The Supreme Court of Ohio

ADMINISTRATIVE ACTIONS

March 28, 2016

[Cite as *03/28/2016 Administrative Actions*, 2016-Ohio-1251.]

1. Amendments to the Supreme Court Rules for the Government of the Bar (Gov.Bar R. VI) were adopted February 23, 2016, and are effective September 15, 2016. The final version of the amendments will be published in the March 28, 2016 Ohio Official Reports advance sheet.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concurred in adopting the amendments.

2. Amendments to the Supreme Court Rules for the Government of the Bar (Gov.Bar R. VI and XII) were adopted February 23, 2016, and are effective July 1, 2016. The final version of the amendments will be published in the March 28, 2016 Ohio Official Reports advance sheet.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concurred in adopting the amendments.

3. An amendment to the Rules of Superintendence for the Courts of Ohio (Sup.R. 5.01) was adopted March 8, 2016, and is effective July 1, 2016. The final version of the amendment will be published in the March 28, 2016 Ohio Official Reports advance sheet.

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, French, and O'Neill, JJ., concurred in adopting the amendment.

O'Donnell, J., dissents, with an opinion.

O'DONNELL, J., dissenting.

{¶ 1} I respectfully dissent from the court's adoption of Sup.R. 5.01, Local Juvenile Restraint Rule. While I recognize the trend away from using restraints on juveniles, the issue implicates judicial discretion, the efficient use of judicial resources, and the protection of the public.

{¶ 2} This rule will not affect the transfer of juvenile offenders into or out of the courtroom but only their appearance while in the courtroom. Several juvenile court judges and magistrates who have direct courtroom access to holding cells and security personnel do not object to the rule as written. Others, who do not have access to those security measures, express concern for public safety, the possibility of escape, and the burden of holding additional hearings to make findings, which will add to an already busy docket, whenever a judge feels a necessity to make a record to overcome the presumption the court imposes in adopting this rule.

{¶ 3} In line with the thinking of the Ohio State Bar Association, the Ohio Judicial Conference Juvenile Law and Procedure Committee, and juvenile court judges from several Ohio counties, I would adopt Sup.R. 5.01 only for tobacco offenses, traffic offenses, minor misdemeanor offenses, status offenses, and non-violent misdemeanor level delinquencies. I dissent from the court's decision to adopt the rule to the extent that the rule will apply to felony level offenses and all offenses of violence.

{¶ 4} My experience is that juvenile court judges in Ohio are not making decisions based on the shackled appearance of youthful offenders. And since these are not jury proceedings and the public is excluded from court, little prejudice inures to an accused offender. Other issues are the propensity for violence and the possibility or opportunities for escape. I believe that the judges should be able to exercise discretion in each case regarding the matter of shackling, and I reject the notion that this court ought to create a presumption that a juvenile court judge must overcome in every violent offender case if the court decides to shackle an offender for safety or security purposes in the interest of the efficient administration of justice.

{¶ 5} Accordingly, I dissent from adopting the rule as presently written.