



THE SUPREME COURT *of* OHIO  
ANNUAL REPORT

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# CHIEF JUSTICE THOMAS J. MOYER

## APRIL 18, 1939 — APRIL 2, 2010

At the time this Annual Report was going to press, the people of Ohio experienced the untimely and tragic loss of Chief Justice Thomas J. Moyer, who died unexpectedly on April 2, 2010, after serving as the leader of Ohio's judicial branch for nearly 24 years.



In tribute to the Chief, the Court decided to replace the original report cover — an artist's rendering of the Court in session — with a photograph of the Chief presenting the commencement address at his beloved alma mater, The Ohio State University, on August 30, 2009.

Because the report documents the activities of the Court through 2009, during all of which Chief Justice Moyer was still in office, none of the other content of the report was altered.

While this report chronicles certain aspects of his public life, the accomplishments of Thomas J. Moyer the Chief were made possible by the character of Tom Moyer the man — soft spoken and humble, courteous and kind, always conscious of others and concerned for the greater good. As we reflect on a remarkable judicial career, let us be reminded that greatness of deed is not possible without greatness of character.

— The Justices of the Supreme Court of Ohio



THE SUPREME COURT *of* OHIO

# annual report

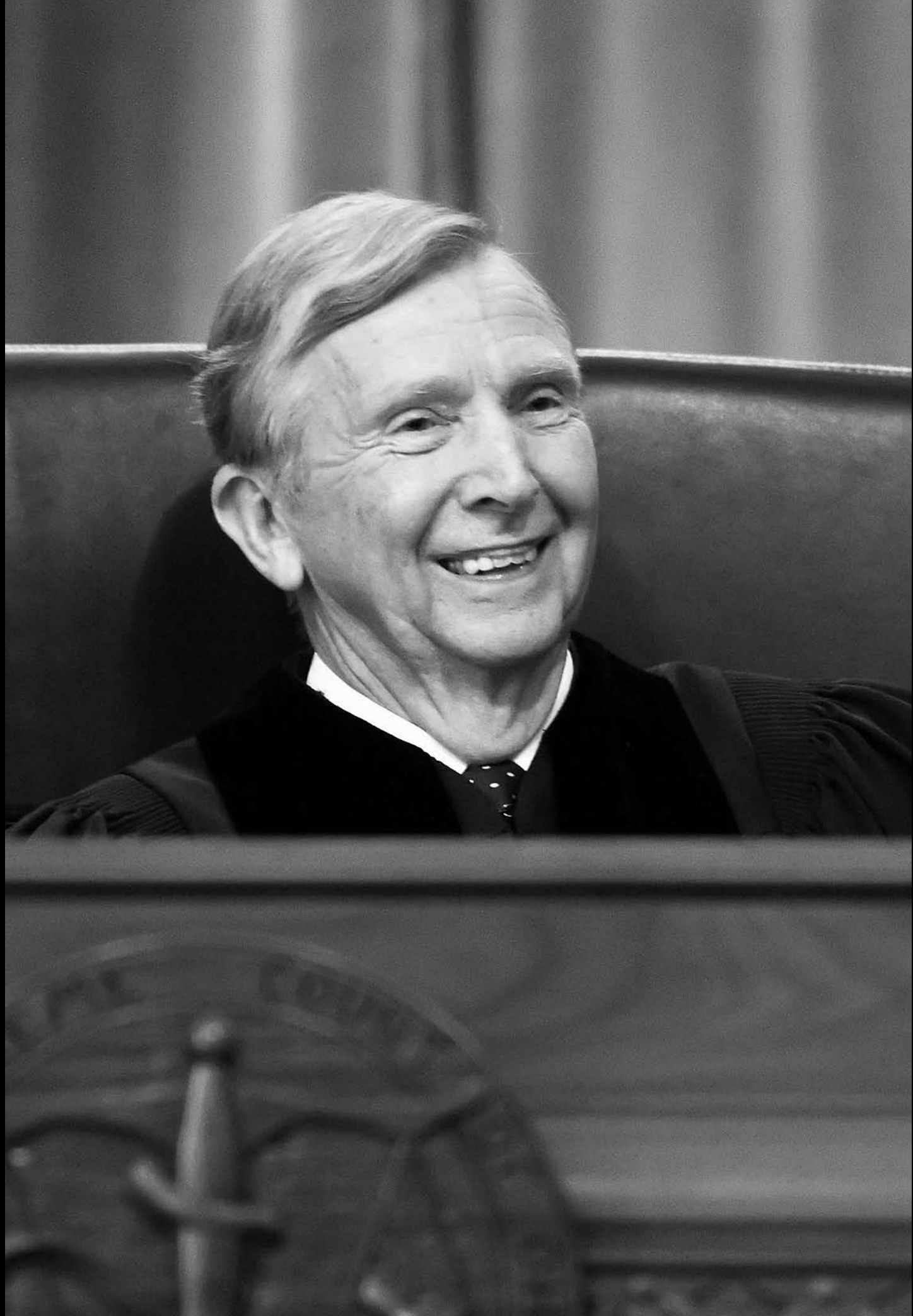
Thomas J. Moyer  
CHIEF JUSTICE

Paul E. Pfeifer  
Evelyn Lundberg Stratton  
Maureen O'Connor  
Terrence O'Donnell  
Judith Ann Lanzinger  
Robert R. Cupp  
JUSTICES

Steven C. Hollon  
ADMINISTRATIVE DIRECTOR

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March 2010

Dear Citizens of Ohio:

Alexander Hamilton once wrote that “the first duty of society is justice.” This obligation is shared by all Ohio judicial system employees because the system cannot thrive without the public’s trust and confidence in its integrity, fairness and impartiality.

It is for that reason that my fellow Justices and I remain diligent in our efforts to ensure the Ohio judicial system is both accessible and accountable to the public it serves. In 2009, we focused efforts on amendments to the rules governing Ohio courts, the administration of justice and the professionalism of those who serve in our judicial system.

In January 2009, we adopted a rule standardizing the appointment, responsibilities, training and reporting requirements of guardians ad litem, ensuring that those who protect the interests of the most vulnerable among us do so in a way that rises to the level of excellence.

To safeguard access to justice by all citizens, we adopted rule amendments providing for the screening, testing and certification of bilingual court interpreters. The certification requires that interpreters working in Ohio courts meet minimum standards of fluency and comply with a code of professional conduct.

We also clarified how lawyers in Ohio can communicate their fields of practice to the public, restricting the use of the word “specialist” to those who have been certified as such in specific fields by an approved organization. We narrowed, too, the privileges for out-of-state attorneys who want to appear temporarily in a proceeding before an Ohio court.

In 2009, the Supreme Court of Ohio also:

- Released a guide providing the public with practical information for engaging in and managing an attorney-client relationship
- Mandated additional continuing education requirements for judges related to access to justice
- Launched a refreshed Web site with increased ADA compliance, more functional architecture, faster load times and expanded content.

It is true, as former U.S. Chief Justice Warren E. Burger once wrote, that judges rule on the basis of law, not public opinion. But courts must be responsive to the needs of the public, and we must strive always to improve the administration of justice and support public confidence in the courts as a cornerstone of our democracy. The 2009 Annual Report details our successes and efforts this past year in meeting this obligation.



Thomas J. Moyer  
Chief Justice

# THE SUPREME COURT *of* OHIO 2009



Paul E. Pfeifer ■ Chief Justice Thomas J. Moyer ■ Evelyn Lundberg Stratton  
SEATED (LEFT TO RIGHT)

Judith Ann Lanzinger ■ Maureen O'Connor ■ Terrence O'Donnell ■ Robert R. Cupp  
STANDING (LEFT TO RIGHT)

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**editor's note:** A compilation of syllabi and summaries of 2009 Supreme Court opinions summarized by the Office of Public Information is available as a separate publication. Copies are available online at [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov) or by calling 614.387.9250.

# justices of the supreme court of ohio

The Supreme Court of Ohio is established by Article IV, Section 1, of the Ohio Constitution. Article IV, Section 2, of the Constitution sets the size of the Court at seven — a Chief Justice and six Justices — and outlines the jurisdiction of the Court.

The Chief Justice and six Justices are elected to six-year terms on a nonpartisan ballot. Two Justices are chosen at the general election in even-numbered years. In the year when the Chief Justice runs, voters pick three members of the Court.

To be a candidate for the Supreme Court of Ohio, one must be a qualified elector residing in Ohio. Additionally, a Court candidate must be admitted to the Ohio bar and have at least six years of experience in the practice of law or served as a judge of a court of record in any jurisdiction in the United States (R.C. 2503.01).

Appointments are made by the governor for vacancies that occur between elections.

Like all judges in the state, Justices of the Supreme Court of Ohio do not have term limits. However, the Ohio Constitution sets an age limit for all judges and Justices. Specifically, under Article IV, Section 6, no person can be elected or appointed to any judicial office if on or before the day the term begins, he or she attains the age of 70 years.



## CHIEF JUSTICE THOMAS J. MOYER

Currently the longest-serving Chief Justice in the United States, Chief Justice Thomas J. Moyer is a leader in providing citizens with improved access to the courts through alternative dispute resolution and computer technology.

Since he became Chief Justice in 1987, Ohio has been a leader in providing substance-abuse treatment to nonviolent offenders. The Chief Justice also works with leaders of the judiciary and the General Assembly to develop family courts, a comprehensive approach to resolving criminal and civil issues confronting families. As chairman of the Ohio Criminal Sentencing Commission, Chief Justice Moyer has led efforts to revise Ohio felony, misdemeanor, traffic and juvenile sentencing laws adopted by the General Assembly.

The Chief Justice also is in the forefront of efforts to improve the method of selecting judges in Ohio and has worked to develop legislative proposals to increase reporting requirements for judicial campaign contributions and to increase the minimum professional qualifications required of judicial candidates. He recently co-hosted a Forum on Judicial Selection to discuss amending the way Justices of the Supreme Court of Ohio are selected.

Chief Justice Moyer also works with lawyers and judges in other countries as they develop independent judiciaries and has worked with judicial leaders in the Ukraine, China, Argentina and Chile.

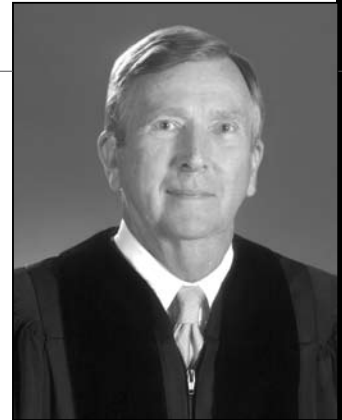
The Chief Justice received his law degree from The Ohio State University. He served eight years as a judge of the 10<sup>th</sup> District Court of Appeals in Franklin County, four years as executive assistant to the governor of Ohio and eight years in the private practice of law in Columbus.

Chief Justice Moyer serves as vice-chair of the Advanced Science and Technology Adjudication Resource Center (ASTAR), a national consortium to prepare judges for managing the resolution of disputes that present complex science issues. He also chairs the Task Force on Politics and Judicial Selection for the Conference of Chief Justices and co-chairs its Committee on Emergency Preparedness in the Courts.

He serves on the board of Justice at Stake, a national organization that supports fair and impartial courts. In 2009, he also was appointed to the Advisory Committee of the (Sandra Day) O'Connor Judicial Selection Initiative.

In 1987, at the 300<sup>th</sup> Ohio State University commencement, he was recognized as one of 40 outstanding alumni. In August 2009, Chief Justice Moyer delivered the commencement address to about 1,900 graduates at Ohio State's summer quarter commencement.

Among Chief Justice Moyer's many awards are the American Judicature Society Herbert Harley Award for improving the administration of justice in Ohio and the National Client Protection Organization's 2008 Isaac Hecht Law Client Protection Award.



### 2009 staff

Daniel Fausey  
Kenneth Grose  
Brandon Lester  
Daniel Shuey  
Joseph Smith  
Melissa Uhlich



## JUSTICE PAUL E. PFEIFER

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### 2009 staff

Robert Burpee  
Kevin Diehl  
James Sheridan  
Sandra Wearly-Messer

Senior Associate Justice Paul E. Pfeifer grew up on his family's dairy farm near Bucyrus. He still resides just down the road. As a teenager, he raised purebred Yorkshire hogs to finance his college education. Those years taught him the value of hard work, determination and clean overalls.

Justice Pfeifer's first job after graduating from The Ohio State University's law school was as an assistant attorney general trying eminent domain cases associated with the building of Ohio's highway system. Traveling the state gave him an appreciation for Ohio's county courthouses, architectural jewels that are the crossroads of life in our towns and cities. He always tries to keep in mind how the Supreme Court's decisions might affect the people seeking justice in county courthouses every day.

In 1972, he became a partner in the law firm of Cory, Brown & Pfeifer, where he practiced — primarily as a trial and tax lawyer — for 20 years. He also served several years as an assistant county prosecutor.

Justice Pfeifer served in both houses of the Ohio General Assembly, including one term in the House of Representatives and four terms in the Senate. He held a variety of leadership posts in the Senate, and served as chairman of the Senate Judiciary Committee for 10 years. His proudest legislative accomplishment was crafting the legislation creating the Ohio Tuition Trust Authority.

Justice Pfeifer was first elected to the Supreme Court in 1992. For him, the most inspiring thing about the Court is that every voice gets heard, from that of the widow fighting for her husband's workers' compensation benefits, to those of corporations battling over tens of millions of dollars.

He began his third Supreme Court term in January 2005. His first boss, William Saxbe, administered the oath of office. At Justice Pfeifer's side was his wife, Julie, whom he met when their steers were tied across from each other at the Crawford County Fair "more years ago than it would be polite to mention." Together, they have two daughters, Lisa and Beth, a son, Kurt, four granddaughters and one grandson.

Because of his career in state government, Justice Pfeifer has one foot in the capital city, but the other always remains firmly planted in his hometown, where he has his own farm. He raises Black Angus cattle, and enjoys the time spent outdoors doing chores. He says there is clarity to life in the country, where there is no pomp and circumstance, just the green fields of Crawford County, a gaggle of grandkids who call him "Papa" and a herd of Angus that know him as the guy with the hay.

## JUSTICE EVELYN LUNDBERG STRATTON

Justice Evelyn Lundberg Stratton, of the Supreme Court of Ohio, came to the bench by a very different route.

Born to missionary parents in Bangkok, Thailand, Justice Stratton spent her childhood in Southeast Asia. She attended boarding school in South Vietnam at the height of the Vietnam War and later in Malaysia, visiting America on occasion with her parents.

At age 18, she returned to America alone with only a few hundred dollars in her pocket. Working her way through school, she earned a juris doctor degree from The Ohio State University College of Law.

She began her legal career as a trial lawyer in the courtrooms of central Ohio. In 1989, she was the first woman to be elected judge of the Franklin County Common Pleas Court, where she became known as “The Velvet Hammer” for her approach to sentencing in serious felony cases. Her success on the trial bench led to an appointment in 1996 to the Supreme Court of Ohio, where she was elected to a third term in 2008.

Justice Stratton also believes that the courts, in partnership with the mental health system, can effect positive change in the lives of many defendants whose mental illness led to criminal activity. To that end, she formed the Supreme Court of Ohio Advisory Committee on Mental Illness & the Courts, which is composed of mental health, law enforcement and criminal justice professionals who are dedicated to mental health initiatives in the court system.

Nationally, Justice Stratton is co-founder and former co-chair of the Judges’ Leadership Initiative, a professional association that supports cooperative mental health programs in the criminal justice system. Her latest focus in Ohio and nationally is on establishing veterans courts to help returning veterans with post-traumatic stress disorder and other issues, whose problems may lead to involvement in the criminal justice system.

Among her many honors are the Congressional Coalition on Adoption’s Angels Award, as well as the U.S. Department of Health & Human Services’ Adoption Excellence Award.

Additionally, in May 2008, Justice Stratton received an Ellis Island Medal of Honor at a ceremony in New York. Established in 1986 by the National Ethnic Coalition of Organizations, the Ellis Island Medal of Honor pays tribute to American citizens of diverse origins for their outstanding contributions to their communities, their nation and the world. Ranking among the nation’s most prestigious awards, its recipients are listed in the Congressional Record.

Justice Stratton is the wife of John A. Lundberg III, and the mother of two adult sons. She enjoys painting, Thai cooking and fly fishing with her husband. But surely her most interesting accomplishment was her first-place finish in a college Stampede Girls Goat Tying Competition — a talent she later put to good use as a trial lawyer.



### 2009 staff

David Bartleson  
Sue Bowery  
Connie Crim  
Kristina Hawk



## JUSTICE MAUREEN O'CONNOR

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Born in the nation's capital, but raised in Strongsville and Parma, Justice Maureen O'Connor's 2008 re-election to the Supreme Court of Ohio is the latest achievement in a long career of public service.

While gaining experience in practice as an attorney during the early 1980s, Justice O'Connor created a home for her family and her legal career in Northeast Ohio.

Appointed a magistrate in Summit County in 1985, she served in that capacity until becoming a common pleas court judge in 1993. As a busy trial judge, Justice O'Connor was selected by her peers to serve as the administrative judge — a testament to her ability to build coalitions and maintain collegiality while administering to the business of the courts.

But Justice O'Connor felt compelled to return to work on the front lines of protecting the public. She became the Summit County prosecuting attorney in 1995, aggressively prosecuting repeat offenders, violent criminals and public officials who committed ethical violations or improprieties. She was recognized for her work on behalf of crime victims, and remains proud of awards bestowed on her by Mothers Against Drunk Driving and Cleveland State University. As prosecutor, Justice O'Connor also lobbied the General Assembly for tougher rape laws and mandatory jail time for gang-related offenses. Successful in her undertakings, she set her sights on more difficult challenges.

In 1998, Ohioans elected Justice O'Connor as their lieutenant governor — the second-highest official in the state. She quickly became the governor's chief advisor on criminal-justice issues, serving as director of the Ohio Department of Public Safety, and as chair of Ohio's Security Task Force and the State Building Security Review Committee. Justice O'Connor's experiences in law enforcement proved invaluable, particularly in the wake of the Sept. 11 attacks, when she led the state in its response to new threats of terrorism. Her leadership in this area garnered the attention and praise of the country's first homeland security director, Tom Ridge.

In the 2008 general election, Justice O'Connor won re-election to the Supreme Court with more than 67 percent of the popular vote. Her 2002 election, in which she took more than 57 percent of the vote, made her the 148<sup>th</sup> Justice of the Court, the sixth woman to join the Court, and gave the Court its first-ever female majority.

As a Supreme Court Justice, she also devotes herself to educational initiatives for Ohio students and to matters of security, such as the Court's new Advisory Committee on Court Security & Emergency Preparedness, which she chairs.

### 2009 staff

Matthew Abens  
Amy Ervin  
Rebecca Owen  
Pierce Reed  
Jill Winn

## JUSTICE TERRENCE O'DONNELL

Justice Terrence O'Donnell joined the Supreme Court of Ohio in 2003, and began to lead statewide efforts to increase professionalism among lawyers and judges across Ohio. His leadership culminated in the implementation of a Lawyer to Lawyer Mentoring Program that is recognized nationally as one of the finest in the United States. He regularly speaks on topics of ethics, professionalism and appellate advocacy and continues to support mentoring in Ohio.

Justice O'Donnell began his judicial career in 1980 on the Cuyahoga County Court of Common Pleas — the busiest trial court in the state — and served there for 14 years until his election to the 8<sup>th</sup> District Court of Appeals in 1994. He enjoyed eight years there until he joined the Supreme Court.

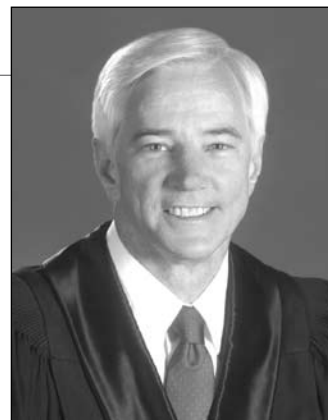
He began his legal career at the Supreme Court of Ohio as a law clerk to Justice J.J.P. Corrigan in 1971, and then clerked for Judges John V. Corrigan and John M. Manos on the 8<sup>th</sup> District Court of Appeals. He also practiced law with the firm of Marshman, Snyder & Corrigan in Cleveland.

Justice O'Donnell serves as the perennial chairman of the Cleveland Bar Association Student Essay Contest, recognizing winning authors on Law Day. A former schoolteacher, Justice O'Donnell is a founding member and past president of the Legal Eagles — a law fraternity for alumni of St. Edward High School in Lakewood — and a frequent lecturer at its year-end seminar. He also is a member of the Ohio State Bar Foundation Fellows Class of 2005, and a past member of the board of trustees of Magnificat High School. The Justice presently serves on the board of the Lawyers Guild of the Diocese of Cleveland.

Justice O'Donnell also served as chairman of the Ohio Legal Rights Service Commission, which oversees the protection and advocacy of the developmentally disabled and mentally ill statewide. He is a past member of the board of trustees of Our Lady of the Wayside, a nonprofit organization dedicated to serving the needs of the mentally and physically challenged. His brother, John, is a group-home resident at Fairview House, which is owned and serviced by Our Lady of the Wayside.

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

Justice O'Donnell currently resides in Rocky River with his wife, Mary Beth. The couple has four adult children — Terrence, Michael, Colleen and Nora, and four grandchildren.



### 2009 staff

Francis Barnes  
Laura Dawson  
J. Quinn Dorgan  
Brian Johnson  
Ann Schlatter



## JUSTICE JUDITH ANN LANZINGER

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When she was elected the 150<sup>th</sup> Supreme Court Justice in 2004, Justice Judith Ann Lanzinger made history by becoming the only person ever elected to all four levels of the Ohio judiciary. Over the past 25 years, she served on the Supreme Court, the 6<sup>th</sup> District Court of Appeals, the Lucas County Court of Common Pleas and the Toledo Municipal Court. This background helps her understand how Supreme Court decisions affect the work of all judges in the state.

The granddaughter of coal-miners, Justice Lanzinger was the first person in her family to attend college. She received a bachelor's degree magna cum laude in education and English from the University of Toledo. She then taught elementary school and started a family before earning a law degree cum laude at the University of Toledo College of Law, where she was valedictorian of her class.

Justice Lanzinger practiced civil law with a corporation and then with a Toledo law firm before joining the bench. As a judge, she won scholarships to become one of the first to earn a master's degree in judicial studies from the National Judicial College and University of Nevada, Reno. The college recently recognized her for 12 years of service as a member of its faculty.

The Justice enjoys speaking about the court system to community groups, especially to school children in the Law & Leadership Summer Institute. She has been an adjunct professor since 1988 at her former law school and has taught judicial courses throughout the United States, as well as in the former Soviet Union. She has a special interest in the use of technology and has written more than 100 opinions during her term with the aid of her ever-present laptop.

Along with her regular Court duties, Justice Lanzinger currently chairs the Supreme Court Commission on the Rules of Superintendence for Ohio Courts. Previously, she served as chairperson and a board member of the Ohio Judicial College. She is a charter member and past president of the Morrison R. Waite American Inn of Court, a group that mentors law students and new attorneys. She also served as co-chair of the Public Education and Awareness Task Force of the Ohio Courts Futures Commission, and was a member of the Supreme Court of Ohio Board of Commissioners on Grievances & Discipline, as well as the Ohio Criminal Sentencing Commission.

Among her awards are the Toledo Junior Bar's Order of the Heel and the Arabella Babb Mansfield Award from the Toledo Women's Bar Association, both given for assistance to young lawyers.

Married for more than 40 years, the Justice and her husband, Robert Lanzinger, live in Toledo and have a daughter, son and son-in-law, who are all attorneys, and three grandchildren who keep her well-balanced and enjoying life.

### 2009 staff

Sarah Lopresti

Lora Peters

Sandra Ringer

Ronald Wadlinger

## JUSTICE ROBERT R. CUPP

Prior to his election to the Supreme Court of Ohio in November 2006, Justice Robert R. Cupp served on the Ohio Court of Appeals, 3<sup>rd</sup> Appellate District, where he was selected presiding judge of the court in 2005 and administrative judge in 2004.

Much of Justice Cupp's 30-year legal career has been committed to effective public service. Before becoming a judge, Justice Cupp served 16 years as a member of the Ohio Senate, beginning in 1985 and ending in 2000. Before his election to the General Assembly, Justice Cupp served as a Lima city prosecutor and assistant director of law and twice was elected Allen County commissioner.

Additionally, Justice Cupp engaged in the private practice of law in Lima for more than 25 years and is a member of the Allen County and Ohio State Bar associations. He co-authored the book, *[Legal] Ethics and Discipline in Ohio*, published by the Ohio State Bar Foundation in 1977.

In the Senate, Justice Cupp served as president pro tempore, the second-highest Senate leader, from 1997 through 2000. As chairman of the Civil Justice Subcommittee, and a 10-year member of the Judiciary Committee, he focused on civil and criminal justice issues. Further, as a member of the Education Committee, he worked extensively on education and school finance improvement issues. As chairman of the Commerce and Labor Committee, he worked to improve the state workers' compensation system. Additionally, he served on the Joint Legislative Ethics Committee and the Finance, Agriculture, Ways and Means, State and Local Government, and Legislative Information Systems committees.

Justice Cupp twice received the Ohio State Bar Association's Distinguished Service Award. He also received the Ohio Association of Elected Officials' Robert E. Hughes Memorial Award in recognition of his outstanding contribution to the improvement of Ohio's election process. He is the recipient of the State 4-H Alumni Award.

Justice Cupp serves as a member of the Ohio Commission on Dispute Resolution and Conflict Management. He has been a visiting professor at Ohio Northern University, his alma mater, teaching judicial process and leadership. He is a past president of the Black Swamp Area Boy Scout Council, a member of the Lima Rotary Club (Paul Harris Fellow) and the board of trustees of the Higher Learning Commission of the North Central Association, serving as NCA president from July 2008 to June 2009.

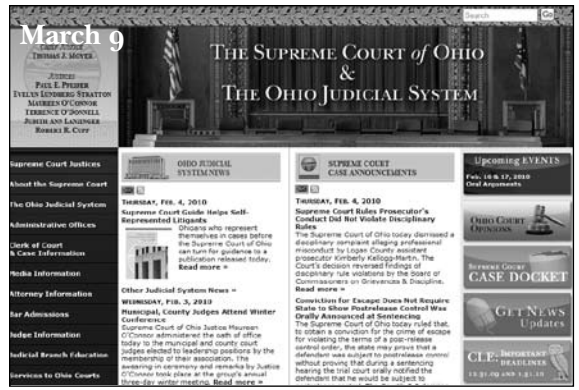
He earned his political science degree with high distinction from Ohio Northern University in 1973 and his law degree from Ohio Northern's Claude W. Pettit College of Law in 1976. As a student at ONU, he served as president of the Student Senate.

Justice Cupp's wife, Libby, is an educator. They have two sons, Matthew and Ryan, both of whom are Eagle Scouts.



### 2009 staff

Melissa Baldwin  
Diane Brey  
Susan Burns  
Anthony Schroeder



# 2009 YEAR IN REVIEW

## Jan. 5

The Clerk's Office begins accepting filing fee payments and security deposits by credit card.

## Jan. 12

Justices Evelyn Lundberg Stratton and Maureen O'Connor are sworn-in during a joint ceremony in the Courtroom (*p. 14*).

## Feb. 6

The Supreme Court reduces planned spending in fiscal year 2009 (*p. 76*).

## Feb. 10

Four Supreme Court employees are recognized with Professional Excellence Awards (*p. 26*).

## Feb. 19

The first African-American to serve on the Supreme Court of Ohio, former Justice Robert M. Duncan, delivers keynote remarks at the Ohio Judicial Center during a Black History Month Celebration.

## Feb. 26

More than 400 prospective lawyers begin taking the three-day Ohio Bar Exam.

## March 4

The Court makes available a template to help local courts with continuity of operations in the face of an emergency or disaster.

## March 9

The Court unveils a refresh of its Web site as part of its ongoing efforts to use technology to educate, engage and inform the public about the Ohio judicial system.

## March 20

A new 18-member Supreme Court task force meets for the first time to review the disciplinary process for lawyers and judges.

## April 1

The Supreme Court hosts its first Forum on the Law event (*p. 16*).

## April 22

Court convenes in Columbiana County for the Off-Site Court program.

## April 24

The Court announces the first courts are connected to the Ohio Courts Network.





**April 24**

Justice Terrence O'Donnell serves as a panelist during a session of the 17<sup>th</sup> Judicial Conference of the Eighth Judicial District.

**May 1**

The Court announces that more than 230 applicants pass the February 2009 bar exam.

Jonathan W. Marshall, secretary of the Board of Commissioners on Grievances & Discipline, receives the Distinguished Alumnus of the Year Award from Capital University Law School.

**May 12**

The Court announces that Ohio attorneys report 123,000 hours of pro bono work in 2008 through a voluntary pro bono reporting program referred to as "Justice in Action."

**May 16**

With some sporting bright pink wigs to promote breast cancer awareness, a group of Court employees participates in the annual Susan G. Komen Race for the Cure in Columbus.

**May 17**

Justice Judith Ann Lanzinger addresses graduates at Ohio Northern University's Claude W. Pettit College of Law commencement ceremony.

**May 18**

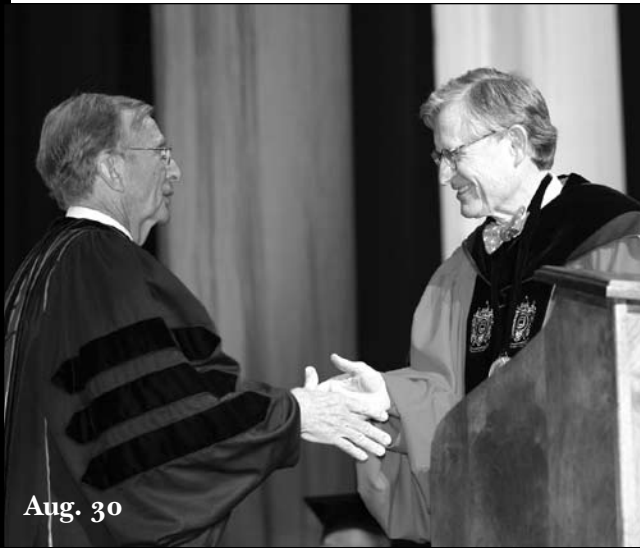
Justice Paul E. Pfeifer delivers the keynote remarks to about 200 new attorneys at the Court's semiannual bar admissions ceremony at the Ohio Theatre in Columbus.

**June 5**

The Judicial Branch Leadership group, which represents leaders of the legal and judicial community and is chaired by Chief Justice Thomas J. Moyer, reviews a survey in consideration of building a statewide depository of information on local court budgetary issues, staffing levels and court operations.

**June 10**

Chief Justice Moyer joins Governor Ted Strickland and legislative leaders to open the new 5,000 square-foot, interactive Salmon P. Chase Education Center in the Statehouse.



**June 23**

Staff members meet in the Ohio Judicial Center with about 80 students from the Martin W. Essex School for the Gifted to discuss a Supreme Court case.

**June 25**

A comprehensive training curriculum for Ohio juvenile detention center officers is available for the first time with the help and collaboration of the Ohio Judicial College and the juvenile courts of Lake, Mahoning and Medina counties.

**July 30**

Nearly 1,200 prospective lawyers take the three-day Ohio bar exam.

**Aug. 24**

Justice Robert R. Cupp speaks of the nobility of the legal profession during Capital University's law school orientation event for 250 new law students.

**Aug. 30**

Chief Justice Moyer addresses 1,900 new graduates of The Ohio State University during its 389<sup>th</sup> commencement.

**Sept. 22**

The Justices convene for oral arguments in Paulding County during the second Off-Site Court session of 2009.

**Sept. 25**

During a Statehouse event celebrating the 200<sup>th</sup> anniversary of judicial review in Ohio, Justice O'Connor speaks of the 19<sup>th</sup> century Supreme Court case, *Rutherford v. M'Faddon*, which established the concept in Ohio.

**Oct. 6**

The increasingly important role of science and technology in the courtroom is the focus of the Visitor Education Center's five new "Identity on Trial" exhibits, which trace the historic development, use and impact of scientific advances, including photography, fingerprint analysis, DNA and brain scans.

**Oct. 7**

The Ohio Center for Law-Related Education awards Chief Justice Moyer the Founders Award, its highest honor, for his support of law-related programs in Ohio.

**Oct. 8**

As part of a U.S. State Department project to assist Argentina in the reform of its juvenile court system, Chief Justice Moyer meets with judges, prosecutors, defense counsel and non-government organizations in Buenos Aires.

**Oct. 16**

Justice Stratton convenes a meeting to explore collaboration between the Ohio



court system and the U.S. Department of Veterans Affairs to facilitate access to resources for veterans who become involved with the criminal justice system.

**Oct. 26**

Judicial College Director Milt Nuzum delivers a presentation on distance learning in Sydney, Australia, during the International Conference on the Training of the Judiciary.

**Oct. 28**

The Supreme Court hosts its second Forum on the Law event (*p. 16*).

**Oct. 30**

Nearly 1,000 applicants pass the July 2009 Ohio bar exam.

Chief Justice Moyer receives the President's Award from the Columbus Bar Foundation in recognition of his life's work to improve justice for all Ohioans.

**Nov. 9**

Justice O'Connor addresses nearly 850 new attorneys during the Court's semiannual bar admissions ceremony.

**Nov. 13**

After a talk by actor-turned-activist Victor Rivers, attendees of the second Ohio Summit on Children pledge to continue efforts to collaborate and share innovative ways to meet the needs of the state's children.

**Dec. 7**

The Supreme Court adopts an expanded temporary judge rule that increases the pool of sitting and retired judges who can be assigned to assist a municipal or county court.

**Dec. 15**

During the Court's annual holiday gala, employees display a mitten tree made of dozens of hats, scarves and mittens — some handmade — as part of a generous donation to the Gladden Community House.

**Dec. 28**

The Commission on Continuing Legal Education issues sanctions against 356 attorneys, including the suspension of 68 attorneys, for failure to comply with the continuing legal education requirements for the 2009 reporting period.



## 2009 Heralds New Terms for Justices Stratton and O'Connor

**I**n a joint Courtroom ceremony Jan. 12, 2009, Justices Evelyn Lundberg Stratton and Maureen O'Connor took their oaths of office before family, friends, staff and colleagues. Justice Stratton is serving her third term, and Justice O'Connor her second, on the Supreme Court.

Chief Justice Thomas J. Moyer welcomed the audience of more than 300 and administered the oaths. Justice Paul E. Pfeifer also participated, giving remarks on behalf of Justice O'Connor. Justices Terrence O'Donnell, Judith Ann Lanzinger and Robert R. Cupp also attended.

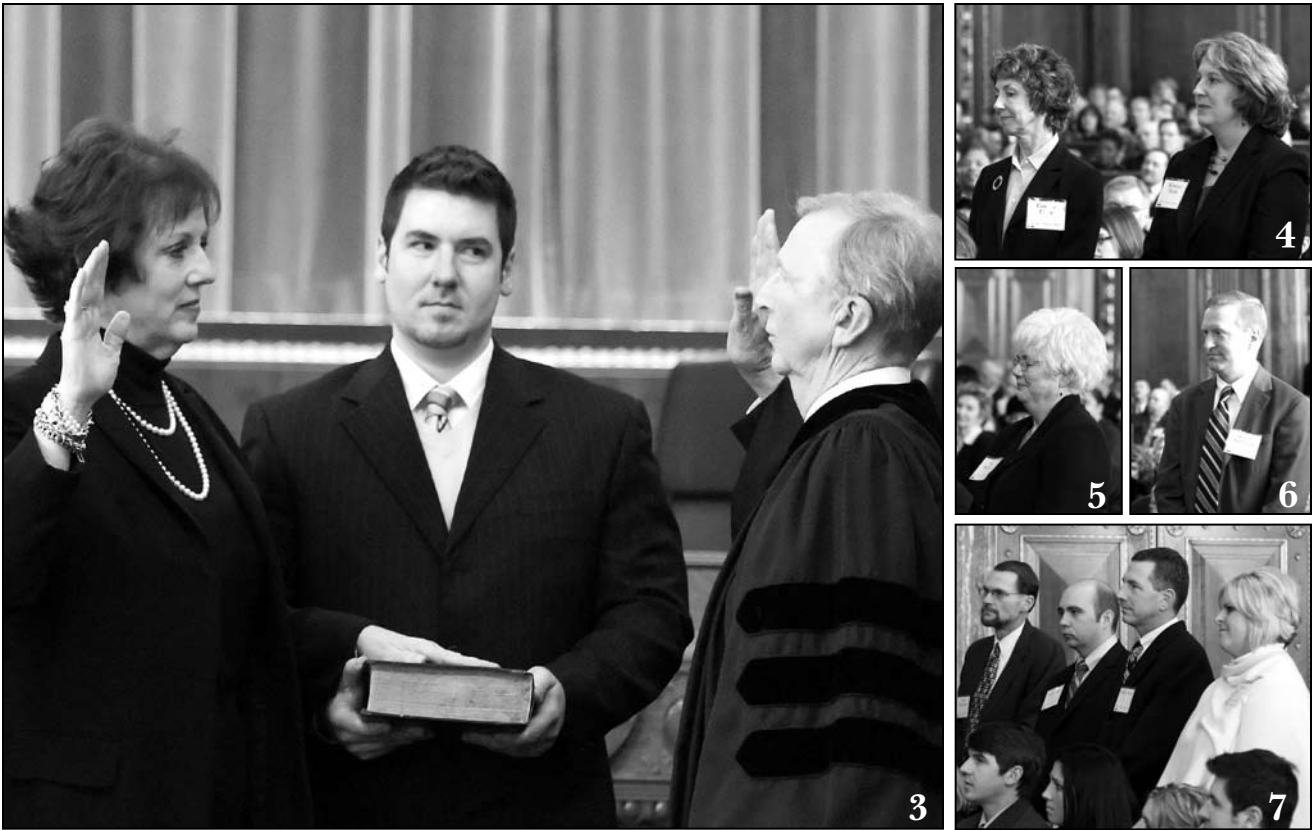
State leaders from the executive and

legislative branches joined the Court on the dais, including Attorney General Richard Cordray, Secretary of State Jennifer Brunner, Treasurer Kevin L. Boyce and Senate President Bill Harris.

The mock trial team from Valley High School in Lucasville also attended the ceremony.

Both Justice Stratton and Justice O'Connor said they feel fortunate to serve on the Supreme Court.

"I'm privileged to work in a position that can have a tremendous impact on Ohioans' lives," Justice Stratton said, stressing she will use her third term on the Court to continue



*Photos by Jack Kustron*

PICTURED: 1) The Ohio State Highway Patrol Color Guard opens the ceremony with the advancing of the colors. 2) Chief Justice Moyer swears in Justice Stratton as her husband, John A. Lundberg III, looks on. 3) Justice O'Connor takes the oath of office with her son, Alex, by her side. 4-6) Justice Stratton's staff are recognized: Connie Crim (top, left) and Kristina Hawk, Sue Bowery and David Bartleson. 7) Members of Justice O'Connor's staff are recognized as well. From left: Tony Shroeder, Matt Abens, Pierce Reed and Jill Winn.

her work on community corrections, homelessness and mental illness issues.

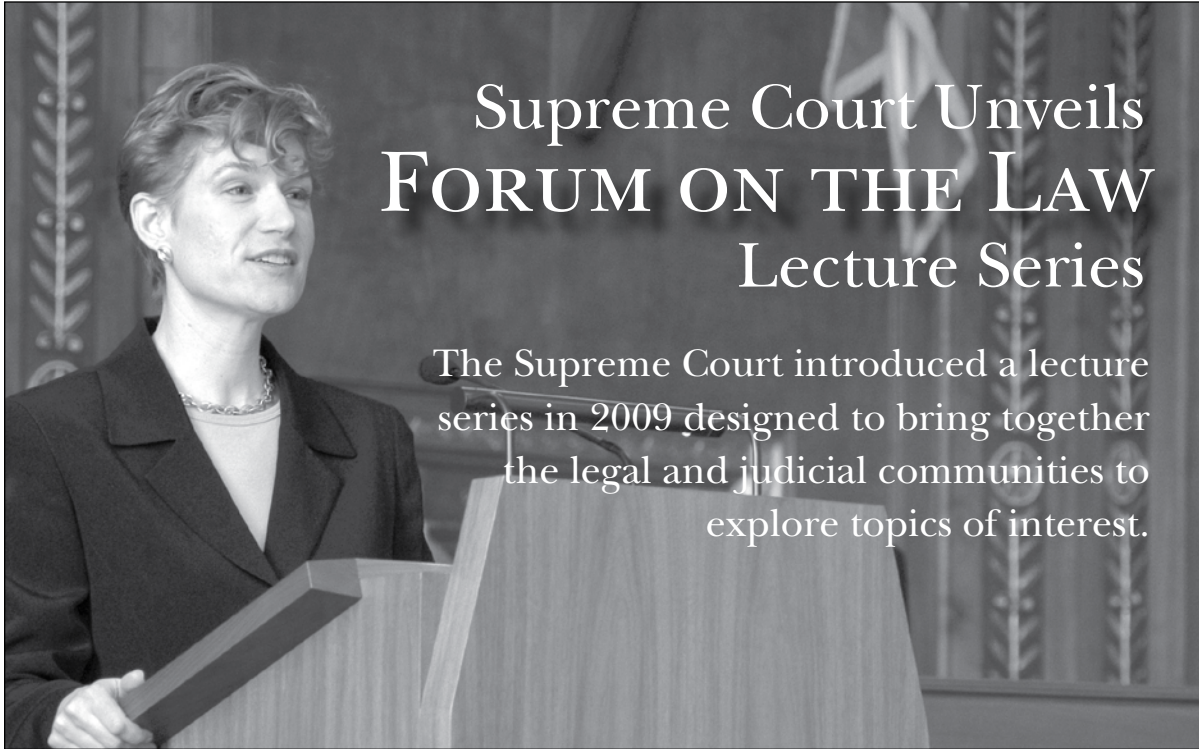
“A judge has the unique ability to be a convener, to call a meeting to which everyone will come. A judge can encourage parties to set aside turf battles and to partner together to solve complex and difficult issues,” Justice Stratton said.

Justice O'Connor reflected on the challenges and rewards of being a Justice.

“There are no easy cases heard before the Supreme Court,” she said. “It is the challenge that the cases present that keeps this job so very interesting.

“Serving on the Court has been as rewarding as it is challenging. I thoroughly enjoy the work, the colleagues and the staff at the Court. I continue to be grateful for the opportunity to serve in such a meaningful capacity,” Justice O'Connor said.

Justice Stratton was appointed to the Supreme Court March 7, 1996, to complete the term of former Justice Craig Wright. She first was elected to the Supreme Court in November 1996. Justice O'Connor first was elected in November 2002.



# Supreme Court Unveils FORUM ON THE LAW Lecture Series

The Supreme Court introduced a lecture series in 2009 designed to bring together the legal and judicial communities to explore topics of interest.



Proposed by Administrative Director Steven C. Hollon, the Forum on the Law series kicked off in April 2009 with a recounting of the 1873 “Bible

War” case that helped frame the national debate on church-state relations well into the 20<sup>th</sup> century. In October, the focus turned to Washington with veteran journalist Tony Mauro’s observations on the seating of Justice Sonia Sotomayor.

## **CINCINNATI BIBLE WAR The Controversy. The Case. The Decision.**

Linda Przybyszewski, Ph.D. (pictured above), an associate professor of history at the University of Notre Dame, told the surprising story of an evangelical Calvinist’s efforts to have the Bible removed from Cincinnati public classrooms.

Amid the increasing diversity and pluralism of the post-Civil War era, she explained, the Cincinnati public schools were faced with a growing Catholic population unhappy their children were instructed with the Protestant version of the Bible. The school board’s solution was to remove all Bibles from the classroom,

which sparked a raging national controversy over the relationship between religion and government. In 1873, the Supreme Court of Ohio put an end to the Cincinnati Bible War, upholding the board’s decision to end Bible reading in its schools.

“Eventually, the pattern set by the Ohio Supreme Court became the law of the land, and it all started in Cincinnati,” Przybyszewski said.

“Ultimately the argument that prevailed was not that America is a secular nation, but rather the contrary,” she said. “Religious liberty and the idea of a Christian nation are not at odds, but in fact as one,” she said.

Through the clouds of time, many have misunderstood the Bible War as a victory for secularism or a loss for Christianity, Przybyszewski said. In fact, she said, it was neither.

The lecture, which drew an audience of almost 200, was co-hosted by the U.S. Supreme Court Historical Society.

## **THE U.S. SUPREME COURT A New Justice. A New Term. A New Court.**

In October, Tony Mauro shared his view that the U.S. Supreme Court is moving



Journalist Tony Mauro speaks about the impact of the appointment of Justice Sonia Sotomayor to the U.S. Supreme Court during the October Forum on the Law event.

decidedly away from the mysterious and closed practices that characterized the Court for more than 200 years toward a more open and accessible approach to the public. He speculated that the addition of the latest Supreme Court Justice, the Honorable Sonia Sotomayor, will accelerate the change.

Mauro, who has covered the U.S. Supreme Court for 30 years, said while some have predicted that Justice Sotomayor likely will not affect the court dramatically because she will follow the general judicial philosophy of her predecessor, Justice David Souter, he believes Sotomayor's different life experiences will have a major impact.

"There is considerable evidence that she will go her own way," he said, noting her professional experience as a judge, a federal prosecutor and a private attorney. "She is Hispanic, and English is not her first language. She grew up in the Bronx, has diabetes, and goes to karaoke bars. In other words, she is a far cry from David Souter, an almost hermit-like Yankee from New Hampshire."

While it remains to be seen how Justice Sotomayor's jurisprudence will differ from Justice Souter's, Mauro said it is clear that her

approach to the question of openness and accessibility will be much different.

Mauro noted that Justice Souter once remarked that cameras would be allowed in the U.S. Supreme Court "over my dead body," and was famous for rejecting almost all media requests, even once politely rejecting a request by Mauro for an interview about the Boston Red Sox.

By contrast, Mauro said Sotomayor granted a television interview her first week on the bench in which she told of crying when she received the phone call from President Barack Obama asking her to accept his nomination to the court.

Other changes at the Court are bringing more openness and accessibility too, Mauro said.

All the sitting justices recently granted television interviews to C-SPAN for a documentary series on the Court; Justices Antonin Scalia and Clarence Thomas went on recent book tours; and Chief Justice John Roberts allowed for the same-day release of oral argument transcripts.



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A program that seeks to improve diversity in the legal profession by sparking an interest in the law among students from underserved communities expanded to four additional Ohio cities in summer 2009.

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In its second year, the Law & Leadership Summer Institute was made available to students in Akron, Cincinnati, Dayton and Toledo, as well as to those in the original two sites, and about 140 students were involved overall. In 2008, the program was offered in Columbus and Cleveland only.

The Supreme Court serves as one of the program's sponsors.

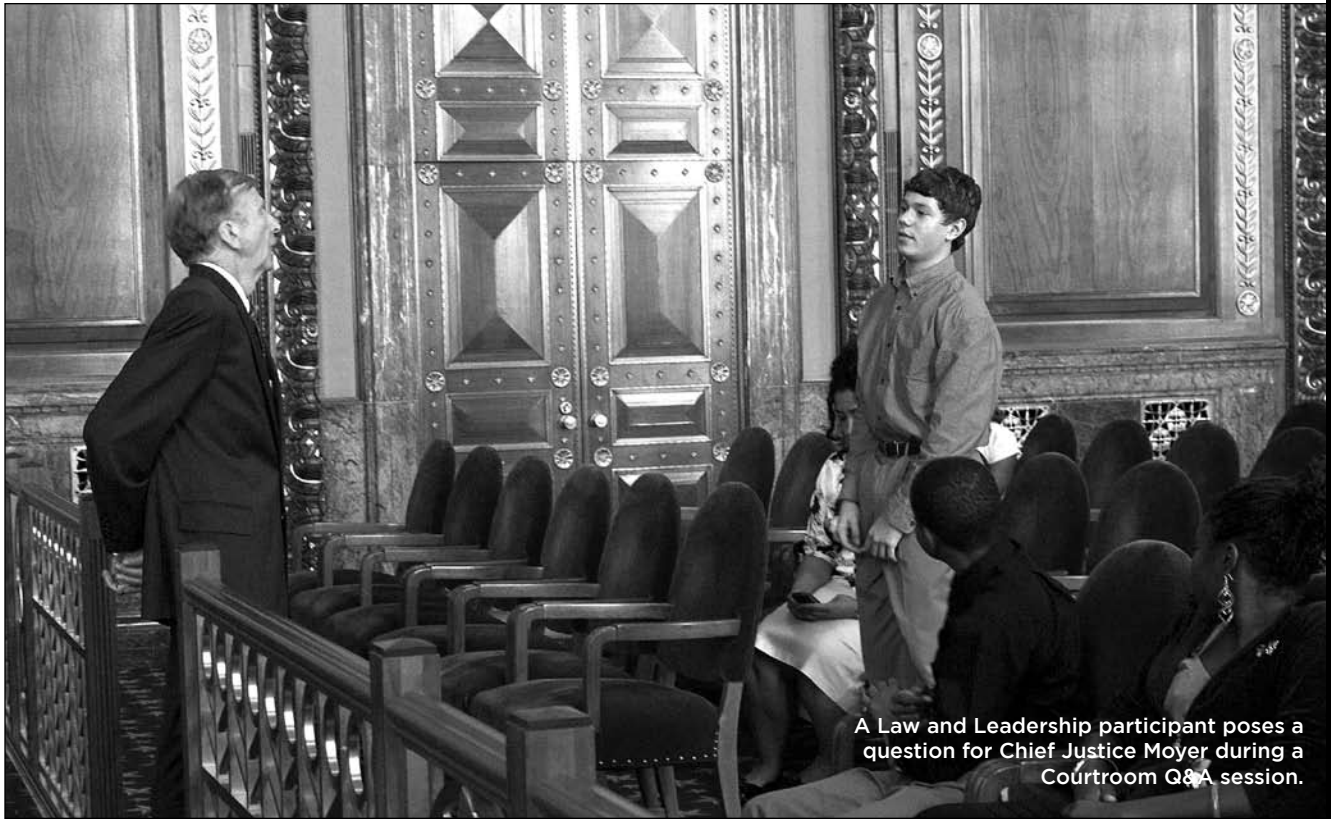
During the intensive, five-week program, students hear lectures from attorneys, law professors, law students and judges; take field trips to the Statehouse, the Attorney General's Office and the Ohio Judicial Center; and shadow public- and private-sector attorneys during the work day. The curriculum includes a heavy dose of instruction on legal principles, improving study habits, and oral and written presentation skills.

The institute's primary purpose is to prepare participants to compete at high academic levels with intense legal and educational programming. The hope is that students use the program as a tool to foster vision, develop leadership skills, realize confidence and cultivate a passion to pursue higher education and a legal career.

# LAW & LEADERSHIP PROGRAM

## Sees Expansion in Second Year





A Law and Leadership participant poses a question for Chief Justice Moyer during a Courtroom Q&A session.

Chief Justice Thomas J. Moyer participated in the institute, fielding questions from participants by video connection during their visits to law schools throughout the state; he addressed Columbus students in-person at the Ohio Judicial Center.

Chief Justice Moyer explained that although his father and brothers were lawyers, he enrolled in college with a career path different from the law in mind. “When I started out at Ohio State University, I was going to be a doctor,” he said. “It only took two or three quarters of science to realize that was the end of pre-med for me. I changed to pre-law.”

The Chief Justice similarly advised students to keep their options open to different career choices and be aware of what opportunities fit their personalities. He also encouraged them to consider pursuing a career in law, which can prepare them for many professions, even if they do not become lawyers, he said.

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### Additional 2009 Summer Institute Partners:

- Ohio State Bar Association
  - Ohio Center for Law-Related Education
  - Ohio State Bar Foundation
  - Ohio’s metropolitan bar associations
  - City school districts
  - University of Akron School of Law
  - Capital University Law School
  - Case Western Reserve University School of Law
  - University of Cincinnati College of Law
  - Cleveland-Marshall College of Law
  - University of Dayton School of Law
  - Ohio Northern University Pettit College of Law
  - The Ohio State University Mortiz College of Law
  - University of Toledo College of Law
-

# Supreme Court Employees Serve in NATIONAL LEADERSHIP Positions



During his annual State of the Judiciary address in September, Chief Justice Thomas J. Moyer noted that several staff members of the Supreme Court of Ohio and its affiliated offices were elected or appointed to leadership positions with national court-related organizations during 2009. Chief Justice Moyer pointed to the national leadership positions as proof of the high-quality staff who serve the Supreme Court and the Ohio judicial system and said he was “very proud of their work.” Staff serving in leadership positions are (pictured left to right):

**Jonathan E. Coughlan**, disciplinary counsel, Office of Disciplinary Counsel, serves as president of the Association of Judicial Disciplinary Counsel. The association works to improve the effectiveness of judicial disciplinary organizations and to promote the professional interests of those engaged in the field of judicial discipline.

**Chris Davey**, director, Office of Public Information, serves as treasurer of the Conference of Court Public Information Officers. As an organization dedicated to the role of court public information officers worldwide, the conference provides training, networking opportunities and professional enhancement tailored to the duties of public information officers.

**Stephanie Hess**, manager, Case Management Section, serves on the National Association for Court Management Board of Directors. As the largest court management professional organization in the world, the association provides court management professionals an opportunity to increase their proficiency while working with colleagues to improve the administration of justice.

**Steven C. Hollon**, administrative director, serves as president of the Conference of State Court Administrators, a national organization that represents the top operational executives of the courts of the 50 U.S. states and six territories. With his election, he also became vice-chair of the board of directors of the National Center for State Courts, a nonprofit organization dedicated to improving the administration of justice by providing leadership and technical assistance to state courts.

**Amy Reitz**, chief deputy clerk, serves on the 12-member executive committee of the National Conference of Appellate Court Clerks. The leadership team oversees conference operations, develops policies and procedures, surveys future conference sites and discusses issues, like further enhancements to e-filing in court.

**Christy Tull**, manager of curriculum development, Ohio Judicial College, serves as president of the National Association of State Judicial Educators. Dedicated to improving the education of state court judges, magistrates and court personnel, the association acts as a leader in defining the practice of judicial branch education and in gathering and sharing resources among educators.

# supreme court administrative operations

Administrative Division ▪ Clerk's Division  
Legal Resources Division ▪ Attorney Services  
Division ▪ Judicial & Court Services Division ▪ Fiscal  
& Management Resources Division ▪ Information  
Technology Division ▪ Facilities Management Division ▪  
Affiliated Offices

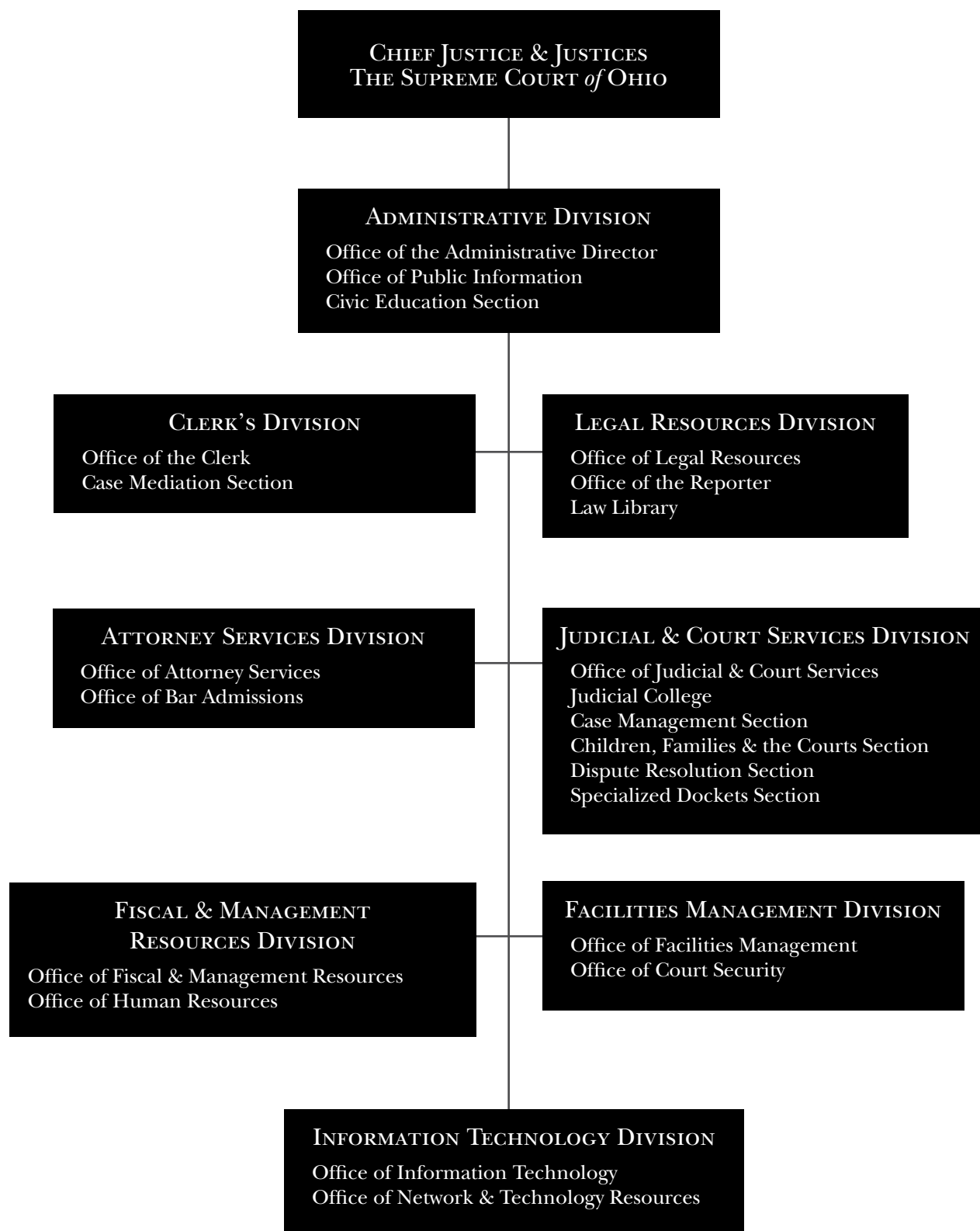
The Supreme Court's employees work in offices, sections, programs and work groups comprising eight divisions: Administrative, Clerk, Legal Resources, Attorney Services, Judicial & Court Services, Fiscal & Management Resources, Information Technology and Facilities Management. The Court also has four affiliated offices with a quasi-independent status because of the nature of their work. They are the Office of Disciplinary Counsel, the Board of Commissioners on Grievances & Discipline, the Clients' Security Fund and the Ohio Criminal Sentencing Commission.

Additionally, the Court also relies upon the volunteer services of dozens of committed judges, attorneys, clerks, court administrators and private citizens who serve on the Supreme Court's many boards, commissions, advisory committees and task forces. These bodies help the Court provide oversight to the courts of Ohio, regulate the practice of law and provide efficient and helpful services to the judicial branch of Ohio government. For a complete listing of these bodies and the nature of their work, refer to the Supreme Court's Web site at [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov).

The table of organization on page 22 provides a visual representation of the Court's structure in 2009.

# THE SUPREME COURT *of* OHIO

## 2009 administrative structure



March 2010

Dear Fellow Ohioans:

During 2009, the Supreme Court staff — with leadership from the Court and guidance from the boards, commissions, advisory committees and task forces who volunteer their time and talent — shone on the local and national stages.

Jonathan W. Marshall, secretary to the Board of Commissioners on Grievances & Discipline, was honored as Capital Law School's Distinguished Alumnus of the Year. And a record number of Supreme Court staff now serve in leadership positions for national organizations, including the Association of Judicial Disciplinary Counsel, National Association for Court Management, Conference of State Court Administrators, Conference of Court Public Information Officers, National Conference of Appellate Court Clerks and National Association of State Judicial Educators. The election or appointment of staff members to these positions is testament to the innovative work being done by the professionals at the Supreme Court of Ohio.

The professional excellence of our staff also had substantial results in 2009, including the creation of the Judicial eCademy, an online teaching tool developed by the Ohio Judicial College; in the establishment of the Forum on the Law lecture series to highlight the law's role as a cultural influence; and in the installation of "Identity on Trial," an interactive educational exhibit at the Ohio Judicial Center about the role of science and technology in the courtroom. This annual report is filled with additional examples.

It was said that the fierceness of their climate contributed to the pilgrims' greatness by forcing the simultaneous cultivation of frugality and industry. In the same way, the fierce economic climate of 2009 made greater the staff of the Supreme Court. Despite the Court reducing its spending by \$1.5 million in February, the dedicated professionals here remained as productive as ever.



Steven C. Hollon  
Administrative Director

## STEVEN C. HOLLON

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Steven C. Hollon is the administrative director of the Supreme Court of Ohio. The administrative director is a constitutional position in Ohio government and serves at the pleasure of the Court. As the senior non-elected officer of the Court, the administrative director, in conjunction with the Chief Justice, the Justices of the Court, the Ohio Judicial Conference and the judges of the state, is responsible for developing and communicating the long-term vision, values and direction of the Court and the judicial branch of Ohio government. In addition, the administrative director is responsible for providing oversight to all eight divisions of the Court, consisting of more than 260 employees, and administering a judiciary/Supreme Court budget of more than \$140 million.

Hollon became the administrative director in March 1999. He is an attorney who began his legal career as a judicial law clerk with the Ohio 12<sup>th</sup> District Court of Appeals, later becoming that court's administrator. He then engaged in the private practice of law in Hamilton, Ohio, before becoming the administrator and senior staff attorney of the Ohio 2<sup>nd</sup> District Court of Appeals in Dayton, where he served until he assumed his current duties. He also served on the Supreme Court's Board of Commissioners on Grievances & Discipline and has lectured at numerous judge association meetings, including a weeklong seminar on judicial administration and legal ethics to the Ukrainian Supreme Court in Kiev. He was appointed to the Butler County Court of Common Pleas, but declined the position to assume his current duties.

Hollon currently serves as vice-chairman of the board of directors of the National Center for State Courts in Williamsburg, Va., and is the president of the Conference of State Court Administrators. He also serves as the chairman of the Ohio United Way, and is on the board of directors for the Ohio State Bar Foundation and SEARCH, a national consortium for justice information and statistics.



Administrative Director Steven C. Hollon speaks at the 2009 Summit on Children.

# administrative division

Office of the Administrative Director  
Steven C. Hollon ■ Administrative Director  
Richard A. Dove ■ Assistant Administrative Director

Office of Public Information  
Chris Davey ■ Director

Civic Education Section  
Jay Wuebbold ■ Manager

The Administrative Division is the lead division of the Supreme Court. It consists of the Office of the Administrative Director, the Office of Public Information and the Civic Education Section. The Administrative Division assists in developing and communicating the long-term vision, values and direction of the Court and the judicial branch of Ohio government.

ADMINISTRATIVE  
DIVISION  
2009 STAFF

Allan Asbury  
Jo Ellen Cline  
Bret Crow  
Jennifer Dennis  
Chris Davey  
Richard Dove  
Carol Durley  
Phillip Farmer  
Steven Hollon  
Kevin Humphries  
Cindy Johnson  
Regina Koehler  
Erika Lemke  
Corey Lucius  
Kevin McDougald  
Michael McWeeney  
Julie Manning  
Ruth Newcomer  
Arleathia Radcliffe  
Justine Reichert  
Kathleen Riedel  
James Shroyer  
Carol Taylor  
Kelly Terry  
John VanNorman  
Rebecca Visgaitis  
Dennis Whalen  
Jay Wuebbold

OFFICE OF THE ADMINISTRATIVE DIRECTOR

The Office of the Administrative Director is responsible for providing oversight to the other offices within the division and to the other divisions of the Court. It also assists in the development of emerging issues, which includes providing staff support for special projects, initiatives and task forces. The office also develops and maintains relationships with the General Assembly and monitors legislative activity on matters of interest to the Court and the judicial branch. The office provides staff assistance to the Commission on the Rules of Superintendence and the Commission on Rules of Practice & Procedure, and follow-up monitoring to the Ohio Courts Futures Commission and the Ohio Commission on Racial Fairness.

In 2009, Administrative Director Steven C. Hollon and Government Relations Counsel Jo Ellen Cline advocated before the Ohio General Assembly on behalf of the 2010-2011 budget request for the Supreme Court and the Ohio judiciary. These efforts included testimony before the House and Senate finance committees and numerous discussions with members and staff of the General Assembly.



In 2009, the administrative director and the Justices conducted the fifth annual Employee Recognition Ceremony in the Courtroom, recognizing employees for years of service and outstanding professional performance. The 2008 Professional Excellence Award recipients were, from left to right: Steve Hanson, Judicial & Court Services Division; Mischelle Russell, Office of Disciplinary Counsel; Dennis Whalen, Office of Public Information; and Jason Thomas, Office of Court Security.



The Office of the Administrative Director also oversaw implementation of the Supreme Court strategic plan developed in 2008. Hollon met with each office of the Court to review the content of the plan, and, with senior staff members, periodically reviewed progress toward implementing the goals and activities outlined in the plan. In 2010, the Court administrative staff will revisit the 2008 plan and make necessary revisions. The revised strategic plan will serve as a guide to the development of the Supreme Court budget for fiscal years 2012 and 2013.

In 2009, the office led an effort to amend the Rules for the Government of the Judiciary of Ohio to require judges take a specific number of instructional hours related to access to justice and fairness in the courts. Specifically, amendments call for two hours of instruction to address matters of self-represented litigants, pro bono representation, foreign language interpretation, race, ethnicity, gender, disability and sexual orientation, as well as how they impact the public's trust and confidence in the judicial system and perceptions of the administration of justice in Ohio's courts. The changes to the judicial education requirements reflect recommendations issued by the Ohio Commission on Racial Fairness and the Racial Fairness Implementation Task Force. The amendments became effective May 1, 2009.

COMMISSION ON THE  
RULES OF PRACTICE  
& PROCEDURE  
Jo Ellen Cline  
*secretary*

Janine T. Avila  
Rick L. Brunner  
Richard Collins, *ex officio*  
Joshua Engel, *ex officio*  
Christopher M. Fairman  
Hon. Sean C. Gallagher,  
*chair*  
Hon. Elizabeth Gill  
Hon. Janet A. Grubb  
Hon. Reeve W. Kelsey  
Hon. Mary Kovack  
James L. McCrystal Jr.  
Nancy D. Moody  
Hon. Mark E. Owens  
Hon. Jack R. Puffenberger  
C. William Rickrich  
Hon. Michael Sage  
Sam Shamansky  
Hon. James Shriver,  
*ex officio*  
Randall L. Solomon  
Daniel J. Steinbock  
Hon. Mary Jane Trapp  
Peter H. Weinberger  
Hon. David Yost

#### Commission on the Rules of Practice & Procedure

The Commission on the Rules of Practice & Procedure is a 19-member commission that receives and considers proposed rules and amendments to the Rules of Appellate Procedure, Civil Procedure, Criminal Procedure, Juvenile Procedure, Evidence and Traffic Rules, and recommends rules and amendments for adoption to the Supreme Court. During 2009, the commission proposed, and the Court adopted and filed, the following amendments with the General Assembly:

- App. R. 4 — To correct a cross-reference.
- Civ. R. 4.2 — To add a provision for service on a limited liability company that is similar to service on corporations.
- Civ. R. 33 and 36 — To clarify that the period for responding to interrogatories and requests for admission, which is designated by the propounding party and cannot be less than 28 days, shall run from the day of service of the printed copy of the interrogatories, and that the failure to provide an electronic copy does not alter the response period.
- Civ. R. 47 and Crim. R. 24 — To clarify that alternative methods of jury selection are permissible.

COMMISSION ON  
THE RULES OF  
SUPERINTENDENCE

John S. VanNorman  
*staff liaison*

Hon. Deborah A. Alspach  
Hon. Craig Baldwin  
Hon. Randall Basinger  
Hon. Patricia A. Cosgrove  
Hon. Theresa Dellick  
Hon. Clair E. Dickinson  
Hon. Charlotte Coleman  
Eufinger  
Hon. Gary W. Herman  
Steven C. Hollon, *ex officio*  
Hon. James M. Hughes  
Hon. William A. Klatt  
Hon. Judith Ann Lanzinger,  
*chair*  
Nancy G. McMillen  
Robert G. Palmer  
Hon. J. Bernie Quilter  
Hon. Kenneth J. Spicer  
Elizabeth W. Stephenson  
Adrian D. Thompson  
Hon. Jennifer P. Weiler  
Hon. Mary Pat Zitter

- Crim R. 32 — To clarify that a judgment of conviction must set forth the plea, verdict or findings upon which the conviction is based, and the sentence.
- Juv. R. 25 — To clarify how depositions are to proceed in juvenile courts.

These amendments became effective July 1, 2009.

The commission also began work on its proposals for the 2010 rule cycle. Included among the recommendations were amendments to Crim. R. 16 regarding discovery in criminal cases and several rules in the Rules of Appellate Procedure to institute a process for en banc review in the courts of appeals. These amendments were published for a first comment period in October 2009 and await further action by the Court.

### Commission on the Rules of Superintendence

The Commission on the Rules of Superintendence is a 19-member commission that makes recommendations to the Court for adoption of new rules and amendments to the Rules of Superintendence for the Courts of Ohio. The most notable items from the past year include the following:

- Implementation of new Sup. R. 44 through 47 (Public Access Rules) — On July 1, the newly adopted Public Access Rules went into effect and govern public access to all case and administrative records.
- New Sup. R. 81 through 87 — The rules, which were proposed by the Supreme Court Advisory Committee on Interpreter Services, establish a mechanism by which the Supreme Court's Interpreter Services Program may screen, test and certify foreign language and sign language interpreters. The certification system will ensure that interpreters working in the courts meet the minimum standards of language fluency. The new rules were approved by the Court Nov. 2, 2009, and went into effect Jan. 1, 2010.
- New and revised probate court forms 18.0, 18.2, 18.4, 21.5, 23.0, 23.1, 23.2, 23.3, 23.4, 23.6 and 23.7 — The forms, which were recommended by the Ohio Probate Judges Association, concern adoptions, change of name proceedings and protection of incapacitated adults. The forms were approved by the Court Nov. 2 and went into effect Jan. 1, 2010.
- Sup. R. 17 (Assignment of Judges—Municipal and County Courts) — On Nov. 2, the Court approved amendments, which went into effect Dec. 1, 2009. The amendments, which were proposed by the Supreme Court Case Management Section, increase the pool of

judges who can be assigned temporarily to a municipal or county court by including sitting and retired common pleas and courts of appeals judges who have not previously served as a judge of a municipal or county court, but have completed a Judicial College educational program. The amendments were approved by the Court Nov. 2, 2009, and went into effect Jan. 1, 2010.

### Commission on the Ohio Judicial Center

The 11-member commission on the Ohio Judicial Center is charged with assisting and advising the Court on maintaining the artistic, architectural and historic integrity of the Ohio Judicial Center. The commission met on four occasions in 2009. The commission proposed the adoption of a guideline governing the acquisition of works of fine art for display at the Ohio Judicial Center. The guideline was adopted by the Supreme Court and became effective July 1, 2009. The commission also sought and obtained Court approval to establish the nonprofit Ohio Judicial Center Foundation as a means of accepting donations of works of art and other items for display at the Ohio Judicial Center. The commission also discussed additional guidelines governing the maintenance of and access to the Ohio Judicial Center art collection and a process for issuing permits for Ohio Judicial Center events and activities sponsored by outside organizations. These guidelines will be presented to the Court in 2010.

### Task Force on the Certification of Court Reporters

During 2009, the Commission on the Rules of Superintendence for Ohio Courts worked to review rules related to the certification of court reporters. Upon their review of the final report of the Task Force on the Certification of Court Reporters, the Justices of the Supreme Court of Ohio asked the Commission to make a recommendation on related rules for court reporters' certification.

### Task Force on Commercial Dockets

The task force is charged with developing a pilot project to determine the best means of adopting commercial dockets in the state's courts of common pleas. In 2009, pilot commercial docket projects began in Cuyahoga, Franklin, Hamilton and Lucas counties. On Sept. 16, 2009, the task force met with the eight commercial docket judges and their staff members for a status update from each court.

COMMISSION ON THE  
OHIO JUDICIAL CENTER  
Richard A. Dove  
*staff liaison*

Catherine Adams  
Michael L. Ball  
Neema M. Bell  
Mary Gray, *ex officio*  
Steven C. Hollon, *ex officio*  
Barbara Powers, *ex officio*  
Chad A. Readler, *chair*  
Marilyn Kauff Sheridan  
Richard C. Simpson  
Richard H. Wallace  
Craig Weise, *ex officio*

TASK FORCE ON THE  
CERTIFICATION OF  
COURT REPORTERS  
John S. VanNorman  
*staff liaison*

Hon. Chad Carey  
Steve Collier  
Hon. Mary Donovan, *chair*  
H. Ritchey Hollenbaugh  
Bruce A. Matthews  
Hon. Nick Selvaggio  
Linda G. Sturm  
Hon. Michael Ward  
Gary Yates

TASK FORCE ON  
COMMERCIAL DOCKETS  
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*staff liaison*

Hon. John P. Bessey,  
*co-chair*  
Patrick F. Fischer, *co-chair*  
Hon. Reeve W. Kelsey  
James C. Kennedy  
Hon. William A. Klatt  
Harry D. Mercer  
Scott E. North  
Robert G. Palmer  
Jeanne M. Rickert  
John S. Stith  
Adrian D. Thompson

TASK FORCE TO REVIEW  
THE OHIO DISCIPLINARY  
SYSTEM

Richard A. Dove  
*staff liaison*

Sandra J. Anderson  
James D. Caruso  
John Cotner  
Jonathan Coughlan  
Jack A. Guttenberg  
Dan L. Heinlen  
James J. Johnson  
Janine H. Jones  
Gary Leppla  
Jonathan Marshall  
Richard S. Milligan  
Hon. Dixilene N. Park  
Christopher F. Parker  
Samuel H. Porter, *chair*  
Frank E. Quirk  
Hon. Lee Sinclair  
Ann Marie Tracey  
Hon. Mary Jane Trapp

Task Force to Review the Ohio Disciplinary System

In March 2009, Chief Justice Moyer appointed an 18-member Task Force to Review the Ohio Disciplinary System. The task force was charged with examining the structure of the Ohio disciplinary system and determining whether the existing system provides the most effective and efficient means of investigating grievances and prosecuting complaints. The task force was directed to specifically address issues of timeliness, process and cost related to the current decentralized certified grievance committee system and recommend any necessary changes. The task force held seven meetings and gathered information from a variety of sources, including current and former members of the Board of Commissioners on Grievances & Discipline, bar counsel and representatives of certified grievance committees, as well as lawyers who represent colleagues accused of misconduct. On Dec. 30, the task force issued a final report with 20 recommendations for restructuring the disciplinary system and streamlining the process for investigating and prosecuting misconduct allegations. The Court will consider the report and recommendations in early 2010.

OFFICE OF PUBLIC INFORMATION

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

In 2009, the office continued to expand its news operation to include more stories on the Supreme Court Web site on topics of interest to the judicial and legal communities, writing 252 news stories during the year.

The office completed a significant redesign of the Supreme Court Web site to allow for the display of more news and feature items. The redesign made the site more widely compatible with additional platforms, applications and system configurations. With the formation and semimonthly meetings of a Web Work Group within the division, modifications and functionality improvements to the site continue.

In 2009, the Office of Public Information also:

- Designed and published nearly 480 print publications and materials
- Provided design services and other assistance for the joint swearing-in ceremony of Justices Evelyn Lundberg Stratton and Maureen O'Connor, the Forum on the Law events, the 2009 Summit on Children and other special events hosted by Court staff
- Worked with Judicial College staff to design and make operable the Judicial eCademy
- Researched, wrote and distributed 281 previews of oral arguments before the Court and summaries of merit decisions
- Fielded 620 media inquiries
- Answered 17,975 phone calls, an average of 63 per day, to the Court's main phone lines
- Prepared 184 written responses to constituent letters and e-mails.

Public Information Director Chris Davey was selected from a national field of candidates to research and produce a 2½-day Court Management Training course for the Institute of Court Management. The course will teach court managers about the importance of court community communication and train them on specific skills in building and managing a court communications program.

Davey also is chairing the CCPIO New Media Project, a year-long collaborative research project to systematically examine and analyze the potential effects of new and emerging digital media on U.S. courts. The project is sponsored by the Conference of Court Public Information Officers.

#### NEW PUBLIC ACCESS RULES TAKE EFFECT

New rules on public access to court records (Sup. R. 44-47) took effect July 1. Designed to ensure that Ohioans continue to have open and ready access to court records, the rules say that court records are presumed to be public, unless they fall within a specific exemption. A court or clerk may deny access to a court record only if the record is specifically exempted from public access under the rules. The rules do not require additional personnel or extra costs for the courts.

ADVISORY COMMITTEE  
ON THE JUDICIAL FAMILY  
NETWORK

Ruth Ann Newcomer  
*staff liaison*

Larry Floyd  
Tim Gorman, *chair*  
Maureen Grady  
Susan Hany  
Pam Harris  
Sharon Hickson  
Susan Ingraham  
William Jennings  
Maryanna Klatt  
Robert Lanzinger  
Mary Moyer  
Shannon Nelson  
Vernon Pringle  
Laurie Repp  
Reuben Sheperd  
Janet Sunderman  
Sue Wolaver  
Tom Zitter

VISITOR EDUCATION  
CENTER 2009  
VOLUNTEERS

Yumna Ahmad  
Jackie Belair  
Linda Christman  
William Corallini  
Toba Feldman  
Jodi Hawk  
Joanne Johnson  
Sally Jordon  
Cheri Kappeler  
Stan Kronenberger  
Tom Lopresti  
Barbara Maresca  
Sue McCormick  
Pete Miller  
Barbara O'Keefe  
Darlene Rauch  
Rex Zent

CIVIC EDUCATION SECTION

The Civic Education Section was created to provide education programs and outreach efforts for visitors to the Ohio Judicial Center and the public at large. These efforts include conducting tours of the building and the Visitor Education Center, coordinating the Off-Site Court program, providing assistance to the Judicial Family Network, working with international visitor groups, organizing special events, developing the Court's art collection and increasing the Court's historical resources.

The Visitor Education Center unveiled a new exhibition — "Identity on Trial" — which features the use of science and technology in courtrooms. Five exhibits trace the history, use and impact of scientific advances in photography, fingerprinting, DNA and brain scans. The displays include hands-on activities illustrating the importance of observation, classification and analysis.

Staff and volunteer guides conducted 280 tours for 11,989 visitors. About 75 percent of the visitors were students, grades 3 through college. The 17 volunteers donated a total of 541 hours, representing a market value of \$10,965.

The Civic Education Section also:

- Coordinated the swearing-in ceremony and reception for Justice Stratton and Justice O'Connor
- Organized the Court's two Forum on the Law events (*p. 16*)
- Organized Off-Site Court sessions in Columbiana and Paulding counties, attracting 690 student and teacher observers
- Arranged a week-long study of Ohio's legal and judicial system for a six-member delegation of Ukrainian judges
- Developed and presented five programs for the Judicial Family Network.
- Installed portraits of five members of the famed Tuskegee Airmen, the first African-American pilots who flew World War II combat Missions.

# clerk's division

Office of the Clerk  
Kristina D. Frost ▪ Clerk

The clerk is charged with supervising the filing of all case-related items and maintaining all case files in matters pending before the Court. In addition to managing all cases filed with the Supreme Court, the clerk maintains case dockets and the Court's journal, and, in pending cases, the records from the trial and appellate courts and from the Board of Commissioners on Grievances & Discipline. The clerk also prepares and issues Court orders, schedules oral arguments and consideration of other case matters for the Court, and coordinates interagency communication in death penalty cases.

Until August 2009, the Clerk's Division included the Office of the Clerk and the Case Mediation Section. The Case Mediation Section was combined with the Dispute Resolution Section of the Judicial & Court Services Division.

CLERK'S OFFICE  
STAFF 2009

Valerie Cannell  
Karen Fields  
Kristina Frost  
Helka Gienapp  
Marcia Gipson  
Sandra Grosko  
Kimberly Hamiter  
Thomas Imber  
Joella Jones  
Justin Kudela  
Amy Reitz  
Doris Roche  
Amie Vetter  
Nathan Wasson  
William Zapp

## OFFICE OF THE CLERK

The Office of the Clerk maintains and enforces the Rules of Practice of the Supreme Court of Ohio and recommends appropriate rule amendments to the Court. Deputy clerks and staff attorneys provide assistance related to procedural issues for attorneys, litigants and the public through written communications, seminar presentations, and phone and office consultations. The office also provides answers to frequently asked questions on the Supreme Court Web site.

In 2009, the Office of the Clerk processed 2,363 new cases, a 6 percent decrease from 2008. The office also processed the final disposition of 2,484 cases, a 2 percent decrease from 2008. The Court's case clearance rate was 105 percent for 2009, up from 101 percent in 2008.

In 2009, the Office of the Clerk completed a thorough update of the Rules of Practice of the Supreme Court of Ohio. The rules were renumbered with Arabic instead of Roman numerals to bring them into compliance with the Supreme Court Rule Drafting Manual. In addition, general categories were re-labeled as "sections" with specific portions of each section labeled "rules." Other significant changes include the addition of a new section covering the Supreme Court's original jurisdiction for petition challenges according to Article II, Section 1g, of the Ohio Constitution, and another new section that covers mediation proceedings and emphasizes the availability of this option at the Supreme Court level. Most other modifications were nonsubstantive and made to clarify language.

The Clerk also:

- Implemented an electronic case issues-tracking database for Court staff use, with plans to provide public access in 2010
- Began referring certain debts for unpaid costs in attorney discipline cases to the Attorney General's Revenue Recovery Section for collection
- Moved to simplify filing options by accepting local rules for filing electronically, accepting credit cards for payment of docket fees and undertaking an initial review of e-filing systems for future implementation at the Supreme Court
- Streamlined the filing and processing of affidavits of disqualification to clarify the procedure for judges and the public



- Improved internal statistical reporting practices, standardized other internal operating practices and procedures and addressed outstanding technology issues
- Maintained a presence with clerks of courts throughout the state and became an honorary member of the Ohio Common Pleas Court Clerks' Association.

#### □ RULE INCREASES FILING FEES

The fees required to file a case in the Supreme Court increased to \$100 with the adoption of Rule XV of the Rules of Practice on Oct. 16, 2009. The fee was \$40 to file a notice of appeal or cross-appeal, to file an order certifying a conflict in a court of appeals or to institute an original action. The General Assembly included the change in filing fees in the 2010-2011 budget bill.

#### CASE MEDIATION SECTION

The Case Mediation Section conducted mediation sessions for appellate cases and original actions filed with the Court. Mediation is a settlement process during which the Supreme Court mediation counsel meets informally with Supreme Court litigants to encourage workable solutions away from the courtroom. The section accomplished this mission by bringing parties together in confidential negotiating sessions. The mediation counsel facilitated negotiations and monitored settlement solutions until the parties concluded their cases.

Beginning in summer 2009, case mediation duties switched from the Clerk's Office to the Supreme Court Dispute Resolution Section, which is part of the Judicial & Court Services Division.

# 2009 case statistics

## summary of activity

In 2009, Supreme Court of Ohio case filings decreased by 6 percent from 2008. The total number of cases filed in 2009 was 2,363, compared with 2,506 in 2008. This decline in case filings represents the first decline since 2006.

The Court disposed of 2,485 cases in 2009, down 2 percent from 2008 when 2,542 cases were disposed. The number of cases pending on Dec. 31, 2009, was 771, down from 893 cases pending at the end of 2008. The 2009 clearance rate was 105 percent, compared to 101 percent in 2008.

The percent of pro se filings ranged from a low of 31 percent in 2005 to a high of 41 percent in 2009, when 969 cases were filed by pro se litigants.

CASES PENDING JAN. 1, 2009	893 <sup>1</sup>
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### CASES FILED

Jurisdictional Appeals	1,817
Merit Cases	418
Practice of Law Cases	128
<b>TOTAL CASES FILED</b>	<b>2,363</b>

### CASE DISPOSITIONS

Jurisdictional Appeals	1,823
Merit Cases	529
Practice of Law Cases	133
<b>TOTAL CASE DISPOSITIONS</b>	<b>2,485</b>

CASES PENDING DEC. 31, 2009	771
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CLEARANCE RATE	105%
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 JURISDICTIONAL APPEALS
 

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Claimed Appeals of Right	16
Discretionary Appeals (Non-felony) <sup>2</sup>	871
Discretionary Appeals (Felony)	780
Death Penalty Postconviction Appeals	11
Appeals Involving Termination of Parental Rights/Adoption	25
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	114
<b>TOTAL</b>	<b>1,817</b>

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 MERIT CASES
 

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Original Actions	186
Habeas Corpus Cases	38
Direct Appeals (Cases Originating in Court of Appeals)	110
Certified Conflicts	25
Certified Conflicts Involving Termination of Parental Rights/Adoption	2
Appeals from Board of Tax Appeals	32
Appeals from Public Utilities Commission	13
Appeals from Power Siting Board	2
Death Penalty Cases <sup>3</sup>	1
Certified Questions of State Law	5
Appeals of Election Contests under R.C. 3515.15	2
Other Merit Cases	2
<b>TOTAL</b>	<b>418</b>

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 PRACTICE OF LAW CASES<sup>4</sup>


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Disciplinary Cases	117
Bar Admissions Cases	4
Unauthorized Practice of Law Cases	7
<b>TOTAL</b>	<b>128</b>

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**TOTAL CASES FILED**
**2,363**

# 2009 case statistics

## final dispositions

### JURISDICTIONAL APPEALS<sup>5</sup>

Claimed Appeals of Right	18
Discretionary Appeals (Non-felony) <sup>6</sup>	878
Discretionary Appeals (Felony)	781
Death Penalty Postconviction Appeals	12
Appeals Involving Termination of Parental Rights/Adoption	19
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	115
<b>TOTAL</b>	<b>1,823</b>

### MERIT CASES

Original Actions	162
Habeas Corpus Cases	41
Direct Appeals (Cases Originating in Court of Appeals)	114
Certified Conflicts	28
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	35
Appeals from Public Utilities Commission	5
Death Penalty Cases <sup>7</sup>	3
Jurisdictional Appeals Accepted for Review	131
Certified Questions of State Law	4
Appeal of Contest of Election under R.C. 3515.15	3
Other Merit Cases	2
<b>TOTAL</b>	<b>529</b>

### PRACTICE OF LAW CASES<sup>8</sup>

Disciplinary Cases	119
Bar Admissions Cases	4
Unauthorized Practice of Law Cases	10
<b>TOTAL</b>	<b>133</b>

### TOTAL FINAL DISPOSITIONS

**2,485**

## JURISDICTIONAL APPEALS

Claimed Appeals of Right	2
Discretionary Appeals (Non-felony) <sup>9</sup>	207
Discretionary Appeals (Felony)	199
Death Penalty Postconviction Appeals	4
Appeals Involving Termination of Parental Rights/Adoption	5
Appeals from App.R. 26(B) Applications ( <i>Murnahan</i> Appeals)	13
<b>TOTAL</b>	<b>430</b>

## MERIT CASES

Original Actions	47
Habeas Corpus Cases	5
Direct Appeals (Cases Originating in Court of Appeals)	57
Certified Conflicts	22
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	31
Appeals from Public Utilities Commission	13
Appeals from Power Siting Board	2
Death Penalty Cases <sup>10</sup>	14
Certified Questions of State Law	5
Appeals of Election Contests under R.C. 3515.15	0
Other Merit Cases	0
Jurisdictional Appeals Accepted for Review	83
<b>TOTAL</b>	<b>280</b>

## PRACTICE OF LAW CASES

Disciplinary Cases	55
Bar Admission Cases	2
Unauthorized Practice of Law Cases	4
<b>TOTAL</b>	<b>61</b>

**TOTAL CASES PENDING****771**

## 2009 case statistics

### practice of law cases - cases filed

#### DISCIPLINARY CASES

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Cases on Report of Board	72
Consent to Discipline Cases	8
Attorney Resignation Cases	14
Reciprocal Discipline Cases	5
Cases upon Default of Child Support	1
Cases upon Felony Conviction	12
Cases on Motion for Interim Remedial Suspension	3
Judge Disciplinary Cases	2
<b>TOTAL</b>	<b>117</b>

#### BAR ADMISSIONS CASES

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Character and Fitness Cases	4
<b>TOTAL</b>	<b>4</b>

#### UNAUTHORIZED PRACTICE OF LAW CASES

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Cases on Report of Board	3
Consent Decree Cases	4
<b>TOTAL</b>	<b>7</b>

### **TOTAL PRACTICE OF LAW CASES FILED**

**128**

## DISCIPLINARY CASES

<b>On Report of Board</b>	
Public reprimand	6 <sup>11</sup>
Definite suspension	37
Indefinite suspension	19
Disbarment	8
Mental illness suspension	2
Dismissed	4
<b>TOTAL</b>	<b>76</b>
<b>Consent to Discipline Cases</b>	
Public reprimand	3
Definite suspension	2 <sup>12</sup>
<b>TOTAL</b>	<b>5</b>
<b>Attorney Resignation Cases</b>	
Resignation accepted — disciplinary action pending	17
<b>Reciprocal Discipline Cases</b>	
Public reprimand	1
Definite suspension	4
<b>Cases Upon Felony Conviction</b>	
Interim suspension	11
<b>Cases Upon Default of Child Support</b>	
Interim suspension	1
<b>Cases Upon Motion for Interim Remedial Suspension</b>	
Interim suspension	3
<b>Judge Disciplinary Cases</b>	
Code violation found and fine assessed	1
<b>TOTAL</b>	<b>38</b>

**TOTAL PRACTICE OF LAW CASE DISPOSITIONS****119**

# 2009 case statistics

final dispositions — continued

## BAR ADMISSIONS CASES

### Character and Fitness Cases

Applicant disapproved, may reapply 4

**TOTAL 4**

## UNAUTHORIZED PRACTICE OF LAW CASES

### Cases on Report of the Board

Respondent enjoined from actions constituting the unauthorized practice of law 1

Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed 7

### Cases on Consent Decree

Respondent enjoined from actions constituting the unauthorized practice of law 1

Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed 1

**TOTAL 10**

## TOTAL PRACTICE OF LAW DISPOSITIONS

**133**

## NOTES

1. In the 2008 Annual Report, the total pending cases on Dec. 31, 2008, was 892. The total should have been 893 cases, as Case No. 2008-1942 was mistakenly not included in the count of pending cases.
2. This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right.
3. One death penalty case was filed in 2009. It was an appeal from the court of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995.
4. See p. 40 for a breakdown of cases relating to the practice of law filed in 2009.
5. This category includes cases in which the Court declined jurisdiction, denied leave to appeal or dismissed the appeal.
6. See note 2.
7. Included in this category are three 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.
8. See p. 41 for the types of final dispositions entered in cases relating to the practice of law.
9. See note 2.
10. See note 7.
11. One case involved two attorneys and one judge. One attorney was dismissed from the case and undisciplined. The judge and the other attorney received public reprimands.
12. One case involved two attorneys, one of whom received a definite suspension and the other of whom received a public reprimand.

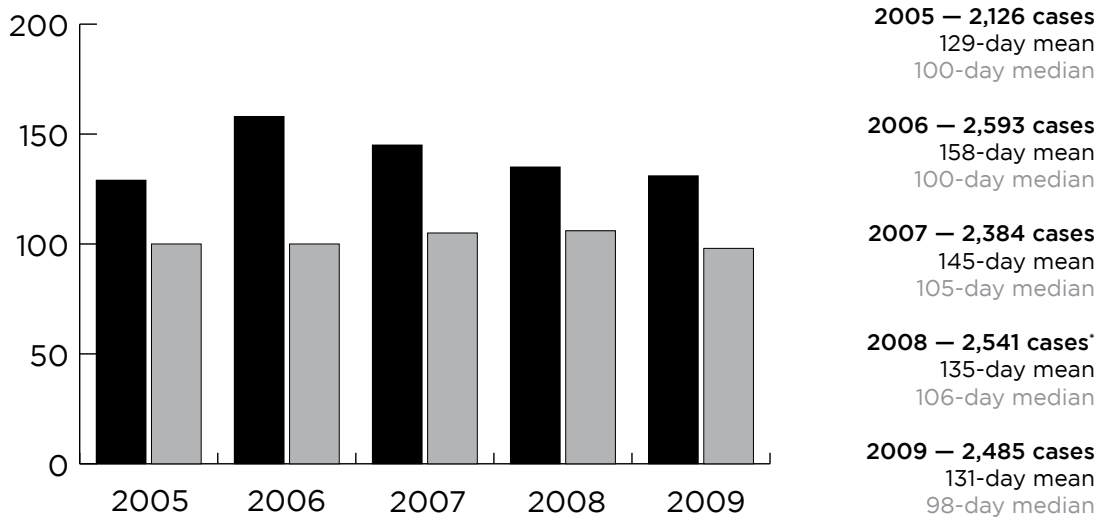


The case processing time reports look at cases from the date of disposition and reveal the mean and median number of days taken to dispose of cases. The median is the middle of the distribution of days where half the days are above the median number and half are below.

### ALL CASES

#### From Case Filing to Final Disposition

In 2009, the Court disposed of 2,485 cases. The average number of days a case was pending before the Court continued to decline for the third consecutive year from 158 days in 2006 to 131 days in 2009.



\* The 2008 Annual Report lists this number as 2,542. However, one case was mistakenly included in the 2008 dispositions. The case was not disposed of until 2009. It is included in the disposition counts for 2009.

# 2009 case statistics

## time to disposition

### JURISDICTIONAL APPEALS ACCEPTED FOR FULL REVIEW

From Filing of Notice of Appeal to Final Disposition

Following a full merit review, 128 jurisdictional appeals were disposed of in 2009. From the date of initiation to the date of disposition, it took an average of 435 days for these cases to make their way through the Court.

Time for consideration increased by 32 days because three of the 128 jurisdictional appeals were pending for more than 800 days. Two of the three cases, *Stewart v. Lake Cty. Historical Soc., Inc.*, Case No. 2006-2029, and *Kirchner v. Shooters on the Water, Inc.*, Case No. 2006-1682, were pending for more than 1,000 days. The third case, *State v. Bankhead*, Case No. 2007-0818, was first held for *State v. Simpkins* and then later held for *State v. Mossmeier*. All three cases were accepted in 2007 and held for the decision in another case before final disposition in 2009.

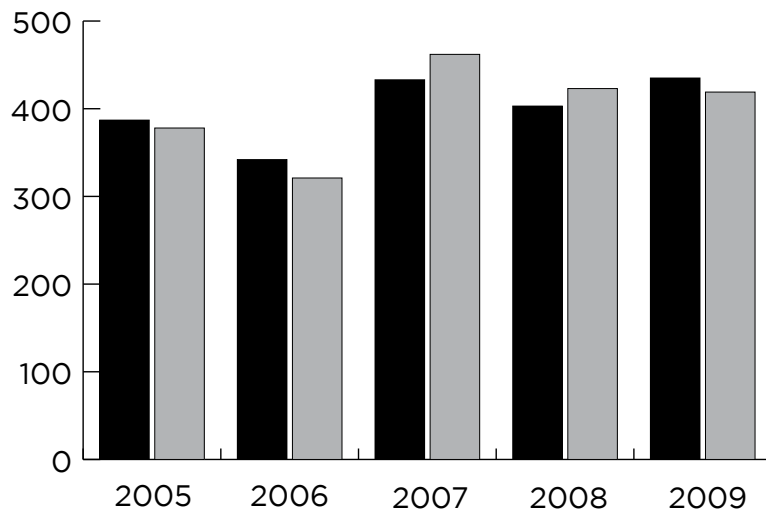
**2005 — 69 cases**  
387-day mean  
378-day median

**2006 — 382 cases**  
342-day mean  
321-day median

**2007 — 191 cases**  
433-day mean  
462-day median

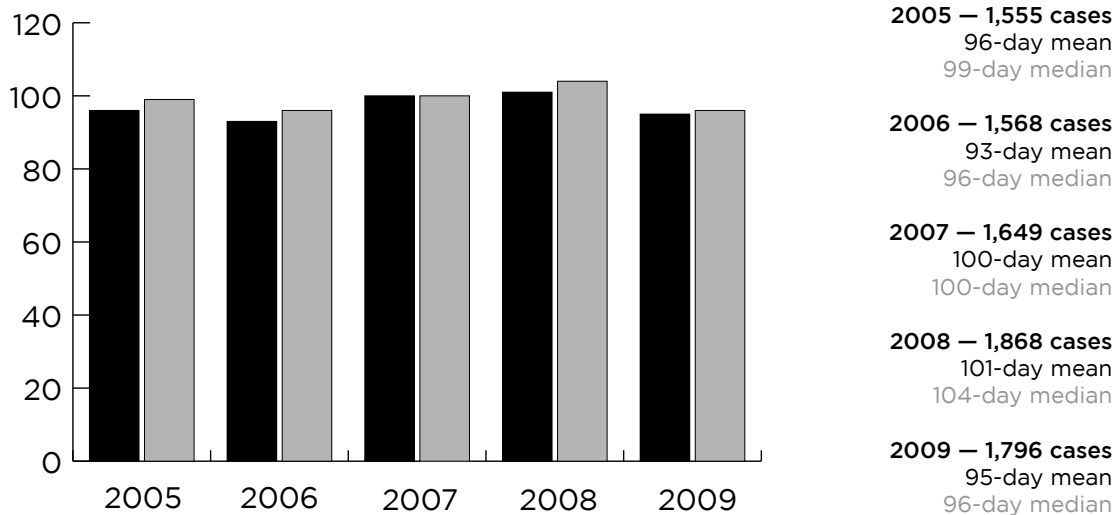
**2008 — 156 cases**  
403-day mean  
423-day median

**2009 — 128 cases**  
435-day mean  
419-day median



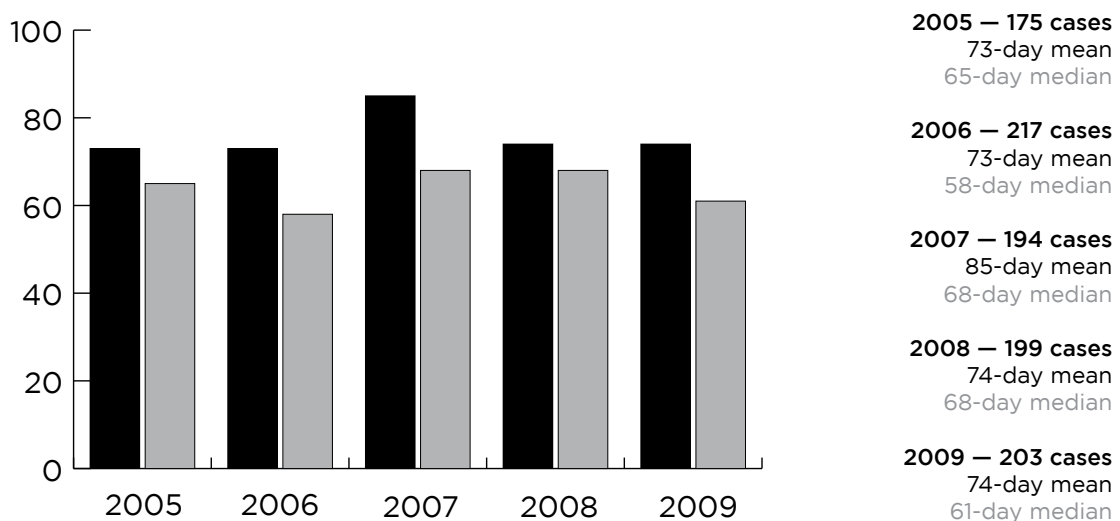
### JURISDICTIONAL APPEALS NOT ACCEPTED FOR FULL MERIT REVIEW From Filing of Notice of Appeal to Final Disposition

The decision whether to accept a jurisdictional appeal was made more rapidly in 2009. The average time to consider acceptance decreased to 95 days from 101 days in 2008. Of the total number of cases disposed of by the Court in 2009, 1,796 cases were jurisdictional appeals not accepted for full consideration on the merits, a drop of 71 cases from 2008. The 1,796 jurisdictional appeals considered represented 76 percent of the cases filed in 2009.



### ORIGINAL ACTIONS

In general, the median measurement is more reflective of the Court's timelines with regard to original actions because it is not subject to the skewing effect of outliers. The median reveals that original actions, during 2009, were disposed of in 61 days. The average number of days for original action consideration over the past five years is much higher, varying from 73 to 85 days. In 2009, the average number of days to consider and dispose of an original action was 74 days, the same number of days taken in 2008.



# 2009 case statistics

## time to disposition

### ALL CASES DECIDED WITH AN OPINION

Days from Submission to Court to Issuance of Opinion

The number of cases decided with an opinion increased by six cases while the time to decision decreased by nine days, from 104 days in 2008 to 95 days in 2009. The case numbers do not include cases held for decisions in other cases.

**2005 — 194 cases**

134-day mean

121-day median

**2006 — 390 cases**

156-day mean

140-day median

**2007 — 336 cases**

111-day mean

106-day median

**2008 — 340 cases**

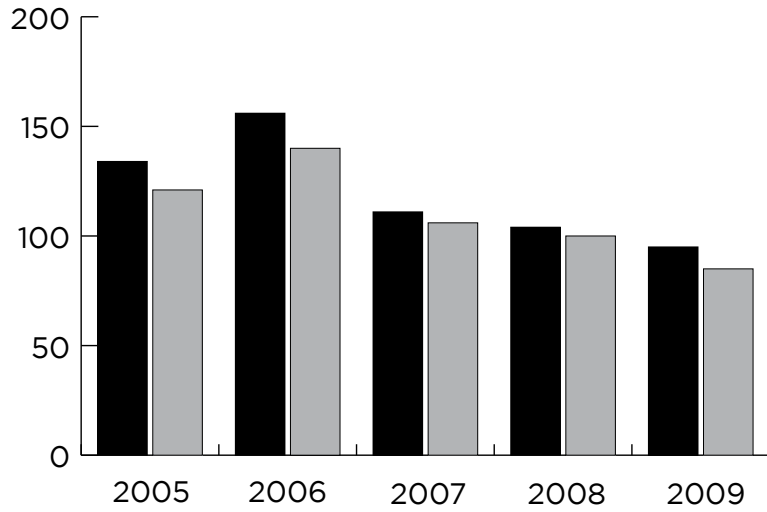
104-day mean

100-day median

**2009 — 346 cases**

95-day mean

85-day median



# legal resources division

Office of Legal Resources  
Arthur J. Marziale Jr. ■ Director

Office of the Reporter  
Ralph W. Preston ■ Reporter of Decisions

Law Library  
Ken Kozlowski ■ Director

The Legal Resources Division consists of the Office of Legal Resources, the Office of the Reporter and the Law Library. 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, as well as the 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 open to the public.

LEGAL RESOURCES  
2009 STAFF

Deborah Barrett  
Mary Joe Beck  
Marlys Bradshaw  
Michael Bradshaw  
James Bumbico  
Andrew Campbell  
Elizabeth Clarke  
Judith Conrad  
Alicia Elwing  
Daniel Fox  
Mary Fry  
Patricia Hagen  
Sharon Jewett  
Diane Kier  
Douglas Kohrt  
Ken Kozlowski  
Mark Loudenslagel  
Lisa Lynch  
Robert Maier  
Arthur Marziale Jr.  
Diana Mercer  
Moe Penman  
Christopher Pon  
Ralph Preston  
Deanna Rush  
Ellen Seibert  
Dusty Smeller  
Diane Taveira  
Jo Vantress  
Pamela Wynsen

OFFICE OF LEGAL RESOURCES

The staff attorneys — known as master commissioners — in the Office of Legal Resources actively supervised discovery in original actions, and provided research and writing support to the Justices on the non-discretionary portion of the Court's docket, which included memos, drafts and research projects in:

- 55 death penalty appeals (on conviction and postconviction matters)
- 21 public utility appeals
- 50 workers' compensation appeals
- 45 state tax appeals
- 288 extraordinary writs
- 84 attorney discipline cases.

The master commissioners also assisted the Chief Justice with processing 124 affidavits of disqualification and nine motions for reconsideration.

OFFICE OF THE REPORTER

The Office of the Reporter edits all opinions prior to release by the Court and prepares and releases slip opinions, daily case announcements and periodic administrative actions. The office also publishes the weekly *Ohio Official Reports* advance sheets and the bound volumes of the *Ohio Official Reports*. In addition, the office maintains the Court's Opinions and Announcements Web page, on which more than 66,000 Supreme Court, court of appeals and trial court opinions are posted for no-cost public access.

During 2009, the Office of the Reporter edited and timely published in print the *Ohio Official Reports* advance sheets of 442 Supreme Court opinions, 472 court of appeals opinions and 26 Court of Claims and trial court opinions. The 442 Supreme Court opinions required 2,158 pages in the *Ohio Official Reports* advance sheets, while the 472 court of appeals opinions required 4,442 pages. Overall, the Office of the Reporter was responsible for the content of about 8,900 pages of the *Ohio Official Reports* advance sheets during 2009.

In addition, during 2009, the Office of the Reporter posted to the Supreme Court Web site 426 Supreme Court opinions, 330 case announcements and administrative actions, 5,869 court of appeals opinions, 414 Court of Claims opinions and 25 trial court opinions.

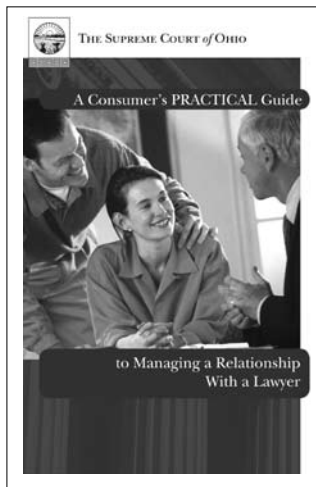
## LAW LIBRARY

The Law Library offers research assistance and online database access to Court staff and public patrons. In 2009, the library served nearly 6,000 public patrons, answered more than 8,500 reference questions, circulated 1,351 books and provided more than 60,000 photocopies. Staff assisted the state's prison population by responding to 5,163 letters (an increase of almost 20 percent over 2008) requesting research help or documents, for which the library provided nearly 265,000 additional photocopies.

As to the Law Library's collection of materials, the staff checked in and distributed more than 22,000 items and processed more than 13,000 item records.

The Law Library kept costs down by judiciously reducing the collection of materials deemed irrelevant and by expanding its available electronic resources. The Law Library continues to increase its reputation among the local and state library communities in the areas of legal research and resource sharing.

Law Library staff continue their involvement with projects, associations and committees outside the Court, including the Columbus and Ohio Bar associations, the Ohio Library Support Staff Institute, Ohio Law Libraries Consortium, Ohio Regional Association of Law Libraries, American Association of Law Libraries and the Ohio Electronic Records Committee.



“The tips included in this **consumer guide** should go a long way toward establishing a **comfort level** when the need arises to hire an attorney.”

## Supreme Court Releases **LAWYER-CLIENT GUIDE**

In November 2009, the Supreme Court of Ohio released a publication that provides practical information about the lawyer-client relationship for Ohioans considering hiring an attorney.

A joint project of the Supreme Court Clients' Security Fund and Commission on Professionalism, the guide is intended to promote public confidence in the integrity of the legal profession in Ohio.

It is hoped that Ohioans use the guide with its easy-to-understand terms for help in finding a lawyer, what to expect after hiring a lawyer, how to avoid problems in the lawyer-client relationship, and what steps to take if problems do occur. The guide also contains a glossary of common legal terms and their definitions.

“Hiring an attorney can present many challenges to someone unfamiliar with the legal system,” said Janet Green Marbley, administrator of the Clients' Security Fund. “The tips included in this consumer guide should go a long way toward establishing a comfort level when the need arises to hire an attorney.”

Lori Keating, secretary to the Commission on Professionalism, said other aspects of the guide speak to the duties that the attorney and the client have when working together. “Appreciating the roles each person plays and how one's actions affect the other should reduce misunderstandings and lead to more successful attorney-client relationships,” she said.

The guide will be distributed through multiple channels to reach Ohio consumers, including judges, clerks of court, and legal aid and public defender offices. Copies also are available at no cost for attorneys to provide to their clients.

To download the guide, visit [www.supremecourt.ohio.gov/Publications/consumersguide.pdf](http://www.supremecourt.ohio.gov/Publications/consumersguide.pdf).



# attorney services division

Office of Attorney Services  
Susan B. Christoff ■ Director

Office of Bar Admissions  
Lee Ann Ward ■ Director

The Supreme Court of Ohio, by authority of Article IV of the Ohio Constitution, has original jurisdiction in matters relating to admission to the practice of law, the discipline of those admitted to the practice of law and all other matters related to the practice of law. The primary responsibility of the Attorney Services Division is to assist the Supreme Court in its regulation of the practice of law in Ohio.

ATTORNEY SERVICES  
STAFF 2009

Jacquelyn Blair  
Susan Christoff  
Christine Einloth  
Minerva Elizaga  
Lori Embry  
Cynthia Farrenkopf  
Kathryn Guinn  
Michelle Hall  
Tarik Jackson  
Lori Keating  
Tiffany Kline  
Jodie Marmon  
Teresa McCoy  
Lei Moore  
Roselyn Smith  
Denise Spencer  
Beverly Spires  
Jane Sturgeon  
Catherine Tate  
Lee Ann Ward  
Barbara White  
Tammy White  
Kelly Witt  
Sheila Woods

COMMISSION ON  
CONTINUING LEGAL  
EDUCATION

Susan B. Christoff  
*secretary*

Elisa Frosini Branham  
Ronald Carey  
Hon. Kimberly Cocroft,  
*chair*  
Anthony Cox  
Charles Faruki  
Mina Jones Jefferson  
Barbara Lewis  
Hon. Stephen McIntosh  
Michael Meaney  
Thomas Moushey  
Kraig Noble  
Hon. C. Ashley Pike  
Lester Potash  
Hon. Steve Shuff  
William Smith Jr.  
Brenda V. Thompson  
Hon. Connie Zimmelman

OFFICE OF ATTORNEY SERVICES

The primary function of the Office of Attorney Services is the licensing and regulation of attorneys after admission, excluding discipline of attorneys under Gov. Bar R. V. The office is responsible for the biennial registration of active and corporate attorneys, and maintains the registration records for more than 80,000 attorneys dating back to the 1920s. In addition, the office regulates program sponsors seeking approval of continuing legal education courses and maintains attorney and judge continuing legal education records. The office also administers the Lawyer to Lawyer Mentoring Program, handles inquiries regarding unauthorized practice of law and supports the Board on the Unauthorized Practice of Law.

In 2009, the office registered more than 44,000 attorneys during the 2009/2011 biennial registration period and collected more than \$15 million in registration fees. The Commission on Continuing Legal Education sanctioned more than 350 attorneys for noncompliance during the 2009 reporting period. The Supreme Court adopted a new rule for the government of the bar that will affect pro hac vice admission in Ohio beginning 2011. The Office of Attorney Services will be responsible for administering this new rule.

The office also:

- Concluded the first permanent mentoring class in December 2009
- Reviewed the 200,000<sup>th</sup> continuing legal education program
- Published *A Consumers' Practical Guide to Managing a Relationship with a Lawyer* with the Clients' Security Fund (*p. 50*).

Commission on Continuing Legal Education

The Commission on Continuing Legal Education implemented amendments to Gov. Bar R. X that affected training requirements for newly admitted attorneys and corporate registered attorneys, and continued to sanction attorneys for noncompliance during the 2008 and 2009 reporting periods.

Commission on Certification of Attorneys as Specialists

The Commission on Certification of Attorneys as Specialists recommended to the Supreme Court that Prof. Cond. R. 7.4 be amended to clarify who can use the term "specialist." The Court adopted the recommendation and the amendment went into effect April 1, 2009.

## SUPREME COURT SHORTENS ATTORNEY REGISTRATION LATE FILING PERIOD

By changing the effective date to May 1 in Gov. Bar. R. VI, the Supreme Court shortened the time frame from 90 days to 60 days in which attorneys on active or corporate status who miss the registration deadline can file their paperwork late and pay a late fee without being suspended. The rule left unchanged the \$350 registration fee.

### Board on the Unauthorized Practice of Law

Gov. Bar R. VII authorizes disciplinary counsel and bar associations to investigate and prosecute unauthorized practice of law (UPL) cases. In 2009, there were 155 new UPL investigations, about 20 of which initiated from board referrals.

### Commission on Professionalism

The Commission on Professionalism administered the Lawyer to Lawyer Mentoring Program and published, in collaboration with the Clients' Security Fund, *A Consumers' Practical Guide to Managing a Relationship with a Lawyer* (p. 50).

### Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases

Throughout 2009, the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases continued to certify and decertify attorneys in accordance with Sup. R. 20.

### OFFICE OF BAR ADMISSIONS

The Office of Bar Admissions supports the Supreme Court in its constitutional responsibility to regulate the admission of applicants to the practice of law in Ohio. The office processes applications for admission, including registration applications, applications to take the bar examination and applications for admission without examination; oversees character and fitness investigations of applicants; coordinates and administers semiannual bar examinations; and organizes admission ceremonies during which eligible 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, temporary certificates for attorneys licensed in other states and working in law school clinical programs or other legal services

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programs, and certificates for foreign legal consultants. The office provides support to the Board of Bar Examiners and the Board of Commissioners on Character & Fitness.

In 2009, the office processed more than 3,300 applications, including 1,519 law student registrations, 1,751 bar exam applications and 78 applications for admission without examination. The office also issued 511 legal intern certificates, five new temporary certifications and one renewal certification. The office administered the bar exam to 1,564 applicants — 387 in February and 1,177 in July.

Additionally, office staff worked closely with the Office of Network & Technology Resources to implement a new computer application for the office. The office tested and implemented a new docket system for character and fitness cases. Work on this major project continues.

#### □ SUPREME COURT AUTHORIZES EXPANDED REPRESENTATION BY LEGAL INTERNS

Amendments to Gov. Bar R. II, which became effective Aug. 1, permit legal interns to represent individuals in low-level felony matters as well as juveniles, if the crime would be a fourth- or fifth-degree felony if committed by an adult, as long as a supervising attorney accompanies the legal intern to all court proceedings. For first-, second- or third-degree felonies, supervising attorneys would serve as co-counsel to legal interns in all court proceedings.

#### Board of Commissioners on Character & Fitness

The Board of Commissioners on Character & Fitness performed its duties pursuant to Gov. Bar R. I. During the year, the board conducted 26 hearings regarding the character and fitness of applicants for admission to the bar. The board's review committees reviewed applicant files throughout the year, and the board considered reports on 30 applicants who had merit hearings before board panels.

#### Board of Bar Examiners

The Board of Bar Examiners performed its duties pursuant to Gov. Bar R. I, drafting and reviewing essay questions for the bar examinations and engaging in calibration sessions to prepare for grading exams. Members of the board also graded exams for the February and July 2009 bar examinations.

# judicial & court services division

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Judicial College  
W. Milton Nuzum ▪ Director

Case Management Section  
Stephanie E. Hess ▪ Manager

Children, Families & the Courts Section  
Steven W. Hanson ▪ Manager

Dispute Resolution Section  
Jaqueline C. Hagerott ▪ Manager

Specialized Dockets Section  
Melissa A. Knopp ▪ Manager

Domestic Violence Program  
Diana Ramos-Reardon ▪ Program Manager

Interpreter Services Program  
Bruno G. Romero ▪ Program Manager

The Judicial & Court Services Division supports all Ohio trial and appellate courts in the administration of justice by helping develop policies and procedures, training judicial officers and court staff and providing access to funding and resources.

The division provides traditional and innovative court services in response to and with respect for the needs of local courts and the public they serve, with specialization provided by the Judicial College; the Case Management, Dispute Resolution, Specialized Dockets, and Children, Families & the Courts sections; and the Domestic Relations and Interpreter Services programs.

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Margaret Allen  
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Kathleen Casper  
Marjorie Crowder  
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Brian Farrington  
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Corey Schaal  
Lindsey Schmitz  
Philip Schopick  
Kristopher Steele  
Douglas Stephens  
Sara Stiffler  
Crevon Tarrance  
Christy Tull  
Katrina Webb  
Debra Weinberg  
Sharon Wells

OFFICE OF JUDICIAL & COURT SERVICES

The Office of Judicial & Court Services leads the division, and supports and coordinates the efforts of the various sections and programs therein. The office maintains the Supreme Court database of Ohio judges and assists local courts with the development of proposals for additional judgeships.

Following the retirement of the Supreme Court mediation counsel in mid-year, the office assisted the Dispute Resolution Section with the adoption of Supreme Court case mediation duties and the restructuring of those two areas to more effectively and efficiently continue to provide mediation services and support to all Ohio courts.

Early in 2009, the staff held numerous training sessions in support of Sup. R. 48, which became effective in March and mandates pre-service and post-service training for all attorneys serving as guardians ad litem. In September, the first statewide survey of Ohio courts regarding budgets and court staffing levels began and is scheduled for completion in early 2010. During the fall, the office also tracked 47 judicial elections, documenting 11 new judges.

JUDICIAL COLLEGE

The Judicial College provides continuing education to judges, magistrates and court personnel in Ohio relevant to their responsibilities as professionals in the judicial branch. The college offered 157 courses to 11,393 attendees in 2009.

Judicial College staff members Christy Tull and James Landon developed curriculum for the guardian ad litem training required by Sup. R. 48 as of March 1, 2009. Judicial College staff also developed a plan for providing the training to Ohio guardians ad litem when the mandatory education provisions take full effect in 2010.

The Judicial College continued to support the development of the Court Management Program (CMP) of the National Center for State Courts Institute for Court Management in conjunction with six other states that have joined the consortium to update the curriculum. College staff proposed a structure for two new CMP modules to address leadership and strategic planning.

The Judicial College staff began work on a project funded by a Byrne Memorial grant in 2009. This is a distance-learning project designed to deliver seven pre-recorded Advanced Science and Technology Adjudication Resource Center (ASTAR) courses to judges and magistrates across Ohio, as well as the nation, via the Internet. This project enables the Judicial College to make learning opportunities available at the learner's convenience. In addition, the Judicial College

continued to diversify its method of delivering course offerings by adding monthly non-credit webinars for court personnel. The live webinars are delivered directly to the desktop of the learner, eliminating travel and other expenses related to attending live courses.

#### Judicial College Board of Trustees

The Judicial College Board of Trustees is established pursuant to Gov. Jud. R. V. In 2009, the continuing education rules for judges were changed to add mandatory education for judges on the topic of access to justice and fairness in the following areas: self-represented litigants; pro bono representation; foreign language interpretation; race, ethnicity and foreign origin; gender; disability; and sexual orientation.

The board of trustees also provided advice and guidance to Judicial College staff on the implementation of the new mandatory education rule.

#### Court Personnel Education & Training Committee

The Court Personnel Education & Training (CPET) Committee was established to provide advice to the Judicial College for the continuing education needs of court personnel across the state. In addition to assistance in curriculum planning, in 2009 the CPET Committee worked with Judicial College staff to develop a registration policy that improved attendance at courses for court personnel.

#### CASE MANAGEMENT SECTION

The Case Management Section provides three primary services to Ohio courts: caseload management assistance and training; statistical report collection and analysis; and visiting and retired judge assignments.

Section staff provide caseload management assistance by identifying areas where preferred practices, such as calendar management, trial management, backlog reduction and technology, can enhance case management efforts.

The Case Management Section also provides guidance on the caseload statistical reports required of Ohio courts and administers the judicial assignment program of the Chief Justice, who is authorized by the state constitution to assign sitting and retired judges to preside in Ohio courts to ensure the timely and efficient administration of justice.

In 2009, section staff provided caseload management assistance to courts in Brown, Butler, Clark, Cuyahoga, Franklin, Greene, Hamilton, Ottawa, Shelby, Stark and Union counties.

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In addition, the Case Management Section presented two caseflow management training seminars where attendees learned the fundamentals of caseflow management and basic court performance measurement techniques using the National Center for State Courts CourTools product. Staff also provided statistical report form training to common pleas, municipal, county and mayor's courts throughout the year.

The section achieved significant reductions in the costs borne by both the state and local court funding authorities for assigned judges by encouraging courts to increase their use of sitting judges who serve at a lower cost than retired judges, implement improved caseflow management procedures and more efficiently allocate local judicial resources.

□ SUPREME COURT ADOPTS EXPANDED  
TEMPORARY JUDGE RULE

The Supreme Court increased the pool of sitting and retired judges who can be assigned to assist a municipal or county court by adopting amendments to Rule 17 of the Rules of Superintendence for the Courts of Ohio. Effective Dec. 1, a sitting or retired common pleas or court of appeals judge who has not served previously as a judge of a municipal or county court, but has completed an Ohio Judicial College educational program, would be eligible to sit by assignment.

## CHILDREN, FAMILIES & THE COURTS SECTION

The Children, Families & the Courts Section provides technical assistance, training and policy recommendations to improve court performance in cases involving children and families. In 2009, major projects included developing alternative responses to reports of child abuse, neglect and dependency; juvenile defendant access to legal counsel; implementation of adult guardianship standards; recruitment and retention of qualified counsel serving children and families; release of domestic relations court forms; and implementation of guardian ad litem standards.

The section also coordinated the 2009 Ohio Summit on Children, which was held Nov. 12 and 13, 2009, hosted by Chief Justice Moyer and Governor Strickland in Columbus. A follow-up to the 2008 Summit, the event brought together more than 450 professionals from 66 counties to learn how they meet the needs of children in their communities. County teams included



juvenile court judges, children services agency directors, funding authority representatives, social service providers and school representatives.

#### Advisory Committee on Children, Families & the Courts

The Advisory Committee on Children, Families & the Courts makes policy recommendations to the Supreme Court of Ohio through the Children, Families & the Courts Section. Co-Chaired by Judge Deborah A. Alspach of Marion County and Dr. Gary Crow of Lorain County, the committee members were gratified by the implementation of the Report and Recommendations on Standards for guardians ad litem. The enactment of Sup.R. 48 establishing guardian ad litem standards was the result of many years of dialogue and collaboration, and will result in improved services to children and families across the state.

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#### DISPUTE RESOLUTION SECTION

The primary responsibilities of the Dispute Resolution Section are to promote statewide rules and uniform standards for dispute resolution programs through research, legislation, local rule and policy development and provide training, networking and technical assistance opportunities to judges, magistrates, attorneys, court personnel and other individuals working with court-connected dispute resolution programs.

In 2009, the Dispute Resolution Section held 61 training events and roundtables for 1,333 attendees, 644 of whom are members of the bar. Staff also conducted case-specific and regional roundtable meetings to share best practices and provide networking opportunities. The section also offered virtual roundtable events over the Internet.

When William A. Zapp retired as mediation counsel July 31, Jacqueline C. Hagerott assumed Supreme Court case mediation duties, while continuing in her role as Dispute Resolution Section manager.

In 2009, the Case Mediation staff reviewed 171 cases with a primary focus on state and local tax cases, workers' compensation matters and extraordinary writs. The Court referred 53 of these cases to mediation, and the staff cleared 56 cases. The mediation counsel conducted 74 mediation conferences in the referred cases.

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## Advisory Committee on Dispute Resolution

In 2009, the Advisory Committee on Dispute Resolution focused on the status of foreclosure mediation, parenting coordination and outreach efforts to local courts. Chief Justice Moyer was the guest speaker for the December meeting, discussing the continued importance of using mediation to resolve disputes within the judiciary. The committee continued its work on a proposed rule of superintendence for parenting coordination.

## SPECIALIZED DOCKETS SECTION

The Specialized Dockets Section promotes the creation of specialized dockets with the provision of technical support and assistance to trial courts in analyzing the need for, and planning and implementation of, specialized docket programs, including drug courts, mental health courts, DUI/OVI courts, re-entry courts, domestic violence courts, child support enforcement courts and sex offender courts. The section designs, funds and hosts a variety of training and other events for professionals with a stake in specialized docket programs.

During 2009, Specialized Dockets staff worked at the municipal, common pleas and juvenile levels to develop 16 new specialized dockets, bringing the total of operating specialized dockets in Ohio to 131.

A primary method of providing peer support and technical assistance to individuals working with Ohio's specialized docket programs is the Ohio Specialized Dockets Practitioner Network, which is composed of six sub-networks that meet by discipline. In 2009, Specialized Dockets staff organized and hosted 17 sub-network meetings.

In addition, more than 350 specialized docket professionals attended the Ohio Specialized Dockets Practitioner Network 6<sup>th</sup> Annual Conference Nov. 19, in Worthington. The conference included national speakers and 22 workshops on a variety of topics, such as mental health services for veterans, domestic violence offender accountability, adult and juvenile re-entry issues, and medication assistance for opioid treatment.

## Advisory Committee on Mental Illness & the Courts

Established in 2001, the Advisory Committee on Mental Illness & the Courts (ACMIC) is chaired by Justice Evelyn Lundberg Stratton. In 2009, the advisory committee met quarterly to gather and share information related to mental health courts, mental health diversion projects and services available to courts or individuals with mental illness involved with, or at risk of becoming involved with, the criminal or juvenile justice system.

At the fall meeting, the advisory committee, in conjunction with the Criminal Justice Coordinating Center of Excellence, premiered nationally the film, "Ohio's Crisis Intervention Team Initiative," which highlights Ohio's groundbreaking effort to train first responders on intervening with individuals with mental illness in crisis situations.

Further, the group advanced the launch of the Reinstatement of Medicaid for Public Institution Recipients project, enabling the temporary re-establishment of Medicaid benefits within 48 hours of release from a public institution for certain offenders with mental illness.

### Advisory Committee on Specialized Dockets

Established in September 2009 by Chief Justice Moyer, the purpose of the advisory committee is to provide ongoing advice to the Chief Justice, Justices and Supreme Court staff on the promotion of statewide rules and uniform standards for specialized dockets in Ohio courts; the development and delivery of specialized docket services to Ohio courts, including training programs for judges and court personnel; and the consideration of other issues the advisory committee deems necessary to assist the Court and its staff regarding specialized dockets in Ohio courts.

The Advisory Committee on Specialized Dockets met twice in 2009, focusing its energies on developing a program of work with timetables. The advisory committee's first identified goal is the submission of draft standards for Ohio specialized docket programs to the Court by July 1, 2010.

### DOMESTIC VIOLENCE PROGRAM

The Domestic Violence Program complements and expands Supreme Court efforts to assist and support local courts with best practices and procedures in civil domestic violence and stalking cases and criminal domestic violence and stalking cases in an effort to increase victim safety and hold offenders accountable. The program tracks trends in the domestic violence field and disseminates the information to local courts and allied professionals.

The Domestic Violence Program responded to 150 requests for information in 2009 from internal and external constituencies on a wide array of topics, including protection order forms, domestic violence and/or stalking statutes and recommended practices. The Domestic Violence Program also released two bulletins, *Domestic Violence & Firearms Prohibitions* and *Domestic Violence in Later Life*. The first, *Domestic Violence & Firearms Prohibitions*, puts in context state and federal

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considerations for weapons disqualification resulting from a domestic violence conviction or being subject to a protection order. The second bulletin, *Domestic Violence in Later Life*, explores domestic violence experienced by older Ohioans and distinguishes the issue from general elder abuse violence.

### Advisory Committee on Domestic Violence

The Domestic Violence Program worked closely with the Advisory Committee on Domestic Violence to revise relevant domestic violence and stalking protection order forms to include pertinent language regarding judicial notification on firearms liability. The Supreme Court adopted the recommended changes effective Feb. 1, 2009. The newly adopted forms evidence Ohio's compliance with federal requirements regarding the Violence Against Women Act funds.

### INTERPRETER SERVICES PROGRAM

The Interpreter Services Program provides technical assistance to local courts on matters regarding language access in the courts, including the use of qualified interpreters and development of effective resources to recruit, appoint and use qualified interpreters; and establishes standards and promotes uniform practices for the use of interpreters and translators in Ohio courts.

In 2009, the Interpreter Services Program provided training for about 240 interpreters, 195 court personnel and 20 members of the bar. The training topics included introduction to court interpreting for interpreters, court interpretation for courts and attorneys, legal procedure and terminology for interpreters and bridging the gap with Arabic speakers for courts.

The program completed a translation project of 27 court forms into five languages — Arabic, Mandarin, Russian, Somali and Spanish — in December 2009. The project included forms from domestic relations, juvenile, municipal, probate and general division courts.

Finally, the program saw the adoption of amendments on Nov. 2, 2009, to Rules 80 through 87 and Appendix H of the Rules of Superintendence for the Courts of Ohio. Effective Jan. 1, 2010, the amended rules provide the mechanisms to screen, test and certify court interpreters.

# the changing judiciary

More than 700 judges serve the Ohio judicial system in trial and appellate courts, elected by voters to deliver fair and impartial justice. Consequently, each January and February, dozens of judicial seats change hands, bringing new faces to the delivery of justice at every level.

The following information, broken down by appellate district, lists those who were elected, re-elected, appointed or left office during 2009. Many more, not listed, assumed office in 2009, but were elected or re-elected in 2008.

For a complete listing of all changes to the Ohio judiciary in 2009, including those judges who were seated in 2009 following their November 2008 election, visit the Supreme Court Web site at [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov).

## 1<sup>st</sup> district

NAME	ACTIVITY	COURT
Hon. William L. Mallory Sr.	Appointed	1 <sup>st</sup> District Court of Appeals
Hon. Mark D. Painter	Retired	1 <sup>st</sup> District Court of Appeals
Hon. Nadine L. Allen	Appointed/Assumes Office in 2010 <sup>1</sup>	Hamilton County Court of Common Pleas
Hon. David P. Davis	Retired	Hamilton County Court of Common Pleas
Hon. Fred Nelson	Defeated	Hamilton County Court of Common Pleas

## 2<sup>nd</sup> district

NAME	ACTIVITY	COURT
Hon. William H. Wolff Jr.	Retired	2 <sup>nd</sup> District Court of Appeals
Hon. Carl Sims Henderson	Re-elected	Dayton Municipal Court
Hon. Mel Kemmer	Re-elected	Miami County Municipal Court
Hon. Bill C. Littlejohn	Retired	Dayton Municipal Court
Hon. Deirdre E. Logan	Appointed/Elected	Dayton Municipal Court
Hon. Eugene S. Nevius	Re-elected	Clark County Municipal Court
Hon. John S. Pickrel	Re-elected	Dayton Municipal Court
Hon. Connie Sue Price-Testerman	Appointed <sup>2</sup>	Montgomery County Court of Common Pleas
Hon. Thomas E. Trempe	Re-elected	Clark County Municipal Court
Hon. Lynnita Wagner	Retired	Miami County Court of Common Pleas

*See notes p. 68.*

### 3<sup>rd</sup> district

NAME	ACTIVITY	COURT
Hon. Thomas Jenkins	Retired	Marion County Court of Common Pleas
Hon. Paul Kutscher	Retired	Seneca County Court of Common Pleas
Hon. William G. Lauber	Re-elected	Lima Municipal Court
Hon. Richard E. Parrott	Retired	Union County Court of Common Pleas
Hon. Stephen Ruyle	Retired	Defiance County Court of Common Pleas
Hon. Kevin C. Smith	Retired	Findlay Municipal Court
Hon. Norman Smith	Retired	Shelby County Court of Common Pleas
Hon. Jonathan P. Starn	Elected	Findlay Municipal Court

### 4<sup>th</sup> district

NAME	ACTIVITY	COURT
Hon. Gary R. Dumm	Elected	Circleville Municipal Court
Hon. William A. Grim	Re-elected	Athens County Municipal Court
Hon. William Medley	Retired	Gallia County Court of Common Pleas
Hon. Steven L. Mowery	Elected	Portsmouth Municipal Court
Hon. Richard T. Schisler	Retired	Portsmouth Municipal Court

### 5<sup>th</sup> district

NAME	ACTIVITY	COURT
Hon. Patrick N. Harris	Re-elected	Fairfield County Municipal Court
Hon. John Newlin	Retired	Coshocton County Court of Common Pleas
Hon. Jeff Payton	Retired	Mansfield Municipal Court
Hon. C. Fenning Pierce	Retired	Coshocton County Court of Common Pleas
Hon. Richard Reinbold	Retired	Stark County Court of Common Pleas
Hon. Jon R. Spahr	Retired	Licking County Court of Common Pleas
Hon. Russell Steiner	Retired	Licking County Court of Common Pleas

## 6<sup>th</sup> district

NAME	ACTIVITY	COURT
Hon. Keila D. Cosme	Appointed	6 <sup>th</sup> District Court of Appeals
Hon. William Skow	Died in Office	6 <sup>th</sup> District Court of Appeals
Hon. William M. Connelly Jr.	Elected	Toledo Municipal Court
Hon. Brad Culbert	Defeated	Sandusky County Court of Common Pleas
Hon. Roger W. Hafford	Defeated	Sandusky County Court of Common Pleas
Hon. John P. Kolesar	Appointed	Sandusky County Court
Hon. Paul Moon	Retired	Ottawa County Court of Common Pleas
Hon. Harry Sargeant Jr.	Retired	Sandusky County Court of Common Pleas
Hon. Lynn H. Schaefer	Retired	Toledo Municipal Court
Hon. William R.S. Steuk	Re-elected	Huron Municipal Court

## 7<sup>th</sup> district

NAME	ACTIVITY	COURT
Hon. Charles A. Johnston	Defeated	Carroll County Municipal Court
Hon. John Weyand	Retired	Carroll County Court of Common Pleas
Hon. Gary L. Willen	Elected	Carroll County Municipal Court

## 8<sup>th</sup> district

NAME	ACTIVITY	COURT
Hon. Anthony Calabrese Jr.	Retired	8 <sup>th</sup> District Court of Appeals
Hon. Kenneth Callahan	Retired	Cuyahoga County Court of Common Pleas
Hon. Patrick J. Carroll	Re-elected	Lakewood Municipal Court
Hon. James Celebrezze	Retired	Cuyahoga County Court of Common Pleas
Hon. John E. Corrigan	Retired	Cuyahoga County Court of Common Pleas
Hon. John Donnelly	Retired	Cuyahoga County Court of Common Pleas
Hon. Michelle D. Earley	Appointed/Elected	Cleveland Municipal Court
Hon. Timothy P. Gilligan	Elected	Parma Municipal Court
Hon. Emanuella D. Groves	Re-elected	Cleveland Municipal Court
Hon. Harry J. Jacob III	Elected	Bedford Municipal Court
Hon. Peter J. Junkin	Retired	Bedford Municipal Court
Hon. Judith Kilbane Koch	Retired	Cuyahoga County Court of Common Pleas
Hon. Anita Laster Mays	Re-elected	Cleveland Municipal Court
Hon. Lauren Cecile Moore	Re-elected	Cleveland Municipal Court
Hon. Diane M. Palos	Appointed	Cuyahoga County Court of Common Pleas
Hon. Pauline Harriet Tarver	Re-elected	Cleveland Municipal Court

NAME	ACTIVITY	COURT
Hon. Lynn Slaby	Retired	9 <sup>th</sup> District Court of Appeals
Hon. Gary C. Bennett	Elected	Elyria Municipal Court
Hon. Lisa L. Coates	Elected	Stow Municipal Court
Hon. Katarina Cook	Elected	Akron Municipal Court
Hon. Thomas J. Elwell Jr.	Re-elected	Lorain Municipal Court
Hon. Stephen A. Fallis	Appointed/ Defeated	Akron Municipal Court
Hon. Timothy M. Flanagan	Retired	Cuyahoga County Court of Common Pleas
Hon. Robert M. Gippin	Defeated	Summit County Court of Common Pleas
Hon. Frank Horvath	Retired	Lorain County Court of Common Pleas
Hon. Linda Kersker	Appointed/ Died in Office	Akron Municipal Court
Hon. Gerald K. Larson	Appointed/Elected	Akron Municipal Court
Hon. Lisa A. Locke Graves	Re-elected	Elyria Municipal Court
Hon. Thomas M. McCarty	Elected	Akron Municipal Court
Hon. John R. Musson	Retired	Elyria Municipal Court
Hon. William G. Rickett	Appointed/Elected	Wayne County Municipal Court
Hon. Mary Spicer	Retired	Summit County Court of Common Pleas
Hon. Orlando J. Williams	Appointed/ Defeated	Akron Municipal Court



NAME	ACTIVITY	COURT
Hon. Charles Petree	Retired	10 <sup>th</sup> District Court of Appeals
Hon. Ted Barrows	Re-elected	Franklin County Municipal Court
Hon. Laurel Beatty	Appointed	Franklin County Court of Common Pleas
Hon. Lawrence A. Belskis	Defeated	Franklin County Court of Common Pleas
Hon. Kimberly Cocroft	Appointed	Franklin County Court of Common Pleas
Hon. Julia L. Dorrian	Re-elected	Franklin County Municipal Court
Hon. Carrie E. Glaeden	Re-elected	Franklin County Municipal Court
Hon. Janet A. Grubb	Retired	Franklin County Municipal Court
Hon. Harland H. Hale	Re-elected	Franklin County Municipal Court
Hon. Paul M. Herbert II	Re-elected	Franklin County Municipal Court
Hon. Mark A. Hummer	Elected	Franklin County Municipal Court
Hon. H. William Pollitt Jr.	Re-elected	Franklin County Municipal Court
Hon. Anne Taylor	Re-elected	Franklin County Municipal Court
Hon. David B. Tyack	Re-elected	Franklin County Municipal Court

NAME	ACTIVITY	COURT
Hon. Cynthia Westcott Rice	Re-elected	11 <sup>th</sup> District Court of Appeals
Hon. Mark K. Fankhauser	Elected	Portage County Municipal Court
Hon. John J. Plough	Retired	Portage County Municipal Court
Hon. Kevin T. Poland	Elected	Portage County Municipal Court
Hon. Barbara R. Watson	Retired	Portage County Municipal Court
Hon. William Weaver	Retired	Lake County Court of Common Pleas

NAME	ACTIVITY	COURT
Hon. James Walsh	Retired	12 <sup>th</sup> District Court of Appeals
Hon. Mark R. Bogen	Re-elected	Lebanon Municipal Court
Hon. Chad L. Carey	Re-elected	Clinton County Municipal Court
Hon. R. Alan Corbin	Retired	Brown County Court of Common Pleas
Hon. James Heath	Died in Office	Warren County Court of Common Pleas
Hon. Paul D. Henry	Re-elected	Eaton Municipal Court
Hon. Thomas R. Herman	Re-elected	Clermont County Municipal Court
Hon. Robert Peeler	Appointed	Warren County Court of Common Pleas
Hon. James A. Shriver	Re-elected	Clermont County Municipal Court
Hon. W. Kenneth Zuk	Appointed	Clermont County Court of Common Pleas

## NOTES

1. Began service on Jan. 1, 2010, following gubernatorial appointment in 2009. Vacated seat in Hamilton County Municipal Court on Dec. 31, 2009.
2. Began service on March 16, 2009, following gubernatorial appointment. Vacated seat in Montgomery County Court on March 15, 2009.

# fiscal & management resources division

Office of Fiscal & Management Resources  
Ronda E. Perri ▪ Director

Office of Human Resources  
Monica Hunyadi ▪ Director

The Fiscal & Management Resources Division provides support to the Supreme Court and Ohio judiciary in the areas of fiscal and human resources and records management with the director of Fiscal & Management Resources providing oversight and administrative direction for the operation of the division. The primary responsibilities include managing the budget, providing for sound internal controls consistent with auditing standards and providing accurate reporting for better decision making. The division coordinates the employment process, provides training programs to benefit employees and safeguards the Court's records and assets. The offices work with Court leadership, refining current and implementing new administrative policies and guidelines, to better serve the operations of the Court and to provide for consistent standards and improved efficiency.

FISCAL & MANAGEMENT  
RESOURCES DIVISION  
2009 STAFF

Jillian Anderson  
Michael Bracone  
Dave Coleman  
Deborah Fagan  
Linda Hodge  
Karen Howard  
Monica Hunyadi  
Catherine Merrill  
Daniel Merrill  
Elizabeth Minor  
Anthony Mohorovich  
Sharon Nessler  
Ronda Perri  
Lisa Sharron  
Laura Smith  
Payal Thakur  
Rusti Townsend

The Fiscal & Management Resources Division was involved extensively during 2009 with the 2010-2011 operating budget process, including managing reductions to the budget request and funding operations through three interim budgets until implementing a final fiscal year 2010 budget. Once the Ohio General Assembly approved the final budget appropriation, the division worked in collaboration with the Administrative Division staff and the Ohio Department of Administrative Services (DAS) to monitor benefits and compensation changes made throughout the budget process and to ensure budget language addressed application to the judiciary and that relevant administrative policies were revised where necessary.

The division worked on the submission of a business case regarding reoccurring issues with the state's Ohio Administrative Knowledge System (OAKS), and processing concerns involving the unique needs of the judiciary. While a more robust system dedicated to the judiciary's fiscal and payroll functions is the optimum, such a system is not feasible with the limited resources in the current economic climate, and full access to the functions was not advisable without a fully integrated internal control program. Thus, the division continued to work with DAS toward an agreement on limited segmentation of, and access to, specific fiscal and payroll functions. Staff met with DAS and the Office of Budget and Management (OBM) to improve services and recommend system design changes to address the issues being tracked.

## THE OFFICE OF FISCAL & MANAGEMENT RESOURCES

The Office of Fiscal & Management Resources is the lead office in the division. The office is responsible for the Court's budget, which was \$143 million for fiscal year 2010. The budget supports the payment of the salaries of Ohio judges and courts of appeals staff, as well as the operation of the Ohio Judicial Center, which houses the Supreme Court of Ohio. The office also ensures proper internal controls are in place and administers 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 analysis of revenues and expenditures; managing cash flow of non-general revenue funds; providing internal reporting and external reporting to regulatory bodies as required; and certifying the inventory of Court assets.

In 2009, the Office of Fiscal & Management Resources worked with Court leadership and OBM through three interim budgets and implemented a final fiscal year 2010 budget accepting a \$3.4 million general revenue reduction from the

fiscal year 2009 budget. The office provided support for a variety of projects and requests to prioritize funding, balancing the management of necessary operations against the continued momentum of the Court's strategic plan. This included working with other offices to assess optimum staffing levels, improving process efficiencies and recommending policy revisions to reduce costs while maintaining sound internal controls.

Responsibilities among the staff were reorganized during the year, with the elimination of one position. Work continued with OBM on tasks related to OAKS, cash-flow management and projections, and implementation of new processes affecting general ledger, accounts payable, accounts receivable, purchasing and financial reporting access and functionality. The office also certified its annual inventory of assets and submitted the certification to DAS, increased electronic data processing of vendor payments and deposits versus paper warrants, reduced the office's processing of paper vouchers by approximately 11 percent from the previous year and worked on fully documenting desk procedures and core processes for each position within the office.

The Office of Fiscal & Management Resources submitted changes in municipal tax law for assigned judges and courts of appeals judges working in multiple jurisdictions and conducted training on Ohio municipal taxes. The office also began planning a basic fraud prevention and detection program, the development of which will continue throughout 2010, to assist local courts in deterring fraud while managing court resources.

## OFFICE OF HUMAN RESOURCES

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

The Office of Human Resources supported a wide range of human resource management needs in 2009. While core activities related to recruitment, employee relations, training, and compensation and benefits administration were maintained, the staff also delivered new programs and additional support. Staffing and responsibility changes within the department were key to delivering greater service and

## EMPLOYEE EVENTS COMMITTEE

Gerri Allen  
Jillian Anderson, *co-chair*  
Mary Joe Beck  
Valerie Cannell  
Brian Dalton  
Jennifer Dennis  
Kristina Halter  
Justin Kudela  
Lei Moore  
Michele Pennington  
Sandy Ringer  
Stephanie Tansill  
Vikkie Wilson, *co-chair*  
Kelly Witt



PICTURED: Staff participate in a Thanksgiving Potluck lunch hosted by the Employee Events Committee in November 2009.

The Employee Events Committee is an internal committee of the Supreme Court and affiliated office staff whose mission is team-building and supporting functions not funded through tax-payer dollars, such as retirement receptions and the annual holiday party for Justices and staff. The committee organizes various competitions throughout the year, raising funds through entrance fees and sales of food donated by employees. Staff participate in and attend these events on their lunch hours and after work.

support to the Court, affiliated offices, judges and staff.

The office implemented its intranet-based training plan in 2009 and continued its annual offering of internal training on policy updates and provided orientation programs for Court staff and externs while supporting training for new and administrative judges. The staff coordinated or provided training on a variety of topics, including cultural competency, customer service, the basics of human resources and related employment law updates. The office also led safety committee monthly meetings and related training, helping to improve the documentation of safety and health practices and procedures.

Throughout the year, the staff sought human resource program process improvements and then completed the task of more fully documenting the office's core processes and procedures while updating data and forms. This included updating the performance evaluation process and integrating it with intranet access, new manuals for key Court staff and assisting with the redesign of core intranet functions. A new emergency notification program was researched and populated for implementation, and use of the federal work-study student program was expanded. Human Resources staff continued to facilitate the state's wellness program and sponsored an in-house "Biggest Loser" contest, while supporting many other health-awareness programs, such as sponsored walks and wellness fairs. In addition, staff entered a partnership with staff from the Office of the Attorney General that enhanced the Court's workers' compensation case management.

The Office of Human Resources worked with the DAS staff on OAKS issues to improve payroll and benefit system service and accuracy. Specifically, system design changes were recommended and reoccurring issues were tracked and managed by the team. New modules were explored and human capital data specific to the Court were entered and tested. These data will be added in the coming year and will be key to more completely using the available OAKS technology in future years.

Finally, Human Resource staff partnered with DAS benefits staff to implement additional life insurance for municipal and county court judges



Children of Supreme Court employees participate in a mock trial in the Visitor Education Center during the "Take Your Child to Work Day" program, hosted by the Office of Human Resources each year.

## RECORDS MANAGEMENT CENTER

The Records Management Center is the Court's off-site records storage facility. The center operates under a comprehensive records management policy for retention and storage of the Court's records. The Records Management Center completed an electronic imaging project of about 150,000 pages that included old journal books, minute books and general indices, converting them to digital format for future access. The project allows for continued preservation of 205 original books, some dating back to the early 1900s, in a controlled environment preventing further damage from handling.

The staff created a database of frequently requested documents to scan and e-mail easily upon request, and made changes to the records retention policy and forms to ensure compliance.

The Records Management Center staff labeled, bar coded and entered more than 3,100 boxes and files into its information management system for storage and recycled more than 12.8 tons of paper and electronic storage media in accordance with scheduled procedures.

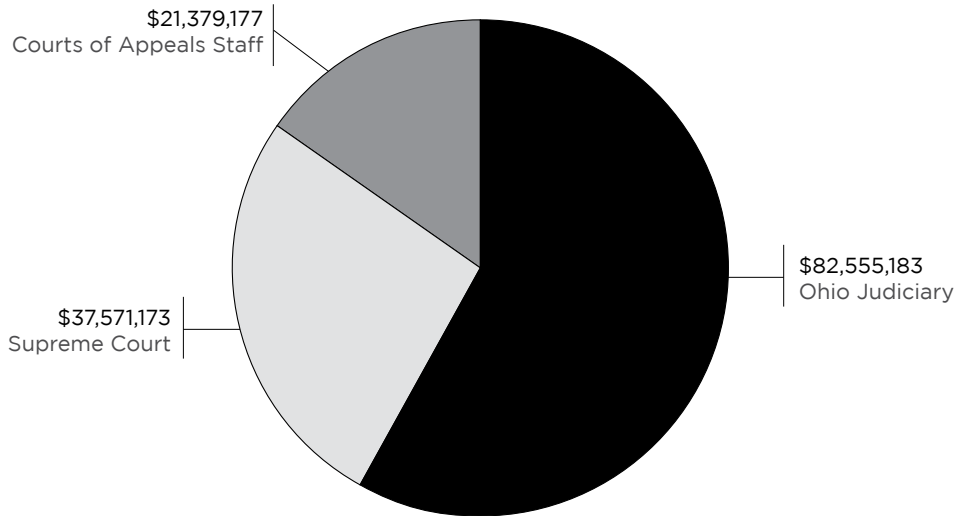
# judiciary/supreme court budget fiscal years 2009 and 2010

	Expenditures FY 2009	Percent of Total	Budgeted FY 2010	Percent of Total
<b>OHIO JUDICIARY</b>				
Courts of Appeals Judges	\$ 11,245,180	7.9	\$ 11,565,218	8.1
Trial Court Judges	71,310,003	50.4	72,166,405	50.4
<b>TOTAL OHIO JUDICIARY</b>	<b>\$ 82,555,183</b>	<b>58.3</b>	<b>\$ 83,731,623</b>	<b>58.5</b>
<b>COURTS OF APPEALS STAFF</b>	<b>\$ 21,379,177</b>	<b>15.1</b>	<b>\$ 21,690,841</b>	<b>15.2</b>
<b>SUPREME COURT</b>				
Justices and Staff	\$ 3,866,609	2.7	\$ 3,918,490	2.7
Administrative Division	3,816,950	2.7	3,290,655	2.3
Clerk's Division	1,185,259	0.8	1,088,510	0.8
Legal Resources Division	3,329,659	2.4	3,513,109	2.5
Fiscal & Management Resources Division	1,541,103	1.1	1,430,826	1.0
Information Technology Division	2,720,569	1.9	2,664,448	1.9
Facilities Management Division	4,960,743	3.5	5,336,382	3.7
Attorney Services Division	4,941,465	3.5	5,407,743	3.8
Judicial & Court Services Division	6,550,098	4.6	6,559,437	4.6
Ohio Courts Network Initiative	3,780,115	2.7	4,000,000	2.8
Commission on Legal Education Opportunity	350,000	0.2	0	0.0
Ohio Center for Law Related Education	236,172	0.2	236,172	0.2
Ohio Criminal Sentencing Commission	292,430	0.2	206,770	0.1
<b>SUPREME COURT TOTAL</b>	<b>\$ 37,571,173</b>	<b>26.5</b>	<b>\$ 37,652,542</b>	<b>26.4</b>
<b>OHIO JUDICIARY/ SUPREME COURT TOTAL</b>	<b>\$ 141,505,533</b>	<b>99.9</b>	<b>\$ 143,075,006</b>	<b>100.1</b>



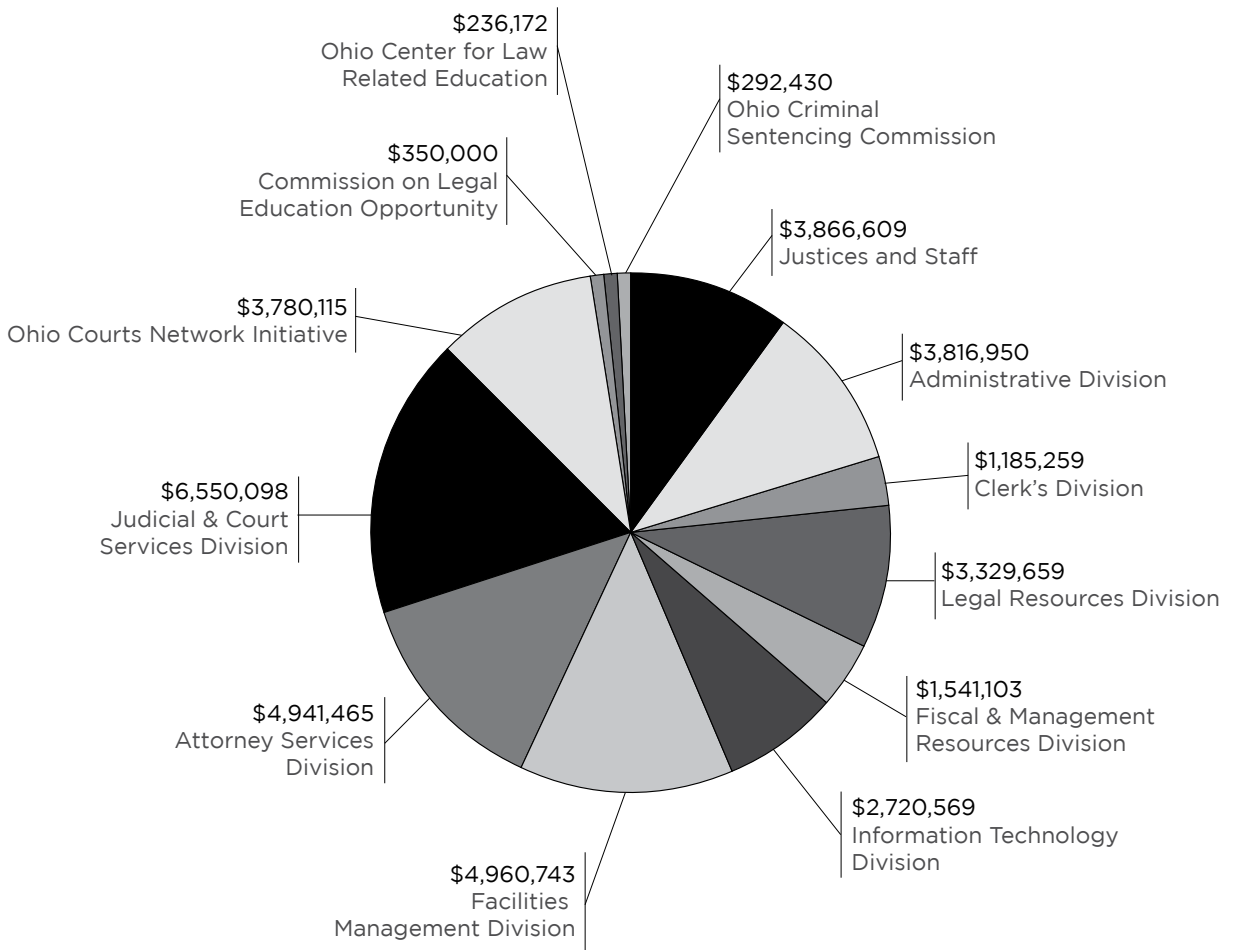
OHIO JUDICIARY/SUPREME COURT  
Fiscal Year 2009 Total Expenditures

**\$141,505,533**



SUPREME COURT  
Fiscal Year 2009 Total Expenditures

**\$37,571,173**



# SUPREME COURT MAKES FISCAL REDUCTIONS

The Court made significant reductions in spending prior to the enactment of the fiscal years 2010 and 2011 budget bill. For example, nine positions were eliminated, two of which were active positions that resulted in the discharge of two employees.

The Court announced in February 2009 that it achieved a projected \$1.5 million reduction in spending for fiscal year 2009 as part of the Court's overall effort to help reduce the budget deficit facing Ohio.

The Court requested a 0 percent increase in its general revenue fund (GRF) budget for fiscal year 2010 and fiscal year 2011 when compared with the fiscal year 2009 budget of \$138.9 million. Working with the Ohio Senate, that request was reduced by an additional \$3.4 million.

The voluntary reductions achieved during fiscal year 2009 were the latest in a series of steps the Court has taken to reduce its spending. Over the past four fiscal years, the Court saved more than \$11 million through reduced budget appropriations and unspent moneys returned to the state treasury.

In 2008, Chief Justice Moyer sent a letter to Gov. Strickland voluntarily cutting the Supreme Court's general revenue fund budget (not the judiciary portion of the budget, most of which is statutorily mandated) by 5 percent in fiscal year 2008 and 5 percent in fiscal year 2009 from what was previously approved by the General Assembly. This equalled a reduction in spending authority of \$1.5 million in fiscal year 2008 and \$1.65 million in fiscal year 2009.

The Supreme Court/Judiciary turned back unspent moneys at the end of each of the past three fiscal years:

FY 2008	FY 2007	FY 2006
\$1.8 million	\$1.7 million	\$3.3 million

A few general points on the Court's budget:

The General Revenue Fund portion of the Supreme Court and Judiciary budget for fiscal year 2010 totaled \$135.5 million. This is approximately 1/2 of 1 percent of the total state GRF budget and is the state's entire share of the third branch of Ohio government.

More than 60 percent of the Supreme Court and Judiciary GRF budget is nondiscretionary because it goes to pay judges' salaries, which are set by statute. This portion of the budget cannot be reduced because the Ohio Constitution prohibits the diminishment of judges' compensation.

The total Supreme Court/Judiciary budget also includes a federal/state grant fund and special revenue funds supported by attorney registration fees, bar admission fees, and Judicial College education fees.

# information technology division

Office of Information Technology  
Robert D. Stuart ▪ Director

Office of Network & Technology Resources  
David Saffle ▪ Director

The Information Technology Division operates the Court's information technology systems and processes, which includes developing and maintaining the Court's computer networks, databases, software programs, copiers, telephones and audiovisual technologies, as well as designing and implementing strategic and tactical acquisition plans for the purchase of technology resources. The division also develops and implements the Ohio Courts Network, provides guidance to Ohio courts on technology-related matters and facilitates the development of statewide information technology standards for Ohio courts.

INFORMATION  
TECHNOLOGY DIVISION  
2009 STAFF

Deborah Boyd  
John Crossman  
Jacob Delgado  
Mark Dutton  
Kristina Halter  
James Homer  
Jeremy Johnson  
Alex Kail  
Anthony Kenzie  
Loren McCauley  
Edward McNachtan  
Jennifer Middeler  
Matthew Miller  
Brandee Preston  
Megan Real  
Kristina Rotach  
David Saffle  
Robert Stuart  
Sowjanya Valluri

## OFFICE OF INFORMATION TECHNOLOGY

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

### Major Technology Projects in 2009

The Information Technology staff worked on projects for numerous courts throughout the state, as well as several Supreme Court divisions.

#### Supreme Court of Ohio

The staff implemented Microsoft Office 2007, which included upgrading most of the Court computers, and partnered with the Office of Human Resources to conduct four-hour training sessions with all employees. Additionally, the Court's e-mail accounts were amended for each individual to "first.lastname@sc.ohio.gov," while retaining the ability to receive e-mail at the old address.

The staff also installed a new Google appliance and upgraded the Google software on that appliance, upgraded the network core switches to support future growth and connectivity requirements for the Court's users and servers, and implemented a system to track inventory of computers and other technology assets and track help desk tickets.

Information Technology also upgraded the Court's e-mail servers from Exchange 2007 to Service Pack 2, a significant upgrade and update to a vendor's software, which was necessary to enable migration to Exchange 2010, the next release of Microsoft's e-mail server. It also provides enhancement for backups, public folder management, and diagnostic and trouble-shooting capabilities, as well as a large number of bug fixes and security patches.

#### Attorney Services Division

Working with the Attorney Services Division, the Information Technology staff implemented a new method for submitting continuing legal education (CLE) course credit information electronically. The new process allows CLE sponsors to submit a spreadsheet template on a password-protected Web page. The data is validated and added to the CLE database or rejected automatically, and sponsors receive immediate feedback by e-mail. Information Technology also developed a module for the Board of Commissioners on Character & Fitness for the bar admissions application. The new application tracks appeals for applicants who are denied admission based on character or fitness concerns.

#### Office of the Disciplinary Counsel

For the Office of the Disciplinary Counsel, the Information Technology staff installed two new servers that run the Case Management System (CMS) program. Staff installed a Time Warner connection at the Office of Disciplinary Counsel network, which allows for two pathways to that office from the Court and provides for improved efficiency and faster access to the Internet and the Court.

#### Judicial College

To assist the Judicial College, Information Technology staff installed a Moodle1 server, enabling the college to offer distance learning. Staff also developed a Web site to allow judges to register for Judicial College courses, eliminating paper registration. Future enhancements will extend this ability to attorneys and other court personnel.

#### Office of Court Security

To assist the Court's Office of Court Security, the Information Technology staff replaced the analog video servers in the Court's Security Control Center with new digital video servers to offer more efficient recording and clearer pictures. Staff also installed a new badge printer and scanner for photo identification at the Civic Center Drive security station.

#### Courts of Appeals

The Information Technology staff installed the Appeals Court Case Management System (ACMS) in the 5<sup>th</sup> District Court of Appeals and began implementation in the 4<sup>th</sup> District. The division also implemented a "hosted" version of the ACMS, which allows the application to physically reside in the Supreme Court offices while participating courts access the application remotely. This hosted system eliminates the need for the local court to manage a server, perform data backups and provide for disaster recovery — services now provided by the Supreme Court Information Technology staff. Nine of the 12 appellate courts currently use ACMS and all will convert to the hosted version of ACMS by early 2010.



Technology Resources Program Manager Ed McNachtan leads an OCN user training class at the Ohio Judicial Center.

## **OHIO COURTS NETWORK** Initiative Sees Progress in 2009

**W**ith development started in 2007, the Supreme Court Information Technology staff in 2009 continued expanding the online connectivity of the Ohio Courts Network (OCN) with local courts and justice partners. When finished, the OCN will be a centralized data warehouse of court case-related information with a data interface from justice system partners. The network is Internet-based and provides secure access to information.

Progress was made throughout the year to bring local courts online with the system.

## At the end of 2009:

Forty-four local courts were connected to OCN and sending daily case updates to the network. Likewise, their historical case information was loaded and made available to network users. Case information for 14 courts was being loaded into the system; the connectivity for 16 courts was being tested; and planning for the connectivity of 51 courts was under way. The state's remaining 200 courts were not yet scheduled for connection.

Information Technology staff contracted with the Akron Municipal Court and its vendor, MAPSYS, to develop OCN connectivity for the court. Because Akron is the sixth-largest court by case volume in the state, this was important to the overall benefit of OCN. Staff also completed connectivity with numerous municipal courts and began developing connectivity for the state's juvenile courts.

Information Technology staff began working with staff from the Ohio Department of Youth Services (DYS) and Ohio Criminal Justice Services (OCJS) to provide DYS daily reports via OCN to the juvenile courts of the state. Once OCN reporting is complete, OCJS will shut down its Juvenile Justice Information System. The staff also completed the first phase of the Partner Web Service product, which allows justice partners to query the OCN case data warehouse directly. The Attorney General's Office will be the first user, looking at court data from law enforcement's OHLEG system.

A pilot project, featuring the Cuyahoga County and the Summit County jails, was launched with the Ohio Department of Rehabilitation and Corrections to create a statewide jail-booking data warehouse. Once the data warehouse is developed, the booking data will be added to OCN as another data source for conducting searches.

A discounted prepayment plan was negotiated with Metatomix for two years of OCN application maintenance. The prepayment used the funds available in the Technology Initiative Fund from the fiscal year 2009 budget and allowed for a budget reduction for the 2010-2011 budget cycle.

COMMISSION ON  
TECHNOLOGY  
& THE COURTS  
Robert Stuart  
*secretary*

David S. Bloomfield Jr.  
Hon. Gary Byers, *chair*  
Hon. Rockne Clarke  
Lisa Wu Fate  
Hon. Dan Favreau  
Hon. Martin Frantz  
Hon. Phil Giavasis  
Hon. Cheryl Grant  
Charles Lawrie  
Hon. Julie Lynch  
Christian Moeller  
Ernie Moore  
Hon. Mike Powell  
Hon. Jack Puffenberger  
Hon. Lynn Slaby  
Hon. James F. Stevenson  
Kenneth R. Teleis  
W. James Walsh  
Hon. Timothy Williams  
Hon. John Wise

## OFFICE OF NETWORK & TECHNOLOGY RESOURCES

The Office of Network & Technology Resources manages the Court's servers, desktop and laptop computers, computer network, network security, help desk, information technology training classes, off-the-shelf software implementation, copiers, information technology purchasing, audiovisual systems, teleconferencing systems and telecommunications (voice, data, video).

### Technology Services Section

The Technology Services Section provides project support for the OCN project and assists other courts in the state with technology-related decisions and projects, such as case management system implementation and equipment purchases. The group also supports the Commission on Technology & the Courts in its efforts.

### Commission on Technology & the Courts

The Commission on Technology & the Courts examines technology issues affecting Ohio's courts and provides input on OCN development, governance and use.

The commission held three meetings during 2009, receiving regular OCN updates and considering the development of a process and form for processing OCN audit requests. Other agenda issues included discussion on the possibility of partnering with the Attorney General's Bureau of Criminal Identification & Investigation to implement Live Scan fingerprinting equipment in the courts. Commission members also discussed the establishment of a working group to evaluate the need for and benefit of a Supreme Court-managed case management system for lower courts.



# facilities management division

Office of Facilities Management  
Craig Morrow ▪ Director

Office of Court Security  
James P. Cappelli ▪ Director

The Facilities Management Division ensures the secure and efficient operation of the Ohio Judicial Center and maintains internal and external comfort, cleanliness and building standards. The division's building management services ensure the safety and comfort of guests of the Ohio Judicial Center, and offer security assessments and assistance to Ohio courts.

FACILITIES MANAGEMENT  
DIVISION  
2009 STAFF

Benjamin Archibald  
Betty Barringer  
Robert Brown  
Thomas Brown  
Kenton Butcher  
James Cappelli  
Timothy Carter  
James Cohagan  
William Crawford  
Roger Eden  
Ryan Fahle  
Roberto Frantz  
Anthony Harrington  
Mary Harrison  
Jane Holmes  
Gregory Hutchins  
Anthony Joyce  
Stanley Landrum  
Allegra Lewis  
Michael Mason  
Roscoe Mayes  
Riley McQueen  
Craig Morrow  
Steven Neal  
Gerald Norris  
Ian Palmer  
Aritha Peaks  
Joey Perkins  
Michael Robison  
James Rose  
Frank Rutherford  
Ben Sawyer  
David Short  
George Smith  
Robin Smith  
Linda Sykes  
Stephanie Tansill  
Jason Thomas  
Richard Wardell  
Vikkie Wilson  
Michael Woods

OFFICE OF FACILITIES MANAGEMENT

The Office of Facilities Management establishes direction for the division by setting priorities and standards and monitoring progress. This office manages resources and budget and oversees the work of the division's offices and work groups.

Craig Morrow joined the Court as director of Facilities Management in June 2009. His work included coordinating the response to a major power outage in the Ohio Judicial Center from a failure of a large electrical conductor. The outage was quickly diagnosed and temporary repairs were completed overnight to minimize the effect on Court operations.

MAINTENANCE WORK GROUP

The Maintenance Work Group is responsible for employee, tenant and guest comfort, and building systems efficiency and operations through physical plant monitoring and asset maintenance, repairs, upgrades, compliance review and contracting.

In 2009, several members of the Maintenance Work Group attended in-depth training, including variable frequency drive controller training and electrical motor control training. Safety training also was presented, with more planned.

As part of the work group's strategic goals in 2009, Robin H. Smith initiated a review and re-work of the position descriptions for all three classes of maintenance workers to better reflect the Court's requirements and the actual work responsibilities of the department. This project, completed in December, enables the use of more in-house capabilities, thus reducing costs.

Smith also initiated and oversaw a project to install "deduct" water meters for building cooling towers, fountains and landscape irrigation sprinkler systems. The meters save the Court utility dollars by enabling it to avoid city sewer fees for water that evaporates.

HOUSEKEEPING & GROUNDS WORK GROUP

The Housekeeping & Grounds Work Group is responsible for employee, tenant and guest satisfaction and safety through interior housekeeping and exterior groundskeeping (including snow and ice removal) and contracting for outside services as required. The exterior areas maintained include the Ohio Judicial Center's exterior plazas, landscaped areas, sidewalks and stairs. The interior areas maintained include all office and public areas, including the Law Library, the Judicial Education Center and the Courtroom.

In October 2009, several Housekeeping & Grounds staff attended the 18<sup>th</sup> Annual Ohio Workplace Safety Conference. Housekeeping & Grounds staff also attended an H1N1 training class. The work group realized significant landscaping cost savings by assuming the installation of plants and mulch, and pruning and fertilizing duties formerly contracted to outside vendors. It also made modifications that reduced annual window- and carpet-cleaning costs.

Additionally, to more readily provide safety-related information, the work group now posts electronic versions of material safety data sheets for its cleaning materials on the Court's internal Web site.

## MAIL CENTER

During 2009, the Mail Center staff processed 299,375 pieces of mail bound for the U.S. Postal Service. Including interoffice, express and other mail, staff processed more than 593,000 pieces of mail. Taking advantage of lower presort rates on 176,075 pieces, the Court saved \$13,331 in postage expenses.

The Mail Center staff was reduced to two full-time mail clerks upon the retirement of a staff member. To spare the Court the cost of a full-time hire, an employee from another work group was cross-trained to provide coverage in the Mail Center as needed.



Dockmaster/Mail Clerk Stanley Landrum works in the Ohio Judicial Center Mail Center.

## MEETINGS & EVENTS WORK GROUP

The Meetings & Events Work Group schedules Ohio Judicial Center conference rooms, plans special functions and supports other events hosted in the Ohio Judicial Center. Meetings & Events staff set up the Courtroom, Justices' robing room, deliberation room and attorney waiting rooms when the Supreme Court is in session.

In 2009, Meetings & Events set up 1,202 meetings and events, hosting nearly 17,000 participants.

In May 2009, the updated Meeting Room Manager software program was completed and introduced to staff.

At the end of the year, one staff member resigned and another retired. Two new assistants were hired in December to fill the vacant positions.

ADVISORY COMMITTEE  
ON COURT SECURITY  
& EMERGENCY  
PREPAREDNESS  
James P. Cappelli  
*staff liaison*

Walter Brown  
Tom Chidester  
Donald Colby  
James Dwertman  
Peter J. Elliott  
Nancy McClatchy  
Hon. Matthew McFarland  
Hon. Deborah Nicastro  
Hon. Maureen O'Connor,  
*chair*  
Hon. Mike Powell  
Hon. Dana Preisse  
Ken Roll  
George Romanoski  
Dottie Tuttle  
James Wahrlab

## OFFICE OF COURT SECURITY

The Office of Court Security provides physical and personnel security at the Ohio Judicial Center; continuity of operations planning; security training and physical security assessments for local courts; and security consulting services for judges throughout Ohio.

The Office of Court Security is responsible for the security of the Ohio Judicial Center and the safety of all staff and visitors. In 2009, Court security officers conducted more than 49,000 security screenings of visitors during business hours and after-hours events at the Ohio Judicial Center, as well as at the Paulding County Off-Site Court session. All Supreme Court security officers are certified in first aid and two are certified as first responders. Security officers also provide training to local courts on security screening equipment (X-Ray equipment and magnetometers) and Taser certification.

The marshal attends to the ceremonial duties within the Courtroom and provides personal protection for the Justices while they conduct official business within the state. As manager of the Inappropriate Communications program, the marshal handles all forms of communication that require monitoring or coordination with federal or other state offices.

### Advisory Committee on Court Security & Emergency Preparedness

The Supreme Court Advisory Committee on Court Security & Emergency Preparedness is chaired by Justice Maureen O'Connor and provides ongoing advice to the Chief Justice on issues of safety and security in courts and courthouses throughout the state. The advisory committee also assists in the development of emergency preparedness and continuity of operations plans by courts.

During 2009, the committee updated and expanded the security standards in Appendix C (Court Security Standards) of the Rules of Superintendence for Ohio Courts, created and deployed a training program for statewide continuity of operations planning and continued work with the Ohio Peace Officer Training Academy to update training requirements for Ohio bailiffs. The advisory committee published a Court Continuity of Operations Program Guide and a Court Continuity of Operations Plan template to assist local courts in developing their continuity of operations plans, as required by Sup. R. 9 and Appendix C.

# affiliated offices

Office of Disciplinary Counsel  
Jonathan E. Coughlan ▪ Disciplinary Counsel

Board of Commissioners  
on Grievances & Discipline  
Jonathan W. Marshall ▪ Secretary

Clients' Security Fund  
Janet Green Marbley ▪ Administrator

Ohio Criminal Sentencing Commission  
David J. Diroll ▪ Executive Director

The Ohio Constitution gives the Supreme Court of Ohio responsibilities to oversee the practice of law in the state. To fulfill these duties, the Court developed one of the most comprehensive disciplinary systems of any state in the nation by establishing three offices — Office of Disciplinary Counsel, Board of Commissioners on Grievances & Discipline, and the Clients' Security Fund — to exercise quasi-independent authority to assist the Court.

In addition, Chief Justice Moyer chairs the Ohio Criminal Sentencing Commission, which was created by statute in 1990. The commission reviews Ohio's sentencing statutes and patterns, and recommends necessary statutory changes.

OFFICE OF  
DISCIPLINARY COUNSEL  
2009 STAFF

Paula Adams  
Stacy Beckman  
Robert Berger  
Lori Brown  
Joseph Caligiuri  
Carol Costa  
Jonathan Coughlan  
Brenda English  
Linda Hardesty-Fish  
Mark Hatcher  
Heather Hissom  
Donald Holtz  
Laura Johnston  
Joel Kent  
Philip King  
Michael Kozanecki  
Randy McGough  
Christine McKrimmon  
James McMahan  
Rae Nicholas  
Karen Osmond  
Heath Rambo  
Mischelle Russell  
Shannon Scheid  
Holly Smith  
Amy Stone

BOARD OF  
COMMISSIONERS  
ON GRIEVANCES  
& DISCIPLINE  
2009 STAFF

Anne Butcher  
Ruth Dangel  
Faith Long  
Jonathan Marshall  
Michele Pennington  
Jennifer Routte

CLIENTS' SECURITY FUND  
2009 STAFF

Meletha Dawson  
Pamela Leslie  
Janet Green Marbley  
Abigail Minnix

OHIO CRIMINAL  
SENTENCING  
COMMISSION  
2009 STAFF

David Diroll  
Linda Hardesty-Fish  
Cynthia Ward  
Shawn Welch

OFFICE OF DISCIPLINARY COUNSEL

The Office of Disciplinary Counsel is authorized to investigate allegations and initiate complaints concerning ethical misconduct and/or mental illness of judges or attorneys under the Code of Professional Responsibility, the Rules of Professional Conduct, 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. The current staff includes 10 attorneys, one administrative officer, one executive administrative assistant, two full-time and one part-time legal research analysts/paralegals, two full-time and one part-time investigators, four legal secretaries, one receptionist and one clerical support person.

During 2009, the Office of Disciplinary Counsel received 3,247 matters for consideration, including 2,319 grievances filed against attorneys and 526 grievances filed against judges. Of those, 1,624 grievances were dismissed at intake upon initial review and 1,216 grievance files were opened for investigation. The office also received 257 appeals of grievances previously dismissed by the certified grievance committees of local bar associations, 64 allegations of the unauthorized practice of law and six reciprocal discipline matters. One case of failure to maintain child support was reported to the office in 2009. Additionally, 21 resignation applications were received for review by the Office of Disciplinary Counsel and 22 resignation cases were closed in 2009.

In 2009, staff attorneys appeared in 33 hearings before panels of the Board of Commissioners on Grievances & Discipline. They also participated in nine oral arguments before the Supreme Court of Ohio.

The office conducted its annual fall bar counsel seminar in October 2009, welcoming 27 registrants, primarily representing members of certified grievance committees of local bar associations across Ohio.

Jonathan E. Coughlan served as vice president to the board of directors of the Association of Judicial Disciplinary Counsel until July 2009, when he was installed as president of the organization. Robert R. Berger also served as a member of the Ohio State Bar Association Special Committee to Review Ohio Rules of Professional Conduct Rule 1.15(d)(e).

## BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

The Board of Commissioners on Grievances & Discipline is established by Gov. Bar R. V and is charged with administering, interpreting and enforcing Rule V, which provides for lawyer and judge discipline for ethical misconduct.

The board also serves under state law as the ethics commission for the filing of more than 1,800 financial disclosure statements required of Ohio judges, judicial candidates and magistrates. The board, pursuant to Gov. Bar R. V(2)(C), has authority to issue informal, nonbinding ethical advisory opinions, and, pursuant to R.C. 102.01(F)(2) and R.C. 102.08, authority to render advice as to ethics law for judges and judicial employees.

The board has 28 members appointed by Justices of the Supreme Court of Ohio — 17 lawyers, seven sitting and retired judges and four lay people. In 2009, the board added three new members. The board met on a bimonthly basis for a total of eight days and received 107 formal complaints filed by the Office of Disciplinary Counsel and the certified grievance committees of local bar associations.

The board held 95 hearings, certified 93 matters to the Supreme Court and disposed of 109 cases. While the board received judicial campaign grievances and inquiries during 2009, there were no election-related judicial campaign complaints filed under Gov. Jud. R. II(5). There were 102 matters pending on the board's docket at the end of the year. The 93 disciplinary cases certified to the Supreme Court, as well as the number of hearings held by board hearing panels, set new records.

Seven present or former board members and the secretary continued with the work of the statewide task force appointed by Chief Justice Moyer to study the new ABA Code of Judicial Conduct. The task force recommended a revised Code of Judicial Conduct to the Supreme Court in 2008, and the Court adopted a new code effective March 1, 2009. The board assisted in training judges throughout Ohio on the provisions of the revised Code of Judicial Conduct.

The board, through its secretary and former members, also participated in a statewide task force convened by the Chief Justice to study Ohio's attorney disciplinary system and recommend changes.

The board staff again assisted certified grievance committees in documenting requests for reimbursement of all disciplinary-related expenses on both a quarterly and annual basis. The Rule V Committee of the board considered amendments to Prof. Cond. R. 1.15 and worked with a committee of the Ohio State Bar Association to find agreed-upon amendments to

## BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

Jonathan W. Marshall  
*secretary*

Bernard K. Bauer  
Alvin R. Bell  
Hon. Harvey J. Bressler  
Hon. Thomas F. Bryant  
Martha L. Butler  
Charles E. Coulson  
McKenzie K. Davis  
Paul M. Demarco  
Lawrence R. Elleman  
Hon. Otho S. Eyster  
Lisa M. Lancione Fabbro  
Roger S. Gates  
Sharon L. Harwood  
Lynn B. Jacobs  
Irene C. Keyse-Walker  
William J. Novak  
John A. Polito  
Walter Reynolds  
Stephen C. Rodeheffer  
John H. Siegenthaler  
Hon. Arlene Singer  
Patrick L. Sink  
Keith A. Sommer  
Hon. John B. Street  
David E. Tschantz  
Janica A. Pierce Tucker  
Hon. Joseph J. Vukovich  
Hon. Beth Whitmore

### Master Commissioners

Hon. W. Scott Gwin  
Jeffrey T. Heintz  
Hon. John R. Milligan  
Hon. John Petzold  
Robin G. Weaver  
Hon. Harry White

clarify a lawyer's obligations to safeguard a client's funds and property. The Supreme Court adopted the amendments to Prof. Cond. R. 1.15 in November.

Further, the board, in conjunction with the University of Akron law school and the Ohio State Bar Association, sponsored two statewide disciplinary seminars for certified grievance committees and interested lawyers. The board's legal staff also taught five courses on campaign law and ethics required of Ohio judicial candidates under Canon 4, and, in conjunction with the Ohio Ethics Commission, taught three ethics courses for 660 attorneys in public practice, offered through the Ohio Coalition for Continuing Legal Education. The board, in partnership with the Office of Disciplinary Counsel and the Judicial College, produced two ethics compact disks for training Ohio judges and members of certified grievance committees.

Overall, the board participated in 28 continuing legal education programs for board members, Justices and judges, their spouses, lawyers, judicial candidates, public employees, court personnel and law students.

In 2009, the board received 25 requests for advisory opinions and issued 11 opinions on ethical questions arising under the Rules of Professional Conduct, Code of Judicial Conduct, Rules for the Government of the Bar, Rules for the Government of the Judiciary and the Ohio Ethics Law. Six of the 11 advisory opinions rendered advice on the application of the revised Code of Judicial Conduct.

For example, concerning judicial issues, the board advised as to a juvenile court judge or court staff accepting travel expenses from business owners who seek or receive placement of juveniles by the court (Op 2009-2); and a judge thanking jurors for their service by verbal expression of appreciation, a letter of appreciation, a certificate of appreciation or a small, but dignified memento (Op 2009-10). Concerning attorney issues, the board advised as to a lawyer or law firm listing as "General Counsel" or similar reference on the letterhead of a client organization (Op 2009-5); and a lawyer or law firm outsourcing legal or support services domestically or abroad (Op 2006-6). The board has issued 343 advisory opinions since it was given such authority in 1987. All advisory opinions are available on the Court's Web site, and can be e-mailed or mailed to interested parties. The ABA/BNA Lawyer's Manual on Professional Conduct reported and discussed four of the Board's advisory opinions.

In addition to advisory opinions, Staff Counsel Ruth Bope Dangel issued 17 staff letters addressing various ethical issues. The board's legal staff responded to more than 1,900 telephone inquiries from judges, lawyers, reporters and members of the public regarding ethics, lawyer discipline and judicial campaign conduct issues.



## CLIENTS' SECURITY FUND

The Clients' Security Fund was created by the Supreme Court in 1985 by Gov. Bar R. VIII. The purpose of the fund is to reimburse clients who sustain financial losses resulting from dishonest acts of Ohio attorneys. The Clients' Security Fund is not supported by tax dollars, but receives its funding from registration fees paid by all Ohio judges and attorneys (except those registered as inactive).

Claim activity during fiscal year 2009 included the following:

- 307 requests for applications for reimbursement. The Clients' Security Fund received 305 new applications and dismissed 90.
- Four meetings of the Clients' Security Fund board of commissioners — Sept. 5 and Dec. 5, 2008, and March 6 and June 5, 2009 — during which the board reviewed more than 150 claims, finding 111 eligible for reimbursement and 39 ineligible. The board dismissed one claim, because the claimant already was reimbursed by the attorney involved, and tabled four others. Two tabled claims remained pending at the end of the fiscal year. In addition, the board considered and approved two applications for attorney fees.
- Awards of more than \$669,200 to clients and of \$600 in attorney fees.
- Payments for claims against 32 attorneys.

Since its inception in 1985, the Clients' Security Fund has awarded more than \$14 million to 1,795 former law clients. All fund losses are attributable to less than 1 percent of Ohio's more than 56,320 licensed attorneys, 42,164 of whom are engaged in the active practice of law, confirming that the overwhelming majority of Ohio lawyers observe high standards of integrity when entrusted with law client money or property.

## BOARD OF COMMISSIONERS OF THE CLIENTS' SECURITY FUND

Hon. Patricia Blackmon  
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Kenneth R. Donchatz  
Hon. James E. Green  
Edward G. Hack, *chair*  
Jerome Phillips  
Clifton L. Spinner

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SENTENCING ADVISORY  
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Lynn Grimshaw  
John Guldin  
James Lawrence  
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Mark Owens  
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Hon. Thomas J. Moyer,  
*chair*  
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Hon. Bob Proud  
Hon. Reggie Routson  
Hon. Shirley Smith  
Hon. Kenneth Spanagel  
Tom Stickrath  
Hon. Joseph Uecker  
Hon. David J. Westrick  
Hon. Stephanie Wyler  
Hon. Tyrone Yates  
Timothy Young

OHIO CRIMINAL SENTENCING COMMISSION

The Ohio Criminal Sentencing Commission was created by statute by the General Assembly in 1990. The commission is chaired by the Chief Justice and is responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes. The commission consists of 31 members, 10 of whom are judges appointed by the Chief Justice.

In 2009, the commission developed recommendations to the General Assembly on Ohio's drug laws, including equalizing the guidance given to sentencing judges in drug and non-drug cases and changing the intervention-in-lieu of prison options. In addition, the commission continued to develop proposals on the appropriate culpable mental states for various crimes. Commission staff continued to work with legislation drafters on ways to simplify the felony and misdemeanor sentencing statutes.

The commission continued to monitor and discuss the state's prison-crowding situation and made concrete proposals to the General Assembly, particularly on drug policy. Many of the recommendations were included in legislation pending as the year ended.

The commission worked with the House Criminal Justice Committee to review pending legislation and suggested changes to bills at the behest of the committee's chairman.

Work stemming from the Supreme Court's two 2007 *Colon* cases continues. The decisions highlight gaps in current criminal statutes regarding the mental element needed for culpability. The commission is identifying those gaps and suggesting appropriate mental states and definitional changes.

Another project, to streamline the criminal code, continues as well. The goal is to make the code more workable for criminal justice practitioners, including judges, prosecutors and defenders, and to produce a code that can be readily understood by the defendants and victims directly affected.

# visiting judges

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

The Court thanks the court of appeals judges who served as visiting judges for Supreme Court oral arguments in 2009.



**Hon. Clair E. Dickinson**  
9<sup>th</sup> District  
Case Nos. 2008-0711 and  
2008-1005  
*State v. Joseph*  
March 11



**Hon. Mary DeGenaro**  
7<sup>th</sup> District  
Case No. 2008-1334  
*Natl. Union Fire Ins. Co. of  
Pittsburgh, PA v. Wuerth*  
March 24



**Hon. Timothy P. Cannon**  
11<sup>th</sup> District  
Case No. 2007-0475  
*State v. Elmore*  
May 19



**Hon. Thomas J. Osowik**  
6<sup>th</sup> District  
Case No. 2009-1230  
*Allen Cty. Bar Assn.  
v. Brown*  
Sept. 29



**Hon. Lisa L. Sadler**  
10<sup>th</sup> District  
Case No. 2009-0026  
*State ex rel. Nickoli  
v. Erie Metroparks*  
Dec. 1



**Hon. Patricia A. Delaney**  
5<sup>th</sup> District  
Case No. 2009-0605  
*State v. Prade*  
Dec. 16







THE SUPREME COURT *of* OHIO

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65 South Front Street Columbus, Ohio 43215-3431