



THE SUPREME COURT *of* OHIO
2018 ANNUAL REPORT



THE SUPREME COURT *of* OHIO

ANNUAL
REPORT 2018

Maureen O'Connor
Chief Justice

Terrence O'Donnell
Sharon L. Kennedy

Judith L. French

Patrick F. Fischer

R. Patrick DeWine

William M. O'Neill
(January 1 to January 26)

Mary DeGenaro
(January 28 to December 31)

Justices

Stephanie E. Hess
Interim Administrative Director



DEAR OHIOANS:

Change was prevalent in the Supreme Court of Ohio in 2018. We experienced change at the beginning of the year with the departure of one justice and the arrival of another and change at the end of the year, as we bid farewell to two justices and prepared for the arrival of two newly elected justices.

Despite the changes, the excellent work of our staff continued in every facet of the Court.

We continued educating thousands of Ohioans through our adult guardian and guardian ad litem education programs. And we continued expanding our training opportunities and subject matter to the judges, court personnel, and members of justice-related organizations in Ohio. Seminars, conferences, webinars, and roundtables were aplenty, on numerous well-timed and important topics.

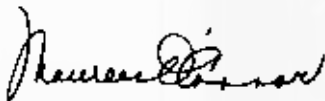
We also concentrated our efforts on clarifying and informing the judiciary and public alike on the timely topics of bail and bonds, court record sealing, and grand juries.

The Court salutes the hundreds of volunteers who dedicated their time and expertise to the operation and improvement not only of our Court, but of the hundreds of courts throughout the state in 2018. We simply could not operate efficiently or provide the timely direction and level of service to the courts of Ohio without the visiting appellate judges who hear Supreme Court cases on assignment, or the hundreds of professionals who serve on the Court's boards, commissions, advisory committees, and task forces. We owe them our gratitude.

Finally, it is appropriate that we honor our former colleague, Justice Terrence O'Donnell, in this document. After 15 years on the Court, Justice O'Donnell retired at the end of 2018. We celebrate his service in the following pages.

I'm pleased to present this annual report and hope you read on to understand the array of issues we address each day.

God Bless,



Maureen O'Connor

Chief Justice



TABLE OF CONTENTS



1
SUPREME COURT
OF OHIO



2
SUPREME COURT
DECISIONS



9
RULE CHANGES



10
A DEDICATED JURIST



12
DeGENARO'S DREAM
COMES TRUE
HESS NAMED INTERIM
ADMINISTRATIVE
DIRECTOR



13
BUENGER TAKES
POSITION AT
NATIONAL COURT
ORGANIZATION
RETIRING SUPREME
COURT EMPLOYEES



14
COURT CONFERENCES
ADDRESS TIMELY
ISSUES



16
FREE TRAINING
OFFERED FOR COURT
INTERPRETERS
NEW VIDEO SHEDS
LIGHT ON GRAND JURY
PROCESS



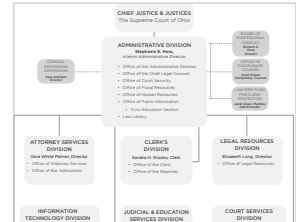
17
COURT GRANTS
SUPPORT
ADMINISTRATION OF
JUSTICE



18
STAFF NOTES



20
2018 YEAR IN REVIEW



24
ADMINISTRATIVE
OPERATIONS



26
CASE STATISTICS

JANUARY	Percentage of Cases	Number of Cases	Percentage of Cases	Number of Cases
Number of cases filed	85.00%	1,270	85.00%	1,270
Number of cases open	7.87%	110	7.87%	110
Number of cases in progress	7.13%	107	7.13%	107
TOTAL CASES	100.00%	1,487	100.00%	1,487

SUPREME COURT	Percentage of Cases	Number of Cases	Percentage of Cases	Number of Cases
Number of cases filed	85.00%	1,270	85.00%	1,270
Number of cases open	7.87%	110	7.87%	110
Number of cases in progress	7.13%	107	7.13%	107
TOTAL CASES	100.00%	1,487	100.00%	1,487

30
JUDICIARY/SUPREME
COURT OPERATING
EXPENDITURES



32
BOARDS, COMMISSIONS,
ADVISORY COMMITTEES,
AND TASK FORCES



36
VISITING JUDGES



SUPREME COURT OF OHIO

STANDING, FROM LEFT TO RIGHT: Justice R. Patrick DeWine,
Justice Judith L. French, Justice Patrick F. Fischer, and Justice Mary DeGenaro.

SEATED, FROM LEFT TO RIGHT: Justice Terrence O'Donnell,
Chief Justice Maureen O'Connor, and Justice Sharon L. Kennedy.

Chief Justice Maureen O'Connor

Chief Justice Maureen O'Connor is the first woman and 10th chief justice in Ohio history. She was re-elected as head of Ohio's judiciary in 2016. Since becoming chief justice in 2011, she has led significant reforms and improvements in the Ohio judicial system, including improving access to justice by advocating for reasonable court fines, fees, and bail practices, especially for economically disadvantaged communities. She also leads efforts of an eight-state initiative to combat the nation's opioid epidemic. She is past president of the Conference of Chief Justices and former chair of the National Center for State Courts Board of Directors. Chief Justice O'Connor joined the Supreme Court in January 2003.

Justice Terrence O'Donnell

Upon joining the Ohio Supreme Court in 2003, Justice Terrence O'Donnell led statewide efforts to increase professionalism among lawyers and judges. He previously served on the common pleas and appellate benches and served as chairman of the Ohio Legal Rights Service Commission, which oversees the protection and advocacy of the developmentally disabled and mentally ill statewide. Justice O'Donnell's tenure on the Court ended Dec. 31, 2018.

Justice Sharon L. Kennedy

A former Butler County Domestic Relations Court judge, Justice Sharon L. Kennedy won election to an unexpired term on the Supreme Court in November 2012, and was elected to a full term in November 2014. She served on the bench in Butler County from 1999 to 2012, where, as administrative judge, she improved its case management system to ensure the timely resolution of cases for families and children. Before becoming a judge, she was special counsel to the attorney general and a part-time magistrate. She began her career as a police officer.

Justice Judith L. French

Former appellate judge Judith L. French won election to a full Supreme Court term in November 2014. Before serving as an appellate judge, she was chief legal counsel to Gov. Bob Taft, as well as an assistant attorney general and then chief counsel to the attorney general. She argued twice before the U.S. Supreme Court, including on behalf of the state in the Cleveland school-vouchers case. She took office on the Supreme Court in January 2013, after a gubernatorial appointment.

Justice Patrick F. Fischer

Justice Patrick F. Fischer began a full term on the Supreme Court on Jan. 1, 2017, following his election in November 2016. He previously was elected to Ohio's First District Court of Appeals in 2010, and was re-elected in 2012. He served as president of the Ohio State Bar Association from 2012 to 2013, and served on the OSBA's board of governors.

Justice R. Patrick DeWine

Justice R. Patrick DeWine began a full term on the Supreme Court on Jan. 2, 2017, following his election in November 2016. Before joining the Supreme Court, Justice DeWine served on the First District Court of Appeals and served on the Hamilton County Common Pleas Court. He began his legal career as a law clerk for the Honorable David A. Nelson on the U.S. Sixth Circuit Court of Appeals. He also served in local government, as a member of the Hamilton County Board of Commissioners and the Cincinnati City Council.

Justice Mary DeGenaro

Mary DeGenaro became a justice on the Supreme Court by gubernatorial appointment on Jan. 28, 2018. She previously served nearly 17 years as a judge on the Seventh District Court of Appeals in Youngstown. She serves as vice president of the Ohio Women's Bar Association and, in 2005, served as a founding member of the Ohio State Bar Association's Appellate Practice Specialty Certification Board. Justice DeGenaro's time on the Court ended Jan. 1, 2019.

Justice William M. O'Neill

Justice William M. O'Neill joined the Supreme Court on Jan. 2, 2013. Prior to becoming a justice, Justice O'Neill served on the Eleventh District Court of Appeals from 1997 until 2007. He also is a registered nurse and served at Hillcrest Hospital, an affiliate of the Cleveland Clinic Foundation. A former U.S. Army officer and Vietnam veteran, Justice O'Neill was inducted into the Ohio Veterans Hall of Fame in 2007. Justice O'Neill left the Supreme Court in January 2018. (Not pictured.)



SUPREME COURT DECISIONS

The Supreme Court issued many opinions in 2018, some dealing with highly anticipated legal issues. The following is a sampling of rulings that drew public interest last year.

STATEWIDE ISSUES

Court Cannot Have Policy of Refusing to Accept No-Contest Pleas

A court cannot have a blanket policy of refusing to accept no-contest pleas, the Ohio Supreme Court ruled in January.

“A trial court abuses its discretion when it rejects a no-contest plea as a matter of course without considering the facts and circumstances of the case,” Justice French wrote in the Court’s opinion.

After being indicted for cocaine possession in Hamilton County, Andrea Beasley attempted to plead no contest. Because the court had a policy of rejecting no-contest pleas in all circumstances, Beasley pled guilty and was sentenced to three years of community control.

Although a valid guilty plea generally waives the right to appeal most pre-trial issues, Beasley’s plea did not amount to a waiver because Beasley’s attorney clearly stated in open court that Beasley wanted to plead no contest, but could not because of the court’s policy, Justice French explained. Given that Beasley sufficiently preserved her objection, Beasley was permitted to appeal the trial court’s error.

The ruling returned the case to the trial court for Beasley to enter a new plea.

[2016-1020](#), *State v. Beasley*, [152 Ohio St.3d 470](#), [2018-Ohio-16](#).

Punitive Damages Not Recoverable in Contract Breach

The Court ruled in January that punitive damages are not recoverable in a breach-of-contract lawsuit unless the breach involves a tort.

In a majority opinion authored by Justice O’Donnell, the Court reversed a judgment of the Seventh District Court of Appeals and clarified several provisions of the law regarding breach-of-contract lawsuits in which fraud and duress are alleged.



The ruling vacated a judgment awarded by the Mahoning County Common Pleas Court to Christine Lucarell, a former agent of the Nationwide Mutual Insurance Co., who sued her former company.

The majority opinion held that:

- Punitive damages may not be awarded for a breach of contract.
- A party to a contract does not breach the implied duty of good faith and fair dealing by seeking to enforce the agreement as written or by acting in accordance with its expressed terms.
- There cannot be a breach of the implied duty unless a specific obligation imposed by the contract is not met.
- A release of liability is an absolute bar to a later action on any claim unless fraud, duress, or other wrongful conduct can be proven by clear and convincing evidence.
- The prevention of performance doctrine is not a defense to a release of liability.
- A claimant cannot rely on predictions or projections that relate to future performance or are made to third parties to establish a fraud claim.

The Court remanded the matter to the appeals court for further proceedings consistent with the Court’s opinion.

[2016-0585](#), *Lucarell v. Nationwide Mut. Ins. Co.*, [152 Ohio St.3d 453](#), [2018-Ohio-15](#).

City Not Liable for Accident Caused by Shrubs Blocking View of Stop Sign

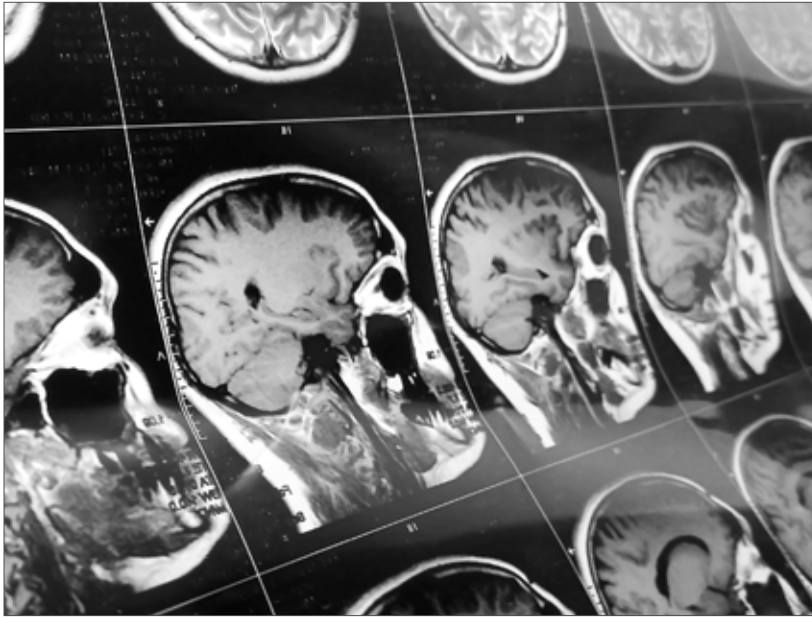
A city is not liable for the failure to remove roadside foliage that obstructs a traveler’s view of a state-mandated traffic-control device unless the foliage is actually growing on it, the Court ruled in June.

The Court held that the city of Campbell is entitled to immunity from a personal injury lawsuit brought by a woman who ran a stop sign and hit another car. Judith Pelletier claimed she could not see the stop sign at the intersection because trees or large bushes were growing in the “devil strip” – the grassy area between the street and the sidewalk.

Writing for the Court majority, Justice Kennedy stated that Ohio political subdivisions are not immune from lawsuits involving traffic accidents “caused by their negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads.” The majority concluded, however, that the stop sign was in good repair, and because the foliage was not on the stop sign, the city had no obligation to remove it from the devil strip.

The Court remanded the case to the trial court and directed it to grant the city’s request for summary judgment.

[2017-0088](#), *Pelletier v. Campbell*, [153 Ohio St.3d 611](#), [2018-Ohio-2121](#).



Football Player's Widow Can Pursue Head Injury Lawsuit against Notre Dame, NCAA

A former University of Notre Dame football player who suffered a chronic brain injury did not necessarily wait too long to file a lawsuit claiming the school and the National Collegiate Athletic Association (NCAA) were responsible for his injuries, the Court ruled in October.

The Court unanimously determined that the statute of limitations had not necessarily run out when Steven Schmitz, who was 57 years old when he was diagnosed with chronic traumatic encephalopathy in 2012, and his wife filed a personal-injury lawsuit against Notre Dame and the NCAA in 2014. Schmitz played for Notre Dame from 1974 to 1978. He died in 2015.

Writing for the Court majority, Justice French stated that “without more facts or evidence in the record,” the Court could not say the couple missed the two-year statute of limitations. The case was remanded to the trial court for further proceedings.

The decision affirmed the Eighth District Court of Appeals’ ruling.

[2017-0098](#). Schmitz v. Natl. Collegiate Athletic Assn., [155 Ohio St.3d 389](#), [2018-Ohio-4391](#).

Insurance Policy Does Not Cover Subcontractors’ Faulty Work

The Court ruled in October that faulty work of subcontractors at an Ohio Northern University luxury hotel and conference center is not covered by an insurance policy purchased by the general contractor, and the insurance company does not have to pay any of the estimated \$6 million in damages.

Justice French’s majority opinion stated that a commercial general liability policy, even with additional coverage for subcontractors, does not cover faulty work. Rather, her opinion said, the policy covers an

State Can Measure E-School Attendance with Student Participation Data

The Ohio Department of Education is authorized by state law to base the funding of Internet- or computer-based community schools, such as the Electronic Classroom of Tomorrow (ECOT), on the duration of student participation, and not only on the “learning opportunities offered” to students, the Court ruled in August.

In a 4-2 decision, the Court rejected claims by ECOT that R.C. 3314.08 limits the authority of the Department of Education to use a funding formula based on the number of hours or days of “learning opportunities offered” by an e-school. Writing for the Court majority, Justice Fischer stated that the law requires an e-school to provide data of the duration of a student’s participation to substantiate that school’s funding if the department requests it.

The Court affirmed the Tenth District Court of Appeals’ decision.

[2017-0913](#). Electronic Classroom of Tomorrow v. Ohio Dept. of Edn., [154 Ohio St.3d 584](#), [2018-Ohio-3126](#).

Newspapers May Inspect Pike County Autopsy Reports

The Pike County General Health District wrongfully denied a Cincinnati journalist access to review, but not copy, preliminary autopsy reports of the 2016 murder of eight members of the Rhoden and Gilley families, the Court ruled in September.

In a per curiam opinion, the Court reversed a Fourth District Court of Appeals’ decision in favor of Pike County officials, who claimed a reporter for the Cincinnati Enquirer was entitled only to a publicly released, heavily redacted version of the reports.

The opinion noted that the newspaper requested to inspect records that are considered non-public. The Court found that R.C. 313.10(D) carves out an exception that allows a journalist to request the right to inspect “preliminary autopsy and investigative notes and findings, suicide notes, or photographs” made by the coroner or by anyone acting under the coroner’s direction.

The law does not condition a journalist’s right of access in any way, the opinion stated.

[2017-0431](#). State ex rel. Cincinnati Enquirer v. Pike Cty. Gen. Health Dist., [154 Ohio St.3d 297](#), [2018-Ohio-3721](#).

“occurrence,” which means an accident and faulty work is not an accident. Instead, the chances that a subcontractor’s work might be faulty is a “business risk,” and the insurance policy did not cover those, the opinion concluded.

The Court’s ruling reversed a Third District Court of Appeals’ ruling that required Cincinnati Insurance Co. to cover Charles Construction Services for the construction of The University Inn and Conference Center at Ohio Northern in Ada, which was completed in September 2011. Shortly after opening, the university discovered extensive water damage.

[2017-0514](#), Ohio N. Univ. v. Charles Constr. Servs., Inc., [155 Ohio St.3d 197](#), [2018-Ohio-4057](#).

City Must File Separate Case to Block Funding Deductions for Collecting Traffic Camera Fines

A trial court could not block implementation of a 2015 state law deducting funding to local governments that use traffic cameras to collect fines without first declaring the law unconstitutional, the Court ruled in June.

The Court unanimously vacated a contempt-of-court order that the Lucas County Common Pleas Court issued, and dissolved the injunction against enforcing the spending provisions that were in the state’s 2015 budget bill. The Court did not determine whether the “set-off law” was constitutional, but faulted the city of Toledo and the lower courts for the process used to prevent the law from taking effect.

Writing for the Court, Justice Kennedy stated the separations-of-powers doctrine prevents the judicial branch from impeding on the General Assembly’s power to enact laws. Courts may intervene only after a law is enacted and a challenge to the law is properly before it, she wrote.

[2017-0327](#), Toledo v. State, [154 Ohio St.3d 41](#), [2018-Ohio-2358](#).

Reds Score Tax Exemption for Bobbleheads, Giveaways

A divided Court determined the Cincinnati Reds were exempt from paying “use” tax on bobbleheads and other promotional items given to attendees at selected home games. The Court decided in November that the team successfully demonstrated that the cost of the items was factored into the cost of game tickets and counted as a tax-exempt “resale” of the items to fans.

Justice Fischer’s lead opinion cited several sports figures as he delved deeply into the rich history of Ohio’s influence on professional baseball in the Court’s lead opinion. Because of the unique and undisputed evidence in the record, Justice Fischer cautioned that the ruling may not be applicable to other professional sports teams and organizations that sponsor promotional item giveaways.

The Reds argued that rather than discount the ticket price to less-desirable games, the team factored a portion of ticket prices to cover the costs of giveaways as a means to boost attendance.

[2017-0854](#), Cincinnati Reds LLC v. Testa, [Slip Opinion No. 2018-Ohio-4669](#).

Trial Judge’s Inspection of Secret Grand Jury Proceedings Cannot Be Immediately Appealed

A court reporter cannot immediately appeal a judge’s demand to privately review sealed grand jury materials, the Court ruled in November.

In a 6-1 decision, the Court indicated that a Cuyahoga County court reporter’s attempt to quash a subpoena duces tecum to turn over grand jury records for a judge’s in camera inspection could not



be appealed during the middle of pretrial proceedings. The Court reasoned that although a judge’s order to disclose grand jury records to a party in a civil case would be immediately appealable, the judge’s own inspection of the records is merely a step leading up to that order.

Writing for the Court majority, Justice DeGenaro wrote an appellate court only has the authority to review a challenge to a “final, appealable order” as defined in R.C. 2505.02, and a judge’s order to review materials does not fit within the statute’s definition. It could have been immediately appealed only if – after the judge reviewed the material – the judge had directed the reporter to hand it over to a former Cuyahoga Community College District police dispatcher who was suing the college over his termination.

[2017-0828](#), Daher v. Cuyahoga Community College Dist., [155 Ohio St.3d 271](#), [2018-Ohio-4462](#).

Challenge to Decision of ODNR Not Appropriate for Writ of Mandamus

The Court in January denied a request by Washington County landowners for a writ of mandamus to order the Ohio Department of Natural Resources to initiate a proceeding to compensate the landowners for a “taking” of their property.

The department previously approved a request by Chesapeake Exploration to combine a number of properties owned by various landowners into a single “unit” to recover oil and gas from an underground reservoir. The “unitization order” placed 593 acres into one unit that, according to Chesapeake, would substantially increase the recovery of the oil and gas. The order required Chesapeake to pay a royalty rate set by state law to all landowners whose land was impacted by the drilling.

The land owners objected, arguing that the order was a “taking” of their property without proper compensation in violation of their rights under the Ohio and U.S. constitutions.

Rejecting the landowners’ request, Justice R. Patrick DeWine explained in the majority opinion that the landowners should have pursued their issues by filing a case in common pleas court. A court’s review would have included a determination of the order’s constitutionality. Because the landowners could appeal the department’s decision, the Supreme Court denied the writ.

[2016-1011](#). *State ex rel. Kerns v. Simmers*, [153 Ohio St.3d 103](#), [2018-Ohio-256](#).

Ohio Declines to Recognize ‘Implied Covenant to Explore Further’ in Oil-and-Gas Leases

Ohio oil-and-gas leases do not have an implied requirement that drillers “explore further” into unexplored areas that is separate from the requirement that they “reasonably develop” the overall mineral rights they lease, the Court ruled in January.



In a 6-1 decision, the Court rejected a claim by Washington County landowners that oil companies either abandoned or forfeited portions of an oil-and-gas lease signed in 1980, because the companies have not explored deeper underground into the Marcellus and Utica shale formations. The advent of hydraulic fracturing, or fracking, has allowed production of oil and natural gas from deeper formations that could not be reached before.

Writing for the Court majority, Chief Justice O’Connor stated there is no independent “implied covenant to explore further” under Ohio law.

[2016-1281](#). *Alford v. Collins-McGregor Operating Co.*, [152 Ohio St.3d 303](#), [2018-Ohio-8](#).

License Required to Broker Oil-and-Gas Leases in Ohio

Those who help obtain oil-and-gas leases in Ohio for oil-and-gas development companies must be licensed real-estate brokers, the Court ruled in September.

The Court affirmed the dismissal of Thomas Dundics’ lawsuit against Eric Petroleum Corp. and its owner for nonpayment after Dundics found property owners negotiated gas leases and worked with Eric Petroleum to obtain leases. Dundics did not have a real-estate broker license and claimed that negotiating subsurface leases did not require a license.

Writing for the Court majority, Chief Justice O’Connor stated that nothing in Ohio’s real-estate broker law – R.C. 4735.01 – excludes oil-and-gas leases.

[2017-0448](#). *Dundics v. Eric Petroleum Corp.*, [155 Ohio St.3d 192](#), [2018-Ohio-3826](#).

Specific References in Deed Sufficient to Preserve Oil-and-Gas Rights

The Court in December rejected a Monroe County couple’s claim that an oil-and-gas royalty interest in their property – originally reserved by prior owners in 1915 – was extinguished because it was not described in enough detail in the couple’s deed to their property.

David and Nicolyn Blackstone argued that under Ohio’s Marketable Title Act, the reference to the interest in their 1969 deed needed to note the volume and page number of the record where the interest was recorded or the date on which the interest was recorded. In a 7-0 decision, the Court ruled that the law does not require such specificity.

Writing for the Court majority, Justice DeWine stated that the reference to the interest in the Blackstones’ deed, which noted the type of interest and the individuals who had originally reserved it, was sufficient to preserve the royalty interest in the oil and gas.

[2017-1639](#). *Blackstone v. Moore*, [155 Ohio St.3d 488](#), [2018-Ohio-4959](#).



Court Affirms State's Revocation of Toledo Clinic's License

The Court ruled in February that because Capital Care Network of Toledo violated a 21-year-old rule requiring all ambulatory surgical facilities to have written hospital-transfer agreements to facilitate emergency treatment, the Ohio Department of Health was within its rights to revoke the clinic's operating license.

In a majority opinion authored by Justice O'Donnell, the Court ruled that the department's revocation of Capital Care's health-care-facility license was supported by "reliable, probative, and substantial evidence and is in accordance with law." The Court held that lower court rulings overturning the department's license revocation were based on claims that Ohio's 2013 law requiring the transfer agreements violated the facility's constitutional rights.

Justice O'Donnell wrote that the lower courts did not examine the authority of the department to revoke the license for violating the rule, and the Court declined to consider the constitutional issues.

[2016-1348](#), *Capital Care Network of Toledo v. Ohio Dept. of Health*, [153 Ohio St.3d 362](#), [2018-Ohio-440](#).

Clinic Lacked Standing to Challenge Budget Bill's Constitutionality

The Court also ruled in February that because Preterm-Cleveland Inc. did not prove it suffered or was threatened with a "direct and concrete injury" by provisions in the 2013 state budget bill, the clinic lacked standing to challenge the constitutionality of the budget law.

Preterm had claimed the state budget bill violated the Ohio Constitution's "single-subject" rule when regulations pertaining to abortion were added. Writing for the Court majority, Justice O'Donnell stated that Preterm did not demonstrate it suffered or was threatened with direct and concrete injury in a manner or degree different from that suffered by the public in general, and lacked standing to challenge the budget bill on the basis of a Single-Subject-Clause violation.

[2016-1252](#), *Preterm-Cleveland, Inc. v. Kasich*, [153 Ohio St.3d 157](#), [2018-Ohio-441](#).

Ohio Death Penalty Sentencing Process Ruled Constitutional

Ohio's death-penalty-sentencing process is different in critical ways from a Florida sentencing scheme

struck down by the U.S. Supreme Court, the Court ruled in April. The state's high court unanimously rejected a Marion County man's challenge to the Ohio process, which he claimed violated an accused murderer's constitutional rights.

The ruling affirmed the death penalty of Maurice Mason, who was convicted of the rape and murder of Robbin Dennis in 1993. Mason argued the U.S. Supreme Court's 2016 *Hurst v. Florida* decision, which invalidated that state's death-penalty-sentencing process, applies to Ohio.

In *Hurst*, the U.S. Supreme Court found Florida's law violated the right to a jury trial guaranteed by the U.S. Constitution's Sixth Amendment. Writing for the Ohio Supreme Court, Justice Fischer explained that unlike procedures in Florida and other states, an Ohio jury makes every necessary finding to impose a death sentence, and that satisfies the Sixth Amendment.

The decision affirmed the ruling by the Third District Court of Appeals.

[2017-0200](#), *State v. Mason*, [153 Ohio St.3d 476](#), [2018-Ohio-1462](#).

State Can Require Proof of ‘Blackout’ Defense in Assault Case

A divided Court ruled in November that the Franklin County Common Pleas Court did not violate Darin K. Ireland’s constitutional rights when the court required Ireland to prove his defense of “blackout” – acting in an unconscious state because of disease or injury – by a preponderance of the evidence.

The Court reversed a Tenth District Court of Appeals’ decision, which found that the trial court

committed an error by instructing the jury that Ireland had the burden of proving his blackout defense, in which Ireland argued that he was not conscious and was not responsible for severely beating an individual during an altercation in 2013.

In the Court’s lead opinion, Justice Fischer stated that under Ohio law, the defense of a blackout meets the definition of an “affirmative defense” in R.C. 2901.05(D)(1)(b). He also concluded that requiring Ireland to prove the blackout defense by a

preponderance of the evidence did not violate Ireland’s constitutional rights.

In a separate opinion, Justice DeGenaro wrote the Tenth District’s error was in assuming that Ireland raised an actual claim of involuntariness under R.C. 2901.21(A), when he essentially was using the term “blackout” as a partial-insanity defense.

The decision also remanded the case to the district appellate court for other considerations on the case.

[2017-0344](#). *State v. Ireland*, [155 Ohio St.3d 287](#), [2018-Ohio-4494](#).

SEARCH ISSUES

Trooper’s Search of Detained Suspect’s Purse Unconstitutional

During a traffic stop, an Ohio State Highway patrolman placed a woman with an outstanding arrest warrant into the back of his cruiser. His “inventory” search of her purse on the hood of his car, which turned up drugs, was ruled unconstitutional by the Court in January.

In the Court’s lead opinion, Justice O’Neill stated that in the course of events leading to the arrest, the trooper provided no justification for searching the vehicle without a search warrant. The Court majority determined that because the purse was seized illegally, the inventory search that followed was invalid and the evidence from it should have been suppressed by the trial court.

The Court considered whether the policy to retrieve belongings of an arrested person would authorize a warrantless search of a car under the U.S. Constitution’s Fourth Amendment. It agreed the policy did violate the Constitution and remanded the case to the trial court with the order to suppress the evidence discovered in the purse.

[2016-0930](#). *State v. Banks-Harvey*, [152 Ohio St.3d 368](#), [2018-Ohio-201](#).



Police Search that Uncovered Marijuana-Infused Candy Legal

A traffic stop by a Cleveland State University police officer led to discovery of sealed envelopes containing 150 individually wrapped marijuana-infused candies. The Court ruled in October the search was legal and the evidence could be used in connection with drug trafficking and other offenses.

Justice O’Donnell’s majority opinion concluded that the officer, after discovering in Edwin Vega’s car small amounts of marijuana, three cellphones, aerosol cans of

air freshener, rolling papers, and an open package of fruit-flavored “Sweetstone” candy.

After finding marijuana and other drug paraphernalia in Vega’s car, the officer had probable cause to open the envelopes because it was reasonable to believe that they could contain marijuana, the opinion stated.

The ruling reversed the decision of the trial court to suppress the evidence and the Eighth District Court of Appeals’ decision affirming the trial court’s ruling.

[2017-0618](#). *State v. Vega*, [154 Ohio St.3d 569](#), [2018-Ohio-4002](#).

Rule Changes

The Court enacted a number of rule changes in 2018, including those that dealt with:

LEGAL SERVICES

Civil rules were amended to allow attorneys to more easily provide unbundled legal services and remove themselves from cases after agreeing to serve as counsel only for a specific portion of the case.

CIVIL PROTECTION ORDERS

The Court clarified its civil rule so that an applicant for a civil protection order need not prove indigency before utilizing “post and publish” service.

NOTICE OF JUDGMENT

Modifications were made to two civil rules to make clear that the 28-day timeframe to file a motion cannot expire if a party is never served with notice of the judgment.

CRIMINAL SUMMONS SERVICE

Criminal rules were updated to allow for criminal summons to be served using a commercial carrier, as is permitted in the civil rules.

INFORMATION TECHNOLOGY

Before adopting any local rule concerning information technology, courts had to file a copy of the proposed rule with the Supreme Court’s Commission on Technology and the Courts (CTC). The CTC then had to approve the rule before it could go into effect.

The amendment allows for the CTC to merely be informed of a court’s adoption of local rules concerning information technology. Local courts no longer will be delayed in their implementation of necessary technologies by a requirement to await CTC approval of proposed technology rules.

ADMINISTRATIVE JUDGE DESIGNATION

The Court adopted rule changes concerning the designation of an administrative judge in a multi-division municipal court.

Each court or division of a court has an administrative judge who possesses various powers and duties, including controlling the docket, assigning cases, and administering personnel policies. The rule amendments address the designation or election of an administrative judge in certain municipal courts.

The amendment revised the rules to treat multi-division municipal courts the same as multi-division courts of common pleas. Specifically, under the amendment, the judge of a single division of a municipal court would automatically serve as the administrative judge of that division. In a multi-judge division of a municipal court, the judges of that division would elect an administrative judge for the division.

ATTORNEY RESIGNATION

The Court amended the rules involving attorney resignation and permanent retirement.

Previously, if an attorney resigned from the practice of law while disciplinary proceedings were pending, the Court issued an order indicating that the attorney “resigned with disciplinary action pending.” Otherwise, Court staff simply designated the attorney as “permanently retired” and no other order was issued.

With the amendment, regardless of whether the attorney permanently retires or resigns with disciplinary action pending, an appropriate order from the Court will be issued. This order reinforces the prohibitions against the permanently retired or resigned attorney’s future practice of law.



A DEDICATED JURIST

One of Ohio's longest-serving justices said goodbye to the Ohio Supreme Court in 2018.

The tenure of Justice Terrence O'Donnell, 72, came to a close because of age restrictions on judges in Ohio.

Justice O'Donnell, who served on the Court for more than 15 years, left with mixed feelings.

"It's bittersweet to leave because I enjoyed it," Justice O'Donnell said. "I have had the privilege and honor of working with terrifically great colleagues. This is a tremendous honor. It's a responsibility, and I have literally worked my whole life to have this responsibility."

Justice O'Donnell had the unique distinction of having worked in all three buildings where the Court has been housed.

In his days as a law clerk in 1971, the Court was located in the Ohio Statehouse Annex. A year later, the Court moved to the third floor of the Rhodes State Office Tower. In 2004, the Court moved to its current building, the Thomas J. Moyer Ohio Judicial Center.

"What's interesting about my experience is that I may be the only jurist, maybe the only person or lawyer in Ohio who has been employed by the Supreme Court of Ohio at all three of its homes," he said.

In all of those homes, he worked at a desk that was built by prisoners at the Ohio State Penitentiary.

"I've been able to utilize it here for almost 15 years," Justice O'Donnell said. "It's so unique and so rare."

Promoting Integrity in the Judiciary and Profession of Law

As he looked back on his tenure on the Court, Justice O'Donnell's friendship with the late Chief Justice Thomas Moyer stood out as a fond memory.

"I worked with Tom, who was chief justice for 24 years," Justice O'Donnell said. "I had many occasions to sit with him and talk with him about legal issues and life in general. Getting to know a person like that with such great distinction and high position, to recognize the humility he exhibited, was a privilege that I will long remember."

That relationship helped create one of his honored legacies – to increase integrity and professionalism among lawyers and judges across Ohio.

His leadership resulted in the implementation of the Court’s Lawyer-to-Lawyer Mentoring Program, which is recognized nationally as one of the finest in the United States.

Today, Ohio has 40,000 lawyers, and almost 15,000 have participated in the mentoring program, in one way or another.

“There couldn’t be a greater reward than to have a program like that and to be connected with it,” he said.

Judicial integrity is an important part of serving on Ohio’s high court.

“Our whole mission is to instill public confidence in what we do as members of the Court and restore confidence in the decisions that we render,” he said.

Justice O’Donnell heard thousands of cases, and among his most memorable, he said, were a case involving a teacher who was fired for criticizing evolution; another one on the legality of video lottery terminals at race tracks; also, a case involving lakefront property disputes.

Experience

Justice O’Donnell’s interest in practicing law began while serving on the debate teams in high school and at Kent State University. While attending college, a professor suggested he would be a great instructor, so he started teaching argumentation and debate at Cuyahoga Community College.

“You always learn more from the students than what you think you are teaching them,” Justice O’Donnell said.

After graduating from Cleveland-Marshall College of Law in 1971, he started his law career as a clerk for the Ohio Supreme Court, then served as a clerk for two judges on the Eighth District Court of Appeals.

Along with stretches as a private attorney, Justice O’Donnell began his judicial career in 1980 on the Cuyahoga County Common Pleas Court. He served there for 14 years until his election to the Eighth District Court of Appeals in 1994. He served there for eight years, followed by a stint as a visiting trial court judge before his appointment to the Supreme Court in 2003, and his elections to the Court in 2006 and 2012.

“I consider it a great honor when I was asked about this position,” Justice O’Donnell said. “I was elected by the voters of our state on three separate occasions and I cherish the trust placed in me to make decisions that affect 11.5 million people.”



FROM LEFT TO RIGHT: Terrence O’Donnell, Colleen O’Donnell, judge of the Franklin County Court of Common Pleas, Justice O’Donnell (center), his wife, Mary Beth, Nora O’Donnell, and Michael O’Donnell.

Beyond the Court

Justice O’Donnell has been approached to serve as an arbitrator or mediator on cases, as well as a magistrate.

“It’s difficult to say goodbye, but I expect there will be new challenges and a new role,” Justice O’Donnell said. “I don’t intend to just merely stop. I’ll be engaged in the legal profession in a new capacity and a new role.”

As he reflected on his life, he is humbled by how far he has come.

His father was a dedicated police sergeant in Cleveland for 33 years. Justice O’Donnell had three siblings, including a brother who was developmentally disabled.

“I think I probably learned a great deal from John,” Justice O’Donnell said. “He was an engaging type of person. He was very friendly, very outgoing, and in his own way, he was quite proud of the fact that I wore a robe.”

Enjoying time with family also will be central. Justice O’Donnell and wife, Mary Beth, have four children and eight grandchildren.

As for the two newcomers who joined the Court in January, the seasoned justice offered advice.

“We need to have members of the Court who don’t have agendas,” Justice O’Donnell said. “We need to have members of the Court who are interested in deciding the case based on the facts of law and recognize the separation of powers. I hope I have established a standard for members who will serve on the Court in future years. That standard is consistency.”



DEGENARO'S DREAM COMES TRUE

Chief Justice O'Connor administers the oath of office to Justice DeGenaro on January 25.

MARY DEGENARO'S path to the pinnacle of Ohio's judiciary as the Ohio Supreme Court's 159th justice was forged by her love of history, and the deep respect for those in the American Revolution who established the doctrines on which the United States was built – specifically, that everyone is created equal. It's a principle she fervently follows, especially for anyone accused in a criminal case.

"I felt a connectivity to the founding generation,

because they knew what it was like to live in an era where the crown was the judge, jury, and executioner, and they appreciated the importance of those constitutional protections," said the former justice.

After 17 years of service on the Seventh District Court of Appeals in Youngstown, she was appointed to the state's high court by then-governor John Kasich as a justice in January 2018 – filling the void by departed Justice William M. O'Neill. She served until year's end after losing her fall election bid.



HESS NAMED INTERIM ADMINISTRATIVE DIRECTOR

Stephanie E. Hess was named interim administrative director of the Ohio Supreme Court on Sept. 14, 2018. Previously the deputy administrative director, she was appointed to the role while the Supreme Court conducts a national search for a new administrative director. The administrative director is the Court's senior non-elected officer.



BUENGER TAKES POSITION AT NATIONAL COURT ORGANIZATION

Ohio Supreme Court Administrative Director Michael Buenger spoke during a tribute in his honor in September. Buenger, who became the Supreme Court’s administrative director in 2015, departed to join the National Center for State Courts as executive vice president of operations. At the event, Chief Justice O’Connor and leaders from the Ohio Judicial Conference spoke about Buenger’s contributions to Ohio’s justice system.

Former Administrative Director Michael L. Buenger (right) addresses a Courtroom audience of family, friends, and colleagues during a tribute event in his honor on Sept. 12, 2018. Also pictured are (from left) Clermont County Common Pleas Judge James A. Shriver, Chief Justice O’Connor, and Mahoning County Common Pleas Judge John M. Durkin.

Retiring Supreme Court Employees

Connie Crim
Master Commissioner
Office of Legal Resources

Pat Latham
Program Assistant, Children & Families
Office of Court Services

Terry Lyons
Court Security Manager
Office of Court Security

Michael P. O’Day
Judicial Attorney
Justice O’Neill’s Chambers

Michele L. Pennington
Deputy Clerk
Board of Professional Conduct

James Shroyer
Print Production Specialist
Office of Public Information

Lee Ann Ward
Director of Bar Admissions
Office of Bar Admissions



- Skills**
- Recognizing signs of polarization and dynamics of conflict
 - Ability to take different perspectives
 - Active listening
 - Appreciating diversity and understanding different experiences
 - Community mapping and participatory planning and preparation
 - Using structure, reflection and agreements in meeting design to achieve established purposes
 - Collaborative decision making
 - Operationalizing action plans

COURT CONFERENCES ADDRESS TIMELY ISSUES

FOUR HUNDRED mediators, lawyers, and judges gathered in March for the Ohio Supreme Court’s first-ever statewide **Dispute Resolution Conference**.

The conference – held at the Ohio Union on the campus of The Ohio State University – encouraged listeners to share new ideas and help people resolve human conflict in ways that are meaningful, fair, and sustainable to them. It featured 100 speakers and 40 breakout sessions in 10 conference rooms, including one involving Franklin County’s new online dispute system and a civil stalking pilot mediation project operating in 12 Ohio counties.

“Mediation is used in nearly every civil case type in every jurisdiction,” Chief Justice O’Connor told attendees. “Ohio’s courts offer more dispute resolution options than ever before.”

The speakers ranged from federal judges to law professors from all over the country.

The keynote speaker, former U.S. District Judge Layn Phillips, was the court-appointed mediator in the \$765-million legal settlement between the National Football League and 4,500 retired players over alleged concussion-related brain injuries.

The 14th annual Ohio Supreme Court **Specialized Dockets Conference** took place in October – also at the Ohio Union.

More than 650 judges and court personnel took part in the two-day event aimed at increasing awareness and educating attendees to further improve the 244 specialized dockets in Ohio, which offer a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals.

The majority of the sessions focused on addiction and dependency issues with drugs and alcohol, including delineations that specifically targeted juveniles, families, veterans, and human trafficking survivors. Other courses addressed particulars in methods regarding mental health, trauma, and domestic violence courts.

Chief Justice O’Connor opened the proceedings by discussing the evolution of specialized dockets since the first one implemented in 1995, and what has allowed for the advancement and customized care to heal treatment court participants physically, mentally, and emotionally.

“We’ve become both a laboratory and a clinic. We test theories. We seek best practices. We apply our knowledge and experience for the benefit of our citizens,” Chief Justice O’Connor said.

Also in October, the Ohio Supreme Court hosted its biennial **Student to Lawyer Symposium** in Columbus.

On top of educating participants about innovations and diversity in the legal realm through multiple breakout sessions, the forum’s focus was to connect prospective or newer lawyers with veteran practitioners. One purpose was networking, the other was guidance given the never-ending need to learn more about the law.

“I still have a mentor at my old law firm that I talk to every once in a while. I would say there’s at least one, if not two, members of the Supreme Court that I often talk to that have more experience than me,” said Justice Fischer, the event’s keynote speaker.



OPPOSITE PAGE: Jennifer C. Batton, MA, of Conflict Education Consultants, reviews a court/community dispute resolution model.

FROM TOP LEFT, CLOCKWISE: Justice Fischer delivers the keynote address during the 2018 Student to Lawyer Symposium; Magistrate Richard Altman, who chairs the Court's Commission on Dispute Resolution, opens the first statewide dispute resolution conference; Josh Stulberg, JD, PhD, chair of alternative dispute resolution at Ohio State's Moritz College of Law, discusses mediators' core skills during the Dispute Resolution Conference; four graduates of Ohio treatment courts share their stories during the annual Specialized Dockets conference.

FREE TRAINING OFFERED FOR COURT INTERPRETERS

The Ohio Supreme Court launched a [series of online training sessions](#) in 2018 to assist individuals interested in becoming court interpreters or improving their interpreting skills for legal proceedings. The new training modules help to prepare individuals who want to obtain credentialing as a court interpreter.

Each online training session includes a lesson plan and a video presentation. The self-paced and language-neutral trainings, which are available on the Supreme Court's website, cover six topics:

- Introduction to Legal Interpreting
- Court Interpreter Ethics
- Ohio Criminal and Civil Procedure
- Legal Terminology and Research
- Modes of Interpretation
- Preparing for a Case

The Supreme Court's [Language Services Program](#) provides testing, certification, and credentialing of court interpreters. The new training modules, made possible with funding from the [State Justice Institute](#), help to prepare individuals for court interpreter credentialing.

NEW VIDEO SHEDS LIGHT ON GRAND JURY PROCESS

Following up on recommendations by Chief Justice O'Connor's Task Force to Examine Improvements to the Ohio Grand Jury System, the Court unveiled a 7-minute video in May on the purpose of grand juries in Ohio and distributed it to judges and prosecutors in the state.

Within the 2016 task force report were 10 recommendations to improve the public trust and confidence in the state's grand jury system. One recommendation was to create educational tools and programs to improve the public's understanding of the grand jury's role in Ohio's criminal justice system. A grand jury is part of Ohio's common pleas court system and is relied upon to begin all felony cases.

The video and an accompanying brochure are available to judges and prosecutors to share with the public. The video was developed and produced with grand jurors in mind and is recommended to be shown to new grand juries early in their processes.

The video script was written and produced by staff of Ohio Government Telecommunications in conjunction with Supreme Court staff members.

"The justice system in America and in Ohio cannot function properly without the dedication and involvement of its citizens," Chief Justice O'Connor explains in the video. "I guarantee that when you come to the end of your time on the grand jury, you will consider this service to have been one of the best experiences of your life."

The 18-member task force convened in January 2016 and issued its report in July of that year. The group, which included judges, prosecutors, defense attorneys, law professors, legislators, members of law enforcement, and community leaders, was asked to recommend how to improve the function of grand juries in Ohio, as well as what steps could be taken to improve the public's confidence in the justice system. It was not asked to determine whether the grand jury system should be eliminated.



COURT GRANTS SUPPORT ADMINISTRATION OF JUSTICE

In 2018, the Supreme Court of Ohio continued supporting access to justice by awarding of more than **\$3.2 million** in grants to local courts and law-related organizations.

For the first time, the Court awarded **\$327,000** to eight law-related organizations in its initial offering of civil-justice grants intended to provide direct civil legal assistance and increased access for Ohioans' civil legal needs related, for example, to housing, health care, and economic security.

The eight grant awards included:

- **\$11,440** to the Mahoning County Court of Common Pleas Domestic Relations Division for its Legal Self-Help Center
- **\$50,000** to the Ohio State Legal Services Association for work with courts of 11 rural, Appalachian Ohio counties to provide legal help to pro se litigants
- **\$75,000** to the Ohio Domestic Violence Network for legal services to survivors of family and sexual violence
- **\$75,000** to University Hospitals in Cleveland, for its Medical Legal Partnership Guardianship Project.

The Supreme Court funds its Civil Justice Program from pro hac vice registration fees paid by out-of-state

attorneys who appear in Ohio court proceedings and from a voluntary add-on fee paid by Ohio attorneys during their biennial registration.

For the fourth consecutive year, the Supreme Court also awarded more than **\$2.9 million** in technology grants to local courts to help fund technology projects related to operational and security needs. The objective of this grant program is to help remove barriers to the efficient and effective administration of justice.

In 2018, the Court awarded 50 grants to courts in 31 Ohio counties, for operations-related projects such as improved websites, case management systems, video arraignment equipment, and e-filing systems.

The Court also awarded 16 grants to courts in 14 Ohio counties for security-related technology, including metal detectors and X-ray scanning equipment.

From 2015 through 2018, technology grants totaling more than **\$11 million** have been distributed to courts across Ohio. The funds have aided in the completion of 361 projects in 81 of Ohio's 88 counties.

STAFF NOTES

Making Headlines

From the legal history of rock and roll to the talented civic education volunteers, the Ohio Supreme Court was featured in two news stories in 2018.

Columbus Monthly and the Columbus Dispatch featured the 11th-floor law library's music-inspired legal display, as well as the 17 volunteer guides who lead regular tours at the Moyer Judicial Center.

The features highlighted the tireless work done by the volunteers in showing off the building's impressive architecture, as well as the innovative ways the law library staffers highlight legal subjects with a creative flair.



A music-themed display in the law library was one of its most popular in 2018.



Volunteer Galen Graham leads a tour group in the Courtroom.

At any moment during the day, there's a flurry of activity within the Moyer Judicial Center as tour guides take visitors through the Courtroom and picturesque halls.

That level of dedication caught the attention of the Columbus Dispatch, which featured Court tour guides in December 2018.

The article focused on the volunteers, who led 13,000 people on free tours throughout the year. Court tours highlight artwork, the building's grandeur, and the Visitor Education Center, where as many as 10,000 students each year learn about the high court and the cases they hear, through clever videos and interactive displays.

Susan Vorhees-Murphy, a tour volunteer, and Sara Stiffler, the Court's manager of the Civic Education Section and outreach programs, were interviewed for the piece.

The Dispatch also interviewed a teacher who said students admired the hands-on experience and how the tour brought the concepts of law into a reality.

HONORS & ACHIEVEMENTS

Judicial & Education Services Division Receives 2018 Jury Award of Excellence



FROM LEFT: W. Milt Nuzum, director of the Judicial & Education Services Division, Dot Keil, education program manager with the Judicial College, and Brian Farrington, statistics analyst with the Office of Court Services.

The Ohio Supreme Court's Judicial & Education Services division was the recipient of the 2018 Award of Excellence from the Ohio Jury Management Association (OJMA).

The Award of Excellence recognizes the efforts and accomplishments of individuals and groups who contributed in an exemplary way to promoting the OJMA mission to enhance excellent jury management in Ohio.

The Office of Judicial Services, part of the division, was honored for assisting OJMA in developing and distributing a statewide online survey on jury policies and practices. The use of an online format made the project more manageable and allowed OJMA to better use its limited resources.

Recognizing Employee Service & Excellence

The Supreme Court's 14th annual ceremony honoring employee excellence and service recognized more than 40 staff members in a Courtroom ceremony on April 10.

The highlights of each year are the Court's Professional Excellence Awards. Four employees were recognized with the highest honors given to Supreme Court employees: Cynthia Collins, purchasing officer, Office of Fiscal Resources; Brian Farrington, statistics analyst, Office of Court Services; Chris Lozan, facilities coordinator, Office of Facilities Management; and Tammy White, attorney services manager, Office of Attorney Services.

For the first time, the Court presented a Professional Excellence Team Award to 12 employees across five divisions. The award recognized their service and collaboration on the Court's new event management system.

Another 26 employees were honored for five, 10, 15, and 20 years of service to the Court.



Recipients of the Professional Excellence Awards are, from left: Tammy White, Brian Farrington, Chris Lozan, and Cynthia Collins.

Chief Justice O'Connor also presented a memorial plaque to the family members of Pamela G. Wynsen, former deputy reporter in the Office of Legal Resources, who passed away in February 2018. Pamela served the Court for 34 years.

2018

Year in Review

JANUARY 23

The Court releases a new bench card offering local courts guidance on human-trafficking cases.

JANUARY 25

Mary DeGenaro takes office, becoming the 159th justice of the Ohio Supreme Court.



MARCH 7-9

The Ohio Judicial College hosts a three-day orientation for 47 new magistrates, helping them make the transition from bar to bench.



MARCH 13

The Court hosts 400 mediators, lawyers, and judges at its first statewide Dispute Resolution Conference.

JAN

MAR

FEB

FEBRUARY 23

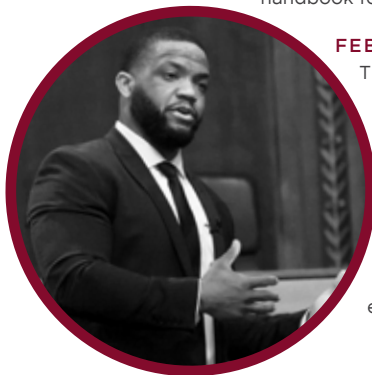
The Court Services division releases an operational handbook for juvenile court clerks.

FEBRUARY 26

The Supreme Court welcomes Maurice Clarett, who addressed a Courtroom-filled audience with his story of redemption during the annual Black History Month celebration.

FEBRUARY 27-MARCH 1

About 360 aspiring attorneys sit for the three-day Ohio bar examination.





MAY 5

Justice Kennedy receives the Silver Good Citizenship Medal from the National Society of the Sons of the American Revolution.

MAY 7

The Court admits nearly 200 new attorneys to the Ohio bar during an official Court session at the historic Ohio Theatre in Columbus.

MAY 16

The Court introduces a seven-minute video created to educate the public on the grand jury process and the duties of grand jurors.

MAY 24

President Warren G. Harding's family donates the plaster mold of the late president that was used to create the bas relief sculpture hanging in the Moyer Judicial Center's Grand Concourse.



MAY

APR

APRIL 10

The justices recognize dozens of employees for their many years of service to the Supreme Court during its annual employee recognition ceremony.

APRIL 11

The Supreme Court hears oral arguments in Ottawa, Ohio as part of its Off-Site Court program.



APRIL 25

The Ohio Jury Management

Association recognizes the staff of the Judicial & Educational Services division with its 2018 Award of Excellence.



APRIL 27

The Court releases the results of the February bar exam, which shows 195 aspiring attorneys passed the exam - a passage rate of 52 percent.

JULY 2

The Court's Office of Fiscal Resources launches OnBase, its new online purchasing system.

JULY 17

The Children & Families staff release updated probate bench cards, intended as quick legal references for judges and magistrates.



SEPTEMBER 4

The Court opens the application period for civil justice funding, a new grant program for initiatives to help Ohioans in need.

SEPTEMBER 12

The Supreme Court holds a moving tribute to Administrative Director Michael L. Buenger, who departed to become the executive vice president of the National Center for State Courts.

SEPTEMBER 13

Chief Justice O'Connor receives the Thomas J. Moyer Award for Judicial Excellence from the Ohio State Bar Association. Chief Justice O'Connor delivers her annual State of the Judiciary Address during the Ohio Judicial Conference's annual conference.

SEPTEMBER 14

The Court makes available grants to help defray the cost of field trips for students from throughout Ohio to visit the Moyer Judicial Center.

SEPTEMBER 17

Recognizing Constitution Day, Justice DeWine speaks at Oberlin College on the importance of free speech on college campuses.

SEPTEMBER 21

The Judicial College unveils an online course giving Ohio judges and magistrates the tools to determine pre-trial release in criminal cases.

JULY

SEPT

AUG

AUGUST 1

Justice O'Donnell hears his last oral arguments before retiring at the end of 2018.

AUGUST 6

The Law Library debuts a new public display depicting the effect on the music industry when copyrights or even lyric obscenity are challenged in the courts.

AUGUST 13-15

The Supreme Court hosts the annual conference of the National Association of Sentencing Commissions, bringing sentencing commission staff members from across the country to Columbus.

AUGUST 14

The Supreme Court announces it will begin using the National Conference of Bar Examiner's Uniform Bar Exam beginning in July 2020.





NOVEMBER 7

Cuyahoga County Common Pleas Judge Michael P. Donnelly won an open seat on the Supreme Court during the general election, while Eighth District Court of Appeals Judge Melody J. Stewart won a contested seat on the Supreme Court.



NOVEMBER 13

The justices hold an official Court session at the Palace Theatre in downtown Columbus to admit nearly 600 new attorneys to the Ohio bar.

NOVEMBER 21

Justice French, a three-time Ohio State alum, and Michigan Supreme Court Chief Justice Bridget Mary McCormack place a wager on their college football allegiance ahead of the infamous Ohio State-Michigan rivalry football game.

NOV

OCT

OCTOBER 8

The Court welcomes 40 children of staff members during its annual Take Your Child to Work Day event.

OCTOBER 23

During an annual luncheon, all seven Supreme Court justices laud 17 volunteers whose service is instrumental in conducting tours of the Moyer Judicial Center to thousands of visitors each year.



OCTOBER 11-12

The Court hosts hundreds of judges and judicial system personnel during the annual Specialized Dockets conference, featuring experts in drug, veteran, and mental health courts.

OCTOBER 12

The Court's Commission on Professionalism hosts more than 160 participants at its biennial Student to Lawyer Symposium.

OCTOBER 18

The Supreme Court opens applications for a new round of funding to local courts for technology projects designed to remove barriers to the administration of justice.

OCTOBER 26

The Court releases results of the July bar exam, citing a passage rate of nearly 70 percent.



DEC

DECEMBER 5

Justice French meets with newly elected state legislators during an orientation session hosted by the Ohio Legislative Service Commission, where she offered insight into the justices' role to interpret laws.

DECEMBER 10-13

The Supreme Court hosts 64 newly elected and appointed judges for a four-day orientation, including 52 who have no prior judicial experience.

DECEMBER 17

Justice Fischer hosts former Justice Paul Pfeifer during the first "Reflections from the Bench" program, part of a new video series he developed to chronicle the historical work and personal accounts of former Supreme Court justices.



ADMINISTRATIVE OPERATIONS

Complete descriptions of the Supreme Court administrative offices are available at sc.ohio.gov/AdminOffices.

Administrative Division

The Administrative Division is the lead division of the Supreme Court. It assists in developing and communicating the long-term vision, values, and direction of the Court and the judicial branch of Ohio government. The Administrative Division includes the offices of the Administrative Director, Chief Legal Counsel, Court Security, Fiscal Resources, Human Resources, Law Library, and Public Information. This division also oversees Court communication and outreach and provides support to the Court and Ohio judiciary in the areas of fiscal, human resources, and records management.

Clerk's Division

The clerk of the court supervises the filing of all case-related items and maintains all case files in matters pending before the Supreme Court. In addition, the office maintains case dockets, the Court's journal, and relevant trial, appellate, board, and agency records. The office prepares and issues Court orders, schedules oral arguments and other case-related matters for the Court's consideration, and coordinates interagency communication in death-penalty cases. The division includes the Office of the Reporter, which publishes Supreme Court, appellate, and trial court opinions.

Attorney Services Division

The Attorney Services Division assists the Supreme Court in its regulation of the practice of law in Ohio. This division includes the Office of Bar Admissions.

Legal Resources Division

The Office of Legal Resources assists in resolving complex legal issues pending before the Supreme Court.

Judicial & Education Services Division

The Office of Judicial Services is the lead office of the division, which includes the Ohio Judicial College. The Office of Judicial Services coordinates the management of division projects and provides oversight of the judges' database, support services for the creation of new judgeships, and the assignment of visiting judges. The Judicial College provides educational programs for Ohio's judges and non-judicial court personnel, as well as training for those who Ohioans serve as guardians ad litem and adult guardians.

Court Services Division

The Office of Court Services supports trial and appellate courts in the administration of justice. Its staff provides traditional and innovative services in response to and with respect for the needs of the courts and the public.

Facilities Management Division

The Facilities Management Division ensures the secure and efficient operation of the Moyer Judicial Center and maintains internal and external comfort, cleanliness, and building standards. The division provides building management services to Supreme Court employees and other building tenants, and ensures the safety and comfort of guests.

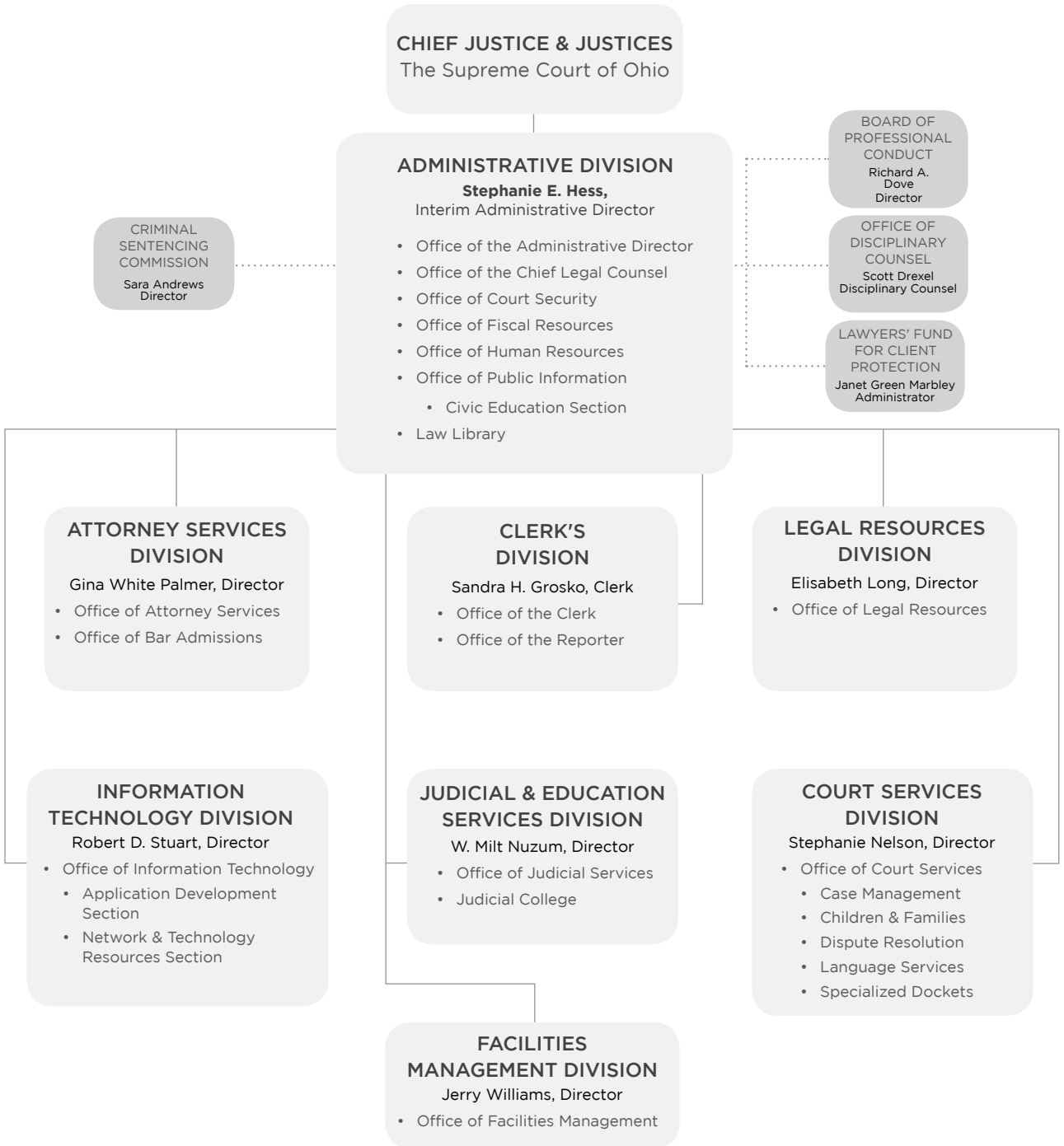
Information Technology Division

The Information Technology Division operates the Supreme Court's information technology systems and processes. 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.

AFFILIATED OFFICES: In addition to its eight divisions, the Supreme Court has four affiliated offices with a quasi-independent status because of the nature of their work: the **Office of Disciplinary Counsel**, the **Board of Professional Conduct**, the **Lawyers' Fund for Client Protection**, and the **Ohio Criminal Sentencing Commission**. Complete descriptions of these offices are available at sc.ohio.gov/AdminOffices.

THE SUPREME COURT of OHIO

2018 ADMINISTRATIVE STRUCTURE



CASE STATISTICS

More than 1,850 cases were filed with the Ohio Supreme Court in 2018.

	APPEALS	MERIT CASES	PRACTICE OF LAW CASES	TOTAL
CASES FILED	1,299	428	131	1,858
CASE DISPOSITIONS	1,508	559	121	2,188

118%
CLEARANCE RATE



- **48%** Criminal
- **23%** Miscellaneous¹
- **18%** Civil
- **7%** Practice of Law
- **4%** Domestic Relations, Probate & Juvenile

882
Cases pending on **Jan. 1, 2018**

552
Cases pending on **Dec. 31, 2018**

¹ Miscellaneous cases include certified conflict cases, certified questions of state law, direct appeals, original actions, and administrative appeals.

Cases Filed in 2018

1,299 Jurisdictional Appeals

1,191	Jurisdictional Appeals
8	Death Penalty Postconviction Appeals
15	Appeals Involving Termination of Parental Rights/Adoption
76	Appeals from App.R. 26(B) Applications
9	Petitions to Transfer Board of Tax Appeals Appeal from Court of Appeals

428 Merit Cases

224	Original Actions
58	Habeas Corpus Cases
73	Direct Appeals (Cases Originating in Court of Appeals)
14	Certified Conflicts
3	Certified Conflicts Involving Termination of Parental Rights/Adoption
1	Appeals from Board of Tax Appeals
5	Appeals from Public Utilities Commission
1	Appeals from Power Siting Board
5	Death Penalty Cases
0	Appeals from App.R. 26(B) Application in Death Penalty Case
2	Certified Questions of State Law
0	Appeals from Denial of DNA Testing in Capital Case
0	Appeals of Contest of Election under R.C. 3515.15
1	Petition Challenges pursuant to Article II, Section 1g of the Ohio Constitution
0	Contests of an Election pursuant to R.C. 3515.08
41	Cases Purporting to Invoke Unspecified Original Jurisdiction

131 Practice of Law Cases

120	Disciplinary Cases
5	Bar Admission Cases
6	Unauthorized Practice of Law Cases

1,858 Total Cases Filed

2018 Final Dispositions

1,508 Jurisdictional Appeals²

1,408	Jurisdictional Appeals
7	Death Penalty Postconviction Appeals
14	Appeals Involving Termination of Parental Rights/Adoption
72	Appeals from App.R. 26(B) Applications
7	Petitions to Transfer Board of Tax Appeals Appeal from Court of Appeals

559 Merit Cases

229	Original Actions
61	Habeas Corpus Cases
83	Direct Appeals (Cases Originating in Court of Appeals)
12	Certified Conflicts
0	Certified Conflicts Involving Termination of Parental Rights/Adoption
66	Appeals from Board of Tax Appeals
9	Appeals from Public Utilities Commission
1	Appeals from Power Siting Board
6	Death Penalty Cases
0	Appeals from App.R. 26(B) Application in Death Penalty Case
4	Certified Questions of State Law
1	Appeals from Denial of DNA Testing in Capital Case
0	Appeals of Contest of Election under R.C. 3515.15
1	Petition Challenges pursuant to Article II, Section 1g of the Ohio Constitution
28	Other Merit Cases
58	Jurisdictional Appeals Accepted for Merit Review

121 Practice of Law Cases

111	Disciplinary Cases
6	Bar Admission Cases
4	Unauthorized Practice of Law Cases

2,188 Total Final Dispositions

² This category includes dispositions when the Court declined to accept jurisdiction and did not review the merits of the case.

Cases Pending on Dec. 31, 2018

262 Jurisdictional Appeals

- 233 Jurisdictional Appeals
 - 2 Death Penalty Postconviction Appeals
 - 0 Appeals Involving Termination of Parental Rights/Adoption
- 23 Appeals from App.R. 26(B) Applications
- 4 Petitions to Transfer Board of Tax Appeals Appeal from Court of Appeals

240 Merit Cases

- 56 Original Actions
- 5 Habeas Corpus Cases
- 56 Direct Appeals (Cases Originating in Court of Appeals)
- 13 Certified Conflicts
 - 3 Certified Conflicts Involving Termination of Parental Rights/Adoption
 - 1 Appeals from Board of Tax Appeals
 - 7 Appeals from Public Utilities Commission
 - 2 Appeals from Power Siting Board
- 10 Death Penalty Cases
- 2 Certified Questions of State Law
- 0 Appeals from App.R. 26(B) Application in a Death Penalty Case
- 0 Appeals from Denial of DNA Testing in Capital Case
- 14 Other Merit Cases
- 71 Jurisdictional Appeals Accepted for Merit Review

50 Practice of Law Cases

- 46 Disciplinary Cases
- 1 Bar Admission Cases
- 3 Unauthorized Practice of Law Cases

552 Total Cases Pending

JUDICIARY/SUPREME COURT OPERATING EXPENDITURES

The Supreme Court of Ohio/Judiciary GRF budget accounts for **\$162.6 million**, which is used to support the operation of the Moyer Judicial Center, as well as the payment of the salaries of Ohio judges and district court of appeals staff.

	Expenditures FY 2018*	Percent of Total	Budgeted FY 2019**	Percent of Total
JUDICIARY				
Courts of Appeals Judges	\$13,847,559	7.9%	\$14,831,763	8.0%
Trial Court Judges	\$84,810,091	48.4%	\$90,911,531	48.8%
TOTAL OHIO JUDICIARY	\$98,657,650	56.4%	\$105,743,294	56.8%
COURT OF APPEALS STAFF	\$28,901,554	16.5%	\$31,299,310	16.8%
SUPREME COURT				
Supreme Court of Ohio Operations	\$43,858,123	25.1%	\$43,395,874	24.4%
Ohio Center for Law-Related Education	\$166,172	.1%	\$166,172	.1%
Ohio Courts Network Initiative	\$3,415,098	2.0%	\$3,350,000	1.8%
Civil Justice Program Fund	\$60,020	0%	\$350,000	.2%
SUPREME COURT TOTAL	\$47,499,413	27.1%	\$49,262,046	26.4%
OHIO JUDICIARY & SUPREME COURT TOTAL	\$175,058,617	100%	\$186,304,650	100%

* Includes encumbrances and all fund sources.

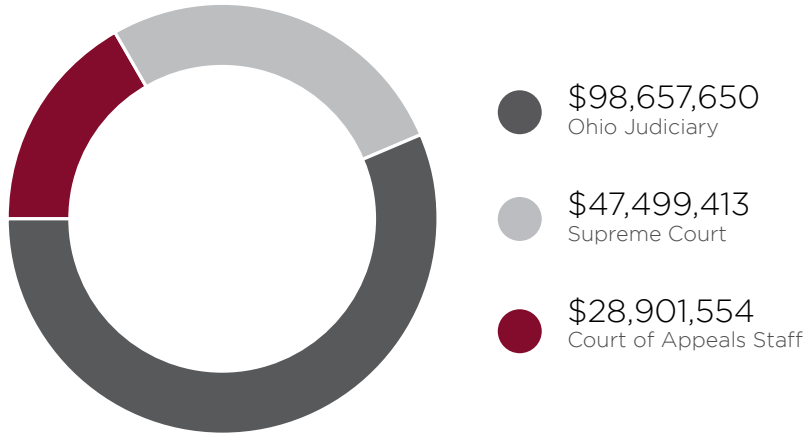
** Budget is as of December, fiscal year 2019.

NOTE: Numbers may be rounded up to the nearest dollar.

SOURCE: State of Ohio OAKS Fin System

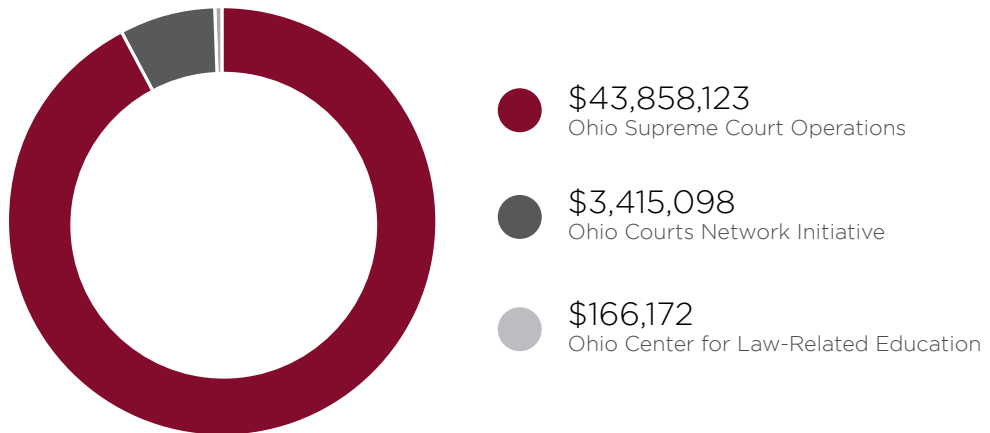
Ohio Judiciary/Supreme Court

Fiscal Year 2018 Total Expenditures



Supreme Court of Ohio

Fiscal Year 2018 Total Expenditures



BOARDS, COMMISSIONS, ADVISORY COMMITTEES, AND TASK FORCES

The Court relies on 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 Ohio courts, regulate the practice of law, and provide efficient and helpful services to the judicial branch of Ohio government. To learn more about these bodies and the nature of their work, refer to sc.ohio.gov.

BOARDS

BOARD OF BAR EXAMINERS

Gina White Palmer
SECRETARY

Michael M. Briley
Hon. Thomas F. Bryant
Lisa Weekley Coulter
Jennifer E. Day
Hon. Michael P. Donnelly
Patricia A. Gajda
Julie A. Jones
Shawn Judge
Kevin J. Kenney
Edward F. Kozelek
Hon. R. Scott Krichbaum
Robert M. Morrow
Michael E. Murman
William J. O'Neill
Thomas J. Scanlon
Adam F. Seibel
John W. Waddy
Suzanne Waldron
C. Michael Walsh
Hon. Mark K. Wiest*

BOARD OF COMMISSIONERS ON CHARACTER & FITNESS

Gina White Palmer
SECRETARY

Mary Asbury
Charles H. Bean
Darrell A. Clay
Faye D. Cox
McKenzie K. Davis
John C. Fairweather
John E. Gamble
Susan Gwinn
Chad A. Heald
Todd C. Hicks*
John A. Kocher
Bennett A. Manning
Hon. Denise L. Moody
James D. Sillery

BOARD OF PROFESSIONAL CONDUCT

Richard A. Dove
DIRECTOR

John R. Carle
James D. Caruso
Tim L. Collins
Patrick J. Condon
Hon. D. Chris Cook
Hon. Rocky Coss
Teri R. Daniel
Jeff M. Davis
David L. Dingwell*
William H. Douglass

Lisa A. Eliaison
Robert B. Fitzgerald
Lindsay Ellis Ford
Hon. Joseph Gibson
Thomas M. Green
David W. Hardymon
Tad A. Herold
Hon. William A. Klatt
M. Lynn Lampe
Patrick M. McLaughlin
Hon. Charles M. Miller
Peggy J. Schmitz
Teresa Sherald
Carolyn A. Taggart
Sanford E. Watson
Hon. John R. Willamowski
Hon. John Wise
Patricia A. Wise
Frank C. Woodside III

BOARD ON THE UNAUTHORIZED PRACTICE OF LAW

Minerva B. Elizaga
SECRETARY

Richard L. Creighton
Renisa A. Dorner*
Scott E. Elisar
Kent C. Kiffner
Jamar T. King
Paul T. Kirner
Edward T. Mohler
Jan A. Saurman
James S. Simon

Leo M. Spellacy Jr.
David Tom
David E. Tschantz
Alfred P. Vargas

LAWYERS' FUND FOR CLIENT PROTECTION

Janet Green Marbley
ADMINISTRATOR

Gregory Delev
Robert W. Everett
Jack R. Kullman Jr.
Sara L. Peller
Hon. John J. Russo*
Monica Sansalone
Stephen R. Serraino

JUDICIAL COLLEGE BOARD OF TRUSTEES

M. Christy Tull
STAFF LIAISON

Hon. Anthony Capizzi*
Hon. John Durkin
Hon. Julia L. Dorrian
Hon. Beverly K. McGookey
Nancy G. McMillen
Hon. Maureen O'Connor
Hon. Diane M. Palos
Hon. Jonathan Starn
Hon. Melody J. Stewart
Hon. Annalisa Stubbs Williams
Hon. Gene A. Zmuda

* Chair

COMMISSIONS

COMMISSION ON CERTIFICATION OF ATTORNEYS AS SPECIALISTS

Gina White Palmer
SECRETARY

David S. Blessing
Karen L. Bovard
Colleen E. Cook
Elizabeth I. Cooke
Marisa L. Cornachio
David R. Cory*
Janis E. Susalla Foley
Neil F. Freund
Doron M. Kalir
Amy Beth Koorn
Patricia D. Lazich
Kathryn L. McBride
Hon. Thomas O'Diam
Robert B. Preston III
Hon. Charles A. Schneider
Thomas R. Theado
Julie E. Zink

COMMISSION ON CONTINUING LEGAL EDUCATION

Gina White Palmer
SECRETARY

Douglas E. Bloom
Hon. Laurel A. Beatty Blunt
Julie A. Cohara
Richard L. Dana Jr.
Hon. William L. Dawson
Barbara J. Howard
John C. Huffman
Tabitha D. Justice
Hon. Michael Krumholtz
Robert J. Mann
Sheilah H. McAdams
Ho. Michael Oster
Sky Pettey
Stephen J. Pronai
Anne E. Ralph
Neil D. Schor
Hon. Terri L. Stupica*
Kevin L. Williams

COMMISSION ON THE THOMAS J. MOYER OHIO JUDICIAL CENTER

W. Milt Nuzum
STAFF LIAISON

Lane Beougher*
Hon. Pierre Bergeron
Scott Gilliam
Mary Gray
Philip M. Koepf
J. Jeffrey McNealey
Jeffrey W. Ruple
Barbara Powers
Gerald B. Warner
Linda Woggon

COMMISSION ON PROFESSIONALISM

Martha S. Asseff
SECRETARY

Stephanie Adams
Felicia Bernardini
Hon. Richard L. Collins Jr.*
Claudia Cortez-Reinhardt
Douglas Dennis
Hon. Jeffrey Froelich
Mina Jones Jefferson
Hon. Michael K. Murry
Denise Platfoot Lacey
Mark Petrucci
Michael L. Robinson
Emily C. Samlow
Hon. Brendan J. Sheehan
Sarah K. Skow
Hon. Latecia E. Wiles

COMMISSION ON THE RULES OF PRACTICE & PROCEDURE IN OHIO COURTS

Jess Mosser
STAFF LIAISON

Rick Brunner
Hon. William Finnegan*
James M. Gillette
Hon. Barbara Gorman
John D. Holschuh Jr.
John Homolak
Hon. Mary Katherine Huffman
Daniel Izenson
Elizabeth Lenhart
John T. Martin
M. Scott McIntyre
Frank Osborne
Andrew S. Pollis
Hon. Jack R. Puffenberger
Hon. Denise Rini

Hon. J.T. Stelzer
Hon. Timothy VanSickle
Hon. Cheryl Waite
Judy C. Wolford
Paul Pride
Jim Hogan
Hon. James Shriver
Lori Tyack

COMMISSION ON THE RULES OF SUPERINTENDENCE

John S. VanNorman
STAFF LIAISON

Christopher Bazeley
Hon. David Bennett
T. Owen Beetham
Hon. Van Blanchard II
Michael L. Buenger
Hon. Joyce A. Campbell
Hon. Donna Carr
Christina L. Corl
Hon. Patricia Delaney*
Hon. Michael Goulding
Hon. David Hejmanowski
Stephanie E. Hess
Gary Kohli
Tim Lubbe
Mark McCown
Hon. W. Wyatt McKay
Hon. Diane M. Palos
Hon. Fanon Rucker
Hon. Matt C. Staley
Susan Sweeney
Hon. Terre L. Vandervoort

COMMISSION ON TECHNOLOGY & THE COURTS

Robert D. Stuart
STAFF LIAISON

Hon. Jeffrey J. Beigel
Berlin Carroll
Hon. Eileen Gallagher
Hon. Paula Giulitto
Hon. Duane Goettmoeller
Mary Jo Hawkins
Jason Hill
Nick Lockhart
Steve Longworth
Hon. Eugene A. Lucci
Velta Moisio
Hon. Tom S. Moulton Jr.*
Marlon Primes
Hon. Robert Rusu
Hon. Arlene Singer
Hon. Laura Smith

Brandon K. Standley
Hon. James Stevenson
Brandie Swickrath
Hon. James T. Walther
Roger Wilson
David Zoll

COMMISSION ON APPOINTMENT OF COUNSEL IN CAPITAL CASES

Tammy White
STAFF LIAISON

Ann M. Baronas
Richard A. Cline
Jefferson E. Liston
Hon. Thomas M. Marcelain
John T. Martin*

OHIO CRIMINAL SENTENCING COMMISSION

Sara Andrews
DIRECTOR

Chrystal Alexander
Lara N. Baker-Morrish
Hon. Kristin Boggs
Paula Brown
Brooke Burns
Charles C. Chandler
Hon. Robert C. DeLamatre
Hon. Carl DiFranco
Hon. Gary Dumm
Hon. John Eklund
Hon. Robert D. Fragale
Hon. W. Scott Gwin
Kathleen Hamm
Gwen Howe-Gebers
Stuart Hudson
Hon. Terri Jamison
Hon. Thomas M. Marcelain
Charles T. "Chip" McConville
Hon. Steve McIntosh
Gary Mohr
Aaron Montz
Hon. Maureen O'Connor*
David Painter
Paul Pride
Harvey Reed
Hon. Jeffrey Rezabek
Hon. Bill Seitz
Hon. Nick A. Selvaggio
Larry L. Sims
Hon. Kenneth Spanagel
Brandon K. Standley
Hon. Cecil Thomas
Timothy Young



BOARDS, COMMISSIONS, ADVISORY COMMITTEES,

COMMISSION ON DISPUTE RESOLUTION

Catherine Geyer
STAFF LIAISON

Richard Altman*
Hon. Ted Barrows
Terrence Donnellon
Hon. Gene Donofrio
Lenny Eliaison
Hon. Colleen Falkowski
Marc Fishel
Hon. Robert D. Fragale
Douglas N. Godshall
Hon. Jeffrey Hooper
Peggy Foley Jones
Hon. Joyce V. Kimbler
Diane Lease
Bryan Long
Hon. Alice McCollum
Marcie Patzak-Vendetti
James Petas
Hon. Guy Reece II
Hon. Pamela Rintala
Brian Stewart

COMMISSION ON SPECIALIZED DOCKETS

Sarah Jeu, Monica Kagey, Lizett
Schreiber, LaTonya Adjei Tabi,
and Alicia Feehery Wolf
STAFF LIAISONS

Abbie Badenhop
Lara N. Baker-Morrish
Hon. Teresa Ballinger
Hon. Jeffrey Benson
Mary Bower
Hon. Joyce A. Campbell
Hon. Theresa Dellick*
Hon. Charlotte Coleman
Eufinger

Scott Fulton
Susan L. House
Hon. John P. Kolesar
Marie Lane
Dawn Lucey
Laura Lynd-Robinson
Hon. David T. Matia
Hon. Elizabeth Lehigh
Thomakos
Wade Melton
Hon. Charles L. Patton
Hon. Noah Powers
Hon. Jeffrey L. Reed
Hon. James Shriver
Hon. Annalisa Stubbs Williams

ADVISORY COMMITTEES

ADVISORY COMMITTEE ON CASE MANAGEMENT

Tasha R. Ruth
STAFF LIAISON
Hon. Craig R. Baldwin
Gretchen Beers
Russell Brown
Hon. Kim A. Browne
Hon. Timothy Cannon
Hon. Anthony Capizzi
Hon. Rocky A. Coss
Hon. Carol J. Dezso
Hon. Gary Dumm
Hon. Ricahrd A. Frye
Hon. Laura J. Gallagher
Lisa M. Gorrasi
Hon. Michael T. Hall
Hon. Kristen K. Johnson
Hon. Jerome J. Metz Jr.*
Hon. Diane M. Palos

Hon. Tom Pokorny
Elizabeth W. Stephenson
Hon. Terri L. Stupica
Susan Sweeney
C. Michael Walsh
Hon. Curt Werren
Hon. Gene A. Zmuda
Hon. Joseph J. Zone

ADVISORY COMMITTEE ON CHILDREN & FAMILIES

David Edelblute
STAFF LIAISON
Hon. Edna Brown
Hon. Anthony Capizzi
Carla Carpenter
Hon. Glenn Derryberry
Michelle Edgar
Serpil Ergun
Hon. Colleen Falkowski
Ryan Gies
Hon. Elizabeth Gill
Hon. Rosemarie Hall
Catherine Hill
Matthew Kurtz
Hon. Denise Herman McColley**
Hon. Robert Montgomery
Hon. Matthew Puskarich
Nicole Rodriguez
Doug Schonauer
Hon. Matt Staley**
Hon. Linda Tucci Teodosio
Craig Treneff
Tonya Whitsett

ADVISORY COMMITTEE ON COURT SECURITY

James Cappelli, Ryan Fahle,
John Groom & Terry Lyons
STAFF LIAISONS

Hon. Mark A. Betleski
Tony Brigano
Hon. Beth W. Cappelli
Hon. Katarina V. Cook
Andrew Elder
Hon. Robert D. Fragale
Hon. W. Scott Gwin*
Hon. Robert C. Hickson Jr.
Hon. Jim D. James
Hon. Terri Jamison
Hon. Linda J. Jennings
David T. Marcelli
Carol O'Brien
Hon. Cynthia W. Rice
Hon. Christopher Roberts
Kenneth Roll
David Shaffer
Hon. Lee Sinclair
Hon. Robert W. Stewart
Horst Wudi

ADVISORY COMMITTEE ON DOMESTIC VIOLENCE

Diana Ramos-Reardon
STAFF LIAISON

Cynthia Bailey
Hon. James Brown
Hon. Thomas Capper
Micaela Deming
Michael Eachus
Hon. Margaret Evans*
Hon. Jeffrey Ingraham
Anthony Ingram
Richard Ketcham
Hon. Julie Monnin

* Chair ** Co-Chairs



AND TASK FORCES, CONTINUED...

Hon. David Nist
Hon. Andrea Peeples
Hon. Kathleen Rodenberg
Alexandria Ruden
Bruce Smallheer
Hon. Laura Beth Smith
Travis Vieux
Hon. Michelle Wagner
Linda Warner
Karen Zajkowski

ADVISORY COMMITTEE ON LANGUAGE SERVICES

Bruno G. Romero
STAFF LIAISON

Edward H. Chyun
Lisa K. Deters
Lidia Ebersole
Rosalind C. Florez
Becky A. Guzman
Hon. David Hejmanowski*
John Homolak
Michael Kochera
James W. Lewis
Glenn Martinez
Hon. Denise L. Moody
John Moore
Hon. Andrea C. Peeples
Hon. Margaret M. Quinn
Hon. Beth A. Smith
Hon. Thomas Teodosio
Louis E. Valencia II
Hon. Gary L. Yost
Carlo Zambrano

ADVISORY COMMITTEE ON THE JUDICIAL FAMILY NETWORK

Alyssa Guthrie
STAFF LIAISON

Vallie Bowman-English
Rick Brunner
Susan Burchfield
Kelly Cicconetti
Jennifer Fuller
Tim Gorman*
Susan Hany
Sharon Hickson
Susan Ingraham
Bill Jennings
Kristine Puskarich
Laurie Repp
Cheryl Sieve
Sue Strausbaugh
Elisia Triggs
Tom Zitter

COURT PERSONNEL EDUCATION & TRAINING COMMITTEE

Dot Keil & J. Kristopher Steele
STAFF LIAISONS

Jody Barilla
Douglas Bettis
Sarah Brown-Clark
Michelle Butts
Mindy Cooper
Amy Gerstmeyer
Linda S. Janes
Justin Kornhaus
Kathy Lopez
Anthony Miller*
Michael Moran
Michele Mumford
Juli Tice

OHIO CRIMINAL SENTENCING ADVISORY COMMITTEE

Sara Andrews
DIRECTOR

Jill Beeler
Douglas A. Berman
Jim Cole
Lori Criss
Paul Dobson
Steve Gray
James Lawrence
John Leutz
David Magura
Jason McGowan
Brian Martin
Michelle Miller
Karlton Moore
David Picken
Hon. Keith Spaeth
Hon. Paul Pfeifer
Cary Williams
Michael Williams

TASK FORCES

TASK FORCE ON THE OHIO BAR EXAMINATION

John S. VanNorman
STAFF LIAISON

D. Benjamin Barros*
Hon. R. Patrick DeWine
Rachel Janutis
Ronald Kopp
Katrina Kramer
Mary Jane McGinty
Alan C. Michaels
Robert Morrow
Sarah Polly
Nancy Reeves

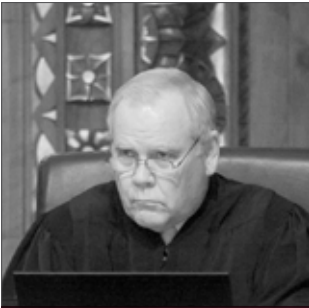
Suzanne Richards
Richard C. Simpson
Andrew L. Strauss
Lee Ann Ward
Hon. Mark Wiest
Verna L. Williams

TASK FORCE ON THE OHIO DISCIPLINARY SYSTEM

John S. VanNorman
STAFF LIAISON

Desiree Blankenship
Joseph Caligiuri
McKenzie Davis
Paul DeMarco*
Richard A. Dove
Hon. Patrick F. Fischer
Roger Gates
Hon. Michael Hall
Hon. William Harsha
George Jonson
Hon. William A. Klatt
Hon. Guy Reece II
Karen Rubin
Hon. Arlene Singer
Hon. Linda Teodosio
Robin Weaver
Heather Zirke
Hon. Gene A. Zmuda

VISITING JUDGES



HON. MICHAEL T. HALL



HON. JAMES JENSEN



HON. LISA L. SADLER



HON. RUSSELL MOCK



HON. W. SCOTT GWIN



HON. WILLIAM H. HARSHA



HON. LYNNE S. CALLAHAN



HON. WILLIAM A. KLATT



HON. ROBIN N. PIPER



HON. CHARLES M. MILLER



HON. BETH A. MYERS



HON. PENELOPE R.
CUNNINGHAM



HON. MARILYN ZAYAS



HON. CHRISTINE E. MAYLE



HON. SUSAN BROWN



HON. MICHAEL E. POWELL

According to the Ohio Constitution, in the event of a recusal by a justice from a pending case, the chief justice can appoint any of the 69 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 2018.

HON. MICHAEL T. HALL
SECOND DISTRICT

Kolosai v. Azem, M.D. et al.
Case No. 2016-1584
January 23

State v. Martin
Case No. 2016-1584
January 23

State v. Mason
Case No. 2017-0200
January 23

Cincinnati Bar Association v. Fernandez
Case No. 2017-1409
January 23

HON. JAMES JENSEN
SIXTH DISTRICT

State v. Mason
Case No. 2017-0200
January 23

HON. LISA L. SADLER
TENTH DISTRICT

State v. Wilks
Case No. 2014-1035
January 24

Portage Cty. Bd. of Dev. Disabilities v. Portage Cty. Educators' Assn. for Dev. Disabilities
Case No. 2017-0696
January 24

Disciplinary Counsel v. Gold
Case No. 2017-1411
January 24

State v. Anthony Carnes
Case No. 2017-0087
February 27

HON. RUSSELL MOCK
FIRST DISTRICT

Bronx Park S. III Lancaster, L.L.C. v. Fairfield Cty. Bd. of Revision
Case No. 2016-1468
January 25

Elliott-Thomas et al. v. Smith
Case No. 2017-0693
January 25

Columbus Bar Association v. Okuley
Case No. 2017-1417
January 25

HON. W. SCOTT GWIN
FIFTH DISTRICT

Electronic Classroom of Tomorrow, Jeremy Aker, et al. v. Ohio Department of Education
Case No. 2017-0913
February 13

HON. WILLIAM H. HARSHA
FOURTH DISTRICT

Pelletier v. Campbell
Case No. 2017-0088
February 14

HON. LYNNE S. CALLAHAN
NINTH DISTRICT

State v. Anthony Carnes
Case No. 2017-0087
February 27

HON. WILLIAM A. KLATT
TENTH DISTRICT

State v. Anthony Carnes
Case No. 2017-0087
February 27

City of Toledo v. State of Ohio, et al.
Case No. 2017-0327
April 24

HON. ROBIN N. PIPER
TWELFTH DISTRICT

Wells Fargo v. Burd, et al.
Case No. 2017-0279
April 24

HON. CHARLES M. MILLER
FIRST DISTRICT

Wells Fargo v. Burd, et al.
Case No. 2017-0279
April 24

HON. BETH A. MYERS
FIRST DISTRICT

Thomas Dundics, et al. v. Eric Petroleum Corporation
Case No. 2017-0448
May 8

HON. PENELOPE R. CUNNINGHAM
FIRST DISTRICT

Portee, et al. v. Cleveland Clinic, et al.
Case No. 2017-0616
May 22

HON. MARILYN ZAYAS
FIRST DISTRICT

State of Ohio v. Edwin A. Vega
Case No. 2017-0618
June 12

HON. CHRISTINE E. MAYLE
SIXTH DISTRICT

The Cincinnati Reds v. Joseph W. Testa, Tax Commission of Ohio
Case No. 2017-0854
June 13

HON. SUSAN BROWN
TENTH DISTRICT

State of Ohio v. Dustin Bishop
Case Nos. 2017-1715 and 2017-1716
July 18

HON. MICHAEL E. POWELL
TWELFTH DISTRICT

State of Ohio v. David L. Braden
Case Nos. 2017-1579 and 2017-1609
July 31

This report is available for online viewing
and sharing at sc.ohio.gov/publications.

PUBLISHED BY

THE SUPREME COURT *of* OHIO

JUNE 2019

2018 SUPREME COURT OF OHIO STAFF

OFFICE OF CHIEF JUSTICE MAUREEN O'CONNOR · John D. Biancamano · Theresa M. Dean · Amy J. Ervin · Sarah R. Stafford · **OFFICE OF JUSTICE TERENCE O'DONNELL** · Reed A. Heiligman · Sheena Helm · Tiffany M. Rinsky · Ann M. Schlatter · Charles E. Sulek · **OFFICE OF JUSTICE SHARON L. KENNEDY** · Francis L. Barnes III · Dorothy T. Gass-Lower · James S. Kresge · Christina Robe · James W. Sheridan · **OFFICE OF JUSTICE JUDITH L. FRENCH** · Pearl M. Chin · Kristopher A. Haines · Sheena Helm · Kelly A. Peters · Jon E. Schelb · **OFFICE OF JUSTICE PATRICK F. FISCHER** · Gerri L. Allen · Kylie A. Conley · Paul Kerridge · Ronald L. Wadlinger II · **OFFICE OF JUSTICE R. PATRICK DeWINE** · Lina N. Alkamdawi · Brodi J. Conover · Rachel K. Herrmann · Lauren M. Staley · Benjamin C. White · **OFFICE OF JUSTICE WILLIAM M. O'NEILL** · Christine A. Einloth · Louis E. Grube · Christina Madriguera · Michael P. O'Day · **OFFICE OF JUSTICE MARY DeGENARO** · Emily K. Anglewicz · Christine A. Einloth · Rebecca F. Rabb · Christopher S. Rapping · **ADMINISTRATIVE DIVISION** · Timothy P. Andersen · Phillip Battle · Andrew W. Bowsher · Michael L. Bracone II · Marlys Watson Bradshaw · P. Michael Bradshaw · Michael L. Buenger · James P. Cappelli · Ronda E. Carver · Cynthia J. Collins · Paula Cooper · William B. Crawford Jr. · Shaina A. Dampier · Carol C. Durley · Roger D. Eden II · Julie J. Edmund · Mary V. Edwards · Deborah S. Fagan · Ryan J. Fahle · Phillip A. Farmer · Mason T. Farr · Linda J. Flickinger · Nelson Roberto Frantz · Anna E. Gault · Timothy L. Gaunt · Pamela George · Michelle Graff · John A. Groom · Stephanie E. Hess · Linda Hodge · Alyson Houk · Scott A. Irion · Jeffrey M. Jablonka · Sharon L. Jewett · Christine L. Kidd · Kenneth S. Kozlowski · Andrea N. Kulikowski · Erika L. Lemke · Elaina Lott · Lisa M. Lynch · Terry M. Lyons · Kathleen M. Maloney · Ely Margolis · Craig R. Mayton · Edward K. Miller · Katie Monahan · Jesse T. Mosser · Courtney T. Nixon · Gerald F. Norris · Melissa Pierre-Louis · Brandee E. Preston · Rebecca Savage · Scott J. Schaller · James R. Shroyer · George E. Smith · Sara S. Stiffler · Chelsey L. Stillwell · Csaba Sukosd · Davina Tate · Carol A. Taylor · James R. Theado · Jason L. Thomas · Daniel F. Trevas · Terrence L. Upchurch · John S. VanNorman · Erin N. Waltz · Cynthia J. Ward · Evan F. Ward · Emily Warthman · Anne M. Yeager · **CLERK'S DIVISION** · Mary Joseph Beck · Katherine H. Berman · Betsy Clarke · Alicia F. Elwing · Melissa M. Ferguson · Sandra H. Grosko · Kimberly M. Hamiter · James F. Ingram · Christopher Jackson · Joella Jones · Stephen M. Kahler · Stephanie B. Kellgren · Justin T. Kudela · Jason A. Macke · Katherine J. Mosca · Douglas M. Nelson · Amy L. Reitz · Jodi L. Schneider · Anthony D. Schroeder · Kara N. Schulkers · Katherine Szudy · Analeah O. Washington · Pamela G. Wynsen · **LEGAL RESOURCES DIVISION** · Kristopher Armstrong · James F. Bumbico · Connie A. Crim · Laura W. Dawson · Aaron D. Epstein · Daniel W. Fox · Erick Gale · Douglas H. Kohrt · Elisabeth A. Long · Robert C. Maier · Gregory P. Mathews · Christine Marie Mendoza · Ryan P. O'Rourke · Melissa M. Prendergast · Arleathia Radcliffe · Angela M. Sullivan · **ATTORNEY SERVICES DIVISION** · Elizabeth M. Arcos · Martha S. Asseff · Minerva B. Elizaga · Ashlea M. Glaser · Lori Gilbert · Tarik H. Jackson · Tiffany A. Kline · Kendra D. Lindsey · Penny L. Marchal · Dawnyale L. McGowan · Lei W. Moore · David H. Newman · Gina White Palmer · Lori M. Robison-Embry · Shannon B. Scheid · Denise L. Spencer · Lee Ann Ward · Michelle A. Vasquez White · Roselyn R. White · Tammy J. White · **JUDICIAL & EDUCATIONAL SERVICES DIVISION** · Trina D. Bennington · Terri R. Bidwell · Cecilia Burford · Samuel A. Campbell · Maria C. Danison · Christopher Fields · Samantha J. Goyings · Alyssa A. Guthrie · Diane E. Hayes · Dot Keil · Ashley Lynch · Lauren M. McMannis · W. Milt Nuzum · Morgan E. Patten · Richard Presley · J. Kristopher Steele · M. Christy Tull · Katrina M. Webb · Debra E. Weinberg · Sharon L. Wells · Jennifer B. Whetstone · Cindy Wright · Michael L. Woods · **COURT SERVICES DIVISION** · Veronica L. Burroughs · Lucy M. Chandler · Nicole DiCuccio · David Edelblute · Brian C. Farrington · Dana Harden Freeman · Catherine C. Geyer · Ashley L. Gilbert · Christine L. Hahn · Quincella Harrison · Nikole D. Hotchkiss · Sarah E. Jeu · Monica D. Kagey · Patricia A. Latham · Kevin M. Lottes · Sheila Lovell · Stephanie Graubner Nelson · Kyana Darner Pierson · Diana Ramos-Reardon · Bruno G. Romero · Colleen P. Rosshirt · Tasha R. Ruth · Lizett M. Schreiber · Latonya Adjei Tabi · Alicia F. Wolf · **INFORMATION TECHNOLOGY DIVISION** · Kristina Halter Blake · W. Jeffrey Campbell · Randall Drum · Mark Dutton · J. Espinosa-Smith · Patrick A. Farkas · Randall J. Garrabrant · Christian L. Hampson · James A. Homer · Gregory K. Jarrett · Jeremy M. Johnson · Ryan C. Johnston · Joshua K. McCrea · Jennifer M. Middeler · Jason M. Monroe · Alan Ohman · Megan M. Real · Michelle A. Ridgway · Igor Stavniychuk · Robert D. Stuart · Lisa Marie Tenerove · Cynthia Ann Wendel · **FACILITIES MANAGEMENT DIVISION** · Imarah Awwerosuoghe · Susan Barkeloo · Robert J. Brown · R. Thomas Brown · Jose Byers · Mary J. Harrison · Anthony T. Joyce · Christopher R. Lozan · Riley J. McQueen · Troy A. Moran · Curtis Muhammad · Kristen N. Myers · Steven L. Neal · Ian N. Palmer · Joey L. Perkins · Sandra J. Preston · Antoine Roberts · Michael A. Robison II · Harold F. Rutherford · Rick L. Stout · Linda F. Sykes · Zakee F. Taylor · Richard L. Wardell · Jerry Williams · **BOARD OF PROFESSIONAL CONDUCT** · D. Allan Asbury · Heidi W. Dorn · Richard A. Dove · Faith Long · Kristi R. McAnaul · Michele L. Pennington · **LAWYERS' FUND FOR CLIENT PROTECTION** · Meletha Dawson · Rikkhya R. Harper · Janet Green Marbley · Abigail L. Minnix-Wilson · **OFFICE OF DISCIPLINARY COUNSEL** · Paula J. Adams · Stacy Beckman · Jennifer A. Bondurant · Charles R. Bower Jr. · Michelle R. Bowman · Joseph M. Caligiuri · Jennifer A. Dennis · Scott J. Drexel · Linda Gilbert · Jonathan D. Herr · Donald R. Holtz · Laura K. Johnston · Cassandra R. Kilgore · Larissa Lance · Lori L. Luttrell · Christine McKrimmon · Lia J. Meehan · Thern E. Osborne · Karen Huang Osmond · Elizabeth Reynolds · Catherine M. Russo · Donald M. Scheetz · Samuel Simms · Amy C. Stone · Audrey Varwig · **OHIO CRIMINAL SENTENCING COMMISSION** · Sara D. Andrews · Lisa N. Hickman · Todd Ives · Scott Shumaker



THE SUPREME COURT *of* OHIO