elected official of the Court, Steven C. Hollon oversees all facets of the internal operation of the Court with responsibility for more than 255 employees and an annual budget that exceeds $115 million for the Court and the judicial system of the state.

Under Hollon's leadership, the Court posted significant administrative accomplishments in 2005.

In January, the Administrative Director's Office welcomed Judith Ann Lanzinger, the 150th Justice of the Supreme Court, and planned swearing-in ceremonies in the Ohio Judicial Center for Lanzinger, Chief Justice Thomas J. Moyer, Justice Paul E. Pfeifer and Justice Terrence O'Donnell.

In March, Hollon initiated the first 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.

A number of key staff hires and organizational changes were made during the year. The Office of Information Technology, formerly in the Fiscal & Management Resources Division, was restructured into the Information Technology Division in mid-2005. The reorganization consolidated the internal and external technology services of the Court into a unified division. Robert Stuart was hired to lead this division. And the Office of Human Resources welcomed Monica Hunyadi as its director with a wealth of state government experience.

The Office of the Administrative Director was involved in a number of legislative issues, assisting the Chief Justice in preparing for testimony before the House Judiciary Committee in favor of judicial reform legislation, and working with legislative leaders on the bill, which would increase qualifications for judicial office and increase the length of judicial terms.

OFFICE OF POLICY & PROGRAMS

The Office of Policy & Programs is responsible for assisting the Supreme Court and the administrative director in developing and executing a vision for the Court. The office coordinates government relations activities on behalf of the Court, and staff serve as secretary to two Court-appointed commissions and two task forces appointed by the Chief Justice.

The office continued to provide staff assistance to the Task Force on Pro Se & Indigent Litigants. In the spring, the task force conducted a statewide survey of Ohio lawyers to ascertain the degree to which they are engaged in the provision of pro bono (free) legal services. During the balance of the year, the task force

OFFICE OF THE ADMINISTRATIVE DIRECTOR

Steven C. Hollon,
Administrative Director

OFFICE OF POLICY & PROGRAMS

Richard A. Dove,
Director

OFFICE OF PUBLIC INFORMATION

Chris Davey,
Director

VISITOR EDUCATION CENTER

Jay Wuebbold,
Program Manager

TASK FORCE ON PRO SE & INDIGENT LITIGANTS

Jo Ellen Cline,
Staff Liaison

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

RULES ADVISORY COMMITTEE

Richard A. Dove,
Secretary

Hon. James Barber
Prof. Susan J. Becker
Hon. James Brogan
Hon. Kim A. Browne
Rick L. Brunner
Hon. Phil Campbell
Anthony R. Cicero
Lawrence Elleman
Hon. Sean C. Gallagher
Hon. Thomas J. Grady
Hon. Thomas R. Lipps
Hon. Jack R. Puffenberger
C. William Rickrich
Nancy Schuster
Prof. Daniel J. Steinbock
Anne M. Valentine
Peter H. Weinberger
David Yost
David J. Young,
Chair

TRAFFIC RULES REVIEW COMMISSION

Richard A. Dove,
Secretary

Hon. Patrick J. Carroll
Hon. Francis X. Gorman
John Guldin
Hon. Frederick Hany II,
Chair
Hon. Mary E. Kilbane
Col. P.D. McClellan
Karyn R. McConnell Hancock
Eddie Parks
Hon. Connie S. Price-Testerman
Colleen H. Taylor
Hon. Richard Waller
Raymond Wohl

developed and finalized a series of recommendations that will be included in a final report to Chief Justice Moyer in early 2006.

The office's government relations activities achieved the enactment of legislation that requires financial institutions to provide notice to Court disciplinary authorities when lawyers overdraw their client trust accounts. The overdraft notice will provide disciplinary authorities with a much-needed "early warning" of a lawyer's possible ethical misconduct. The office also worked with the General Assembly on legislation in the following areas:

- Public access to court records
- Judicial reform legislation, including increases in judicial qualifications, longer terms of office and the elimination of part-time judgeships and mayor's courts
- The creation of four judicial positions and the conversion of two part-time courts to full-time status.

2005 Professional Excellence Award Winners (left to right)
Lori Brown, Office of Disciplinary Counsel
Pam Wynsen, Office of the Reporter
Christopher Pon, Office of Legal Resources
Jennifer Middeler, Office of Network & Technology Resources

OFFICE OF PUBLIC INFORMATION

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

In 2005, the Office of Public Information wrote and mailed 316 written responses to constituent letters and e-mails; researched, wrote and distributed 234 previews of oral arguments before the Court and summaries of merit decisions; fielded 1,019

Supreme Court Launches Ohio Judicial Center Web Site

On Nov. 22, 2005, the Supreme Court of Ohio launched a Web site devoted entirely to the historic public building that houses the Court and its affiliated offices.

At www.ohiojudicialcenter.gov, visitors learn about the art and history of the Ohio Judicial Center, view a directory of its occupants and get information about tours and places of interest. A 360-degree virtual tour of the Courtroom and timeline of Supreme Court history also are available.

"Ohiojudicialcenter.gov is an easy way to visit this public monument to Ohio art, architecture, history and law without ever leaving home," Chief Justice Thomas J. Moyer said.

The site also introduces the Supreme Court of Ohio Visitor Education Center, which opened in December 2005.

media inquiries; answered more than 48,700 phone calls on the Court's main lines; and researched, wrote and distributed 84 news releases.

The office launched several new publications with the Court's new graphic design in 2005, including *The Supreme Court of Ohio & the Ohio Judicial System*, an expanded and revised publication containing information for a general audience about the Court and the third branch of Ohio government.

In December, the office conducted a successful one-day seminar at the Ohio Judicial Center for judges and media around the state designed to increase public trust and confidence in the judiciary by enhancing the relationship between judges and journalists.

2005 also saw the launch of a new Web site dedicated to news and information about the historic Ohio Judicial Center, www.ohiojudicialcenter.gov.

VISITOR EDUCATION CENTER

The Supreme Court Visitor Education Center develops and executes programs to provide the public with information about the role and responsibilities of the judicial system and the art, architecture and history of the Ohio Judicial Center.

The staff managed the planning, design and construction of the Visitor Education Center that officially opened Dec. 12 on the Ground Floor of the Ohio Judicial Center. The 4,400-square-foot facility consists of 10 exhibit areas.

An array of interactive exhibits, videos and graphic story panels guide visitors through trial and appellate court settings and illustrate important rulings and constitutional issues that affect citizens' lives. Exhibits include an interactive scale that challenges visitors to balance the three branches of government, mock courtrooms and the stories of legal pioneers past and present.

The Visitor Education Program conducted 287 tours for 9,747 visitors during 2005. Two-thirds of the guests were students from elementary and secondary schools as well as colleges. The 12-member volunteer corps donated a total of 382 hours since the program began in April.

The Office of Public Information coordinates media events for the Court like the press conferences for student and professional news organizations that precede Off-Site Court sessions. Above, Justice Maureen O'Connor prepares to respond to a question during the April 27, 2005, press conference in Harrison County.

CLERK'S DIVISION

MARCIA J. MENGEL, CLERK OF COURT

The Clerk's Division consists of the Office of the Clerk and the Office of Bar AdmissionsThe Office of the Clerk is the lead office of the division and is charged with supervising the filing of all case-related items and the maintenance of 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
Marcia J. Mengel,
Clerk

OFFICE OF BAR ADMISSIONS
Marcia J. Mengel,
Director

BOARD OF BAR EXAMINERS
Marcia J. Mengel,
Secretary

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

OFFICE OF THE CLERK

The Office of the Clerk manages all cases filed with the Supreme Court. In addition to the Court's case files, the office maintains lower court records, case dockets and the Court's journal; 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 (CLE) 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, phone and office consultations, publishing answers to frequently asked questions, posting helpful Web site information and seminar presentations.

In 2005, the office completed work on an Internet interface to enable public access to the Supreme Court electronic case management system through the Court's Web site. Chief Justice Moyer announced the release in his annual Ohio Judicial Conference State of the Judiciary address, and the interface went public Sept. 15, allowing attorneys, parties and other members of the public to access the Supreme Court case dockets and other case information as far back as 1985 in most cases.

During 2005, the Office of the Clerk processed 2,444 new Supreme Court cases, which represents a 12 percent increase in new case filings over 2004. The office also processed the disposition of 2,125 cases in 2005, a 1 percent increase in case dispositions over 2004.

The Office of the Clerk completed work on a new case statistics module for its case management system, so case statistics can be compiled more quickly, easily and thoroughly.

In 2005, the office developed a computer program for tracking and processing CLE enforcement proceedings that functions compatibly with the Court's general electronic case management system. The new program was ready for use in November, when the Commission on Continuing Legal Education instituted proceedings against 396 attorneys, alleging their noncompliance with CLE requirements during the 2003-2004 reporting period. This is the smallest group of attorneys named in a commission report in the 17 years during which reports have been filed.

As a service to the public, the Office of the Clerk began notating on each case docket the Web citations of any opinions issued by the Court in the case.

OFFICE OF BAR ADMISSIONS

The Office of Bar Admissions 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

BOARD OF COMMISSIONERS ON CHARACTER & FITNESS

Marcia J. Mengel, *Secretary*

Mary Asbury
Rhonda G. Davis
Matthew J. Dolan
Hon. Nancy D. Hammond
Hon. William Howard Harsha III
Todd Hicks
Hon. Sara Lioi, *Chair*
Scott McBride
Michael B. Michelson
Alvarene N. Owens
D. Michael Reny
Suzanne K. Richards
Hon. David Tobin

applicants; coordinates and administers semiannual 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.

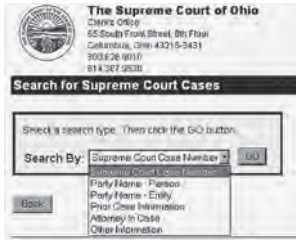
During 2005, the Office of Bar Admissions processed more than 3,700 applications, including 1,464 law student registrations, 2,155 bar exam applications and 89 applications for admission without examination.

The office administered the bar exam to 1,906 applicants – 519 in February and 1,387 in July – and coordinated several bar admission ceremonies at the historic Ohio Theatre for applicants who passed the bar exam and satisfied the Court's other requirements for admission. The first ceremony was held May 9 for qualifying February examinees. On Nov. 7, two ceremonies – one in the morning and one in the afternoon – were held for the large group of qualifying July examinees. This was the second time that two ceremonies were conducted on one day. The dual ceremonies enabled the newly admitted attorneys to invite more guests to attend this special event.

In December, the Office of Bar Admissions announced a laptop computer pilot program for the February 2006 bar exam. Under this program, 100 applicants will be permitted to use their laptop computers to answer the written portions of the bar exam. Special software technology from ExamSoft Worldwide will be used to give the applicants word processing capability during the exam while blocking access to all other programs, files and the Internet.

Marcia Mengel was reappointed chair of the American Bar Association's Bar Admissions Committee. The committee consists of Supreme Court justices, law school deans and professors, bar examiners and administrators and practicing attorneys who collaborate on model rules and bar admissions projects. Mengel was also reappointed to another term on the Board of Trustees of the National Conference of Bar Examiners.

Supreme Court Adds Online Case Docket



On Sep. 15, 2005, at his annual State of the Judiciary address, Chief Justice Thomas J. Moyer unveiled a new online case docket system that enables online viewing and searching of past and pending Supreme Court case dockets.

The new system is part of an ongoing initiative by the Supreme Court of Ohio to improve public access to and understanding of the judicial system. "Open government is the foundation of democracy. At the Supreme Court of Ohio we are working hard to use the latest information technology to make the judicial branch as open and accessible as possible," Chief Justice Moyer said.

Located at www.supremecourtofohio.gov/docket, the system provides 24-hour access for attorneys, litigants, news media and the general public, who can verify when pleadings are filed, monitor specific motions for Court decisions, ascertain the final disposition of a case and access an attorney directory. Other upcoming projects to increase public access to the Court include an online filing system that allows litigants to file briefs and other documents online.

CASES FILED IN 2005

JURISDICTIONAL APPEALS

18	Claimed Appeals of Right
1,062	Discretionary Appeals (Non-felony)
707	Discretionary Appeals (Felony)
15	Death Penalty Postconviction Appeals
18	Appeals Involving Termination of Parental Rights/Adoption
102	Appeals from App.R.26(B) Application (Murnahan Appeals)
1,922	**TOTAL**

MERIT CASES

140	Original Actions
23	Habeas Corpus Cases
116	Direct Appeals (Cases Originating in Courts of Appeals)
0	Direct Appeals Involving Termination of Parental Rights/Adoption
46	Certified Conflicts
0	Certified Conflicts Involving Termination of Parental Rights/Adoption
45	Appeals from Board of Tax Appeals
19	Appeals from Public Utilities Commission
0	Appeals from Power Siting Board
9	Death Penalty Cases [1]
3	Certified Questions of State Law
1	Appeal from App.R.26(B) Applications in Death Penalty Cases
2	Appeals of Election Contests under R.C. 3515.15
0	Appeals under R.C. 4121.25
404	**TOTAL**

PRACTICE OF LAW CASES [2]

111	Disciplinary Cases
3	Bar Admissions Cases
4	Unauthorized Practice of Law Cases
118	**TOTAL**

2,444 TOTAL CASES FILED

CASES RELATED TO THE PRACTICE OF LAW
DETAIL OF CASES FILED IN 2005

DISCIPLINARY CASES

60	Cases on Report of Board
3	Consent to Discipline Matters
1	Case under Gov.Bar R. V(7)/Mental Illness
13	Cases upon Felony Conviction
5	Cases upon Default of Child Support Order
4	Cases on Motion for Interim Remedial Suspension
1	Miscellaneous Disciplinary Matter
13	Attorney Resignation Matters
8	Reciprocal Discipline Cases
2	Judge Disciplinary Cases under Gov.Bar R. V
1	Judge Disciplinary Case under Gov.Jud. R. II (2) – (4) and III
0	Judge Disciplinary Cases under Gov.Jud. R. II (5)
111	**TOTAL**

BAR ADMISSIONS CASES

3	Bar Admissions/Character and Fitness Cases
0	Miscellaneous Bar Admissions Matters
3	**TOTAL**

UNAUTHORIZED PRACTICE OF LAW CASES

3	Cases on Report of Board
1	Case on Motion for Interim Cease and Desist Orders
4	**TOTAL**

FINAL DISPOSITIONS IN 2005

JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)

16	Claimed Appeals of Right
913	Discretionary Appeals (Non-felony) [3]
504	Discretionary Appeals (Felony) [3]
21	Death Penalty Postconviction Appeals
15	Appeals Involving Termination of Parental Rights/Adoption
83	Appeals from App.R. 26(B) Applications (Murnahan Appeals)
1,552	**TOTAL**

MERIT CASES

151	Original Actions
26	Habeas Corpus Cases
104	Direct Appeals (Cases Originating in Courts of Appeals)
18	Certified Conflicts
70	Appeals from Board of Tax Appeals
8	Appeals from Public Utilities Commission
7	Death Penalty Cases [4]
73	Jurisdictional Appeals Accepted for Review
4	Certified Questions of State Law
1	Appeal from App.R. 26(B) Applications in Death Penalty Cases
2	Appeals of Election Contest under R.C. 3515.15
464	**TOTAL**

PRACTICE OF LAW CASES [5]

94	Disciplinary Cases
2	Bar Admissions Cases
13	Unauthorized Practice of Law Cases
109	**TOTAL**

2,125 TOTAL FINAL DISPOSITIONS

CASES RELATED TO THE PRACTICE OF LAW
DETAIL OF FINAL DISPOSITIONS IN 2005

Disciplinary Cases/On Report Of Board [Gov.Bar R. V(8)]

2	Public reprimand
28	Definite suspension
11	Indefinite suspension
5	Disbarment
46	**TOTAL**

Disciplinary Cases/Felony Conviction [Gov.Bar R. V(5)]

12	Interim suspension

Disciplinary Cases/Default of Child Support Order [Gov.Bar R. V(5)]

6	Interim suspension

Disciplinary Cases/Interim Remedial Suspension [Gov.Bar R. V(5a)]

4	Interim suspension

Disciplinary Cases/Mental Illness [Gov.Bar R. V(7)]

2	Attorney suspended pursuant to Gov.Bar R. V(7)(C)

Disciplinary Cases/Consent To Discipline Matters
[Gov. Bar R. V, V(11)(A)(3)(c); BCGD Proc. Reg. Sec. 11]

1	Attorney publicly reprimanded
1	Attorney suspended for a term
2	**TOTAL**

Attorney Resignation Cases [Gov. Bar R. V(11) (G)]

1	Resignation accepted
9	Resignation accepted - disciplinary action pending
10	**TOTAL**

CASES RELATED TO THE PRACTICE OF LAW
DETAIL OF FINAL DISPOSITIONS IN 2005
CONTINUED

Reciprocal Discipline Cases [Gov.Bar R. V(11)(F)]

3	Public reprimand
1	Definite suspension
4	Indefinite suspension
1	Disbarment
9	**TOTAL**

Judge Disciplinary Cases On Report of Board [Gov.Bar R. V(8)]

2	Public reprimand

Judge Disciplinary Cases under Gov.Jud.R. II (2) – (4) and III

1	Public reprimand

Bar Admissions/Character and Fitness Cases [Gov.Bar R. I (12)]

1	Applicant disapproved, may reapply
1	License revoked, may reapply
2	**TOTAL**

Unauthorized Practice of Law Cases/On Report Of Board [Gov.Bar R. VII]

7	Respondent enjoined from actions constituting the unauthorized practice of law
5	Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed
1	Case dismissed – actions do not constitute the unauthorized practice of law
13	**TOTAL**

CASES PENDING AS OF JAN. 1, 2006

JURISDICTIONAL APPEALS AND MERIT CASES

486	Jurisdictional Appeals
267	Jurisdictional Appeals Accepted for Review
22	Original Actions
2	Habeas Corpus Cases
66	Direct Appeals (Cases Originating in Courts of Appeals)
49	Certified Conflicts
33	Appeals from Board of Tax Appeals
19	Appeals from Public Utilities Commission
24	Death Penalty Cases [6]
2	Certified Questions of State Law
2	Appeals from App.R. 26(B) Applications in Death Penalty Cases
972	**TOTAL**

DISCIPLINARY CASES

43	Cases on Report of Board
2	Consent to Discipline Matters
1	Case under Gov.Bar R. V(7) /Mental Illness
2	Cases upon Felony Conviction
1	Miscellaneous Disciplinary Matter
5	Attorney Resignation Matters
1	Reciprocal Discipline Case
1	Judge Disciplinary Case under Gov.Bar R. V
56	**TOTAL**

BAR ADMISSIONS CASES

1	Bar Admissions/Character and Fitness Case

UNAUTHORIZED PRACTICE OF LAW CASES

6	Unauthorized Practice of Law Cases/On Report of Board
1,035	**TOTAL NUMBER OF CASES PENDING**

JURISDICTIONAL APPEALS ACCEPTED FOR REVIEW IN 2005

1	Claimed Appeal of Right
116	Discretionary Appeals (Non-felony) [3]
130	Discretionary Appeals (Felony) [3]
6	Appeals from App.R. 26(B) Applications (Murnahan Appeals)
1	Appeal Involving Termination of Parental Rights/Adoption
254	**TOTAL APPEALS ACCEPTED FOR REVIEW**

NOTES

[1] Eight death penalty cases filed in 2005 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. There was one case filed involving an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

[2] See page 28 for a breakdown of cases relating to the practice of law filed in 2005.

[3] This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right.

[4] Included in this category are six 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.

[5] See pages 30 and 31 for the types of final dispositions entered in cases relating to the practice of law.

[6] Included in this category are 23 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

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
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

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 in the processing of affidavits of disqualification.

OFFICE OF THE REPORTER

During 2005, the Office of the Reporter posted 256 Supreme Court opinions to the Court's Web site, together with 6,031 court of appeals opinions, 550 Court of Claims opinions and 11 other trial court opinions. More than 40,000 opinions are posted on the Court's Web site and are available to the public at no charge.

LAW LIBRARY

The Law Library now offers online research to the public on both Westlaw and Lexis. During 2005, the library served more than 8,000 patrons and answered more than 10,000 questions from Court staff and the public.

CASE MEDIATION SECTION

In 2005, the case mediation attorney's efforts focused primarily on cases involving state taxes, workers' compensation matters and extraordinary writs. The Case Mediation Section held more than 175 mediation conferences with attorneys on cases pending before the Court. The Court referred 118 cases to mediation, and 67 of those were settled by the parties after one or more mediation conference with the Court's mediation attorney.

FISCAL & MANAGEMENT RESOURCES DIVISION

RONDA FARMER, DIRECTOR

The Fiscal & Management Resources Division consists of the Office of Fiscal & Management Resources and the Office of Human Resources. 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.

In recognition of the increasingly important role that information technology plays, the Office of Information Technology was spun off into a separate division during 2005 to begin setting priorities and establishing consistent standards regarding how technology should be used to support the daily operations of the Court and larger-scope projects affecting the judiciary across the state of Ohio.

The primary accomplishments of the Fiscal & Management Resources Division include progress in human resources programs to benefit employees and continued use of technology and internal auditing standards to provide accurate reporting and better access to information. The offices worked on improving current – as well as implementing new – administrative policies and guidelines where applicable to better serve the operations of the Court and provide for consistent standards and improved efficiencies.

OFFICE OF FISCAL & MANAGEMENT RESOURCES
Ronda Farmer,
Director

OFFICE OF HUMAN RESOURCES
Monica Hunyadi,
Director

OFFICE OF FISCAL & MANAGEMENT RESOURCES

The Office of Fiscal & Management Resources is responsible for the judiciary/Supreme Court budget of more than $126 million, which was appropriated in 2005 through H.B. 66. The budget is used to pay the salaries of Ohio judges and courts of appeals staffs, and for the operation of the Ohio Judicial Center, which houses the Supreme Court of Ohio and affiliated offices. The office also is responsible for ensuring proper internal controls are in place and administering relevant policies and guidelines, particularly as they relate 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-general revenue fund moneys; providing internal reporting and external reporting to regulatory bodies as required; and completing an annual inventory of Court assets.

In 2005 the Office of Fiscal & Management Resources continued process flow improvements and provided internal auditing of payroll and fiscal records. The office has been the lead liaison for the judiciary in coordinating deliverables for the OAKS project to convert to a PeopleSoft enterprise-wide accounting and reporting system.

OFFICE OF HUMAN RESOURCES

In 2005, the Office of Human Resources continued the *New-Hire Orientation* program established in 2004 and placed it online for easy access from the Intranet. To ease the transition for new employees from the start, the orientation program was expanded to include a "First Day" orientation session and a "Buddy" program where new employees are matched with a veteran employee mentor.

The *Leadership Excellence* program, offering training and development for management and staff, was continued and plans were developed to expand the program to include a core set of courses for Court leadership and staff. Human Resources staff remained active in offering a variety of health and wellness activities and in support of Employee Events Committee activities throughout the year.

The *Performance Management* program continued and improved in 2005 with increased scoring clarity and consistency through additional scoring definitions and an annual review of position descriptions by management and staff.

The Office of Human Resources partnered with the Office of Information Technology to enhance and increase the efficiency of the human resources function with reporting tools through the implementation of the payroll-integrated human resources information management system. The new system also allows Court staff to access and update their human resources information on the Intranet.

The Human Resources staff is participating in the implementation of the new OAKS system by developing payroll and personnel process improvements to support the Court's use of the new application.

Staff continued to support Court leadership and staff in the management of day-to-day human resources issues and partnered with a third-party administrator to assist in analyzing and managing workers' compensation claims.

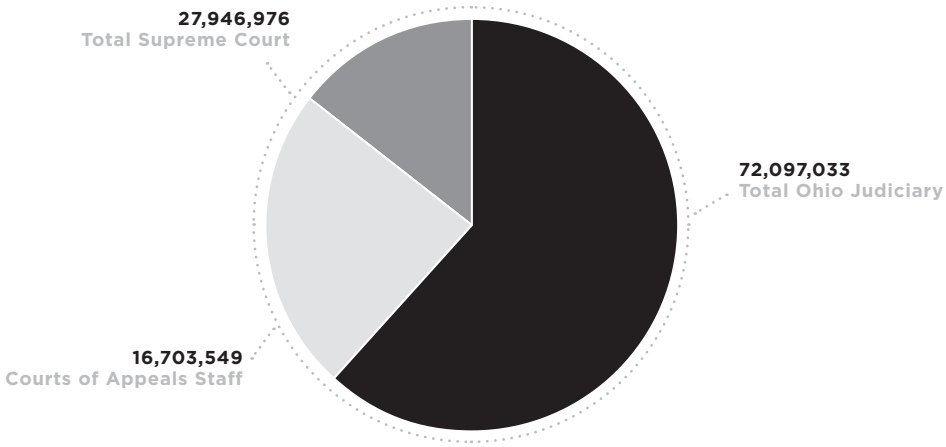
The Office of Human Resources conducts many in-house training sessions for Supreme Court staff throughout the year.

JUDICIARY/SUPREME COURT BUDGET
FY 2005 AND FY 2006

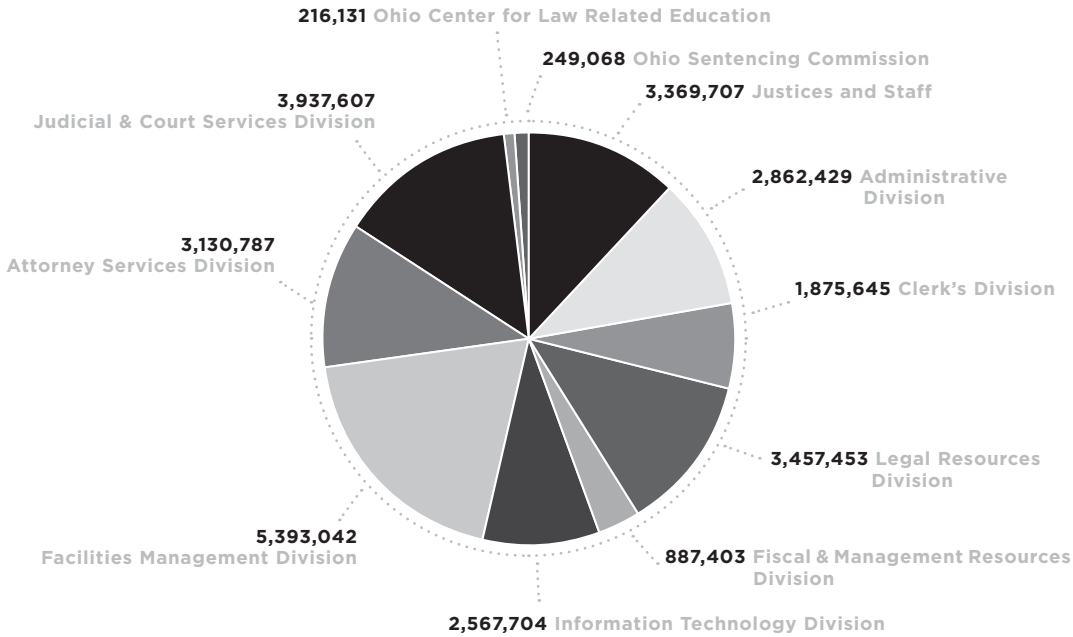
	Total Budgeted FY 2006	Percent of Total	Total Expenditures FY 2005	Percent of Total
OHIO JUDICIARY				
Courts of Appeals Judges	**10,572,546**	**8.3%**	**9,703,580**	**8.3%**
Lower Courts	**65,476,858**	**51.3%**	**62,393,453**	**53.4%**
Total Ohio Judiciary	**76,049,404**	**59.6%**	**72,097,033**	**61.8%**
COURTS OF APPEALS STAFF	**19,224,061**	**15.1%**	**16,703,549**	**14.3%**
SUPREME COURT				
Justices and Staff	**3,647,261**	**2.9%**	**3,369,707**	**2.9%**
Administrative Division	**2,769,403**	**2.2%**	**2,862,429**	**2.5%**
Clerk's Division	**2,406,484**	**1.9%**	**1,875,645**	**1.6%**
Legal Resources Division	**3,785,111**	**3.0%**	**3,457,453**	**3.0%**
Fiscal & Management Resources Division	**998,706**	**0.8%**	**887,403**	**0.8%**
Information Technology Division	**3,072,088**	**2.4%**	**2,567,704**	**2.2%**
Facilities Management Division	**5,442,598**	**4.3%**	**5,393,042**	**4.6%**
Attorney Services Division	**3,853,845**	**3.0%**	**3,130,787**	**2.7%**
Judicial & Court Services Division	**5,364,095**	**4.2%**	**3,937,607**	**3.4%**
Commission on Legal Education Opportunity	**435,000**	**0.3%**	**0**	**0**
Ohio Center for Law Related Education	**216,131**	**0.1%**	**216,131**	**0.1%**
Ohio Criminal Sentencing Commission	**328,676**	**0.2%**	**249,068**	**0.1%**
Total Supreme Court	**32,224,703**	**25.3%**	**27,946,976**	**23.9%**
Total Ohio Judiciary/Supreme Court	**127,498,168**	**100%**	**116,747,558***	**100%**

***Total Budgeted: $125,468,388**

TOTAL $116,747,558



SUPREME COURT $27,946,976



INFORMATION TECHNOLOGY DIVISION

ROBERT STUART, DIRECTOR

OFFICE OF INFORMATION TECHNOLOGY
Robert Stuart,
Director

OFFICE OF NETWORK & TECHNOLOGY RESOURCES
David Saffle,
Director

The Office of Information Technology, formerly of the Fiscal & Management Resources Division, was reconfigured into the Information Technology Division in early 2005.

The new division is composed of the Office of Information Technology, the Office of Network & Technology Resources and the Technology Services Section, previously of the Judicial & Court Services Division. The reorganization consolidated the internal and external technology services of the Court into a unified division.

The Information Technology Division is responsible for the operation of the Court's information technology systems and processes, including the development and maintenance of the Court's computer networks, databases, software programs, photocopiers, telephones and audiovisual technologies, as well as designing and implementing the strategic and tactical acquisition plans for the purchase of technology resources.

The division also is responsible for providing guidance to other courts in Ohio on technology-related matters, and for facilitating the development of statewide information technology standards for the courts of Ohio.

Some of the more notable accomplishments of the Division of Information Technology during 2005 include:

Implementing an online portal into Attorney Services information, enabling attorneys to register and pay fees, modify their name and contact information and view CLE status and transcripts online.

Installing the Court's online case management system and case docket search function, enabling anyone to view the Court's docket and select case information online.

Developing and implementing the Appellate Case Management System (ACMS), an enhanced Microsoft-based version of the aging Ohio Appellate Strategic Information System (OASIS) used by eight of the 12 Ohio appellate districts. The new system was implemented in two districts during the fourth quarter of 2005, and will roll out to the remaining districts during the first half of 2006.

Developing the Human Resources Information Management (HRIM) system, which houses the Court's employee databases and related human resources information. The HRIM system helps Human Resources and the division leaders manage their employee information through various online processes and reports.

Beginning a project with the Office of Public Information to redesign the Court's Internet site to improve the navigation and utility. The redesign is scheduled to be implemented within the first quarter of 2006.

ADVISORY COMMITTEE ON TECHNOLOGY & THE COURTS

Mary Beth Parisi,
Staff Liaison

Sheriff Daniel Beck
Hon. John 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
Brad Kunze
Hon. Paulette Lilly
Tom McDermott
Hon. Milt Nuzum
Gregory Popovich
Hon. Jack Puffenberger
Greg Scott
Robert Stuart
Walter Wheeler
Hon. John Wise
Hon. Thomas Zachman

OFFICE OF INFORMATION TECHNOLOGY

The Office of Information Technology is primarily responsible for developing, implementing and maintaining the various information systems and applications used by the Court and its affiliated offices.

The office houses the Technology Services Section, which is divided into two groups – the Technology Assistance Work Group and the Technology Policy & Planning Work Group. The Technology Assistance Work Group's primary role is to assist other Ohio courts with technology-related decisions and projects, such as case management system implementation and equipment purchases. The primary responsibility of the Technology Policy & Planning Work Group is to facilitate the establishment of information technology process and information exchange standards for all Ohio courts. This group is the Court's liaison to the Advisory Committee on Technology & the Courts and to the Ohio Courts Network project.

Accomplishments of the Technology Assistance Work Group for 2005 include:

Completing 28 court assistance projects, ranging from assistance in upgrading case management systems to developing three-year plans for court information system projects.

Obtaining from the *Close the Gap* grant project the money necessary to automate the Paulding County Probate/Juvenile Court, the only Ohio trial court without a case management system.

Successfully installing ACMS in the 1st and 3rd District courts of appeals.

Revising the Technology Assistance Web pages to include self-help project workbooks to help local courts manage their technology projects and acquire the best products available.

The Advisory Committee on Technology & the Courts and its subcommittees made numerous strides in 2005. Highlights include:

Reviewing and approving a recommendation on digital signatures from the Ohio Judicial Conference Technology Committee.

Approving the proposed unique case numbering rule change drafted by the Standards Subcommittee and forwarding the proposal to the Rules Committee.

Approving the Privacy Subcommittee's *Draft Policy for Public Records Maintained by Ohio Courts* and sending the document to the Supreme Court for consideration.

Approving the *Court Web Site Guidebook* written by the Web Standards Work Group of the Standards Subcommittee for publication.

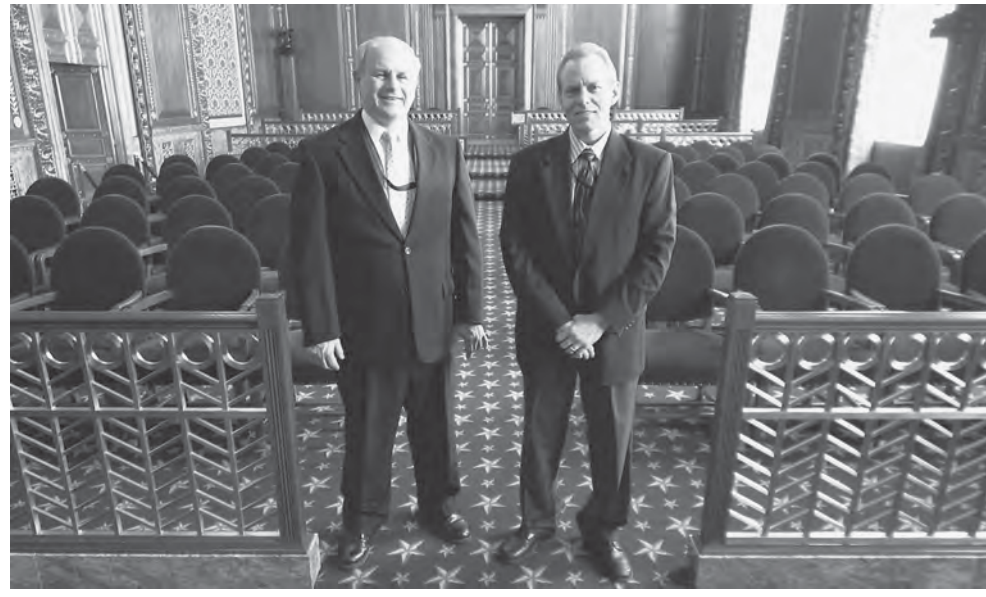
Approving the *Civil & Criminal Functional Case Management System Standards* written by the Civil & Criminal Functional Standards Work Group of the Standards Subcommittee. A compliance

policy was also adopted, and both documents were forwarded to the Supreme Court for consideration.

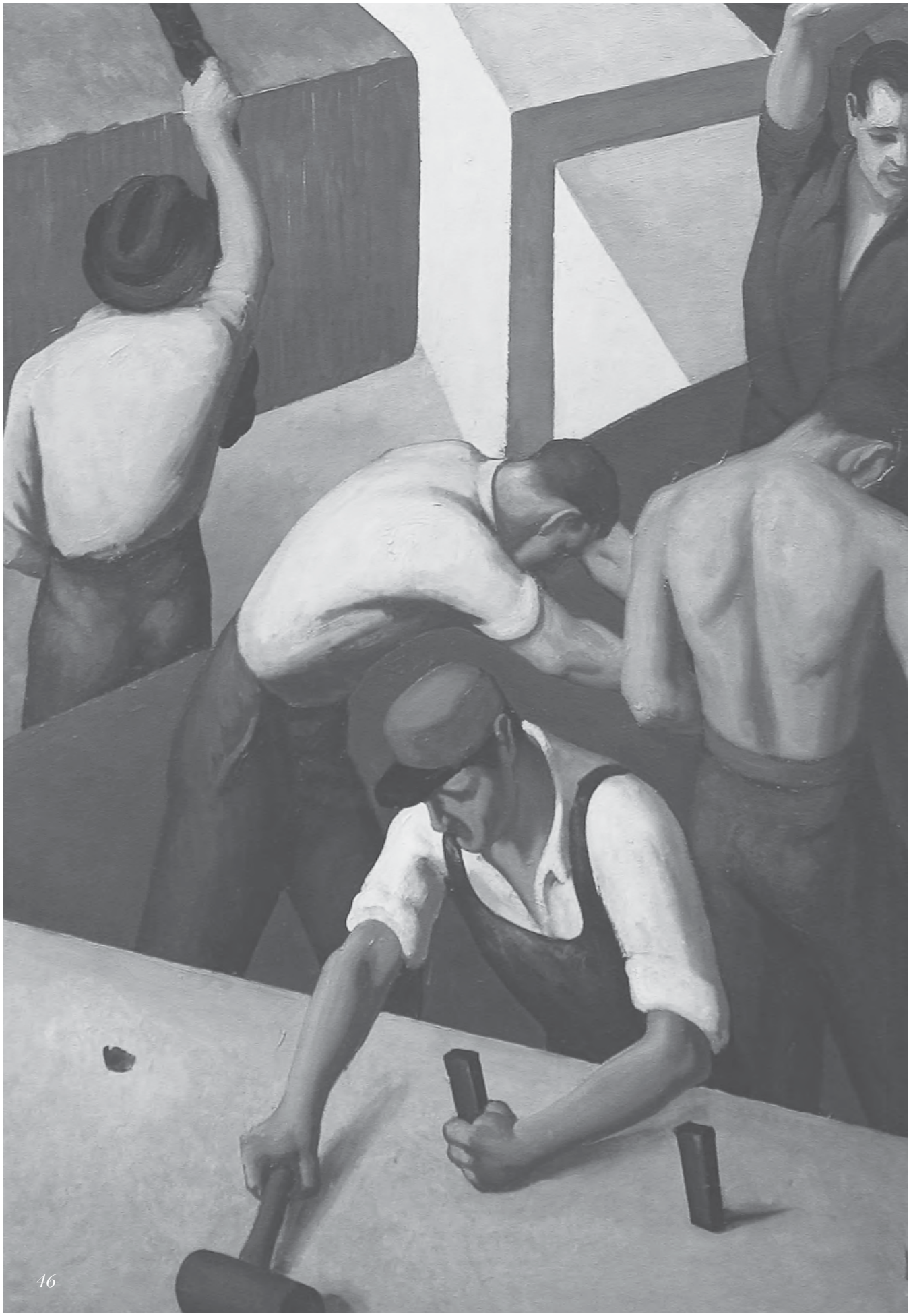
Creating a Communications Work Group to produce non-technical publications relating to the work of the advisory committee. The group began its work in January 2006.

OFFICE OF NETWORK & TECHNOLOGY RESOURCES

The Office of Network & Technology Resources is primarily responsible for information technology purchasing and off-the-shelf software implementation, managing the Court's computer network and maintaining network security, staffing the information technology help desk, conducting information technology training classes, maintaining photocopiers, and supporting the Court's audiovisual systems and teleconferencing systems and telecommunications (voice, data, video) functions.



David Saffle (left) serves as director of the Office of Network & Technology Resources. Robert Stuart (right) is the director of Information Technology.



FACILITIES MANAGEMENT DIVISION

BYRON C. WILSON, DIRECTOR

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 – Meetings & Events, Housekeeping & Grounds, Maintenance & Operations, the Mail Center and the Records Management Center. All of the offices and work groups report to the director of Facilities Management, who provides oversight and administrative direction for the operation of the division.

OFFICE OF FACILITIES MANAGEMENT
Byron C. Wilson,
Director

OFFICE OF COURT SECURITY
James P. Cappelli,
Director

OFFICE OF FACILITIES MANAGEMENT

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

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, with one trip daily to the James A. Rhodes State Office Tower and post office for special outgoing mail needs. The center maintains various mail accounts, bills administrative offices for postage and maintains the center's mailing equipment.

In 2005, Mail Center staff processed 293,177 pieces of outgoing mail and delivered more than 400,000 pieces. Each of the 15,000 pieces of express mail delivered was scanned for record-keeping purposes.

Staff are experimenting with a new method for processing certified mail as a cost-cutting measure, and estimate it reduced spending by nearly $7,000 in 2005 through the use of presort mail.

Records Management Center

The Court's off-site records storage facility, the Records Management Center, purchased, installed and began running new RIM software to enter and bar code 60 percent of all storage cartons and create new reporting forms that can be customized to the Court's needs. The center shredded and recycled 10.75 tons of paper and information technology tapes in 2005.

Housekeeping & Grounds

The Housekeeping & Grounds Work Group cleans and maintains to high standards the interior and exterior of the Ohio Judicial Center. In 2005 the group established in-house metal cleaning and polishing positions to maintain all brass, copper and nickel fixtures throughout the interior and around the exterior of the building.

Maintenance & Operations

The Maintenance & Operations Work Group maintains and supports the building infrastructure and relies on a preventive maintenance work order system that monitors and reports all job requests on a day-to-day basis.

Maintenance & Operations staff maintain some of the most sophisticated heating and cooling equipment in Columbus during 2005, including two 400-ton

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absorption chiller-heaters, which are logged and maintained weekly; two 1,200-amp backup generators, tested weekly; an Alterton building automation system; and an Edwards fire alarm system with more than 500 safety devices.

The Maintenance & Operations Work Group completed a major cleaning project in 2005 that improved chilled water temperatures throughout the Ohio Judicial Center. In addition, staff added a 10-ton Liebert unit in the server room of the Office of Information Technology.

Meetings & Events

The Meetings & Events Work Group is responsible for scheduling and planning for conference rooms, special functions and interior and riverfront events. In 2005, the group set up 1,523 meetings, hosting approximately 18,814 participants. Special events in the Ohio Judicial Center have included meeting and conference services for the Ohio Bar Foundation, Columbus Bar Association, Ohio Association of Magistrates, Ohio Association of Court Administrators, Ohio Association for Probate, Juvenile & Domestic Relation Court Judges, American College of Trial Lawyers, NIC Advisory Board, and Ukrainian delegates of the Open World Program; mock court sessions for the Moritz College of Law at the Ohio State University and Capital University Law School; and Red Cross blood drives.

OFFICE OF COURT SECURITY

The Office of Court Security is responsible for the safety and security of the Ohio Judicial Center and everyone working in or visiting the facility. The office provides security for special events and maintains the fleet vehicles for use by all employees of the Ohio Supreme Court.

The Office of Court Security also provides security services support to courts and court personnel throughout Ohio. This security support includes physical security surveys of existing court facilities as well as consultation during new construction or facility expansions and upgrades. Security training is provided to Ohio court personnel working with magnetometers, X-ray machines and TASERs. Through a grant program, the Office of Court Security provides access to bailiff training provided by the Ohio Peace Officer Training Academy.

Facilities Management staff install a newly restored portrait of former Supreme Court Justice Thomas Alfred Jones on the 9th Floor of the Ohio Judicial Center.

The Facilities Management Division is charged with the internal and external upkeep of the historic Ohio Judicial Center.

ATTORNEY SERVICES DIVISION

RICHARD A. DOVE, DIRECTOR

The Attorney Services Division is responsible for coordinating and administering many of the Supreme Court's responsibilities for regulating the practice of law. The division consists of one office and one section; staff provide legal support and serve as secretary or court liaison to seven Court-created boards and one task force appointed by the Chief Justice.

The division continued its efforts to enhance the services provided to Ohio lawyers, promote a greater public understanding of the role of lawyers and help the Court develop high ethical standards for lawyers. The division registered more than 51,000 attorneys in 2005 and, for the first time, offered lawyers the ability to satisfy their registration requirements online. Changes in the lawyer registration process facilitate timely compliance with biennial registration requirements and the prompt collection of moneys that fund the lawyer discipline system and related activities.

In addition to providing a registration option online, the division made CLE transcripts available on the Supreme Court Web site. This Web portal allows lawyers to view a real-time version of their CLE transcripts to immediately ascertain the status of CLE compliance.

The division also implemented new rules for the enforcement of biennial lawyer registration obligations. These rules levy a $50 late registration fee against lawyers who fail to register with the Court on or before Sept. 1 and impose a license suspension on those who remain unregistered as of Dec. 2. Together with efforts to streamline the registration process, these rules are intended to promote timely compliance with lawyer registration obligations while imposing penalties against those who fail to adhere to a basic responsibility of all Ohio lawyers.

The division also assisted the work of the Task Force on Rules of Professional Conduct, which was appointed to prepare updated ethics rules governing the conduct of lawyers. The task force completed a two-year process of drafting new lawyer ethics rules, and in November the Court published the task force recommendations for comment. The Court will consider comments and additional task force recommendations in 2006.

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 one task force appointed by the Chief Justice. These entities assist the Court in executing its constitutionally mandated responsibility for regulating the practice of law.

In January, D. Allan Asbury was appointed secretary to the Board on the Unauthorized Practice of Law, a 12-member board responsible for considering allegations that a non-lawyer has provided legal services in Ohio. The appointment marks the first time the board has had a full-time secretary and reflects the continued commitment of the Court to ensure that Ohioans receive quality legal services from lawyers licensed in the state.

Denise Platfoot Lacey was named secretary to the Commission on Professionalism in May. The commission was formed in 1992 to promote professionalism and civility among members of the Ohio bar. In addition to several ongoing activities, Chief Justice Moyer and Justice Terrence O'Donnell asked the commission to undertake the development and administration of a lawyer mentoring program to aid new lawyers in making the transition to the legal profession. The commission spent the latter half of 2005 developing a program that will be implemented on

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a pilot basis for lawyers admitted to practice in May 2006. The commission envisions that each newly admitted lawyer will have a mentoring opportunity as part of the new lawyer training obligations imposed by Court rule.

The Task Force on Rules of Professional Conduct issued its report and recommendations to the Court in July. In appointing the task force in 2003, Chief Justice Moyer charged its 18 members with the development of lawyer ethics rules to enhance consumer protection and ensure the proper and professional delivery of legal services.

The task force also was asked to make a recommendation to the Court as to adoption of the Model Rules of Professional Conduct promulgated by the American Bar Association and adopted in 46 other jurisdictions. The task force recommended that the Court replace the current Code of Professional Responsibility with 54 new ethics standards based on the Model Rules. The Court authorized publication of the task force report for comment in November and will consider adoption of the recommendations after the conclusion of the public comment period in early 2006.

ATTORNEY REGISTRATION & CLE SECTION

In August, the Court consolidated responsibility for administering registration, CLE and specialization programs into a single section, merging the former Office of Continuing Education & Specialization with the former Attorney Registration Section. The reorganized Attorney Registration & CLE Section will ensure a more coordinated approach to related services and result in better service to Ohio lawyers and members of the public.

Susan B. Christoff, formerly attorney services counsel, was assigned responsibility for managing the new section.

Every two years, attorney registration staff register the more than 51,000 lawyers who are admitted to the practice of law in Ohio. In 2005, the Attorney Registration & CLE Section unveiled two initiatives to facilitate and underscore the importance of registration requirements.

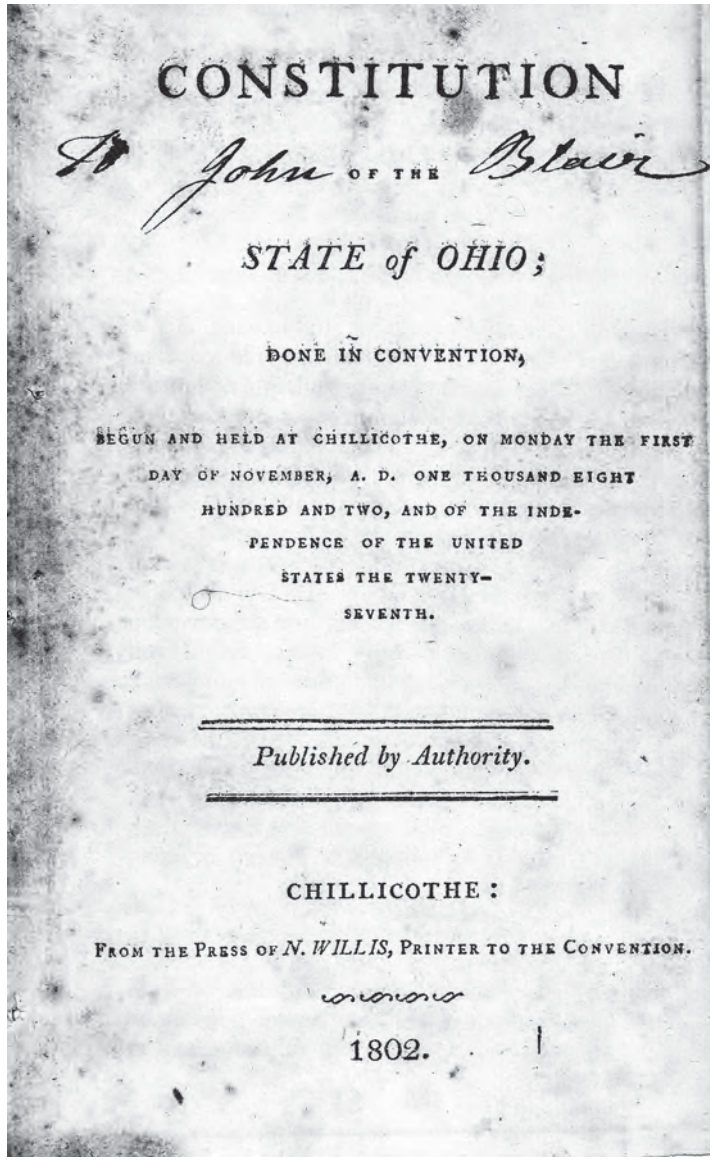
In July, Ohio lawyers received materials reminding them of their Sept. 1 registration obligation. These materials included a biennial registration form and individual password lawyers could use to complete their registrations electronically. Twenty percent of Ohio lawyers registered online, and many have since accessed the site to change their addresses or view their CLE transcripts.

In September, the section implemented rules adopted by the Court that impose monetary sanctions and license suspensions against lawyers who fail to satisfy their registration obligations on time. These rules mandate the imposition of a $50 late registration fee against lawyers who register after Sept. 1 but before Dec. 2. Lawyers who remain unregistered as of Dec. 2 are suspended from the practice of law until they satisfy their registration obligations and pay a $200 reinstatement fee. These rule changes will promote timely compliance with lawyer registration obligations in future years.

The Attorney Registration & CLE Section also is responsible for administering Court rules that impose CLE obligations on Ohio lawyers. Each year, the section accredits more than 1,500 CLE offerings, maintains more than 40,000 individual lawyer compliance records and recommends penalties for noncompliance with the biennial CLE requirements. The Attorney Registration & CLE Section issued a report to the Court recommending sanctions against 393 lawyers for noncompliance with CLE requirements, and distributed more than 20,000 final report transcripts to lawyers who were required to report CLE compliance by Jan. 31, 2006.

The section also oversees the process by which lawyers can be certified as specialists in selected areas of the law, and the process by which organizations are approved to accredit lawyers as specialists.

After 17 years of outstanding service to the Supreme Court, Diane Chesley-Lahm retired as secretary of the Commission on Continuing Legal Education in July. During her tenure with the Court, Chesley-Lahm implemented CLE rules adopted by the Court in 1988 and established an efficient and accurate system for accrediting CLE course offerings and maintaining compliance records. During her final months with the Court, Chesley-Lahm laid the foundation for enhanced services, such as electronic reporting of course attendance by sponsors and online access to lawyer CLE transcripts.



CONSTITUTION

OF THE

STATE of OHIO;

DONE IN CONVENTION,

BEGUN AND HELD AT CHILLICOTHE, ON MONDAY THE FIRST DAY OF NOVEMBER, A. D. ONE THOUSAND EIGHT HUNDRED AND TWO, AND OF THE INDEPENDENCE OF THE UNITED STATES THE TWENTY-SEVENTH.

Published by Authority.

CHILLICOTHE:

FROM THE PRESS OF *N. WILLIS*, PRINTER TO THE CONVENTION.

1802.

The Supreme Court is empowered with rule-making authority over the practice of law by the Ohio Constitution.

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JUDICIAL & COURT SERVICES DIVISION

DOUGLAS R. STEPHENS, DIRECTOR

The Judicial & Court Services Division of the Supreme Court 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, three separate sections and two ongoing programs. The division influences 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 offered 270 courses in 2005. While more than a third of those were held in the recently refurbished Ohio Judicial Center, the remainder were held at locations throughout Ohio to allow for easy access by the attendees. Division offices are increasingly collaborating on course development to offer courses to multidisciplinary attendees.

Family law matters continue to receive increasing attention from most support areas without neglecting other areas of need.

In early 2005 the technology assistance staff previously located within the Judicial & Court Services Division were relocated to the newly created Information Technology Division. The move will help facilitate the ever-growing technology projects beneficial to the entire state.

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Director

OHIO JUDICIAL COLLEGE
John R. Meeks,
Director

CASE MANAGEMENT SECTION
Steven W. Hanson,
Manager

DISPUTE RESOLUTION SECTION
Bruce E. Heckman,
Manager

SPECIALIZED DOCKETS SECTION
Melissa A. Knopp,
Manager

INTERPRETER SERVICES PROGRAM
Bruno Romero,
Program Manager

COURT RELATIONS PROGRAM
Ruth Ann Newcomer,
Program Manager

OFFICE OF JUDICIAL & COURT SERVICES

The bulk of work in 2005 for the Office of Judicial & Court Services centered on the accomplishments of the Advisory Committee on Children, Family & the Courts. By the end of the year, the advisory committee released its final recommendations on the implementation of mandatory guardian ad litem standards and a proposal for a significant reform regarding parenting matters that come before the courts. The advisory committee began work on examining the effectiveness of current dependency, neglect and abuse legal definitions, and participated in the national family law forum hosted by the Court and the Ohio Department of Job and Family Services.

The division reviewed three proposals from local jurisdictions for new judgeships, and the Chief Justice recommended all three for adoption by the legislature. Under legislation subsequently adopted by the General Assembly, the Butler County Court of Common Pleas will be adding a general division judge, and the Lorain County Court of Common Pleas will be adding a general division judge and reconfiguring its family court to include four domestic relations, probate and juvenile judges. The three existing family court judges will begin hearing probate matters, and the probate judgeship will convert to a family court judgeship at the beginning of its next term. The Morrow County Court of Common Pleas will add a second judgeship with jurisdiction in all four divisions.

The Interpreter Services Program

The Interpreter Services Program was established 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 provides technical assistance, training and learning opportunities for courts, interpreters and other important stakeholders on the proper use of interpreters in legal proceedings.

The Interpreter Services Program sponsored 15 training sessions in 2005 for court personnel, attorneys and American Sign Language and foreign language interpreters. Chief Justice Moyer appointed an advisory committee in April to

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assist the Supreme Court and the Interpreter Services Program on matters related to interpreters and the courts.

The advisory committee is organized into four areas: rules and policies, training, translation and special projects. Subcommittees were formed accordingly and began work immediately.

The Court Relations Program

The Court Relations Program coordinated the 49th and 50th sessions of the Court's Off-Site Court Program, which Chief Justice Moyer created in 1987 for the purpose of educating high school students and the public about the judicial system. The Court met in Harrison County in April and in Warren County in October.

The Ohio Judicial Family Network sponsored three programs for spouses of judges and provided a resource contact person to each partner of a judge elected or appointed in 2005.

The program convened 34 court personnel and judicial roundtable groups to provide participants with a venue for exchanging information about matters specific to their jurisdiction, and distributed 107 *Court News and Information* bulletins, offering informational material or making inquiry about specific topics at the request of judges and court personnel. The program provided a clearinghouse function to manage numerous requests for information.

OHIO JUDICIAL COLLEGE

The Ohio Judicial College strives to offer innovative, practical, challenging and participatory seminars with substantial involvement in planning by representatives of those who will attend the programs. Well over half the Judicial College faculty are volunteer judges, magistrates and court personnel, many of whom have attended faculty development seminars offered by the Judicial College.

In 2005, the Judicial College offered 100 seminars:

- 61 traditional seminars for 3,362 judge and magistrate attendees over 82 days, with several multi-day or repeated seminars
- 29 traditional seminars for 2,104 Ohio non-judicial court personnel over 44 days
- 10 video teleconferences, each offered simultaneously at 15 or more sites across the state for 1,248 judges and magistrates.

The Judicial College conducted seminars during at least one day of each of the Ohio judicial associations' meetings, as well as during every day of the meetings of the Ohio Association of Municipal and County Court Judges and the Ohio Association of Magistrates. For the first time, the Judicial College also provided all of the education offered at the meetings of the Ohio Courts of Appeals Judges Association.

For non-judicial court personnel, the college began its second offering of the *Court Management* program. This program, offered in cooperation with the National Center for State Court's Institute for Court Management, will enable 40 court personnel to earn a nationally recognized certification as professional court managers. The Judicial College also began a Probation Officer Training Academy, a three-week program that teaches newer probation officers the legal basis for their work, self-defense and firearms safety.

CASE MANAGEMENT SECTION

Case management assistance was provided to courts in Allen, Butler, Champaign, Cuyahoga, Delaware, Fairfield, Fayette, Franklin, Hamilton, Hardin, Hocking, Logan, Lucas, Mahoning, Marion, Montgomery, Morrow, Pickaway, Preble, Ross, Stark, Warren and Williams counties. Assistance resulted in improved

scheduling, improved case flow operations and reduced use of visiting judges.

Beyond the Numbers: Ohio Courts' Response to the Federal Child and Family Services Review continued to work toward the improvement of local practices in child abuse, neglect and dependency cases. By linking interdisciplinary county teams with resources and education, Ohio courts and public children's services agencies will be better equipped to ensure that cases are processed in a timely manner while attending to the safety and well-being of children.

Eighteen counties participated in individualized local planning through a case flow management curriculum that helped judicially led teams develop an initial case flow improvement plan. These planning sessions took place over two days with the assistance of trained group facilitators and will be made available to all remaining counties in 2006.

As an outgrowth of the *Beyond the Numbers* initiative, *Dependency Docket* bench cards were developed with the assistance of knowledgeable juvenile court judges, magistrates and child welfare agency attorneys in Ohio. The bench cards are checklists of items that should be covered during each stage of child abuse, neglect and dependency proceedings. The checklists incorporate key references to Ohio statutes and rules of court, and suggest nationally recognized "best practice" approaches for each hearing.

The Case Management Section placed significant focus on increasing the efficiency with which it records and extracts court caseload statistics. Gretchen Beam and Brian Farrington teamed with staff from the Office of Information Technology to produce the data portion of the annual *Ohio Courts Summary* with the click of a button. This work will further enhance the Court's ability to timely and accurately report data provided by Ohio trial courts to the general public, the media and the courts.

Staff also are reviewing various tools for data mining to develop management information reports to quickly provide judges with trend data on court filings, terminations, clearance rates and case backlogs. Other technology-related projects include electronic submission of statistical reports by trial and mayor's courts, and a pilot project in Lucas County allowing the electronic filing of child abuse, neglect and dependency complaints.

Diane Hatcher retired in September after 28 years of service to Ohio courts, the last six years in the Case Management Section of the Supreme Court. Steve Hanson was promoted to fill the role of section manager.

DISPUTE RESOLUTION SECTION

The Dispute Resolution Section supports Ohio courts by helping them develop effective mediation programs and services. The section provides consultation and training to help courts plan and develop new mediation programs, expand existing programs into new court divisions and maintain high-quality services.

Two staff changes occurred during the year. Lisa McShepard joined the staff as program assistant and Ken Davis joined as program manager, enhancing the section's capacity to deliver quality training programs and consult with local courts in developing mediation programs.

During 2005, the section hosted 30 mediator training programs and roundtables. Broadening its reach through collaboration with other state and local organizations, the section cosponsored another 10 mediation training events that included programs for judges and other court staff. Training program content covered a range of topics from basic mediator skill development to advanced topics, including subrogation issues, domestic violence issues in mediation and the implications of the newly implemented Uniform Mediation Act for court-connected mediation programs.

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Amy C. O'Grady
Dr. Stephen Pariser
Dr. Christian Ritter
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Christina Shaynak-Diaz
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Dr. S.R. Thorward
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The section also organized and hosted work group meetings on such topics as the development of best practices manuals and Conflict Management Week 2005. Anticipating the implementation of the Uniform Mediation Act in October, the section convened training workshops, helped develop training programs and materials on the act, and hosted and cosponsored regional training events.

Grant support was concentrated on 20 counties in 2005. By providing consulting assistance and grant funding, section staff helped establish new court mediation programs in Highland, Vinton, Jackson, Pickaway, Scioto, Adams, Licking and Fairfield counties. Section staff also continued to support mediation projects in Morrow, Wood, Hancock, Hocking, Ross, Pike, Belmont, Harrison and Jefferson counties.

SPECIALIZED DOCKETS SECTION

The Specialized Dockets Section provides technical support to trial courts in analyzing the need for, and planning and implementing, specialized docket programs – such as drug, mental health, re-entry and domestic violence court dockets. The Specialized Dockets Section also provides staff support to the Supreme Court Advisory Committee on Mentally Ill in the Courts and the Advisory Committee on Domestic Violence.

Staff provided direct technical assistance to 12 drug court programs. With funds received from a Justice Assistance Grant, the section increased training and networking opportunities for drug court programs by continuing to sponsor and operate the Ohio Drug Court Practitioner Network.

The network organization is based on subnetworks composed of each discipline involved in the operation of a drug court. Each subnetwork meets up to four times a year to discuss issues involving program operations. In addition to the subnetwork meetings, staff organized and hosted a statewide drug court conference with several renowned national speakers in November, which attracted 300 network members. Staff sought and received continued funding for this grant during calendar year 2006.

The section also organized and hosted training sessions for drug court personnel on *Bridges Out of Poverty* and critical components for successfully drug testing offenders. Collaborating with the Ohio Department of Alcohol and Drug Addiction Services and the Ohio Department of Public Safety, the Specialized Dockets Section created two pilot court sites to address offenders with multiple drunken driving charges.

The Advisory Committee on Domestic Violence worked in 2005 to identify changes to protection order forms for presentation to the Court in 2006. The committee also worked with the Alternative Dispute Resolution Section on its domestic abuse training curriculum and the Ohio Attorney General of on developing a state protection order registry.

With funds received from a Violence Against Women Act grant, the section organized and hosted four topical trainings for court personnel on issues related to poverty, batterer intervention, the effects of violence on children and the effects of trauma on domestic violence victim behavior. Staff sought and received continued funding for this grant for calendar year 2006.

Staff provided direct technical assistance to nine courts interested in developing a mental health docket. In addition to staffing the Supreme Court Advisory Committee on Mentally Ill in the Courts, the mental health court program helped organize and host the 3rd National Conference on Mental Illness and the Criminal Justice System, which was combined with the 1st National Conference on Crisis Intervention Teams. The combined conference attracted more than 700 attendees from more than 40 states, including several Ohio judges and court staff members.

VISITING JUDGES

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

The Court would like to thank the following court of appeals judges who served as visiting judges for Supreme Court oral arguments in 2005:

Hon. Lynn Slaby
9th District Court of Appeals
Case No. 2002-2032
State of Ohio v. Grady Brinkley
Jan. 11

Hon. Sheila Farmer
5th District Court of Appeals
Case No. 2004-0214
Jeffrey Groob et al.
v. KeyBank et al.
Feb. 2

Hon. Peggy Bryant
10th District Court of Appeals
Case No. 2004-0304
Johnson v. Microsoft
Corporation
Feb. 15

Hon. Julie A. Edwards
5th District Court of Appeals
Case No. 2004-0574
Henderson et al. v. Lawyers Title
Insurance Co.
March 8

Hon. Arlene Singer
6th District Court of Appeals
Case No. 2003-1325
State v. Hand
July 26

Hon. James Brogan
2nd District Court of Appeals
Case No. 2005-0227
City of Norwood v. Horney
Sept. 28

Hon. Tom Grady
2nd District Court of Appeals
Case No. 2004-1824
Marrone v. Philip Morris, USA, Inc.,
and Case No. 2005-0068
State ex rel. The Cincinnati
Enquirer v. Daniels.
Oct. 11

Hon. Lisa Sadler
10th District Court of Appeals
Case No. 2004-1923
Bakies v. City of Perrysburg
Oct. 25

Hon. William Harsha
4th District Court of Appeals
Case No. 2004-2004
Tomasik v. Tomasik
Nov. 9

Hon. Donald R. Ford
11th District Court of Appeals
Case Nos. 2005-0216 and 2005-0412
State v. Kreischer
Dec. 13

ADVISORY COMMITTEE ON INTERPRETER SERVICES

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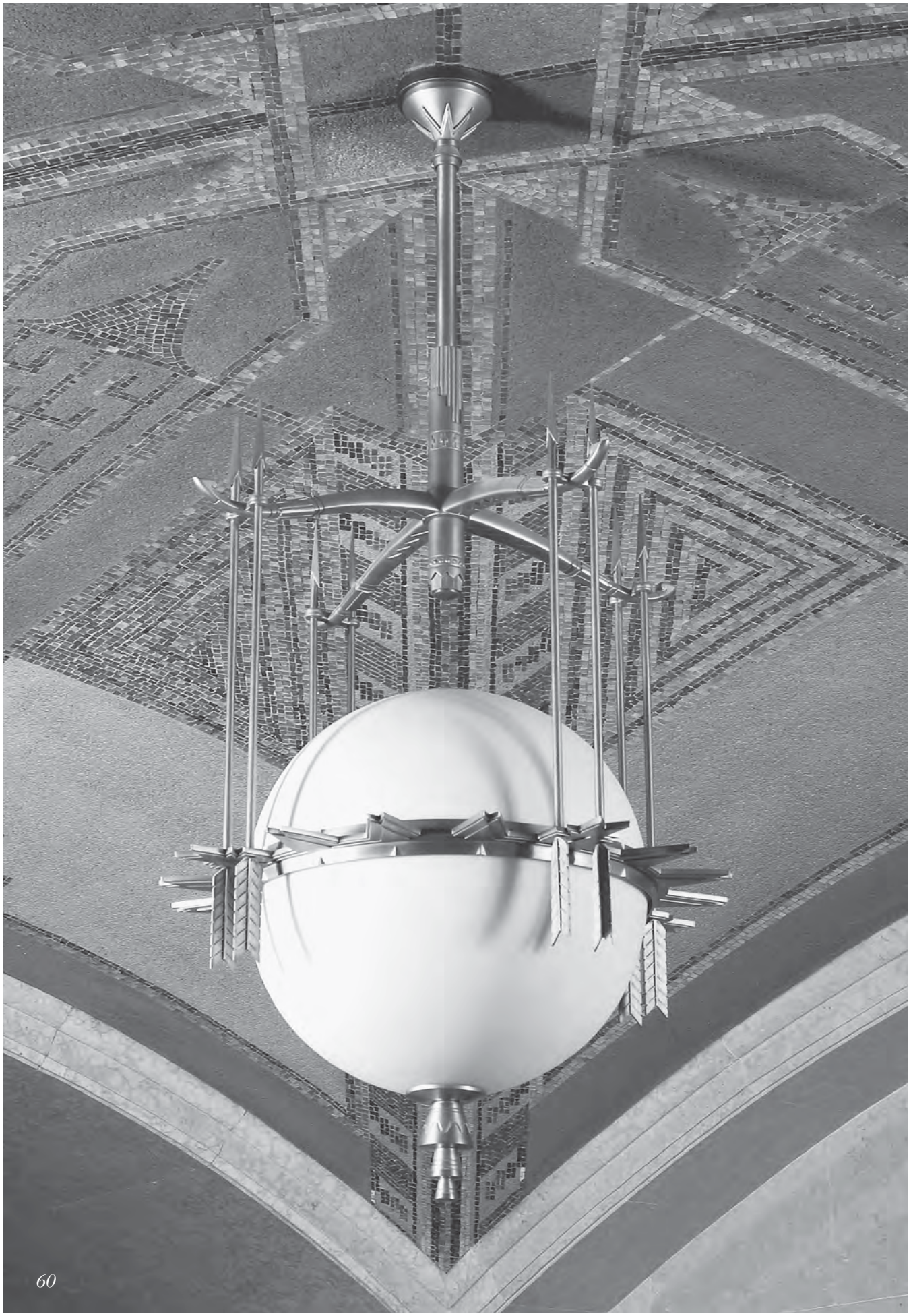

The Court has the constitutional responsibility to oversee the practice of law in the state, and as a result, has developed one of the most comprehensive disciplinary systems of any state in the nation.The Court has established three offices to exercise independent responsibility in assisting the Court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

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

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

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 and 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 of Ohio Rules for the Government of the Bar and Rules for the Government of the Judiciary.

Current staff is composed of eight attorneys, one administrative officer, one administrative assistant, two paralegals, one part-time and two full-time investigators, five legal secretaries, one receptionist, one clerical assistant and one part-time law clerk.

During 2005, the Office of Disciplinary Counsel received 3,237 matters for consideration. These included 2,182 grievances filed against attorneys, and 538 grievances filed against judges. Of the grievances filed, 1,616 were dismissed at intake upon initial review; 1,100 grievance files were opened for investigation.

The office also received 359 appeals of grievances previously dismissed by certified grievance committees of local bar associations, 86 allegations of the unauthorized practice of law, 18 reciprocal discipline actions and four cases involving the nonpayment of child support.

Office of Disciplinary Counsel staff attorneys appeared in 29 hearings before panels of the Board of Commissioners on Grievances & Discipline in 2005. They also participated in 15 oral arguments before the Supreme Court of Ohio. The office received 10 resignations of licensed Ohio attorneys, nine of whom had disciplinary action pending against them.

As it does annually each fall, the office conducted the *Bar Counsel Seminar* Nov. 17. Twenty-nine registrants, primarily representing the certified grievance committees of local bar associations across Ohio, attended.

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 Gov.Bar R.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 1,700 financial disclosure statements required of Ohio judges, judicial candidates and magistrates.

In 2005, the board greeted seven new members appointed by the Supreme Court. The board met on eight days and received 102 formal complaints filed by the Office of Disciplinary Counsel and certified grievance committees of local bar associations. The board conducted 83 hearings – a record number – and certified

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

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86 matters to the Supreme Court, disposing of 99 cases with 103 matters pending on its docket at the end of the year. After being charged with violations, nine Ohio lawyers resigned from the practice of law with disciplinary procedures pending. The board held hearings on four judicial misconduct matters during 2005.

Five board members and the 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 American Bar Association Model Rules and submitted its final proposal to the Supreme Court in June after five days of deliberation earlier in the year. Board members then assisted in presenting the task force recommendations to the Supreme Court during conferences in September.

The board also received 56 requests for advisory opinions and issued 10 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 311 advisory opinions since it was given such authority in 1987. Six of the board's 2005 advisory opinions are reported and discussed in the ABA/BNA *Lawyer's Manual on Professional Conduct*. The advisory opinions were widely disseminated and used throughout Ohio in court opinions. The board staff attorney issued 35 letters addressing various ethical issues and this was a single-year record as well.

The board assisted the certified grievance committees of local bar associations in documenting requests for reimbursement of all disciplinary-related expenses on a quarterly and annual basis. The board also reviewed the performance of Ohio Disciplinary Counsel Jonathan Coughlan and recommended his reappointment to the Supreme Court; the Court reappointed him to a new four-year term that began Oct. 31.

The board, in connection with the University of Akron School of Law and the Ohio State Bar Association, sponsored two statewide disciplinary seminars for certified grievance committees and interested lawyers. In addition, an educational videotape produced by the board secretary and the Office of Disciplinary Counsel was distributed to each Ohio certified grievance committee. The board also taught four courses on campaign law and ethics required of Ohio judicial candidates under Canon 7 of the Code of Judicial Conduct and three courses for attorneys in public practice.

The board participated in 33 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 legal staff responded to more than 2,200 telephone inquiries from judges, lawyers, reporters and members of the public regarding ethics and disciplinary issues.

CLIENTS' SECURITY FUND

The Clients' Security Fund was established by the Supreme Court to provide financial reimbursement to law clients who have been the victims of theft, embezzlement or misappropriation by a licensed Ohio attorney.

During fiscal year 2005, the Clients' Security Fund Board of Commissioners held four meetings and reviewed 124 applications for reimbursement. The board awarded approximately $1,494,200 to 101 eligible applicants for the dishonest conduct of 42 Ohio attorneys.

OHIO CRIMINAL SENTENCING COMMISSION

In 2005, the Ohio Criminal Sentencing Commission finalized a comprehensive plan to reorganize and streamline the state's complex statutes governing criminal and civil forfeitures.

The proposals were sent to the General Assembly and introduced by Rep. Bob Latta as H.B. 241. The commission worked with the General Assembly as it refined the measure. By year's end, the package had been approved by the House of Representatives and awaited Senate consideration.

The commission's proposals target the state's contraband statutes and the complex laws governing forfeitures for drug offenses, racketeering, gang activities, Medicaid fraud and similar conduct. The plan uses clearer terminology and provides greater guidance for courts, balancing the interests of individuals and the government. It better protects law-abiding spouses and business partners, but also imposes new penalties for hiding or diminishing the value of property subject to forfeiture. The package makes forfeitures more proportionate to the underlying crime while protecting the victim's interest by prioritizing restitution from forfeited assets.

Late in 2005, the commission began a comprehensive look at penalties for sex offenders, including the sex offender registration and notification law.

The commission also spent part of the year suggesting refinements to its earlier traffic law reforms (enacted as S.B. 123 in 2004).

Commission members and staff remained active as faculty for the Ohio 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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James D. Cole
Hon. Robert C. DeLamatre
Sherwood S. Eldredge
Michel Epperson
William R. Gallagher
Hon. Timothy Grendell
Hon. Frederick C. Hany II
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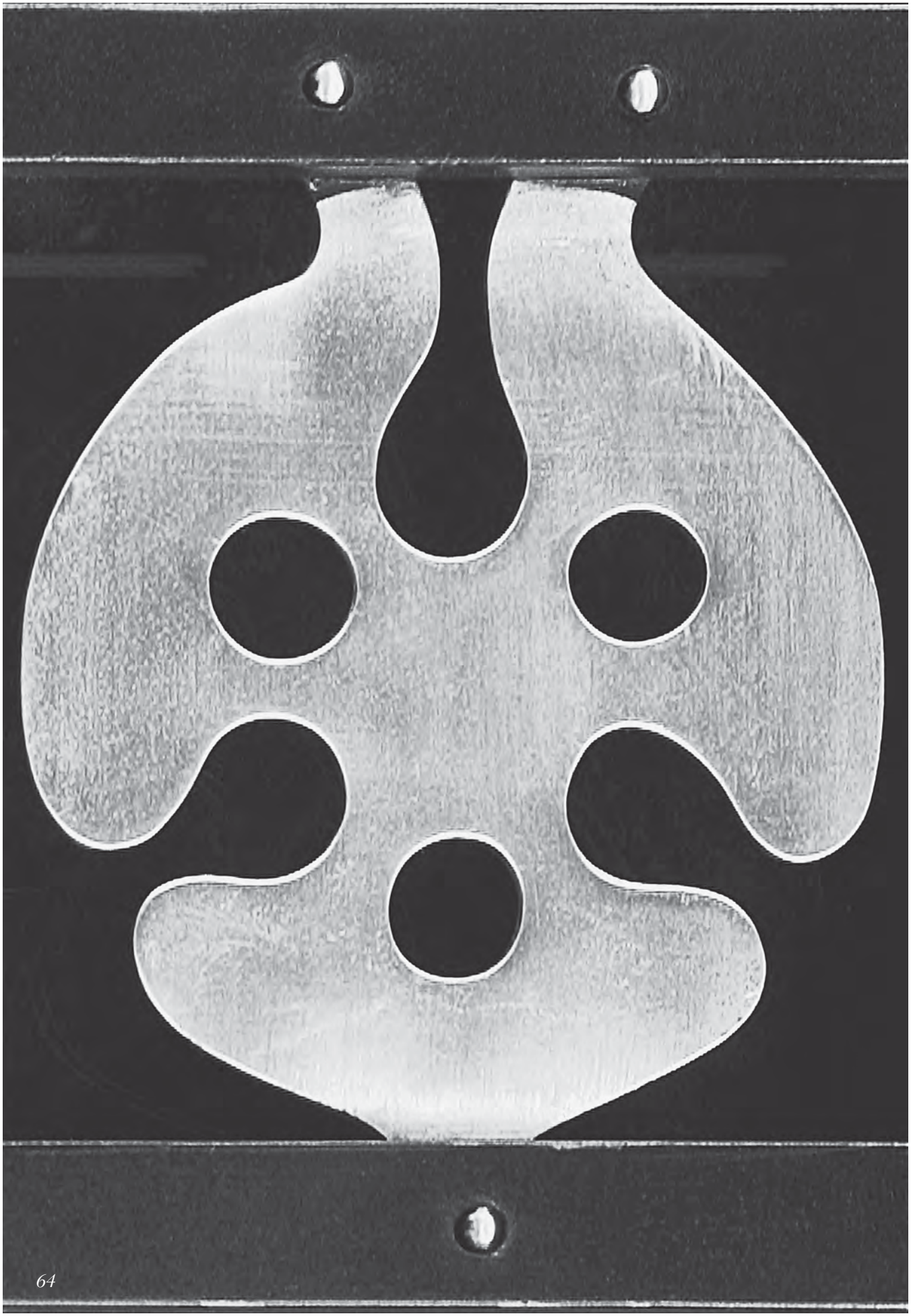
Hon. Kenneth Spanagel
Tom Stickrath
Yeura Rommel Venters
Sheriff David J. Westrick
Donald A. White
Reginald Wilkinson



The following is a chronological list of the merit decisions with opinions decided by the Supreme Court of Ohio in 2005 that were summarized by the Office of Public Information. Lawyer and judicial discipline cases are not included. The full text of these and all 2005 opinions is available online at www.supremecourtofohio.gov/ROD.

MARCH

State v. Danison

Case no. 2003-2155, Web cite 2005-Ohio-781
Opinion by Justice Resnick

An order of restitution imposed by a sentencing court in a felony case is a final appealable order subject to appellate review without the requirement of a prior trial court hearing to enforce payment.

Ashland App. No. 03 COA 021, 2003-Ohio-5924.
Judgment reversed and cause remanded.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

APRIL

State v. Brinkley

Case no. 2002-2032, Web cite 2005-Ohio-1507
Opinion by Justice O'Connor

Affirms the convictions and death sentence of Grady "Snoop" Brinkley of Toledo for the 2000 robbery and aggravated murder of his girlfriend, Shantae Smith.

Lucas C.P. No. CR00-2826. Judgment affirmed.
Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and Slaby, JJ., concur.
Pfeifer, J., concurs in part and dissents in part.
Lynn C. Slaby, J., of the 9th Appellate District, sitting for Lanzinger, J.

State ex rel. Leslie v. Ohio Hous. Fin. Agency

Case no. 2004-0105, Web cite 2005-Ohio-1508
Opinion by Justice O'Connor

Holds that internal communications between state agency officials and in-house attorneys on legal matters are confidential communication barred from disclosure by the lawyer-client privilege, regardless of whether the in-house lawyers have been appointed or approved as assistant Ohio attorneys general.

Franklin App. No. 02AP-1147, 2003-Ohio-6560.
Judgment affirmed in part and reversed in part.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Rosette v. Countrywide Home Loans, Inc.

Case nos. 2004-0524 and 2004-0525, Web cite 2005-Ohio-1736
Opinion by Justice Resnick

When a lender fails to record the satisfaction of a residential mortgage within 90 days after final payment is received, the borrower may file a civil action to recover a statutory $250 damage award from the lender within six years after the expiration of the recording deadline.

Cuyahoga App. No. 82938, 2004-Ohio-359 and Cuyahoga App. Nos. 82885 and 82999, 2004-Ohio-356. Judgments reversed and causes remanded.
Moyer, C.J., Resnick, Pfeifer and O'Donnell, JJ., concur.
Lundberg Stratton, O'Connor and Lanzinger, JJ., dissent.

MAY

Asset Acceptance LLC v. Mack

Case no. 2004-0851, Web cite 2005-Ohio-1829
Opinion by Chief Justice Moyer

Rules that civil judgments that have lapsed into dormancy but are not subject to R.C. 2325.18(B) continue to accrue interest.

Ashland App. No. 03COA055, 2004-Ohio-1282.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State v. Turner

Case no. 2003-0346, Web cite 2005-Ohio-1938
Opinion by Justice O'Donnell

Affirms the aggravated murder convictions and death sentence of Michael Turner of Columbus for the stabbing deaths of his estranged wife, Jennifer Lyles Turner, and Ronald Seggerman, a friend who

tried to protect Mrs. Turner from her husband's knife attack in June 2001.

Franklin C.P. No. 01CR-06-3615. Judgment affirmed.

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

Buckley v. Wilkins

Case nos. 2003-1676, 2003-1713 and 2004-1614, Web cite 2005-Ohio-2166

Per curiam opinion

Rejects legal arguments advanced by four Ohio residents who refused to pay state income tax for certain years based on their claim that income from wages and salaries is not taxable under the provisions of R.C. 5747 that define and impose the state income tax.

Board of Tax Appeals, Nos. 2002-V-1369, 2003-A-350 and 2003-B-1389. Decisions affirmed.

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

Pfeifer, J., concurs in judgment only.

Estate of Nord v. Motorists Mut. Ins. Co.

Case no. 2004-0136, Web cite 2005-Ohio-2165

Opinion by Chief Justice Moyer

Rules that an uninsured motorist provision in an auto insurance policy limiting such coverage to damages that "arise out of the ownership, maintenance or use of an uninsured motor vehicle" does not cover damages caused by an event unrelated to the ownership, maintenance or use of an uninsured vehicle.

Cuyahoga App. No. 82857, 2003-Ohio-6345. Judgment reversed.

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

State v. Monroe

Case no. 2002-2241, Web cite 2005-Ohio-2282

Opinion by Justice Stratton

Affirms the convictions and death sentence of Jonathon Monroe of Columbus for the April 1996 murders of Travinna Simmons and Deccarla Quincy during a drug-related robbery.

Franklin C.P. No. 01CR04-2118. Judgment affirmed.

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

E. Liverpool v. Columbiana Cty. Budget Comm.

Case no. 2003-1003, Web cite 2005-Ohio-2283

Opinion by Justice O'Donnell

When an eligible county has already adopted an alternative method of allocating its share of state Undivided Local Government Fund and Undivided Local Government Revenue Assistance Fund dollars, rather than using the statutory method of allocation specified in R.C. 5747.51 and 5747.62, the county budget commission is not required to grant political subdivisions an opportunity to be heard under oath before allocating funds according to the alternative method.

Board of Tax Appeals, No. 2002-T-1584. Decision affirmed.

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

JUNE

Shell v. Ohio Veterinary Med. Licensing Bd.

Case no. 2004-0253, Web cite 2005-Ohio-2423

Opinion by Justice Resnick

The state statute authorizing inspections of licensed veterinarians requires that a five-day advance written notice be sent to a licensee before an inspection of his premises, even when the inspection is part of an investigation of suspected misconduct.

Geauga App. No. 2002-G-2456, 2003-Ohio-6970. Judgment affirmed.

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

JULY

State v. Porterfield

Case nos. 2004-0417 and 2004-0510

Web cite 2005-Ohio-3095

Opinion by Justice O'Connor

Rules that in cases where a criminal defendant convicted of multiple crimes stipulates in a plea agreement that his crimes justify the imposition of consecutive prison sentences, the sentencing judge is not required to state the specific findings justifying consecutive sentences at the sentencing hearing.

Trumbull App. No. 2002-T-0045, 2004-Ohio-520.
Judgment reversed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State ex rel. Toledo Blade Co. v. Ohio Bur. of Workers' Comp.

Case no. 2005-0867, Web cite 2005-Ohio-3549
Opinion by Justice Resnick

Issued a peremptory writ of mandamus ordering the state Bureau of Workers' Compensation (BWC) to provide the Toledo *Blade* with copies of transaction records that disclose the sellers, dates and purchase prices of rare coins purchased on behalf of BWC by Toledo-based Capital Coin Funds I and II. In Mandamus. Writ granted.

Alice Robie Resnick, Acting C.J., Gorman, Karpinski and Corrigan, JJ., concur.
Pfeifer, J., concurs and writes separately.
Bryant and Grady, JJ., dissent.
Thomas F. Bryant, J., of the 3rd Appellate District, sitting for Moyer, C.J.
Thomas J. Grady, J., of the 2nd Appellate District, sitting for Lundberg Stratton, J.
Robert H. Gorman, J., of the 1st Appellate District, sitting for O'Connor, J.
Diane Karpinski, J., of the 8th Appellate District, sitting for O'Donnell, J.
Michael J. Corrigan, J., of the 8th Appellate District, sitting for Lanzinger, J.

In re S.J.

Case no. 2004-0247, Web cite 2005-Ohio-3215
Opinion by Justice Resnick

Holds that when a juvenile court declines to bind over a juvenile for trial as an adult, and the state appeals that ruling, the juvenile court has no jurisdiction to go forward with adjudication of the defendant as a juvenile while the state's appeal is pending.

Cuyahoga App. No. 82106, 2003-Ohio-5071.
Judgment reversed and cause remanded.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Brickman & Sons, Inc. v. Natl. City Bank

Case no. 2004-0819, Web cite 2005-Ohio-3559
Opinion by Justice Stratton

Rules that when an administrative judge's entry reassigning a case from one judge to another does not state the reason for the transfer, but the reason for the transfer is clear from the case record, the transfer is proper.

Cuyahoga App. No. 81428, 2004-Ohio-1447.
Judgment reversed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Ward v. Kroger Co.

Case no. 2004-1301, Web cite 2005-Ohio-3560
Opinion by Justice Resnick

When the Industrial Commission has denied state workers' compensation benefits for claimed medical conditions, the claimant may pursue a court appeal only for the same medical conditions that were addressed in the administrative order from which the appeal is taken.

Jefferson App. No. 03 JE 40, 2004-Ohio-3637.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

AUGUST

SCM Chem., Inc. v. Wilkins

Case no. 2004-0244, Web cite 2005-Ohio-3676
Opinion by Chief Justice Moyer

Rules that the state tax commissioner may not consider an application for a personal property tax rebate if the application is filed after the statutory filing deadline, even in cases where a taxpayer's legal entitlement to receive a rebate did not arise until after the filing deadline had passed.

Board of Tax Appeals, No. 2002-M-319. Decision affirmed in part and reversed in part.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State v. Reese

Case no. 2004-0285, Web cite 2005-Ohio-3806
Opinion by Justice O'Connor

When a criminal defendant who has waived his right to the assistance of an attorney subsequently waives his right to a jury trial, the state law governing jury waivers is satisfied if the defendant had an opportunity to consult with a lawyer at any time before waiving a jury trial, whether or not an actual consultation took place.

Trumbull App. No. 2002-T-0068, 2004-Ohio-341.
Judgment reversed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State ex rel. Plain Dealer Publishing Co. v. Cleveland

Case nos. 2004-0448 and 2004-1765
Web cite 2005-Ohio-3807
Opinion by Justice Stratton

Rules that I.D. photos of police officers maintained by police departments are exempt from disclosure under the Ohio Public Records Act because such photos fall within the statutory exception for peace officer residential and familial information. In Mandamus. Writs denied.

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. Champion

Case no. 2004-0871, Web cite 2005-Ohio-4098
Opinion by Justice Lanzinger

A person whose prison sentence for a sexually oriented crime was completed before July 1, 1997, is not required to register or periodically report his current address under Ohio's sex offender registration statutes, even if the offender was reimprisoned for a parole violation for a term served concurrently with the sexually oriented offense.

Cuyahoga App. No. 83157, 2004-Ohio-2009.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State v. Thomas

Case no. 2004-0900, Web cite 2005-Ohio-4106
Opinion by Justice Pfeifer

Rules that when a person who commits a theft offense gives up the stolen property and submits to apprehension by police, but later causes injury to another during an attempt to flee, those facts are not sufficient to elevate the defendant's underlying offense from theft to robbery.

Cuyahoga App. No. 82674, 2004-Ohio-1907.
Judgment reversed and cause remanded.
Resnick, Pfeifer, Lundberg Stratton and Lanzinger, JJ., concur.
Moyer, C.J., and O'Donnell, J., concur in judgment only.
O'Connor, J., dissents and would affirm the judgment of the court of appeals.

SEPTEMBER

State ex rel. Dispatch Printing Co. v. Johnson

Case no. 2004-0394, Web cite 2005-Ohio-4384
Opinion by Justice Resnick

Rules that state employee home addresses do not fall within the definition of records subject to mandatory disclosure under the state Public Records Act.

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

Comer v. Risko

Case no. 2004-0284, Web cite 2005-Ohio-4559
Opinion by Justice Stratton

A patient who is allegedly harmed by a doctor working in a hospital as an independent contractor may not pursue a lawsuit against the hospital for vicarious liability for the contractor's negligence when the patient has failed to file a primary negligence claim against the physician within the legal time limit for doing so.

Knox App. No. 03CA14, 2003-Ohio-7272. Judgment reversed and cause remanded.
Moyer, C.J., Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Resnick and Pfeifer, JJ., dissent.

State ex rel. Internatl. Paper v. Trucinski

Case no. 2004-1941, Web cite 2005-Ohio-4557
Per curiam opinion

Affirms that an employee who loses a leg in a work-related accident suffers the loss of two limbs (a leg and a foot) under the terms of a state workers' compensation statute, and is therefore entitled to an award of permanent, total disability benefits.

Franklin App. No. 03AP-963, 2004-Ohio-5520.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State v. Mayl

Case no. 2003-1973, Web cite 2005-Ohio-4629
Opinion by Justice Lanzinger

Affirms that blood alcohol test results offered as evidence of a drunken driving violation are admissible at trial only if the state establishes substantial compliance with the health director's testing standards, regardless of whether testing is performed at the request of police or in the course of medical treatment, and regardless of whether test results are analyzed by police technicians or hospital personnel.

Montgomery App. No. 19549, 154 Ohio App.3d 717, 2003-Ohio-5097. Judgment affirmed.
Moyer, C.J., Pfeifer, O'Donnell and Lanzinger, JJ., concur.
Resnick, Lundberg Stratton and O'Connor, JJ., dissent.

Village Condominiums Owners Assn. v. Montgomery Cty. Bd. of Revision

Case no. 2004-1198, Web cite 2005-Ohio-4631
Opinion by Justice O'Donnell

Affirms an appellate court ruling that a condominium owners' association does not have legal standing to challenge a county auditor's tax valuation of the common areas of a condominium development.

Montgomery App. No. 20082, 2004-Ohio-3087.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, O'Connor and O'Donnell, JJ., concur.
Lundberg Stratton and Lanzinger, JJ., dissent.

Beard v. Meridia Huron Hosp.

Case no. 2004-0048, Web cite 2005-Ohio-4787
Opinion by Chief Justice Moyer

In cross examination at trial, expert witnesses may cite professional literature from their area of study in partial support for their testimony without violating the prohibition against hearsay testimony.

Cuyahoga App. No. 82541, 2003-Ohio-5929.
Judgment reversed.
Moyer, C.J., Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Resnick and Pfeifer, JJ., dissent.

OCTOBER

Berea City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision

Case no. 2003-2168, Web cite 2005-Ohio-4979
Opinion by Justice O'Donnell

Holds that the purchase price paid for a piece of commercial property in an arm's-length sale between a willing buyer and seller in 1996 was the true value upon which the owner's 1997 property taxes should have been based.

Board of Tax Appeals, Nos. 2003-J-143, 2003-J-144 and 2003-J-1150. Decision reversed and cause remanded.
Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Moyer, C.J., and Pfeifer, J., concur in judgment only.

Sandusky Dock Corp. v. Jones

Case no. 2004-0261, Web cite 2005-Ohio-4982
Opinion by Justice Pfeifer

When the Ohio Environmental Protection Agency (EPA) finds that a business facility already operating under an air quality permit constitutes a public nuisance, the EPA director must first make specific findings regarding technical feasibility and economic reasonableness before modifying the facility's permit to require compliance with a specific emissions standard.

Franklin App. No. 03AP-98, 2003-Ohio-7027.
Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Johnson v. Microsoft Corp.

Case no. 2004-0304, Web cite 2005-Ohio-4985
Opinion by Justice O'Donnell

An indirect purchaser of a product may not bring a claim for antitrust damages against the product's manufacturer under Ohio's antitrust statute.

Hamilton App. No. C-020564, 155 Ohio App.3d 626, 2003-Ohio-7153. Judgment affirmed.
Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Moyer, C.J., and Bryant, J., dissent.
Peggy Bryant, J., of the 10th Appellate District, sitting for Pfeifer, J.

Smith v. Leis

Case no. 2004-1104, Web cite 2005-Ohio-5125
Opinion by Justice Lanzinger

Rules that it is unconstitutional for a trial court to require a cash-only bond for a criminal defendant awaiting trial.

Hamilton App. No. C-040273. Judgment affirmed.
Moyer, C.J., Pfeifer, O'Connor and Lanzinger, JJ., concur.
Resnick, Lundberg Stratton and O'Donnell, JJ., concur in part and dissent in part.

Fazio v. Hamilton Mut. Ins. Co.

Case no. 2004-1559, Web cite 2005-Ohio-5126
Opinion by Chief Justice Moyer

Rules that under a former version of the state law regulating uninsured/underinsured motorist (UM/UIM) coverage, an Ohio insurer was permitted to impose a geographic limitation on the UM/UIM coverage in its policies.

Licking App. No. 03 CA 73, 2004-Ohio-2748. Judgment reversed.
Moyer, C.J., Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Resnick and Pfeifer, JJ., dissent and would dismiss the cause as having been improvidently accepted.

Sarmiento v. Grange Mut. Cas. Co.

Case no. 2004-0193, Web cite 2005-Ohio-5410
Opinion by Justice Stratton

A two-year time limit in an Ohio auto insurance policy for filing UM/UIM claims is reasonable and enforceable, including cases in which the injury triggering coverage took place in a foreign state and that state's statute of limitations for the claimant to file suit against the uninsured driver is longer than two years.

Cuyahoga App. No. 82807, 2003-Ohio-6485. Judgment affirmed in part and reversed in part.
Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.
Lanzinger, J., concurs in part and dissents in part.
Resnick and Pfeifer, JJ., dissent.

Corporex Dev. & Constr. Mgt., Inc. v. Shook, Inc.

Case no. 2004-0752, Web cite 2005-Ohio-5409
Opinion by Justice O'Connor

In contract disputes involving purely economic claimed damages where privity (a direct legal relationship) or a nexus of relationship equivalent to privity is found to exist between parties, that finding may impose only the contractual duties and liability for breach of those duties agreed to by the parties to the contract and does not provide a legal basis for the assertion of non-contractual tort claims.

Franklin App. No. 03AP-269, 2004-Ohio-1408. Judgment reversed and cause remanded.
Moyer, C.J., Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Resnick and Pfeifer, JJ., dissent.

NOVEMBER

Internatl. Assn. of Firefighters, Local No. 136 v. Dayton Civ. Serv. Bd.

Case no. 2004-1103, Web cite 2005-Ohio-5826
Opinion by Chief Justice Moyer

Upholds an appeals court's reversal of a trial court decision enjoining the city of Dayton from awarding bonus points to the civil service test scores of successful Fire Apprentice Program participants. Finds that the rule providing for the bonus point system does not violate the city charter.

Montgomery App. No. 20089, 2004-Ohio-2728. Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.
O'Donnell, J., dissents.

State v. Jackson

Case no. 2002-1604, Web cite 2005-Ohio-5981
Opinion by Chief Justice Moyer

Affirms the aggravated murder convictions of Cleveland Jackson of Lima for the January 2002 shooting deaths of Leneshia Williams, 17, and Jayla Grant, 3, during a drug-related robbery Jackson committed with his half-brother. Also upholds Jackson's death sentence for killing Williams, but vacates the death sentence he received for Grant's death, remanding that portion of the case for resentencing.

Allen C. P. No. CR2002-0011. Judgment affirmed in part and reversed in part and cause remanded.
Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Resnick, J., concurs in part and dissents in part.

State v. McKnight

Case no. 2002-2130, Web cite 2005-Ohio-6046
Opinion by Justice Resnick

Affirms the convictions and death sentence of Gregory McKnight for the separate murders of Gregory Julious of Chillicothe and Emily Murray of Gambier in 2000.

Vinton C.P. No. 01-CR-7230. Judgment affirmed.
Resnick, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.
Moyer, C.J., and Lanzinger, J., concur in part and dissent in part.
Pfeifer, J., concurs in part and dissents in part.

DECEMBER

MP Star Financial, Inc., v. Cleveland State Univ.

Case no. 2004-1466, Web cite 2005-Ohio-6183
Opinion by Chief Justice Moyer

Rules that governmental units are exempt by law from a provision in Ohio's version of the Uniform Commercial Code requiring that debtors who have been notified that their obligation to a creditor has been assigned to a third party may discharge the remainder of the debt only by making payment to the third party rather than to the original creditor.

Franklin App. No. 03AP-1156, 2004-Ohio-3840. Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

State v. Edwards

Case no. 2004-0700, Web cite 2005-Ohio-6180
Opinion by Chief Justice Moyer

Reaffirms that drunken driving defendants challenging the admissibility of blood-alcohol test results for alleged noncompliance with Ohio Department of Health (ODH) testing standards must raise the objection in a pretrial motion to suppress the results, and that a judge evaluating such a challenge at a pretrial suppression hearing can rely on hearsay and other evidence to determine whether the ODH standards were met, even though that evidence may not be admissible at trial.

Tuscarawas App. No. 2003 AP 09 0077, 2004-Ohio-870. Judgment affirmed.
Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Pfeifer, concurs in judgment only.

Williams v. Akron

Case no. 2004-0695, Web cite 2005-Ohio-6268
Opinion by Justice Stratton

Holds that, when an appeals court reviews a trial court denial of a motion for directed verdict at the close of plaintiff's presentation of evidence in a discrimination case, the appeals court can review the sufficiency of the plaintiff's evidence only — instead of reviewing the totality of the evidence presented at trial — if the defendant has properly preserved the issue for appeal by renewing the motion for a directed verdict at the close of all the evidence.

Summit App. No. 21306, 2003-Ohio-7197. Judgment affirmed.
Moyer, C.J., Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.
O'Donnell, J., concurs separately.
Resnick and Pfeifer, JJ., dissent.

State ex rel. Asti v. Ohio Dept. of Youth Serv.

Case no. 2005-0043, Web cite 2005-Ohio-6432
Per curiam opinion

Holds that when a state agency has promoted a classified civil service employee to an unclassified management position, the agency is legally obliged to reinstate that employee to his last classified position, or an equivalent position in the classified service, at the request of the employee.

Franklin App. No. 03AP-998, 2004-Ohio-6832.

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

McNamara v. Rittman

Case no. 2004-0357, Web cite 2005-Ohio-6433
Opinion by Justice Pfeifer

Rules that landowners have a property right in the groundwater under their land, and that governmental interference with that right can constitute a "taking" of property for which the owner is entitled to compensation.

Certified Questions of State Law from the U.S. Court of Appeals for the 6th Circuit, Nos. 02-3778 and 02-3965.
Resnick, Pfeifer, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Moyer, C.J., and Lundberg Stratton, J., concur in judgment only.

Crane v. Perry Cty. Bd. of Elections

Case no. 2005-0397, Web cite 2005-Ohio-6509
Per curiam opinion

Board-certified election results must be given a strong presumption of validity, and parties challenging such results must prove by clear and convincing evidence not only that voting irregularities took place, but also that those irregularities "affected enough votes to change or make uncertain the result of the … election."

Perry C.P. No. 04-CV-00403. Judgment affirmed.
Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Pfeifer, J., concurs in judgment only.
Moyer, C.J., and Resnick, J., not participating.

SUPREME COURT OF OHIO
2005 RULE CHANGES

The following are key rule amendments either proposed for public comment or adopted by the Supreme Court of Ohio in 2005.

The Court adopted changes to Canon 7 of the Ohio Code of Judicial Conduct that increased campaign finance contribution limits for Ohio judicial candidates. The increases were intended in part to encourage donors to contribute directly to candidates' funds, where state reporting requirements make the contributions and expenditures open to public scrutiny, rather than to independent issue-advocacy organizations that are not subject to reporting requirements.

The Court suspended the application of specific ethics rules related to advertisements sponsored by attorneys and judicial candidates. Suspended were a rule in the Ohio Code of Professional Responsibility that prohibits the use of client testimonials in advertisements sponsored by lawyers; ethics rules of the Code of Judicial Conduct that regulate the use of party affiliation, membership, endorsements and nominations in judicial campaign advertising; and a rule that regulates the use of the term "judge" by a sitting judge who is seeking election to another judicial office.

The Court implemented a new online attorney registration process that, for the first time, offered attorneys the option of filing certificates of registration and paying registration fees electronically. The Court also implemented enforcement procedures to encourage Ohio attorneys to meet their attorney registration obligation on time. Sanctions include a $50 late registration fee and potential license suspension with a $200 reinstatement fee.

The Court implemented an increase in the biennial attorney registration fee from $275 to $300. Registration fees are the primary source of funding for the administration of the Ohio bar, and the fee increase will help ensure that essential programs continue to serve the public and the Ohio judiciary. Each of the more than 51,000 attorneys licensed in Ohio – except those registered as retired – is required to register with the Supreme Court every two years; those who register for active status also must submit the fee.

The Court published for comment proposed revisions to lawyer conduct rules recommended by the Supreme Court Task Force on Rules of Professional Conduct. The task force recommended the adoption of 54 proposed rules that would replace the current Ohio Code of Professional Responsibility and more closely conform to the American Bar Association Model Rules. The proposed rule changes would enhance client protection and help ensure the professional delivery of legal services.

IN MEMORIAM

THE HONORABLE JAMES F. BELL

Former Justice James F. Bell Jr. was a caring and compassionate man who prided himself on a balanced and fair approach to the law. He died in his Bradenton, Fla., home in September at the age of 90.

Justice Bell served on the Supreme Court from January 1955 until October 1962. He authored 118 opinions, including the 1956 decision to uphold the murder conviction of Dr. Sam Sheppard, who was eventually acquitted of murdering his wife. Sheppard's trial was one of the most celebrated criminal trials in U.S. history and spawned decades of litigation, dozens of books and the television series and movie, *The Fugitive*.

Justice Bell will be remembered for his ideals of equality and impartiality. "In his work as a common pleas judge, as a Supreme Court Justice, an attorney and a labor arbitrator, he always tried to hear both sides of an issue and to above all else be fair," his daughter, Betsey, said. "I think he did a good job of not ever being biased."

Born Jan. 12, 1915, in London, Ohio, Justice Bell graduated from London High School, where he was active in the Boy Scouts of America, eventually achieving the rank of Eagle Scout. After graduating from DePauw University in 1936, he earned his juris doctorate from the Ohio State University. After graduating from law school in 1939, he practiced law in Ohio until 1942, when he joined the FBI as a special agent. He later served as a judge, from 1947 to 1954, on the Madison County Court of Common Pleas, a post to which he was elected after replacing his father, James F. Bell Sr.

After leaving the Supreme Court in1962, Justice Bell became a partner at the law firm of Power, Griffith, Jones & Bell. He then worked on Sen. John Glenn's first campaign for the U.S. Senate in 1970, later becoming general counsel for the General Telephone Company of Florida. Upon retiring in 1980, Justice Bell founded Arbitration Service Inc., serving as president.

The cover image is a detail from one of two bronze sculptures of the Great Seal of the State of Ohio located in the main Front Street entrance and north vestibule of the Ohio Judicial Center. The Great Seal depicts the view from the Ross County estate of Thomas Worthington, U.S. Senator, sixth governor of Ohio and the "Father of the Ohio Constitution." The Scioto River runs through the center of the seal as the sun rises over Mount Logan and the cultivated fields, symbolizing that Ohio was one of the first states west of the Appalachians. The 13 rays emanating from the rising sun symbolize the original 13 colonies, while the sheaf of wheat to the right represents Ohio's agriculture, and the bundle of 17 arrows to the left symbolizes that Ohio was the 17th state to join the union.

THE SUPREME COURT *of* OHIO

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